

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 13 November 2008

(Extract from book 16)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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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 Assembly committees

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS (from 30 July 2007)

The Hon. J. W. THWAITES (to 30 July 2007)

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Mr E. N. BAILLIEU

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

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁵	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Hulls, Mr Rob Justin	Niddrie	ALP	Treize, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
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Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Woodridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 28 June 2008

⁵ Elected 15 September 2007

⁶ Resigned 6 August 2007

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Thursday, 13 November 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

The SPEAKER — Order! Before commencing today's business I would just like to remind members that one of the things we try to enforce is that members of the public gallery do not take photos. It is very difficult to insist that members of the public follow that rule if members fail to obey the same rule. I ask for the cooperation of all members.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 17, 123, 124 and 207 to 213 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.

NOTICES OF MOTION**Notices of motion given.****Mr DELAHUNTY having given notice of motion:**

The SPEAKER — Order! No copy of the notice of motion by the member for Lowan has been given to the Clerk.

Further notices of motion given.**PETITIONS****Following petitions presented to house:****Technical and further education: funding**

To the Legislative Assembly of Victoria:

The petition of certain residents of the state of Victoria draws to the attention of the house the following concerns relating to the imminent changes to the VET sector, as outlined in the *Securing Jobs for Your Future — Skills for Victoria* paper, issued by the Minister for Skills and Workforce Participation, Jacinta Allan:

1. that the proposed contestability for funding among VET providers will compromise the quality of courses, as shorter and less expensive options will replace the comprehensive learning currently available. We fear that the outcome will be a workforce that is trained at an inferior level;

2. that increased fees will cause further hardship for those potential students from disadvantaged backgrounds.

Your petitioners therefore request the house, when considering the abovementioned paper, to:

1. look carefully at the research that supports contestability as a viable option for increasing enrolments in the VET sector and therefore remedy our skills shortage;
2. retain concessions and subsidies for those students from disadvantaged circumstances; or include an equitable sliding scale of fees according to each person's ability to pay.

By Mr CARLI (Brunswick) (32 signatures)**Schools: Catholic sector**

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually, and to provide equal funding for children with disabilities who attend a Catholic school.

- By Mr PERERA (Cranbourne) (234 signatures)**
Mr LANGUILLER (Derrimut) (314 signatures)
Mrs FYFFE (Evelyn) (511 signatures)
Ms D'AMBROSIO (Mill Park) (534 signatures)
Ms MUNT (Mordialloc) (1722 signatures)
Ms BARKER (Oakleigh) (98 signatures)
Mr LUPTON (Pahran) (26 signatures)

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

beautiful Nillumbik and Manningham green wedges to EastLink;

By Mr CRISP (Mildura) (24 signatures)

Kangaroos: control

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the issue of the Mill Park-South Morang kangaroos.

The petition therefore requests that the Legislative Assembly of Victoria:

Permit a further attempt to relocate the kangaroos landlocked at the Westfield-Bunnings site and that it should be undertaken as a priority.

The community does not accept culling as a management tool for healthy animals.

Other alternatives to culling and euthanasia need to be investigated, trialled and assessed before any permits for destruction are issued.

Ensure better consideration, planning and actions by councils and developers for the needs of wildlife in areas undergoing development and their welfare when their habitat is lost.

By Ms D'AMBROSIO (Mill Park) (977 signatures)

Dogs: pressure point collars

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that we recognise use of the pressure point collar (also known as the pinch or prong collar) (the collar) can be and is beneficial and in certain cases for certain dogs and dog behaviour the more humane training tool in terms of the animal's welfare during training, exercise, and/or behaviour modification, in comparison to the other more freely available training/management tools.

The petitioners therefore request that the Legislative Assembly of Victoria regulate for permitted use of the collar under supervision and/or instruction of a qualified dog trainer.

By Mr WALSH (Swan Hill) (320 signatures)

North-eastern ring-road: construction

To the Legislative Assembly of Victoria:

The petition of residents of North Eastern Melbourne draws to the attention of the house the character of Melbourne's green wedges and the essential part they play in our communities' livability and sustainability.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. adheres to the spirit of the green wedge legislation and oppose the construction of a freeway through our

2. delivers public transport improvements including rail and bus services;

3. investigates the economic and environmental viability of the construction of a freeway link between the Greensborough bypass and the Eastern Freeway.

By Ms GREEN (Yan Yean) (319 signatures)

Tabled.

Ordered that petitions presented by honourable members for Cranbourne, Derrimut, Prahran and Oakleigh be considered next day on motion of Mr DIXON (Nepean).

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

Ordered that petition presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

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

Ordered that petitions presented by honourable members for Evelyn, Mill Park and Mordialloc be considered next day on motion of Dr SYKES (Benalla).

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

New directions in accountability

Ms MUNT (Mordialloc) presented preliminary report on Victoria's public finance practices and legislation, together with appendix.

Tabled.

Ordered to be printed.

Auditor-General's reports tabled July 2006–February 2007

Ms MUNT (Mordialloc) presented report on findings and recommendations of Auditor-General's reports, together with appendices, minority report, extract from proceedings and transcript of evidence.

Tabled.

Ordered that report, appendices, minority report and extract from proceedings be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2007–08 — Ordered to be printed

Enforcement of Planning Permits — Ordered to be printed

Local Government: Results of the 2007–08 Audits — Ordered to be printed

Financial Management Act 1994 — 2008–09 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2008

Liquor Control Reform Act 1998 — Report 2007–08 under s 148R.

LEGISLATIVE COUNCIL LEGISLATION COMMITTEE

Water (Commonwealth Powers) Bill

Message received from Council seeking agreement to resolution.

Council's resolution:

That this house requests the Legislative Assembly to grant leave to the Honourable T. J. Holding, MP, Minister for Water, to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Water (Commonwealth Powers) Bill 2008.

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

That this house refuses to consent to the Legislative Council's request for the Minister for Water to appear before the Legislative Council Legislation Committee to give evidence and answer questions in relation to the Water (Commonwealth Powers) Bill 2008.

In speaking briefly to this resolution, I think it would be useful for the house to understand the decision that stands behind this motion. When the Water (Commonwealth Powers) Bill came before the Assembly, it attracted very wide support across the chamber. People understood that we are in the worst drought in living memory, a drought that has been insidious —

An honourable member interjected.

Mr BATCHELOR — I will come to that. It has been insidious in its nature, and a number of measures need to be taken on an ongoing basis. The import of the bill was central to our attempts to provide assistance to those communities that are doing it tough in the middle of this drought.

People from both sides of the chamber expressed the urgency and importance of taking action, and when the vote came all members of all parties in the chamber voted to support the bill. There was a division — an unusual division, because only one member did not support the bill, and that was the Independent member. We had members of the government, the Labor Party, and we had members of the opposition, The Nationals and the Liberal Party, not only saying how important and urgent the bill was but voting in this chamber in support of it. With that level of resounding support in this chamber the bill moved expeditiously to the upper house, with the implicit request from this chamber that it be dealt with expeditiously so relief could flow to our farmers. Given the importance of the legislation not only in the context of national arrangements but also to the national framework and to the farmers and the drought-affected areas of Victoria, it needed to be dealt with expeditiously.

Yesterday in the upper house a motion was moved that runs contrary to both the spirit and the views expressed by The Nationals, the views expressed by the Liberal Party and the views expressed by the Labor Party in this chamber. The views of this chamber were ignored and disregarded by the parties in the other chamber. In a procedural resolution yesterday the upper house requested — as is the limit to its entitlement — that the Minister for Water give consideration to appearing before a committee that is constituted within the rules of the upper house. The Legislation Committee is a committee of the upper house. It is contained within the upper house, it is run by the upper house — it is indeed its committee — and it has all the powers and abilities to deal with issues and to examine legislation.

But the government queries the motives of the other political parties in the other place and why they would now seek to delay this bill, when it is urgently needed — not only from the point of view of The Nationals, the Liberal Party and the Labor Party in this chamber but also of the commonwealth. The federal minister has indicated the urgency of this legislation and has requested that the bills in all the jurisdictions, as part of complementary nationwide legislation, be passed by state parliaments in order that assistance be provided to farmers in drought-affected areas not only in Victoria but in other parts of the nation.

This government is shocked and disappointed that this plea from the Assembly and from the commonwealth minister has been rejected and that through a party vote — in contradiction to the party vote that occurred here — the bill has been sidetracked off to the Legislation Committee. In that context, because of the sheer politics of the manoeuvre in the upper house yesterday and the impact it will have on farmers and agricultural communities here in Victoria and around Australia with the delay in the provision of assistance that will flow from the bill not being passed here, it is the view of the government that the invitation should be respectfully declined.

There can be lots of requests from the upper house for Assembly ministers to attend. We have had them in the past, and I guess we will have them in the future. We have had them for this committee and we have had them for select committees. We will consider each and every one of them on its merits, and part of that consideration will be the context in which the request is made. Clearly the context in this instance is that it is designed to delay, designed to do damage to farmers in drought-affected areas, and designed to play party politics. In that context, how could we allow a minister from the Assembly to engage in that?

In addition, there is no need for Minister Holding to attend, because the message from the Council read to us today is only part of the resolution carried by it. I suspect not many members in this chamber, the Assembly, would know the other part of the Council decision. In addition to asking for consideration to be given to providing permission for Minister Holding to attend, the Council's resolution requires the minister in the upper house who represents the Minister for Water to attend.

Members can see that the Council is not sincere in its request. It is a bit of a double-barrelled request — the Council has asked for Minister Holding but it has failed to inform us that if it does not get Minister Holding, it will be quite happy with Minister Jennings, who is the minister representing the Minister for Water in the upper house. It has the power to do that, and he will go along.

More than that, the Council requires leading departmental officials to attend with Minister Jennings. It requires that David Downie, the general manager of the Office of Water in the Department of Sustainability and Environment, and Peter Harris, the Secretary of the Department of Sustainability and Environment, attend. The resolution also provides that any other person nominated by the minister or determined by the committee should also attend.

It is clear from the resolution that the other parties had no expectation of Minister Holding attending. They, in effect, put up his name just as a subterfuge, as a political act, because the second part of the resolution, which is not included in the message to us, provides for an alternative pathway, the appropriate pathway that is always there for the Legislative Council to deal with its business.

We regard this request as a double-barrelled, over-the-top, politically motivated request designed to delay a very urgent bill that can assist the farmers of Victoria. Accordingly we will not be agreeing to the request the Council has put to us. In the respectful tone that the Assembly crafts its messages, we are refusing to consent to the request for the Minister for Water to attend.

In summary, we have a piece of legislation which was supported by The Nationals and by the Liberal Party and voted for by those parties in the Assembly which has gone to the upper house. This alliance between The Nationals and the Greens to delay, obfuscate and obstruct initiatives for farmers is reprehensible, and accordingly we do not support it.

Mr WALSH (Swan Hill) — I would like to amend the motion before the house. Therefore, I move:

That the words 'refuses to consent' be omitted with the view of inserting in their place the word 'consents'.

Mr Cameron — On a point of order, Acting Speaker, the member for Swan Hill is attempting to turn the motion around by putting it in the negative rather than the positive. I put it to you that that is not possible procedurally, because it does not change the nature of the motion; it simply changes the way people would vote on the motion.

Mr McIntosh — On the point of order, Acting Speaker, I have sought advice from the Clerk about this matter. Perhaps you could seek clarification from the Clerk as to whether the motion can properly be put before the chamber.

The ACTING SPEAKER (Mrs Fyffe) — Order! I thank the member for his advice. I will consult with the Clerk.

After consulting with the Clerk, I believe the proposed amendment is in order, and the house can make its own decision on it.

Mr WALSH — Thank you, Acting Speaker. The contribution from the Leader of the House is absolutely amazing. I have never heard such hypocrisy in my life.

He is trying to rewrite history in this place. If he read in *Hansard* the debate in this chamber on the Water (Commonwealth Powers) Bill he would see that in my contribution I flagged the fact that we wanted this legislation to be referred to the Legislation Committee of the upper house when it was dealt with by that house. It was the express view of the opposition in the debate on this bill that the legislation should go to that committee. The motion moved by a member for Northern Victoria Region in the other place, Ms Lovell, to refer it to that committee is very much in line with the intent of the opposition throughout the debate in the Legislative Assembly.

The Leader of the House may think he is rewriting history; he may think he is doing a snow job on people in Victoria, and particularly those in northern Victoria, as the government continually tries to do with the ongoing water debate. There is mistruth, hypocrisy and the attempted misleading of people. They are starting to see all the statements that are made in northern Victoria by this government about water for what they are. Effectively the government does nothing but tell lies to people in northern Victoria to try to spin its way out of the trouble it has created with its lack of management of water over the last eight years of its time in government.

The Leader of the House tries to spin the fact that the passage of this legislation is a critical issue in drought management in Victoria. That is also an absolute mistruth. This legislation has nothing to do with the drought in northern Victoria. If the government were serious about doing something for the farmers in northern Victoria — something for the rural communities of northern Victoria — it would do more than just roll over the drought program it had from last year, which it has done belatedly. Three months after the government stopped the program, it brought it back in.

When the budget was framed in May the drought was still on, but the government chose not to put in the budget a continuing line item for drought. The government's view was that if you do not put it in the budget, the drought might go away. The government is in denial about the drought and about water management in this state. It is trying to spin its way out of it by sending the Leader of the House out to lambast us about the fact that we want to make sure that there is some scrutiny of this government and that it is held accountable for things it does about water. The fact that it has been flagged by the Leader of the House that the Minister for Water will not appear before the upper house Legislation Committee sends a very strong message to me and to others on the opposition side, and

more importantly it sends a very strong message to all those people in country Victoria that this government does not want to be held accountable. This government does not want to hold itself up for scrutiny by the upper house Legislation Committee and it does not want to hold itself up for scrutiny by the community of Victoria.

A member for Northern Victoria Region in the upper house, Ms Lovell, moved the motion that was talked about by the Leader of the House — that the committee requests the pleasure of the company of the Minister for Water to be open for investigation about what the referral of powers to the commonwealth under the Water (Commonwealth Powers) Bill will mean to the communities in northern Victoria. That committee would also like to have the pleasure of the company of David Downie from the Department of Sustainability and Environment, Dr Wendy Craik from the Murray-Darling Basin Commission, and Peter Harris, the Secretary of the Department of Sustainability and Environment. What we are talking about with this legislation is the biggest change since federation in how the Murray-Darling Basin Commission will be managed by the basin states and the commonwealth. We are talking about a major change in how the Murray-Darling Basin is to be managed and what the relationship between the basin states and the commonwealth will be. Effectively — as most people would read from the legislation — the states will see absolute power with the commonwealth as to how the basin is to be managed in the future.

If the Leader of the House actually bothered to read that piece of legislation, particularly schedule 1, he would see that the federal minister will have absolute power over the preparation and management of the basin plan. The ministerial council in future will be able only to give advice to the federal minister and to the new Murray-Darling Basin Authority. The states will effectively — —

Mr Ingram interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member should ignore interjections.

Mr WALSH — I take up the interjection from the member for Gippsland East that we thought that the opportunity for the Legislation Committee to undertake deep scrutiny of this legislation was the best way for the Victorian Parliament to deal with this particular piece of legislation. I am appalled that the Leader of the House is saying, 'No, we do not want the Minister for Water to be open to scrutiny. We do not want the Minister for Water to be accountable to the Victorian

Parliament. We do not want the Minister for Water to be accountable to the Victorian people'. I thought we were elected to this place to do things on behalf of Victorians and to be accountable to Victorians. The Leader of the Housing is saying, 'No, the Brumby government does not want to be accountable. It does not want to be open to scrutiny by the Victorian people'. This is a classic example of this government saying, 'We are here to govern. We will tell you what to do. We will not be accountable. We will not be open'.

As I said, the upper house Legislation Committee is requesting the pleasure of the company of those particular people, including the Minister for Water, to answer questions. It is all very well that the opposition parties get a briefing on these particular bills. As anyone from the opposition who has been to a departmental briefing would know, it is like pulling teeth trying to get information out of the departments at these particular briefings.

Mr Lupton interjected.

Mr WALSH — I did thank the people who gave us a briefing on the Primary Industries bill because they were quite good, but when it comes to water it is like pulling teeth trying to get information about water from this government. It is a very sad thing to say, but I honestly quite often do not believe what I am being told on these particular issues. That is why we want to make sure the Legislation Committee of the upper house has the opportunity to ask the minister questions about what the implications will be for the communities of northern Victoria and for the economy of Victoria as a whole if Victoria's water powers in the Murray-Darling Basin area of the state are referred to the commonwealth. I am appalled that the Leader of the House has said the government will oppose the minister appearing before that committee, and I urge the government to reconsider and support the motion as amended by me.

Mr LUPTON (Pahran) — I rise to support the motion moved by the Leader of the House and to oppose the reasoned amendment moved by the Deputy Leader of The Nationals. The remarks that were made by the Deputy Leader of The Nationals, the member for Swan Hill, really just avoid the issue here, which is that this Parliament should be getting on with the job of passing this Water (Commonwealth Powers) Bill in order that we might continue to do all that we can to support the communities of the Murray-Darling Basin and make sure that the very important agreement that has been entered into by the commonwealth and state and territory jurisdictions making up the basin community is able to be enacted and the improvements

to water controls, to environmental matters and to irrigation matters can be dealt with expeditiously.

We are dealing here with legislation that has been agreed between a range of governments, and the way this matter has come before the house arises out of those intergovernmental agreements, which have taken a considerable time. In the course of that time, though, we have managed to make sure we get the very best outcome for the Victorian community broadly and particularly for those communities in the Victorian part of the Murray-Darling Basin which are directly affected.

The member for Swan Hill has raised a number of interesting and tangential matters during the course of his commentary today. One of the most ludicrous elements of all of this is his assertion of a novel approach to ministerial responsibility and accountability when it comes to different houses of Parliament. The way our constitutional arrangements operate means that the proper and appropriate process for accountability and responsibility in these circumstances is for the minister in the Legislative Council representing the Minister for Water, Gavin Jennings, to appear before the committee, as is the right and proper course in all these circumstances. He is the minister representing the Minister for Water in the Legislative Council for all other purposes.

If the argument being put by the member for Swan Hill were correct, then the minister representing the Minister for Water in the Legislative Council would not be accountable for that minister during question time, for instance, whereas we know that he is. The minister in the Legislative Council represents the water minister, and that is the proper and appropriate constitutional approach.

The way the resolution has been framed in the Legislative Council acknowledges that. The resolution states that in due course the minister representing the Minister for Water will be the one who appears before the committee, along with a range of other officeholders, as set out in the resolution. That is entirely a matter for the Legislative Council and its Legislation Committee. It is entirely a matter the Council is able to deal with. Whether or not in the particular circumstances of this case it is the most appropriate and proper thing for it to do is another matter, because I believe the legislation should be passed by the Legislative Council. Its members should get on with it and vote to support the legislation today.

They should support that legislation today so that it can be enacted and our intergovernmental agreements can

be acted upon in order that we can get on with the job of supporting the communities in the Murray–Darling Basin who need that support and who need that legislation passed. They need that intergovernmental agreement to come into effect so that we are able to give the go-ahead to those important arrangements that have been agreed to between the Victorian government and the Rudd government in Canberra.

I am also somewhat amazed by the notion that the opposition wants to scrutinise this legislation in the Legislation Committee to ensure that it supports Victoria's interests, when it was urging this government to support the former Howard government plan all along — the plan that was designed to completely transfer every bit of Victorian power in relation to the Murray–Darling Basin and get nothing in return. That was what the opposition wanted us to do; of course we said no to that. Fortunately, through our opposition to the Howard plan we were in a position not to agree to that wholesale transfer of power for no benefit. We could hold out and make sure that we got the best possible deal for Victoria.

Once the Rudd government was elected we were in a position to be able to do that and get the arrangements that best represented Victoria's interests. We want this legislation to be passed — and we want it passed as speedily as possible in these circumstances so that we can get on with helping the communities in the Murray–Darling Basin who need it to be in place.

The opposition has had full briefings about these matters; all opposition members who required briefings have had those full briefings. We often have opposition members come into this chamber and compliment or commend officers of departments for their full, detailed briefings in relation to legislation. But when it suits the opposition's peculiar political interests, it comes into this house and says that the briefings are no good; they say it is like pulling teeth.

You cannot have it both ways. The full, complete information that the opposition has sought in relation to these matters is available to them, and it does the opposition no good to come in here and effectively attack the public servants in that way. It is not appropriate. If the member for Swan Hill says getting information in briefings from departmental officials is like drawing teeth, then that is the implication of his remarks. He is nodding.

Mr Walsh — I stand by that.

Mr LUPTON — He understands, he agrees with what I am saying. The opposition knows that it has had

proper and full briefings in relation to these matters, and it does the whole process no service to say the opposite.

In all the circumstances the best thing we can do is to urge the Legislative Council to consider the legislation with some speed and efficiency and get on with actually dealing with it. If it is passed by the Legislative Council at the earliest opportunity, that will best serve the interests of Victoria and the interests of the Murray–Darling communities.

Ms ASHER (Brighton) — I support the amendment moved by the member for Swan Hill.

An honourable member interjected.

Ms ASHER — No, it is the coalition. We are discussing a request from the upper house for the Legislative Assembly to grant leave to the Minister for Water to appear before the Legislative Council's Legislation Committee, to give evidence and ask questions in relation to the Water (Commonwealth Powers) Bill. That position was flagged by the member for Swan Hill when debating that bill in this place.

As the Leader of the House has indicated, the second part of the resolution passed last night in the upper house is to also call the minister representing the Minister for Water and a number of bureaucrats: David Downie, Wendy Craik and Peter Harris. This very reasonable request of the Legislative Assembly is to have it grant leave to allow the Minister for Water to appear before the Legislation Committee to discuss a very important piece of legislation and to answer questions on the referral of powers from Victoria to the commonwealth on an issue vital for the economic future of Victoria.

But it strikes me that the minister's response to the request from the Legislative Council has many aspects of irony about it. The first thing that is ironic is that the Labor Party initially rejected the referral of powers proposition when it was advanced by the former federal Howard government. I find it ironic that the minister can put a case before the house that this is raw politics from our side of the fence because it was the Labor government in Victoria that initially rejected this proposal when it was advanced by the federal government under former Prime Minister John Howard. Labor is now supporting it because it has been advanced by the current Prime Minister, Kevin Rudd and the federal Minister for Climate Change and Water, Penny Wong.

The second element I find ironic about this issue is the disparaging manner in which the minister refers to the

role of the upper house. I remind him and other members of the Labor Party that the upper house they are now dealing with is former Premier Bracks's vision for the upper house. When he stood down as Premier he was asked, 'What is your greatest achievement?' He designated the reform of the upper house as one of his achievements. I think the minister should go and look at the speeches made on that issue. Mr Bracks wanted an upper house of review. What is the Legislation Committee? It is a formal process of review. This is what the former Premier wanted. Now we are seeing the current mob here saying, 'We do not want to have our minister appear before the Legislation Committee to properly review a piece of legislation'.

The third irony in all of this is that in 1999 this government, which the minister is still a part of, was elected on a platform of open, honest and transparent government. That was its platform, and that was its pitch to the population in 1999. What else is this motion doing but asking the minister to appear before a committee? We want to help the government honour its promise. We want to help the government be open, honest and transparent. We want to have this minister held accountable in this case to the upper house, which was the grand vision of the former Premier, including having the Legislation Committee and the upper house being a house of review. I found the minister's presentation to the house today ironic, if not hypocritical.

I also refer to the fact that the Minister for Community Development has argued that these requests to appear before the upper house committees will be considered 'on their merits'. Of course on every occasion the government has been asked to do this its answer has been no. Is it any surprise that the upper house wants the Minister for Water to appear? I also refer to the presentation of Mr Viney, a member for Eastern Victoria Region in the other place, during the debate —

Mr Batchelor — On a point of order, Speaker, the Deputy Leader of the Opposition misled the house in her last statement. I ask her to correct it. She said that on each and every occasion a request has been rejected. That is not the case. In the past requests have been considered on their merits, as I said, and future requests will also be considered on their merits. In saying what she did she misled the house.

Ms Asher — On the point of order, Speaker, that is not a point of order, and the minister well knows it. I advise the house to look at his clever use of language in actually responding to the proposal.

The ACTING SPEAKER (Mrs Fyffe) — Order! I rule that there is no point of order.

Ms ASHER — As I said, I think it is very important that the members of the Assembly know the tenor of the debate that occurred in the Council last night. In particular I want to refer to an observation made last night by Mr Viney. It is at page 72 of *Daily Hansard*. What a lot of precious little petals they are. I did not realise they were so fond of etiquette. Mr Viney said:

... it would have been happy for the invitation to go to the Assembly to ask the Minister for Water to appear before this committee and explain the bill. We will not support a request that says that, firstly, the Minister for Water should come and then the minister representing the Minister for Water in this chamber should attend.

However, when you actually note the form of the request, it is quite clear it is an invitation — and I did not realise Labor Party members were so into etiquette. We know they, particularly the Minister for Water, are into the style guide, but they are now into etiquette. They want the formal wording of the proposal. What sort of paper would they like it issued on? Do we need to go down to the protocol office to find out how polite society invites one minister to appear in another's chamber? It is an absolute nonsense to run this argument that the invitation should be in a form of etiquette.

We know the Minister for Water has a lot of time available to appear before the Legislative Council's Legislation Committee; he has a lot of time on his hands. He has time to be concerned about correct spelling — and I guess that is fair enough. He has time to be concerned about whether 'per cent' is written in words or whether it is written as a percentage symbol. He has time to work out the amount of white space on his correspondence. He has time to work out how close the print is to the Victorian logo. He has a lot of time. It is not as if he is pressed on these occasions.

We would welcome hearing his pedantic knowledge of his portfolio, for him to be allowed the opportunity to appear before the upper house's Legislation Committee to answer its questions about this referral of powers.

I also want to support the comments made by the member for Swan Hill in relation to bureaucratic briefings on legislation. We are given very strict time limits. In the main, queries are not followed up. Of course most compellingly — and this element is ignored by the minister — the staff of the minister are sitting at these briefings, telling the bureaucrats, 'Don't answer that question' if the question is remotely political.

I also want to make reference to the timing proposed by the upper house. The upper house is asking the committee to report by 2 December so the federal Parliament can deal with its relevant legislation. It is a nonsense that the minister and the federal minister, Penny Wong — as I read it in the press — should express outrage that this side of politics is holding up the bill by having a Legislation Committee inquiry. It is an untruth. The specific deadline proposed by the upper house is 2 December so that — —

Mr Batchelor interjected.

Ms ASHER — I will tell you what the proposal is: read the fine print. I know you do not like it. That will allow the federal Parliament to vote on the legislation.

I also heard the minister in the course of this debate say what an important bill this is. If it is so important, why did 12 members of the Labor Party not vote when the member for Gippsland East called a division on the second-reading motion for the Water (Commonwealth Powers) Bill? Twelve members of the Labor Party — including the Premier, the Deputy Premier, the Minister for Energy and Resources and a raft of others — did not even bother to attend the vote on the bill. The Minister for Energy and Resources should not cry crocodile tears or play raw politics when he, as a minister, did not even attend to vote on the bill.

I very strongly support the member for Swan Hill's amendment. We want to see the government adhere to its platform of being open, honest and transparent and to subject the Minister for Water to scrutiny.

Mr INGRAM (Gippsland East) — I rise to speak on the motion and the amendment before the house. In my time in this chamber we have had a number of these debates. It is interesting to note the history of the bicameral system, where we have this relationship between the two chambers, when the language between the two chambers is supposed to be reasonably polite, yet there is nearly always a political issue behind requests for ministers or members of one chamber to appear before the other chamber.

There have been a number of occasions in the past when ministers from one chamber have attended investigations like the one proposed, to explain particular pieces of legislation, but it is not something that is normally done. There are processes in both chambers, particularly in the other place, where in its committee stage the minister handling the bill goes through it in detail.

I cannot support the amendment of the member for Swan Hill, because even though a number of members

have said that this is basically a request that the minister appear before the committee, by supporting the amendment as moved by the member for Swan Hill, there would be no option for the minister. The minister would be required to appear before the other chamber.

This chamber is independent from the other place. For a request to come down from the other place that a member from this place needs to go there, and for us to just agree with that, is not okay. I think members of this chamber need to think very carefully about the precedent that would be set if, for example, a member from this place is forced to go to the other chamber, maybe against their wishes, to appear before a committee. Whether it is a member of the opposition or the government, it is a precedent that I do not think we should be supporting in this place. That is why I will not be supporting the amendment.

As the only member who voted against the Water (Commonwealth Powers) Bill in this place — even though the division is not necessarily recorded as such because of the practices of this place and because I was the only vote for the noes — I understand entirely why the upper house Legislation Committee should be scrutinising the bill. I have no problem with the view that this bill needs some scrutiny.

The motion before the house is basically to send a minister or a member of this place — —

An honourable member interjected.

Mr INGRAM — No, the motion before the house as proposed to be amended by the member for Swan Hill would force the minister to go to the other place whether or not he wished to do so. I support the inquiry by the Legislation Committee, and I think once it is set up the committee has an obligation to go through the detail of the bill. I put a reasonably detailed presentation to this chamber about why I did not support the bill and why I consider there are problems with it, particularly the constitutional issues which I raised. The committees of this Parliament have the right to request the attendance of bureaucrats and other people who are experts in this field, but there is an issue about ministers appearing before committees. As I understand it, the only committee that has the power to order ministers to come before it on a reasonably regular basis is the Public Accounts and Estimates Committee.

I think members need to be very careful about what we are debating. A number of people have spoken about some of the other things, including the 4 per cent cap. I consider that maintaining the 4 per cent cap is not good public policy. For those in this house who support the

free market, it is a problem when you say that the water market cannot be opened up. There has been a lot of debate on the issue in the media and in this place. There are some important things — —

An honourable member interjected.

Mr INGRAM — What the Premier or the Minister for Water say or do not say is not necessarily — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The honourable member will speak through the Chair.

Mr INGRAM — My view is that it is poor public policy and that it is questionable whether we should be maintaining that restriction on water trade in and out of areas. With those words, I will not be supporting the amendment moved by the honourable member for Swan Hill, and I will not be supporting the request by the Legislative Council to have a member of this place appear before it. This is not based on whether there should be a thorough investigation; it is based on the procedures and processes and the separation of the two chambers. This house should uphold its right to determine that its members not be required to go to the other place if a request comes forward.

Dr SYKES (Benalla) — I wish to speak briefly in support of the amendment moved by the member for Swan Hill and to highlight a couple of key issues. Firstly, the Leader of the House has grossly misrepresented the position of The Nationals and the Liberal Party in coalition in relation to our support of the bill in the lower house. Debate on the bill clearly indicated that our support was conditional on the bill being referred to the Legislation Committee of the upper house. Nothing has changed, and for the minister to state otherwise grossly misrepresents the facts.

Secondly, in relation to the matter of urgency, as has been pointed out, the Legislation Committee has been asked to report by 2 December so as not to delay passage of the bill subject to concerns being addressed. We have heard this line run before by the Leader of the House in relation to other pieces of urgent legislation which when defeated in the upper house have failed to reappear in the lower house. I recall that for one bill on water infrastructure the Parliament was called back to sit before Christmas in 2006. It was urgent, but it was defeated in the upper house and has not yet returned to this house.

A large part of the urgency about water is as a consequence of the government's inaction in putting in place measures to meet Melbourne's water needs. This seems to be the primary motive for much of the government's position, rather than the statements it

makes about looking after the interests of people in the Murray–Darling Basin.

If we want to know why it is important to have the minister and other key people subject to extensive interview on this matter, we need only look at the presentation by Chris Harrison to the parliamentary Environment and Natural Resources Committee on Monday of this week, when he made two very basic points. Firstly, he made the point that the savings from the proposed infrastructure upgrades are not available to allow water to go to Melbourne. Secondly, and importantly, he made the point that the food bowl modernisation project will have a very significant social, economic and environmental impact on the whole Murray–Darling Basin. Therefore it is absolutely critical that the minister and other key players in this game are subject to extensive interrogation and discussion, to clarify their position.

Finally, in terms of potential savings, the government — again the master of misleading — referred to average losses over the past 100 years which reflect higher rainfall periods, but in relation to water needs from Melbourne's perspective it has averaged the figures only over the past three dry years. That is an absolutely disgraceful example of misrepresentation by the government, which has remained true to form today in misrepresenting the position of the Liberal-Nationals coalition. With those few remarks, I strongly support the amendment proposed by the member for Swan Hill.

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

Ayes, 44

Allan, Ms	Hulls, Mr
Andrews, Mr	Ingram, Mr
Barker, Ms	Langdon, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Donnellan, Mr	Overington, Ms
Duncan, Ms	Pallas, Mr
Eren, Mr	Pandazopoulos, Mr
Foley, Mr	Pike, Ms
Graley, Ms	Richardson, Ms
Green, Ms	Robinson, Mr
Harkness, Dr	Scott, Mr
Helper, Mr	Thomson, Ms
Herbert, Mr	Treize, Mr
Howard, 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.**House divided on motion:***Ayes, 45*

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	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Donnellan, Mr	Overington, Ms
Duncan, Ms	Pallas, Mr
Eren, Mr	Pandazopoulos, Mr
Foley, Mr	Pike, Ms
Graley, Ms	Richardson, Ms
Green, Ms	Robinson, Mr
Harkness, Dr	Scott, Mr
Helper, Mr	Thomson, Ms
Herbert, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr
Hulls, 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

Motion agreed to.**Ordered that message be sent to Council intimating decision of house.****BUSINESS OF THE HOUSE****Adjournment****Mr BATCHELOR** (Minister for Community Development) — I move:

That the house, at its rising, adjourn until Tuesday, 2 December.

Motion agreed to.**MEMBERS STATEMENTS****Royal Women's Hospital: services**

Mrs SHARDEY (Caulfield) — The issue I raise today relates to a traumatic experience by a grandmother and her family at the new Royal Women's Hospital. After giving birth to a healthy baby, this woman's daughter was rushed into theatre with post partum haemorrhaging. The new grandmother claims that she and her son-in-law were left in charge of the newborn baby while her daughter was operated on; that they were left in an office near reception for hours and were not informed of what was happening to their wife and daughter.

When apparently the family asked if they could sit somewhere more comfortable, as there was only an office chair and stool with wheels, they were instructed to stay where they were. The only information the family received was from snatches of overheard telephone conversations from reception, where this new grandmother discovered that her daughter was in a serious state as the doctors were finding it difficult to stem her bleeding.

After surgery it was decided that the daughter needed to be placed in the high-dependency ward, only to find that despite there being an empty bed and room, there were no staff available. The family were again bundled back to the birthing unit with the newborn baby and luggage in tow.

I call on the Minister for Health to address a number of issues at the Royal Women's Hospital, including a lack of proper communication channels, lack of appropriate accommodation and lack of staffing for the all-important high dependency unit for someone suffering from post partum haemorrhaging, and in

doing so ensure that no other family has to experience the trauma and anxiety that this family has gone through.

The ACTING SPEAKER (Mrs Fyffe) — Order! Before I call the minister I would ask the house to come to order. The level of audible conversation is too high. I did not want to interrupt the member for Caulfield but I will interrupt other members if the level of conversation is not reduced.

John ‘Bill’ Gardner

Mr WYNNE (Minister for Housing) — I rise to pay my respects to John William Gardner, who passed away last Sunday, 9 November 2008.

Bill, as he was known to us all, made a significant contribution to the City of Melbourne over the 16 years when he served on the council. Bill was one of a group of activists and local residents who broke the decades-old stranglehold of conservative rule at Melbourne City Council based on power, privilege and money, culminating in his election as the first Labor Lord Mayor of Melbourne, serving in 1982–83.

I had the privilege of working with Bill during my six years on the council and remember him fondly as someone with strong principles who worked to achieve enduring benefits for his community.

He was particularly active in the Travancore area where he lived all of his life and was also the inaugural president of the Flemington Association. A member of the waterside workers union, along with my father, he had strong Labor values, and this was evident in not only his council work but his life more broadly.

It is appropriate in the week of Remembrance Day that I also acknowledge Bill’s service to the armed services of Australia. He served during World War II and was, for a period of time, a prisoner of war.

The values of community service so much a part of Bill’s life live on in his son John through his involvement at the Collingwood Children’s Farm. I express my sincere condolences to John and his family at this sad time.

Higher education: Swan Hill

Mr WALSH (Swan Hill) — Statistics show that students in country Victoria are less likely to go on to study at university. The estimated \$20 000 per year per child to go from the Swan Hill region to university is just too much for many families.

Six years ago a Swan Hill region education and training master plan highlighted the need for higher education study opportunities in the Swan Hill region. Since then a dedicated group has been working to have university courses delivered in Swan Hill. Their efforts have finally had some success, with La Trobe University agreeing to deliver sociology and history units next year. If these units are successfully completed by a student, they will then have credits towards a Bachelor of Arts degree.

Once a fortnight a tutor from Mildura will conduct 2-hour lectures in Swan Hill, and twice each semester students will travel to Mildura for a full day of classes that will give them a taste of what university life is like. Internet learning tools will give Swan Hill students the same access to curriculum material and support as other students have throughout a semester.

There are ongoing discussions between La Trobe University and the accountancy businesses of Swan Hill to hopefully also have business study courses delivered in Swan Hill. I commend the Mid Murray Higher Education Working Group and La Trobe University for giving students in the Swan Hill region an opportunity many would not be able to afford if they had to travel and live away from the region and home to study.

John ‘Bill’ Gardner

Ms PIKE (Minister for Education) — John William Gardner, affectionately known as Bill, was a much loved, respected and admired member of the community in my electorate of Melbourne. He was also a very important figure in the Labor Party in the area. He was the first Labor Party Lord Mayor of the City of Melbourne when it was reconstituted in 1982, and he served on and made a strong contribution to the council for 16 years.

Bill was born in North Melbourne. He was one of those young men who put up their age to be able to go and serve in the war, and he was a prisoner of war for three and a half years. When he returned from service he worked on the wharves and was a very proud and active member of the union. He believed that being a member of the ALP fundamentally meant serving his community, and he was very committed to his local community. The Flemington Association has particularly acknowledged that contribution in a piece it placed in today’s *Herald Sun*.

Whether it was community health, whether it was protecting heritage homes or whether it was setting up a

library or other facilities, his contribution is well known, and he will be sadly missed.

Schools: music programs

Mr DIXON (Nepean) — Recently the Premier promised a \$128 million arts complex and \$74.5 million Melbourne Recital Centre, totalling \$202 million on the arts in one week! What is wrong with that? Music and the arts are very important, particularly for our children.

For example, school music has been repeatedly demonstrated as being a key aid in children's literacy and numeracy skills. It helps underperforming children and teaches social skills and teamwork mostly. Music is enjoyable — it engages children in a way that other subjects just cannot.

A federal Labor discussion paper says:

Labor has previously identified that the area of music education in particular has suffered considerable neglect, and this remains an important area which Labor will address. Only 23 per cent of state school students have access to music in comparison to 80 per cent of students in non-government schools.

The Music Council of Australia's study *Trends in School Music Provision in Australia* shows that of all the states, Victoria has the lowest level of provision of state school music nationally. It found that Victorian schools have been independently measured as the worst in the country. Most Victorian state schools do not have a music teacher or a school music program.

The Brumby Labor government has also slashed funding to Melbourne Youth Music — one of the few opportunities for children with no school music to get tuition outside of school. Its annual grant of \$354 000 has been slashed to \$150 000 this year and nothing for next year. If this government is serious about music and the arts, funding should first be directed to schools. Building redecoration is a secondary matter.

Australian National Academy of Music: closure

Mr DIXON — Also I condemn the federal government's decision to force the closure of the Australian National Academy of Music — a further blow to music education in Australia and Victoria.

Ocean Grove: 50th anniversary

Ms NEVILLE (Minister for Mental Health) — I am sure all members of the house would be pleased to know that this year Ocean Grove turns 50. Although Ocean Grove has a lot longer history than that, it was

50 years ago this year that it was formally declared a township, and it has certainly grown over the 50 years.

I had the great pleasure of attending the Ocean Grove Celebrate '58 festivities recently. It was a wonderful day and it was great to see so many members of our community out celebrating. The celebration mirrored those of 50 years ago with a colourful procession, floats and festivities. Local schools, sports clubs, Rotary, Probud, Lions clubs and the scouts all participated.

Activities were not only enjoyable but also very nostalgic, with vintage cars, kombivans and people dressed in hippie costumes. It was a great family day that was enjoyed by all. The celebration went well into the day, with activities such as egg-and-spoon races and a dinner to commemorate the momentous occasion. It was a great reunion for the residents of Ocean Grove both past and present, where people were able to catch up and discuss how things used to be.

Congratulations to the organising committee, especially Susie Zada, Richard Grimmett, Don Smith, John Wynn, Alan Barber from the *Ocean Grove Voice*, who did a fantastic job, Michele Mitten, Noel Emselle, Karen Corless, Michael Menzies, Ken Hose, Monica Hose, John Lont, Steve Gibbs, Huib De Bruijn, Mark Menheere and Howard Deane, whose efforts over the last year made the Celebrate '58 commemorations so very successful. I also acknowledge the major sponsors: the Rotary club, the Lions club and Alcoa Australia.

Colanda Residential Services, Colac: future

Ms WOOLDRIDGE (Doncaster) — Non-existent communication, high levels of stress and ongoing uncertainty are common outcomes of this government's dealings with people with disabilities and their families. This is clearly the case for families of residents of Colanda, one of the last remaining institutions, which houses 140 residents with a disability. The *Victorian State Disability Plan 2002–2012* commits this government to 'developing plans to close older, large-scale institutions in Victoria'. At the 2006 election the government said it would develop more appropriate long-term living options for Colanda residents. However, the Minister for Mental Health says no final decision has been made about these institutions. I ask the minister to say it as it is, because of course the decision has been made. I ask the minister not to drag it out anymore. The families are being reasonable about this, but they want to know what is happening to their loved ones, and they want to make informed decisions about their futures.

The new Disability Act is all about individual choice, and Colanda residents deserve more than one future accommodation option. The government has told families there will be a range of alternatives. However, Department of Human Services bureaucrats say as far as they know community residential units are the only option on offer. It is apparent that the current consultation project is a device to buy the government time and to satisfy a requirement to be seen to consult. Families and the Colanda Parents and Friends Association do not believe it is a genuine process, have not had a voice, have been kept in the dark and feel manipulated by the process. The minister must stop this farce, clarify the future of Colanda and deliver genuine options for the appropriate future accommodation and care of residents.

Salvation Army: Northside Geelong community centre

Mr EREN (Lara) — Recently I had the pleasure of launching, on behalf of the Minister for Community Development, the reopening of the Salvation Army's Northside Geelong community centre on Cox Road, Corio, which is in my electorate. I was very pleased to see so many people attend the event. In the limited time I have available to present my statement I would like to acknowledge the following people from among the 200 or so who attended for making the event so successful: commissioners James and Carolyn Knaggs; David Tournier, representing Wathaurong; majors Peter Walker and John Vale; captains Andrew and Malkanthi Walton; the business community, led by Keith Fagg and Norm Lyons from Lyons Constructions; and all the dedicated volunteers who put so much time and effort into planning the event.

The Salvation Army received a Victorian community support grant of \$275 000 to redevelop the Northside Geelong community centre. This Brumby Labor government grant was used to renovate and expand the existing building, and as a result a huge range of new programs can be delivered from the centre. These programs include new mums groups, community mediation meetings, initiatives designed for young people such as a drop-in computer lab, and education and skills training in partnership with Gordon Institute of TAFE, just to name a few.

The Victorian government is working with communities to make sure local people get the services and facilities they need to make sure their communities are livable, affordable and sustainable. Community facilities such as Northside are more than just buildings, they are building communities. I congratulate all involved with this event —

The ACTING SPEAKER (Dr Sykes) — Order!
The member's time has expired.

Drought: government assistance

Mr TILLEY (Benambra) — Rhonda Serpell of Running Creek first contacted me on 31 October 2008 to express her outrage that as a resident of the Shire of Alpine she was not eligible for the \$3000 on-farm productivity grant. Department of Primary Industries staff explained to her that the assistance was only available to the 20 most drought-affected shires. To Mrs Serpell's anguish, Alpine was not included, nor is the Shire of Towong.

In the last 90 minutes we have heard the Leader of the House say what an insidious drought this is. To the end of October Mr and Mrs Serpell had received less than half their long-term average rainfall, while evaporation has increased significantly, the carrying capacity of most farms has fallen and debt loadings have skyrocketed. The Serpell's farm is only small, but until the drought of 2006 they had horticulture as well as a small beef herd and employed 15 part-time staff. Now there is no horticulture, no staff and Mr Serpell has had to leave the farm for non-agricultural retraining. Since that initial contact the Minister for Agriculture has announced a further five shires that are on the list. Alpine and Towong are still not included, and families like the Serpells miss out.

An honourable member — Shame!

Mr TILLEY — It is an absolute shame, and an absolute disgrace. Towong shire covers two-thirds of the land mass of the electorate of Benambra and is reliant on farming. The drought is killing this shire due to the drop in primary production. All of north-east Victoria — —

The ACTING SPEAKER (Dr Sykes) — Order!
The member's time has expired.

Oatlands Primary School: Remembrance Day

Mr DONNELLAN (Narre Warren North) — I rise in the house today to praise Oatlands Primary School on its annual Remembrance Day ceremony held on Thursday, 6 November. It is extremely pleasing to see primary schools like Oatlands going to such lengths to organise ceremonies to remember the souls of Australians who paid the ultimate price in defending our country and allow school-aged children to be involved in the emotional tribute. This particular ceremony was attended by numerous dignitaries, including the Consul-General of New Zealand, Robert Hole. Special guest at the ceremony was Linda Bridal,

who is the daughter of Clifford Leslie James Curtis, who, along with 645 others, lost his life off the coast of Western Australia on 19 November 1941.

Stuart Daly, the principal of Oatlands, has developed this ceremony over many years, and attendance has grown steadily. School captains Brock Mason and Brooke Hurrey did a remarkable performance in front of their peers and invited guests in reading passages from a moving poem, and were supported equally well by the school's vice-captains, Joel Reid and Ebony Flannery. Fiona Jamison, who is a great bagpipe player and the music teacher at the school, does a remarkable job every year in preparing and conducting the school choir in its singing of the national anthems of Australia, New Zealand, England and the United States of America. I congratulate Fiona Jamison for putting on such a wonderful show, Stuart Daly, the school captains and vice-captains, and the entire school community. Well done.

Warragul community house: 30th anniversary

Mr BLACKWOOD (Narracan) — This year the Warragul community house celebrates its 30th year of providing accessible and affordable learning opportunities for adults in the Shire of Baw Baw. Warragul community house is the only neighbourhood house operating in the Baw Baw shire. It is extremely well managed by a voluntary committee of management, three part-time staff and numerous volunteers. A recent change in Brumby government policy means that funding is now only available to those who are under 65 years of age or have not completed year 12. Funding is only going to be available if courses have outcomes that provide direct employment skills or pathways to further vocational study. This will impact heavily on disabled and isolated groups in our community. These changes will also apply to programs for those affected by drought.

Interjections from gallery.

The ACTING SPEAKER (Dr Sykes) — Order! Stop the clock! I ask the people in the gallery to be quiet.

Mr BLACKWOOD — The Warragul community house will not receive funding in 2009 for its men's and women's shed programs. Unfunded classes will need to be offered as fee for service. Class costs will rise by 20 to 50 per cent. This will make participation financially impossible for those with limited incomes. The Brumby government policy statement *A Fairer Victoria* clearly articulates a mandate to support communities, to encourage community partnerships and address

disadvantage. The practice of narrowing funding of non-accredited courses is clearly in contrast with the *A Fairer Victoria* policy document. I call on the Minister for Community Development to stop penny-pinching at the expense of those battling with financial disadvantage and isolation in rural communities.

Abortion: conscientious objection

Ms CAMPBELL (Pascoe Vale) — Evidence that Victorian law is conscientiously working to remove a subset of doctors from practising medicine was highlighted in the *Weekend Australian* of 1–2 November. The doctors to whom I refer are those with a conscientious objection to performing abortions or referring a woman to have her unborn foetus aborted. In the article 'What freedom, when one choice denies another?' Dr Janet Gross, a general practitioner in Dandenong, highlighted how most weeks two to three patients come in with unwanted pregnancies. The article states:

They are usually confused and depressed, sometimes desperate. Many of them say they want an abortion. But Gross does not think abortion as a first resort is good medicine.

'I am sure that an unwanted pregnancy can be as devastating as a diagnosis of cancer', she says. 'But there are issues that push women to desperation. For the patient, it is not an ideological issue. They all precede by saying: "I have no choice". For her it is practical, emotional, and they need breathing space.'

Most of these women go on to give birth. Despite their initial reaction, they didn't really want to have an abortion in the first place. However, under the new abortion laws passed in Victoria, a caring GP such as Gross could be prosecuted if she refused to refer someone to have an abortion.

Obviously the Victorian Parliament cannot remove a person's conscience, nor should this Parliament be party to removing a Victorian doctor's right to practise medicine where that doctor has a conscientious objection to referring for an abortion. In legal advice for the organisation Doctors in Conscience Against Abortion — —

The ACTING SPEAKER (Dr Sykes) — Order! The member's time has expired.

Schools: Warrandyte electorate

Mr R. SMITH (Warrandyte) — The Auditor-General's report into the planning, maintenance and renewal of Victoria's school buildings answers the questions that I have raised in this house many times. I have repeatedly asked the minister when the schools in my electorate will be graced with her decision to rebuild, renovate or extend them. To date

the minister has been unable to provide me with an answer. The Auditor-General's report finally tells us why.

The Auditor-General states that he was unable to find any evidence of a clear documentary trail explaining the basis for selecting schools for inclusion in the Victoria's schools plan funding commitment. In short, the minister is unable to tell me when the schools in my electorate will be funded because she has no idea. I have often used the term 'arbitrary' when describing the minister's decisions regarding where this Victoria's schools plan funding will be placed. The Auditor-General's report legitimises my use of that term and proves what I have always suspected, that there is no plan and there is no rhyme or reason to the minister's processes. The minister needs to take heed of the Auditor-General's recommendations, put together a proper plan and give my schools some certainty about their future.

Warrandyte High School: art exhibition

Mr R. SMITH — On another matter, last Friday I had the privilege of attending Warrandyte High School's art exhibition. There were many different examples of the students' work covering a range of mediums, including painting, photography, sculpture and dressmaking. I was extremely impressed with the quality of the artwork, and with the evident talent of the students. Congratulations should go to Warrandyte High School's art leader, Anita Petrik, and her team for putting together a great show and for helping their students harness their artistic gifts.

Schools: Croatian language classes

Mr TREZISE (Geelong) — Last Saturday night, 8 November, I had the pleasure of attending the 2008 graduation ceremony of the year 12 Croatian language classes. At this year's ceremony there were 37 graduates, from Geelong, Keysborough, Altona and Keilor Downs. From the Geelong area our 2008 graduates were Maria Siketa, Ivana Filipovic and Kristina Juric. Also in attendance were their proud and dedicated teachers, Katica Perinac and Tonka Saric.

The Croatian language has been offered to students in the Geelong area since 1980, with the original teachers being Joe Pavlovic, Milan Simic and Katica Perinac. Prior to 2004 the Croatian language was available only to secondary school students. However, since that time the classes have been expanded to include years 1 to 12, with 147 students attending the classes which are held on a Saturday morning in North Geelong.

I take this opportunity to congratulate all those students, not only those who graduated on Saturday night but also those who have taken the time and initiative to learn their ancestral language. It is important for young people to learn and appreciate their cultural heritage, and of course, that can be done through education, music, dance, travel and language. The Croatian language classes therefore provide an important avenue for children from a Croatian background to further appreciate and celebrate their cultural heritage. I wish the 2008 graduates of the Croatian classes all the best for their chosen education and career paths. A job well done!

Driver Education Centre of Australia: Careful Cobber program

Mrs POWELL (Shepparton) — Members will remember me calling many times in this place for the retention of the Careful Cobber program at DECA (Driver Education Centre of Australia) in Shepparton. I have also written letters to the Minister for Education, and I have presented petitions with 6053 signatures — and there are many more petitions to come in. I have presented hundreds of letters to the Minister for Education and the Premier which have said what a fantastic program it is and how much people have learnt about road safety and driver education, and begging the government not to stop the program. They have come from students, parents, teachers and principals from right across Victoria. Obviously, they did not make any difference.

I received a letter from the regional director of the Department of Education and Early Childhood Development, saying:

... the research and evidence does not allow for the continued support of the program.

The letter states also:

Extensive national and international research on effective traffic safety education for primary school children has shown that off-road experiences, such as the Careful Cobber program, do not have lasting effects on participants, and do not translate effectively into real-life behaviour.

I ask: what evidence? I have asked for the department's evidence to be made public, but it has not done that. There has been no evaluation of the Careful Cobber program. I have told the minister that and the government also knows. The letter continues further on:

I recognise that the Careful Cobber program is highly valued by the Shepparton community ...

This government just does not get it. This is not about the Shepparton community. The students are from right

across Victoria. The government is replacing this program with kits in schools. Principals tell me they will not be able to use the kits because they do not have time to do so. Protecting children on our roads should be a priority for this government. It has just proved it is not.

Young–Playne streets, Frankston: traffic lights

Dr HARKNESS (Frankston) — The roundabout at the notorious intersection of Young Street and Playne Street is probably the most dangerous in Frankston. It is located directly outside my electorate office, and daily I witness the confusion and near misses. As these are local roads, for many years I have been writing to the local council on behalf of concerned residents, urging the installation of traffic lights to reduce the risk of harm. With every letter I wrote, I hoped that my concerns were an exaggeration. I hoped that the intersection was in fact sufficiently safe to avoid any major accidents. But to my great disappointment, our fears were justified.

In the past few years there have been numerous casualty accidents at this roundabout, the most recent of which occurred just a few weeks ago, when an elderly woman crossing the road was hit by a truck. The truck dragged her for about 20 metres before coming to a halt. Horrified onlookers, including my staff, watched as she was taken away in an ambulance, amazed that she had not been killed. I am sure all members of the house will join me in wishing the best for this lady and her family as she recovers from this horrific incident.

Pedestrian mobility through this intersection is difficult, notwithstanding two pedestrian crossings near the existing roundabout. The crossings add to the traffic congestion at this intersection, with traffic constantly banking up in all four directions. The intersection does not fall under the responsibility of VicRoads. On behalf of the thousands of residents who use this intersection each week I would like to see council finally address this issue. Although it will not be cheap, the council simply has to act and install traffic lights. Frankston council cannot wait for yet another accident at this intersection before taking action. Traffic lights are a clear solution.

Barmah State Forest: cattle grazing

Mr WELLER (Rodney) — It appears the government is already trying to invoke its long-held agenda to end cattle grazing in the Barmah forest. Traditionally, cattle have always been introduced into the forest on 1 November for the summer grazing period, to assist in the control of grasses and weeds and

to provide localised fire protection benefit. However, this year that date has come and gone, and the Barmah cattlemen are yet to receive approval from the Department of Sustainability and Environment (DSE) to begin grazing their cattle in the forest.

Sections of the forest, particularly Barmah Island, pose a severe fire hazard, as they are overgrown with grass and weeds which are rapidly drying out. This hazard could easily be dealt with if DSE would immediately allow cattle into the forest to graze. On 23 October the Barmah cattlemen met with DSE to discuss the summer cattle quota for the 2008–2009 period. At the meeting, as is normal practice, the cattlemen were asked to provide their advice on proposed summer quotas. The cattlemen recommended that 420 head of cattle be introduced to the main forest, Barmah Island and Yielima to assist in the control of grasses and weeds. In the past, all recommendations by the Barmah cattlemen have been approved by DSE within a week, but this year, for some unknown reason, there has been a significant hold-up.

It is time the Minister for Environment and Climate Change intervened and gave the Barmah cattlemen the consideration and respect they deserve by immediately giving the green light for summer cattle grazing.

Elwood: education and family precinct

Mr FOLEY (Albert Park) — The state government's blueprint for education and early childhood reform and our investment in education as the state's no. 1 priority is being brought into reality in the Elwood education and family precinct. Through the cooperation and involvement of state and local governments and with the support of the local community, the precinct includes the Poets Grove Family and Children's Services Centre, which delivers early childhood education and care and support for young children and their families in a brand-new centre that caters for the booming population of young children in the community. The centre is built on land which was gifted to the City of Port Phillip through a land-swap arrangement with the Elwood Primary School which itself has benefited through the arrangements, with new grounds, a wonderful Stephanie Alexander kitchen and a new community kitchen. The final part of this trifecta is Elwood College, which, besides having delivered a 100 per cent successful completion rate by its Victorian certificate of education students over each of the past four years, is achieving significant results in very high tertiary entry levels.

The increasingly integrated nature of these three organisations is delivering on the reality of bringing the opportunity for the best start in life to our young people. These three organisations are strong and effective because they are well led, respectively by Lynne Mohr, Rhonda Holt and Keith Muller. They are active and involved participants in their communities, reflecting the values of compassion, care and improving the quality of care and education. I look forward to the continuing record of investment in education finalising the last leg of the trifecta, the Elwood College.

Bulleen Road, Bulleen: speed zone

Mr KOTSIRAS (Bulleen) — Once again I call upon this arrogant and lazy government to fix the traffic problems along Bulleen Road. Currently just after the freeway there is a 40-kilometre-an-hour zone because of Marcellin College. I support 40-kilometre-an-hour zones, but very few students walk along Bulleen Road to the school. What is happening is that those drivers who obey the law are travelling at 40 kilometres an hour. Unfortunately, there are others who are trying to break the law and are speeding at 60, 70 or 80 kilometres an hour, therefore causing a problem. They also abuse the drivers who are travelling at 40 kilometres an hour.

The school, the community and the residents nearby believe the 40-kilometre zone along Bulleen Road outside Marcellin College is not appropriate. I call on the government to listen to the residents of Bulleen and ask VicRoads to go and speak to the residents, to see if the 40-kilometre zone is needed along this section of road, because it is going to cause some problems.

Fitzsimmons Lane–Porter Street, Templestowe: roundabout

Mr KOTSIRAS — On another issue, I ask the government to look at the roundabout at the intersection of Fitzsimmons Lane and Porter Street, Templestowe. It is a nightmare trying to cross that major intersection; it becomes a real adventure. When you see the relief on the faces of the people who have succeeded in crossing the road — —

The ACTING SPEAKER (Dr Sykes) — Order! The member's time has expired. The member for Ballarat East has 1 minute.

Country Fire Authority: Newlyn Dean station

Mr HOWARD (Ballarat East) — Recently I was pleased to attend the opening of the new Newlyn Dean fire station, along with the Minister for Police and

Emergency Services. This new shed was built at a cost of \$147 500 and clearly is a great addition to the facilities of the Newlyn Dean community. It is also worth noting that the station was built on land provided by the Allen family, long-term supporters of the Newlyn Dean fire brigade. The brigade has 57 members and attended many incidents last year.

The group expressed the hope it would gain a new tanker with support from the community safety emergency support program (CSESP) funding provided by the state government. It is a great initiative which has seen many brigades supported. I hope the minister will be able to support it in gaining a new light tanker, at a total value of \$180 000, with the next round of CSESP funding. All in all, I congratulate Newlyn Dean fire brigade.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr MORRIS (Mornington) — It is indeed a pleasure to join the debate on the Prostitution Control and Other Matters Amendment Bill. The bill seeks to amend two principal acts: the Prostitution Control Act and the Secondhand Dealers and Pawnbrokers Act 1989. The clauses relating to the Secondhand Dealers and Pawnbrokers Act essentially clarify police powers to obtain hard copies of documents under section 25 of that act. I have no difficulty with that issue, so I want to concentrate my comments on the proposed amendments in this bill to the Prostitution Control Act.

As the member for Malvern indicated during the debate last night, the coalition will not be opposing the bill, and I certainly support that approach because any measure which has the effect of making life more difficult for the operators of illegal brothels is a welcome initiative. There is little debate in any part of either chamber about whether prostitution should be regulated. It is not an industry that lends itself to deregulation by its very nature. As I said, I am sure all members would agree with that.

The member for Rodney covered this issue last night; when particular proposals are discussed there is often acrimonious debate in the community, but they are essentially land use matters relating to the desirability of a particular location — whether it is too close to a school, in an industrial area and so on. Those issues

need to be determined under the Planning and Environment Act.

Given that we do have a legalised prostitution industry in this state, it is up to the government to develop and enforce an adequate regulatory framework. It is clear that the present regime has failed quite conspicuously. The constant merry-go-round between local councils, Consumer Affairs Victoria and Victoria Police makes it clear that while the state says these organisations must operate legally and must be registered, no clearly identified body has the obligation to enforce those rules, so, as in so many cases, the responsibility falls on local government.

We know there have been a number of reports, and both the minister and the member for Malvern commented on the use of private investigators and the need to obtain detailed evidence. But we also need to consider whether the local laws personnel in local government are those who are best placed to enforce these regulations or whether there should be a much more organised approach to stamping out these businesses, because these unlicensed premises are trading illegally. It is not just a matter of getting a piece of paper; it is not just a matter of getting a shop registration, which puts you on the register and that is it. This is a mechanism for setting minimum standards.

If you go into any food premises in the state, no matter how well they are run and no matter how high their standards are, they all look forward to a visit from the council environmental health officer like a visit to the dentist when you have an abscess on the tooth! It is just not an enjoyable experience for those people, because they know they are being held to those minimum standards. As you would imagine, if we police food premises as effectively as that, should we not be doing the same thing in terms of brothels? Yet we do not appear to be doing that. These places are undoubtedly a danger to public health, and the consequences of poor regulation are potentially fatal.

The other critical reason these businesses need to be regulated — and they need to be closed if they are trading in an unregistered capacity — is that having an unregulated business has consequences for the staff. Just on basic minimum standards of employment, apart from anything else, they need to be caught up in that net. A whole lot of other issues affect the staff, given the nature of the business, that go beyond that.

Under the principal act there is an opportunity to make regulations. There are two powers under section 68 of the act to make regulations in terms of the requirements to be complied with by the service provider,

particularly in ensuring the safety of the people working in the business and in matters to be considered by the authority in determining the suitability of an applicant for a licence. I suggest that many people who engage in this trade illegally do so because they would not be considered to be suitable applicants for a licence under the normal regulations. If that is not an argument for stamping out the illegal operation of these facilities, I do not know what is.

The potential for harm to the staff in these establishments is now identified by the additions to schedule 3, which sets out the disciplinary offences for which a licence can automatically be cancelled under section 47. There are proposed additions to item 1 of schedule 3, which are offences under the commonwealth Migration Act, particularly in relation to an unlawful non-citizen working in breach of a visa condition in a number of categories. That says something about the nature of the work.

There is also a proposed amendment which identifies offences under the Commonwealth Criminal Code, particularly slavery offences, sexual servitude, deceptive recruiting for sexual services, aggravated offences in those categories, trafficking offences, trafficking in children, debt bondage and aggravated debt bondage. The fact that we are addressing those issues indicates the potentially unsavoury nature of this business when it is not regulated properly. That is as good a reason as any to say that these businesses, if they are not registered, have got to be closed. The difficulty we have with the current process — and it is not picked up by this legislation — is that these businesses are not caught up with.

Time does not permit me to go into the detail of the bill. Certainly there has been an expansion of the definitions of 'associates'. There are extended definitions for brothels and escort agencies, and those changes are welcome. There is also a lowering of the threshold for an application for a warrant, from the requirement that the application be made by an inspector to the provision that it be made by a senior sergeant or higher ranking officer of Victoria Police. Hopefully that will bring searches back to local operational level. Often senior sergeants are far more accessible than inspectors.

The changes under proposed section 85A to what can constitute evidence against these establishments are certainly very welcome as far as they go, but we still come back to the central issue, which is that in a busy, underresourced local police station there is not time to go and hunt down these illegal premises, perhaps because people are not immediately under pressure or in distress. The fact is though that in the long term

significant damage is done by these businesses being able to operate illegally.

In conclusion, ultimately this is not about whether councils should be involved or what makes it easy for them to be involved and to prosecute these places; it is about putting in place a method of completely stamping out the illegal businesses. It is about the health of the clients of these establishments and the health of the staff who work in them. On both those scores this bill does some work, but it could have gone a whole lot further.

Ms CAMPBELL (Pascoe Vale) — I rise to support the Prostitution Control and Other Matters Amendment Bill 2008. I want to make a short contribution that essentially centres around clause 3. I think it is really good that this bill responds to the concerns of law enforcement agencies regarding the enforceability of the act. I wanted to speak on this bill because of concerns that were raised in my own electorate and within Moreland City Council about certain sites and the activities that occurred within them. Councils — not only Moreland but others as well — have expressed concern that there has been some difficulty in enforcing the act in relation to illegal brothels. Obviously there has been a very positive response from councils to this new bill, because it is going to improve the enforceability of the act.

The government is also moving to streamline and simplify enforcement by improving coordination between Consumer Affairs Victoria, local councils and Victoria Police. We are aware that CAV has become the lead coordinating agency for enforcement and is negotiating memorandums of understanding with Victoria Police and the Municipal Association of Victoria on behalf of local councils to set out and clarify the parties' roles and responsibilities in relation to enforcement. The amendments to the act will make it much easier for enforcement agencies to act in response to illegal brothels. My council, along with many others, was concerned about the previous act's requirements for proving the events at a brothel were sexual activities. We found there was often a willingness to act on behalf of ratepayers and citizens but a reluctance to go in and actually identify what was occurring at the premises.

There are a number of proceedings that may now be brought in relation to illegal brothels. We can have proscrition applications, we can have the prosecution of offences relating to the running of an illegal brothel without a licence under the Prostitution Control Act 1994, and we can have the prosecution of offences relating to the running of an illegal brothel in

contravention of planning controls under the Planning and Environment Act 1987.

The change I think we as members of Parliament will particularly welcome, as will council officers, is that agencies will no longer have to prove sexual services were provided on premises to establish that a brothel is being run on the premises. Instead they will only have to prove that those services are being offered. On behalf of the citizens of the city of Moreland, where there were a number of illegal brothels operating prior to being closed down under the previous law, this bill when enacted will make the prostitution industry far better, in that it will be run in licensed premises and we will have a greater ability to close down illegal brothels. That is something my constituents and ratepayers in the city of Moreland particularly welcome.

Mrs VICTORIA (Bayswater) — I am pleased to join the debate today on the Prostitution Control and Other Matters Amendment Bill 2008. There are several aspects of the bill that I want to discuss, but before I do that I want to talk about some of the main provisions. The provisions set out in the bill amend the definition of 'brothel' and 'escort agency' to include premises that offer, rather than just provide, sexual services — and I will come back to that shortly — and to clarify the kind of evidence that agencies can use to show that sexual services were on offer when seeking an order to declare a premises to be an illegal brothel. It also seeks to widen the range of police members authorised to apply for a warrant to search suspected illegal brothel premises to the rank of senior sergeant, where formerly it was the rank of inspector. It also introduces an effective control test for licensees to ensure that the person who has met the licence requirements is the person effectively controlling the business. There are also other provisions which I will not go into at the moment.

One of the items I raise now, related to the first thing I said, is about being able to show that a premises, or people on the premises, are offering sexual services rather than proving that they are actually providing sexual services. This has come about because, as many members would realise, there was a very big uproar not so long ago, only within the last couple of years, at a few local councils when quite a few local councillors employed the services of private detectives to go into suspected illegal brothels. In order to gain a successful prosecution they had to prove that a sexual service was provided rather than just offered. A lot of ratepayers questioned why their rates were being used to obtain this sort of service. Although it was obviously important to close these institutions down, it was not necessarily a good use of taxpayers money.

One aspect we are missing in this bill is an exit strategy for those involved in illegal prostitution — that is, for the working girls themselves. There are two types of women who work in illegal brothels: those who are local, and those who come here from overseas, sometimes willingly and sometimes not so willingly. I had the great pleasure of hearing a speech by, and having a chat afterwards with, a terrific man who was a former federal policeman, now living and working in Holland, in relation to this exact topic.

If my memory serves me correctly, it was back in 2004 when I met Dr Brian Iselin. Brian was out here to talk to us at the invitation of the National Council of Women of Australia, of which organisation I was a board member, in conjunction with the Australian Women's Coalition and also Zonta and Project Respect. Project Respect is something that I will address because the other speaker on that day was a lady by the name of Kathleen Maltzahn, the co-founder of Project Respect, which is a non-government organisation in Australia; it basically looks at what is happening in people-trafficking, especially in the sex industry, as well as other areas.

Something that was blatantly obvious when I was listening to these two very knowledgeable people was that there is no way of reliably estimating the number of women being trafficked here in Australia. A lot of these women come from poorer countries; they come from South-East Asia, Eastern Europe, People's Republic of China, the Republic of Korea and also from Thailand.

I remember very clearly that Dr Iselin talked about a girl who had been sold off by her parents in exchange for a television set. There was obviously a lot of ooing, aching and gasping in the room at the time. Dr Iselin went on to explain that the parents did not realise that their daughter was, if you like, being sold into sex slavery. They had trusted the local mayor of their rather isolated town. He was a respected member of the community. He promised that he would find work for their daughter in Australia. They hoped for a better life for her and willingly agreed to let her go with him. It was not until much later that they found out what had happened and of course those parents are forever regretful. In exchange for a television set, their daughter was sold into the sex-slave market. She was brought here to Australia and was under what is known as debt bondage.

When women arrive with a bondage debt they have to pay it off, and that is done through X-amount of services. If the debt is, for example, \$10 000 or \$20 000 or \$30 000, X-amount of sexual acts actually qualify to diminish the debt. The problem is that once the women

are here, they are generally here on illegal paperwork, they are on illegal visas and that type of thing, and it is very difficult for them to break away. They cannot escape, because they would then be here as illegal immigrants, and there is no way they could escape from the clutches of these people.

There is also the fear in the back of their minds that their family at home could be harmed. That threat is held over their heads on a daily basis. A lot of women work very long hours to try to pay off this debt as quickly as possible, and quite often they do not have another option.

It is a fact unfortunately that a lot of Asian women are preferred in these illegal brothels for a couple of different reasons. As Project Respect outlines, there is a lack of Australian women willing to be prostitutes especially in illegal brothels, where there is no protection for them; the customer demand, if you like, for women who are seen to be compliant; and the demand can sometimes be fuelled by a perception that Asian women will be more compliant and less likely to report acts of violence. It is an incredibly dire situation.

The reason I raise these aspects is because those women are not working in legal brothels, they are working in illegal brothels, which is exactly what this bill is about, but what is lacking from this bill is an exit strategy for the women who have been brought over here illegally and who have been trafficked. There are a number of other women, but as I said, Project Respect and also Dr Iselin both maintain that it is very difficult to ascertain how many women might be affected through trafficking. They estimate the figure in Australia is well over 1000 women.

Certainly one would suggest that education is an important factor for Australian girls. If they feel they are involved in prostitution because there is no other way to make ends meet or pay the bills, then the opportunity to educate all women is incredibly important; but also to provide them with suitable counselling and social support so that they do not feel that this is their only option. An exit strategy for the women who are here illegally, quite often not through their own volition, whereby perhaps they could be given the right to stay in Australia and have assurances given about their families would basically give them support so they would know they are not under threat.

They have obviously had a huge amount of trauma having been uprooted from their families or having been taken from the streets and then brought over here. To then ship them back with their knowing that whoever was involved in this trafficking ring would

almost be guaranteed to still have contacts back in their home country is obviously something that hangs over their heads. To be able to give them a positive future, either here in Australia or some sort of reassurances and help when they go back, whether that be through a non-government agency or not, is absolutely vital.

This bill has some good points to it. Anything that gives the police and Consumer Affairs Victoria greater powers is good. I have to say the one confusing factor here is that a lot of agencies — and you have to include local councils in that — do not want to take responsibility for this issue. Councils do not want to be responsible for it, Consumer Affairs Victoria just wishes it would go away — it is an area it does not want to be involved in — and the police are so busy and tied up with other things. We have far too few police on the streets of Victoria as it is, so it is very difficult for them to visit every illegal brothel to confirm that they are obtaining the right permits.

The step in the bill that provides for police officers below the rank of inspector to be involved in warrants and that sort of thing is a good and positive step, because it will tie up a lot fewer senior officers. However, I do not think we have gone nearly far enough with this issue. I hate to say it, but it is too little, too late. The bill is not complete because there is no provision for exit strategies for these women. My concern is not so much about those who have been operating these brothels but for the poor girls working in them.

Mr FOLEY (Albert Park) — I wish to make a brief contribution to the debate on the Prostitution Control and Other Matters Amendment Bill 2008, which as we have heard seeks to amend the Prostitution Control Act 1994 to achieve a series of sound public policy goals. The bill enhances the capacity of local councils and the police to close down illegal brothels and prosecute those who run such establishments. The bill also seeks to tighten the licensing regime to ensure that only reputable individuals and businesses will be licensed through the Business Licensing Authority to deal with matters of licensing and approval of the status of licensees.

Specifically, to ensure that managers are not associated with criminals or are not convicted of serious crimes, the amendments also seek to enforce the provisions in relation to licensed brothels by increasing the penalties available to the Victorian Civil and Administrative Tribunal by introducing the capacity for enforcement agencies to issue infringement notices for a range of minor technical breaches of licences and planning permits. This comes about as a result of a series of

discussions with the key enforcement groups and local governments involved in an attempt to clarify the powers and responsibilities relating to the management and closure of illegal brothels and the management of the licensed brothel industry.

The sad fact of the matter is that unfortunately the oldest profession continues. In my own electoral district it continues both in licensed brothels and in a number of illegal brothels that continue to bedevil the local community and local enforcement agencies. Sadly the street sex workers, who continue to operate in and around St Kilda and who present the most troubling and bedevilling of problems, are beyond the range of this bill.

The previous speaker sought to highlight a number of concerns she had with the bill within the context of her general support. She suggested that perhaps there was not enough work being done to assist those in both the illegal brothels and the licensed brothel industry for pathways out of the unpleasant nature of the sex industry. I invite her to come and see at any time the work being done by the Inner South community health service, the Sacred Heart Mission, the Salvos or indeed any number of other agencies, like the Good Shepherd Sisters, who are working every day of the week with street sex workers, illegal brothel workers and the licensed brothel industry to achieve that very thing. I point out that that is being done with significant state government support.

This bill seeks to deal specifically with the commitments that were made by the Minister for Consumer Affairs and the government in the statement of government intentions earlier this year. It is an arrangement that seems to have broad and common-sense support throughout this house. In that regard, I suggest the serious nature of the issues behoves this house and the upper house to lend their support to the arrangement.

I might end my contribution by referring again to the status of the street sex workers in and around St Kilda in my electorate. Until such time as the community as a whole, the enforcement agencies and the street sex workers themselves come to an arrangement, and until there is community understanding regarding the minimisation of harm, the trafficking of street sex workers and the many complex needs around homelessness, drug and alcohol addiction and other mental health issues that go with that group of workers and they are dealt with, this will be a bedevilling issue. I hope this bill is but a step on the way to the community ultimately coming to a resolution of the

problem of how to minimise the harm and best regulate that sector. I wish the bill a speedy passage.

Ms PIKE (Minister for Education) — I would like to sum up and thank very much everybody who has contributed to the Prostitution Control and Other Matters Amendment Bill 2008. I wish the bill a speedy passage.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CORONERS BILL

Second reading

Debate resumed from 11 November; motion of Mr HULLS (Attorney-General).

Mrs SHARDEY (Caulfield) — I rise to speak on the Coroners Bill. My contribution will be very brief, because it centres around a very small element of this piece of legislation. The main provision of this legislation is the change, particularly compared with the existing law, that clarifies when a death is reportable, particularly an unexpected death in a medical context.

However, the issue I wish to raise in relation to this legislation is that it excludes stillbirth in the definition of 'death' — that is, the death of children prior to birth. This exclusion, I acknowledge, was recommended by the Law Reform Committee in its advice to the government, but this recommendation by the Law Reform Committee was despite the advice given by the Consultative Council on Obstetric and Paediatric Mortality and Morbidity. The consultative council is the government body of experts, many of whom are expert gynaecologists and obstetricians and include amongst its number the president of the Royal Australian College of Obstetricians and Gynaecologists.

After receiving a letter from a family who lost their child during childbirth and who were seeking an investigation into the death and who would have wanted a coronial inquiry, I took the trouble to contact both the specialist committee and also the college to see what their view was on this. Having consulted with both the consultative committee and the Royal

Australian College of Obstetricians and Gynaecologists, it has become very obvious that these august bodies of experts seek support for a situation where coronial powers exist for the coroner to investigate an unexpected stillbirth or, as it was mentioned to me, maybe even a death that may occur straight after birth where there has been an attempt to resuscitate a baby that has appeared to be stillborn but has not been able to be resuscitated.

This request is to look particularly into where there have been questions about the quality of care or where there may be significant factors related to future quality of care. These elements were discussed with me by the college and by the consultative committee.

There is also an additional desire by these expert bodies that where parents of a stillborn child are seeking an investigation as to the cause of the death, the coroner should have the power to undertake such an investigation. These are very rare instances. Of course it would not be possible for the coroner, as I understand it, to investigate every stillbirth, because that would mean some 700 investigations a year. That load of work would not be appropriate.

The Consultative Council on Obstetric and Paediatric Mortality and Morbidity says it would like to be involved in an advisory capacity to help map out the circumstances under which an investigation by the coroner should take place. The council often receives the detail about a stillbirth long after the event. That is why it would like to be involved in an advisory capacity and perhaps lay down some ground rules as to when it would be appropriate for a stillbirth to be investigated.

I appreciate that it is too late in the piece for anything to happen now in this chamber, but I would like there to be consideration while the bill is between the houses for maybe an appropriate amendment to be made in the Council. I am not the responsible shadow minister on this issue, but I do have an interest in it. Therefore I ask the minister to have a look at the possibility, to perhaps go back and consult with the consultative council which gives him advice on these matters, and also perhaps with the college of gynaecology and obstetrics.

I put this matter before the house because I think it is important at a time when the Coroners Act is being amended in line with the Law Reform Committee findings. It would be a pity if advantage were not taken of the opportunity to make sure it is the best possible piece of legislation. I end my remarks on that note.

Mrs MADDIGAN (Essendon) — I rise to support the Coroners Bill 2008. I know a number of members have already spoken on this bill so I shall not speak for a long time. The Victorian Parliament Law Reform Committee's *Coroners Act 1985 — Final Report* reviewed the legislation, and 138 recommendations were made, as members are aware. This bill is a result of that.

A number of members have spoken about various clauses in the bill. It makes some substantial changes to the current operation of the Coroners Court. The creation of a Coroners Court as an independent body in itself will give the coroner and his staff a greater feeling of independence. I think we see that as a really good step forward. It is an approach that has been taken by most jurisdictions in Australia. It brings us fairly much into line with that.

There are a number of provisions in the act which support people's privacy. Some of those are in response to events that have occurred in the past, which I shall not go into here.

Certainly matters relating to the death of people, particularly children, are very close to the hearts of those people who may be involved. It is essential that the Parliament sets up provisions through this legislation to ensure that people are protected.

The report of the Law Reform Committee was extensive and covered many of the issues of concern to the community at large and that have been raised over the years, both through the media and in legal services areas. I am very pleased with this bill because it sets up a Coroners Court which will be both independent and serve the community of Victoria very well. The bill proposes a number of supports for the court, including a coronial council, which will give advice to the Attorney-General on the operation of the coronial system. There will be five to seven people on that council and they will be appointed by the Governor in Council. It is an excellent idea to have such a body monitoring what is occurring in this area and to give advice to the government in the future about any further changes or adjustments that need to be made.

Overall this is an excellent bill. Once again I congratulate the Law Reform Committee on its excellent report. I look forward to this bill having a speedy passage through the house.

Mr DELAHUNTY (Lowan) — I rise to speak on the Coroners Bill 2008 on behalf of the Lowan electorate, which I proudly represent. As previous speakers have mentioned, this bill was well covered by

the shadow Attorney-General in his presentation yesterday. I want to make just a couple of comments on this bill.

The main purposes of the bill are quite extensive. I would like to highlight the following: to provide for coroners to investigate deaths and fires in specified circumstances; to contribute to the reduction of the number of preventable deaths and fires through the findings of the investigation of deaths and fires, and the making of recommendations, by coroners; to establish the Coroners Court of Victoria as a specialist inquisitorial court; to establish the Coronial Council of Victoria; and to amend the Coroners Act 1985 by repealing the provisions relating to coroners and to rename that act as the Victorian Institute of Forensic Medicine Act 1985. The bill also makes consequential amendments.

In his second-reading speech the Attorney-General referred to rural service delivery and upgrading facilities in rural areas. However, there is no mention of them in the bill. We take on board the comments of the Attorney-General that this will happen. In my area, in a number of cases magistrates act as coroners and some undertakers work on behalf of the coroner in relation to car accidents and the like. That is where I want to focus my attention.

As members know, this bill provides guidance to the coroner as to whether to investigate a death when it is unexpected or where there is no medical certificate stating the cause of death. I still do not fully understand what is meant by that in the bill and perhaps the Attorney-General can explain it in his summing up.

Coroners play a very important role. This morning I was going to give notice of a motion, but unfortunately I did not follow standing orders and did not notify the clerks in an appropriate manner. The motion was to condemn the Minister for Education, whose department vetoed a plan to run a simulated car accident exercise as part of a road safety awareness campaign for young students that brought together the students, the police, the Country Fire Authority, the State Emergency Service, Ambulance Victoria and, importantly, the coroner. Undertakers and others act on behalf of the coroner and they were to be very much part of that simulated accident.

We are looking towards the end of the year, a time when more alcohol is consumed and our young people are more likely to be involved in car accidents. That simulated car accident would have provided vital information not only on how to avoid accidents but also on what to do in the event of witnessing or being

involved in a motor car accident — that is, informing the police, the coroner and the like. Importantly, we know that too many young people are involved in car accidents. Too many young people for various reasons consume too much alcohol and binge drink and we need to raise the road safety awareness of our young people who are between the ages of 16 and 18 and still at school. That simulated car crash would have been a great way of doing it.

I have written a letter to the minister supporting the proposal to run a simulated car accident as an exercise in road safety. I was deeply disappointed, as were a lot of people in the western part of Victoria, that the Department of Education vetoed this plan on the grounds that it would be too traumatic for the students. As we all know, any accident is traumatic for anyone but we need to highlight the road safety message and a simulated car accident involving all the relevant people, including the coroner, would have been a great way of highlighting these concerns to country Victorians, particularly country students.

A lot of work is done to try to reinforce the road safety message, as we can see from the advertisements on television. My understanding is that many months of planning have gone into the proposed simulation, including communication with Horsham College, which was the main school involved. As I said, it would have brought together all the relevant people. I am also informed by a recent newspaper article that this type of program has been running in South Australia for many years. There is firm evidence that a simulation exercise has helped reduce road accidents among young people in South Australia.

As we all know, our young people are our investment in the future and they are overrepresented in car accidents. I believe the proposed simulation would have provided vital information not only to the students but also to the people involved. Members of the SES and others were going to use their jaws of life equipment and it would have been a great exercise in helping them and in informing the pupils. This matter was highlighted in a newspaper article in the *Wimmera Mail-Times* with the headline ‘Simulated “crash” stopped’. There was a lot of concern raised in that article that this simulated car accident would not proceed. Again, the proposal is about the work that the coroner does and the work that the community does in reinforcing the road safety message so that we do not have to have the coroner investigate a lot of deaths on our country roads.

With those few words, Acting Speaker, I join my colleagues in saying that we are not opposed to the

Coroners Bill 2008. Hopefully some of the concerns raised by members on this side of the house can be addressed by the Attorney-General in his summing up.

Dr HARKNESS (Frankston) — It is a great pleasure to speak in support of the Coroners Bill 2008. Fortunately most Victorians will never have any contact with the Coroners Court, but for people whom tragedy strikes, for those Victorians who are in some way connected in a sudden and unexplained death, the Coroners Court provides a vital service. The very least we can do for the family and friends of deceased persons is spend some time working out how the death was caused and whether anything can be done to prevent similar deaths in the future. While certainly nothing can be done to reverse the loss, a coronial investigation recognises the dignity of the deceased and can provide some comfort to family members. This overarching goal is reflected in the bill before us today.

The bill acts on many of the recommendations of the report by the Law Reform Committee, which was chaired at the time by the member for Bentleigh. Those who have read the report will know that it provided a thorough overview of the role of the Coroners Court, the areas where it is serving community needs and the aspects which need improvement. One of the areas for reform identified was the need for better communication between the Coroners Court and the family of a deceased person, and that is a primary objective of this bill. Part 4, for instance, places a number of obligations on the Coroners Court to notify the next of kin of the progress of the investigation. Section 21 requires the court to provide information about the coronial process to the next of kin. Section 45(4) also requires the coroner to have regard to the suggestions of the next of kin if a body is exhumed.

Importantly this bill requires the coroner to conduct inquests with as little formality and technicality as possible. This will be a welcome reform for family members of deceased persons. Submissions to the committee suggested that some family members felt the formality of the Coroners Court criminalised the death, which is not appropriate in a coronial investigation. Reducing the formality and the technical jargon in courtrooms is a change which this government has sought to implement broadly, and it is pleasing to see this extend to the Coroners Court. We certainly make no apology for this. Anyone who disagrees should remember that courts exist to serve the public, not to serve the desire for pomp and ceremony of some of those who work within them. I am confident the coroner will take note of this provision and take steps to

make the court easier to understand and less intimidating for family members.

Looking at the range of measures taken to improve communication between the court and families, it seems to me that the government has done a good job of translating the report's findings into a legislative framework. It addresses the concerns outlined in the submissions to the parliamentary committee, including those from law firm Maurice Blackburn, Associate Professor David Ranson from the Victorian Institute of Forensic Medicine and researcher Lucy Biddle. Another reform in this bill is to reinforce the prevention role of the coroner. This was a cause championed by the previous coroner, Graeme Johnstone, who was described as Australia's most passionate advocate of the prevention role for coroners. This bill facilitates this by empowering the Coroners Court to make recommendations to any entity rather than limiting that to ministers and public authorities. This means, for example, that the coroner could make recommendations to a private corporation. I am pleased to see that Victoria is pushing forward with injury prevention as a mission of the Coroners Court. The opposite has occurred in the UK, and I think it would be a terrible waste if Victoria were to do the same.

The committee's report points out that the coroner is in a unique position to identify patterns of injuries and deaths in Victoria, and this reform will enable us to draw on that expertise and experience to assist in injury prevention. As the Attorney-General outlined in his second-reading speech, this expertise has been demonstrated time and time again by the Coroners Court. One example was in its recommendations about suicide prevention in prison cell design — a recommendation which has no doubt saved lives. Victoria is already a world leader in injury prevention, and I look forward to a greater use of the coroner to strengthen this even further.

This bill also implements the Law Reform Committee's recommendation to establish a coronial council to assist and advise the Coroners Court. This originated from a suggestion by the Victorian Institute of Forensic Medicine, and it strikes me as an idea that is well worth pursuing. A coronial council can serve as a constantly open channel through which stakeholders can provide feedback and the government can receive advice. It will also help to coordinate the activities of the coroner with other agencies where there is some overlap.

Before concluding my remarks, I would like to take this opportunity to acknowledge the excellent work being done by the current state coroner, Judge Jennifer Coate, who will oversee these changes. No matter how strong

our legislative framework is, our legal system is only as good as the people who administer it, so it is reassuring to see such a dedicated judge in charge of the Coroners Court. Judge Coate deserves our congratulations, and I wish her well for the future. This bill provides for a welcome reform of one of Victoria's most important institutions. I commend it to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to speak on the Coroners Bill 2008. The purpose of this bill is to re-enact with amendments the law on the coronial system in Victoria. The principal purposes of this bill are to require the reporting of certain deaths; provide for the coroner to investigate deaths and fires in specified circumstances; contribute to reduction of the number of preventable deaths and fires through the findings of the investigation of deaths and fires, and the making of recommendations, by the coroner; to establish the Coroners Court of Victoria as a specialist inquisitorial court; and to establish the Coronial Council of Victoria. To do this the bill amends the Coroners Act 1985 to repeal the provisions relating to coroners and to rename that act the Victorian Institute of Forensic Medicine Act 1985 and makes consequential amendments.

The provisions of the bill that are of interest to me and the ones I am going to discuss are that a coroner may investigate a death that appears to have occurred within 100 years of its being reported to the coroner, and that the coroner must investigate a death if the death occurred in Victoria, is a reportable death and occurred within the last 50 years and if an interstate coroner has not investigated it. This is an excellent provision to get to the truth.

However, I note that there are sometimes accidental excavations of unmarked remains. Any investigations of such remains have to be handled sensitively, particularly if they are the remains of an Aboriginal person.

It is mentioned in the second-reading speech that there will be training to assist the court with issues involving cultural and family sensitivities. The cultural issues are often spiritual. The sensitivity required varies from culture to culture. In Mildura we have an enormous spectrum from the Aboriginal community all the way through to Islamic culture. The submission that was made by the Federation of Community Legal Centres highlighted that the Aboriginal legal centres have some concerns, and I am going to reiterate that. I am quoting from a letter that the FCLC sent to most people in the house:

We note that other jurisdictions build in additional accountability in situations of Indigenous deaths. For example, s 69 of the Coroners Act 1997 (ACT) requires notification of the local Aboriginal legal service, and the satisfaction of the Coroner that reasonable efforts have been made to notify the relevant people. Specifically in the Victorian context ...

I endorse those concerns, and I think the legislation needs to go a little further in managing these sensitive areas. Similarly this leads to some concerns in relation to managing the cultural differences to do with next of kin. We are all familiar with the area of cultural differences. It must carry forward indigenous and other cultural concepts.

Dealing with families in country Victoria is important, and many do not understand the coroner's role, responsibility and operation within the court. That is a concern. We have heard previous speakers say that the court, rather than appearing to be investigating the truth, may seem very adversarial for many people who are before the court. Thus, for country Victorians the provisions that are attempting to make the court comprehensible to the interests of the parties and family members are important. That interested parties can make submissions with permission and even examine and cross-examine witnesses is something that will need a great deal of explanation and implementation in country areas. Similarly the access to legal aid to assist in the Coroners Court is a significant issue in country areas.

The issue of exhumation is one that has to be handled with extreme sensitivity; informing the next of kin needs to be appropriate and comprehensive before an exhumation takes place. We cannot afford to have hearsay and rumour around why an exhumation is taking place.

The other area I want to talk about is the inquisitorial court and stillbirths, because this has proved to be a fairly controversial issue. To set the scene for that we need to go back to the Law Reform Committee's 2006 review of the Coroners Act, because this is where the changes we are discussing today had their infancy. There are a number of definitions and work that is presented on stillbirths from the evidence they received. The committee's report said:

An issue which is unresolved in Victoria is whether a stillbirth constitutes a death for the purposes of the act. In the absence of a clear statutory provision or judicial decision, it remains unclear whether doctors are required to notify the coroner when certain stillbirth deaths occur and also whether a coroner has the jurisdiction to investigate the stillbirth.

The report goes on to say:

In general terms, a stillbirth refers to the birth of a dead foetus. In 2004 there were 610 stillbirths in Victoria. The leading cause of stillbirths was pregnancy termination (48 per cent). Other known causes of foetal death in this year included infection, hypertension, antepartum haemorrhage and foetal growth restriction.

That is where we were formerly. The committee went on and grappled with a large number of submissions and issues. In a submission, the coroner said:

... a death in utero is not a death under the Coroners Act, even if it was deliberately induced. Once a foetus is delivered alive it becomes a life whose subsequent death may be reportable.

This raised a further large number of issues and submissions for the committee to deal with.

One of the players in this has been the Consultative Council on Obstetric and Paediatric Mortality and Morbidity (CCOPMM). They have grappled with this issue as the committee has. The committee has made a recommendation, which is reflected in this bill, that stillbirths are not to be investigated. I agree that the majority of stillbirths do not need investigation. However, if we are to have an inquisitorial court to deal with this, the evidence — I have researched this — is that there are 10 or 15 cases a year of unexplained deaths that would benefit from investigation.

For that reason, the Consultative Council on Obstetric and Paediatric Mortality and Morbidity made a recommendation in its submission:

1. Section 22A of the Coroners Act 1985 states that a coroner may notify the Consultative Council on Obstetric and Paediatric Mortality and Morbidity of the particulars of the death of a child reported to a coroner.

CCOPMM recommends that the wording be changed from 'may' to 'shall' so as to enable the council to better perform its functions under section 162FA of the Health Act 1958.

The council recommended the wording be changed from 'may' to 'shall' so that it could look at unexplained deaths for people who want those unexplained deaths explained. Two such constituents are Karyn and Andrew Kennedy, who not only made submissions to the Law Reform Committee but also lobbied members.

They have offered us a way forward. I think if we are truly pursuing an inquisitorial court that will lead to knowledge and understanding, which leads to prevention. It is that prevention area that we want the Coroners Court to focus on. We have got some good

examples of how the coroner has done that. I will refer to country areas as well as cities as I go through them.

First of all, rollover protection for tractors would not have been implemented as quickly had the coroner not made that effort; nor would the compulsory erection of pool fences.

For the sake of these 10 or 15 lives a year and those families involved, we need a process whereby the coroner can bring their strengths and understandings to bear. If we are going to do this, we need to do it well. We need to continue to look at all forms of death and particularly the deaths of children very close to birth or children who are stillborn. We can do this, but only by moving from a 'may' to a 'shall'. It is only a simple word that would make all the difference to advancing this.

I do not think those who have been involved — and I know there is an abortion issue here — need be afraid of the abortion issue. Let us focus on those 10 or 15 deaths each year that are unexplained. We need to know what happened so we can understand, go forward and prevent.

Mr THOMPSON (Sandringham) — I wish to make a few brief remarks on the bill and place on record the areas of concern about the Coroners Bill 2008 as identified by the opposition.

The first issue relates to the inadequate emphasis on prevention, including requiring follow-up of what happens with coroner's recommendations, requiring the annual report to list recommendations and responses, and training coroners in the formulation of recommendations. The second issue is the exclusion of stillbirths from the definition of 'death'.

Concerns have been expressed by the Kennedys, who have written to members. Andrew and Karyn Kennedy wrote to me, noting:

Year in, year out, there are numerous cases of stillbirth in Victoria and many of these are explainable. However each year there are 10 to 15 cases of unexplained late-term instances of stillbirth often during labour and these cases go uninvestigated. It is unsettling to think that shortcomings that cause these potentially avoidable deaths continue to go undetected because no rigorous investigation is carried out.

The Victorian parliamentary Law Reform Committee also recommended that the Consultative Council on Paediatric Mortality and Morbidity should continue to investigate cases of stillbirth. This is unusual as the CCOPMM do not currently carry out 'investigation'; they merely review these deaths on the basis of anonymous referral. Even if the ... powers were extended, it would seem inefficient to have two different bodies investigating the two different types of perinatal death ...

They argue that:

A coronial investigation is the only way to ensure that these deaths are properly investigated and that recommendations made on the findings of these deaths bring about improvements that can be enforced to reduce the frequency of these deaths.

The Kennedys have a keen interest in this matter and it is important that their concerns are aired and appropriately considered.

I make the comment also that the coroner's work needs to be properly resourced so that there are not delays in investigation which might impede consequent proceedings that might relate to will matters or burial matters. Over the years in my work as a solicitor there were occasionally issues that involved liaison or dialogue with the office of the coroner. When you are dealing with families who might not have an income flow and are awaiting the result of a coronial inquest for insurance or compensation payouts, it is important that the work of the coroner be conducted in a highly efficient and expeditious manner.

Mr TILLEY (Benambra) — I rise to make a brief contribution on the Coroners Bill 2008. Firstly, I take the opportunity to acknowledge all the efforts of Victoria's coronial services, including those of the hardworking men and women in the external agencies, including Victoria Police, who investigate the horrendous fatalities on our state highways. They include those in the traffic management unit, the major collision investigations unit and any other members of the police force who have the unfortunate call to respond to serious accidents, including fatalities, in the state of Victoria.

Briefly, the intent of the bill is to contribute to a reduction in the number of preventable deaths. Going on from that is the fact that every road fatality in Victoria is a preventable death. In the short time I have I will concentrate specifically on road deaths in our heavy vehicle industry. In the heavy vehicle industry every truck driver leaves his home and his family — his wife, partner, sons and daughters — not only to drive on the highways of Victoria but also to do part of the national road freight task. One of the recommendations of the final report, on which this government largely remains silent, relates to improvements to the national coroners information system, the NCIS. Our heavy vehicle road task involves not only Victorian vehicles but also vehicles that come into this state and deliver freight, as they do right throughout Australia.

I have some serious concerns about the manufacture of our heavy vehicles. I urge and encourage a full inquiry

into the manufacture of heavy vehicles, in particular our prime movers, because a number of questions need to be asked about the design and manufacture of them. The particular areas could include — and I do not wish to get terribly technical on the issues of the design and engineering of our heavy vehicles — the length of the prime mover, particularly the wheelbase. Generally any prime mover with a wheelbase measurement of under 4.2 metres is outrageously unsafe, in the sense that there are oversteering issues. We really need to look at addressing the engineering issues in relation to the wheelbase.

Going on from that, questions need to be explored and investigations need to be conducted in relation to the makes and types of suspensions used on our prime movers and trailers. The big question is specifically whether they have mechanical or air suspension. In the late 1980s we saw a sharp rise in the incidence of fatalities involving airbag-suspended vehicles on highways in the state of Victoria. A number of claims were made about road friendliness and dynamic load sharing. I encourage and urge that a full inquiry be conducted into this. Over many, many years we have seen on our highways an unnecessary number of fatalities involving heavy vehicles. Engineers have designed and manufacturers have put vehicles on our road by effectively making a square peg fit into a round hole, just to get freight delivered not only throughout Victoria but throughout Australia.

I have some experience with heavy vehicles, and I am trying to articulate this. A heavy vehicle is around 42 tonnes if it is a semitrailer or around 62 tonnes if it is a B-double. This government is looking at introducing B-triples. We are still killing people on our roads with prime movers, semitrailers and B-doubles. The engineering is of great concern. I must reiterate the urgency of having a full inquiry into the design and manufacture of our trucks before we go on to having larger trucks on our highways. In particular the inquiry should look at suspension and the claims that have been made by manufacturers and designers.

It is incredible that in this place we hear the Minister for Roads and Ports discuss our road freight task and the conditions of our roads. Our heavy vehicles are contributing to enormous damage to our roads, and that is costing the taxpayer enormous amounts of money to maintain our highways. Just yesterday in this place the minister was shadow-boxing with the federal government over claims on the Building Australia Fund. It is just shadow-boxing and nothing more. I urge that those government negotiations continue. At the end of the day this government has a responsibility to deliver adequate road and rail infrastructure without

necessarily having to rely so heavily on the federal government.

Going to the questions that need to be asked, earlier I started talking about negotiating S-bends and things like that, when I mentioned vehicles with air suspension.

The ACTING SPEAKER (Ms Munt) — Order! Back to the bill please.

Mr TILLEY — Thank you, Acting Speaker. This goes particularly to the bill in the sense of its purpose being to prevent deaths. I have been talking about the number of fatalities on our highway and encouraging that the coroner take on the task and responsibility of investigating and preventing further road fatalities on our highways by using services, investigating and liaising with other states and sharing information.

There are claims in relation to a number of reports that have gone in. At the end of the day the distressing thing is the number of unnecessary crashes that have occurred. I need to encourage that in the future the coroner should work with the rest of Australia and the National Coroners Information System to see a downturn in the rising trend in road fatalities in Victoria.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr ROBINSON (Consumer Affairs); and Mr O'BRIEN'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 government commits to implementing a comprehensive solution to tackling rising levels of alcohol-related harm, violence and disorder including —

- (a) the provision of substantial additional police resources;
- (b) the provision of improved public transport options;

- (c) appropriate planning and liquor licensing controls;
- (d) better education of licensees and their patrons; and
- (e) consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services.

Ms ASHER (Brighton) — As I indicated last night, we are opposing this bill and supporting the reasoned amendment moved by the member for Malvern. The reason we are opposing the bill is that we wish to assist small businesses. The key flaws of the bill before the house are, firstly, that licensees will not be able to go to the Victorian Civil and Administrative Tribunal to contest various decisions made by the director of liquor licensing, and secondly, that the bill explicitly provides that the director of liquor licensing is not bound by the rules of natural justice when considering lockouts or applications for exemptions. We think that is undemocratic. We think that is an unnecessary power for a bureaucrat, and we make the point that this bureaucrat has been the subject of much criticism. We are appalled that the government has not adequately consulted with industry groups such as the Australian Hotels Association. The coalition parties are the natural parties in support of small business. That is why we will be voting against the bill.

Mr FOLEY (Albert Park) — It is with great pleasure that I rise to make a contribution to the debate on the Liquor Control Reform Amendment Bill 2008 and to oppose the reasoned amendment moved by the member for Malvern.

As we have heard in the second-reading speech, this bill seeks to clarify and strengthen the powers of the director of liquor licensing in relation to late-hour entry declarations. Having just heard the member for Brighton bring into some question the performance of the director of liquor licensing, which I thought was not quite cricket, I will come to the director's defence and say that in regard to requests I have put to her to discuss this matter in public forums with industry and the community, health agencies, local government and the police, she has been accommodating, forthright and an excellent public servant in dealing with the matter without fear or favour. I find it quite distressing that the Deputy Leader of the Opposition, and I imagine this applies to other members of the opposition, has brought into question the performance of the director of liquor licensing. I urge them to engage in constructive discussion with that office rather than to sling mud.

Returning to the bill, as we have already heard it deals with issues relating to late hour entry declarations. It deals with a range of matters to do with how those late

hour entry declarations will be dealt with on a temporary basis. It clarifies arrangements whereby the director can consult with Victoria Police in regard to how this applies, and the director's relationship with licensees and how they will be dealt with in the interests of community safety, local amenity and a range of other matters. It goes to how ongoing late hour entry declarations are managed beyond that period of time, and a range of issues as to how variations to and revocations of late hour entry declarations are to be dealt with.

The bill also makes a range of sensible administrative arrangements as to how exemptions can be applied for and as to their granting. It makes clear the criteria that must not be considered by the director, deals with the procedural issues of consultation and arrangements around that, and clarifies issues around authorised premises and areas surrounding licensed premises. It also deals with the processes around Victorian Civil and Administrative Tribunal reviews for existing provisions governing the right to review such declarations.

The bill has been introduced following the comprehensive position put by the Victorian government in the alcohol action plan launched by the Premier and a range of ministers earlier this year, ably led by the Minister for Consumer Affairs and, in respect of alcohol, the Minister for Mental Health. That is to be much welcomed. On Monday of this week we saw the next stage in the delivery of the government's plan to deal with the alcohol-fuelled violence and binge drinking issues that are plaguing many of our communities. I can testify to that situation existing in my electoral district. In a combination of ways this bill is very sensible and necessary. It is but another step in the strategy the government has worked out to deal with what is sadly a worldwide trend towards a concentration and aggravation of alcohol-fuelled violence in and around entertainment precincts.

As I said, we have already seen an increase in police powers and resources to deal with this issue. Over the past 12 months we have seen a range of measures to do with how venues are monitored and operated, including, as is appropriate, making the control of the behaviour of those patrons squarely a responsibility of licensees. We have seen a crackdown on the measures and various rorts some licensees, particularly restaurant licensees, have sought to use to get around provisions. We have seen a ban on further increases in or amendments to late-night licences in inner city areas. We have also seen a significant increase in resources for the Department of Justice to ensure that licences and the arrangements concerning licensee behaviour are

managed in a way that will improve the efficiency and effectiveness of the sector. In the long term we will introduce sensible risk-based management strategies to make sure that the bad performers who bring disrepute to the entire sector bear a disproportionate burden under this arrangement.

I will turn in my concluding comments to the member for Malvern's reasoned amendment. I would have thought that after his spectacular clanger about this time last year the member for Malvern would be a bit more careful about which bills he does and does not oppose in this area. He is starting to develop a fair degree of form in this area of bringing into question his judgement about how to balance the competing impacts and effects of community safety, industry interest and community amenity.

I invite the member for Malvern to come down at any time he likes to meet with perhaps the Fitzroy Street Traders Association, the local residents groups, St Kilda police and me, and see how all of these issues come together in the complex array of good performers in this industry who are taking a reputable lead in this area and how they need to be dealt with and reported on in an appropriate way to make sure community safety, local amenity and industry are all appropriately brought together.

I would have thought that a political party and a future leadership aspirant of the Liberal Party — as I understand it — would want to make sure they were taking a long-term and constructive position in this regard.

What the member for Malvern and the Liberal Party have to be careful about here is that they are not siding with the worst elements of the licensed liquor sector. If the member for Malvern wishes to be a friend of the Saint Hotel, which operates in my electorate on the basis of a no-undie-Sunday at which women are encouraged to show up with no underwear, if he wishes to make allies of the kinds of organisations that employ dwarfs to pour alcohol down the throats of punters in their clubs and if he wishes to become an ally of strip joints and the worst elements of the King Street nightclub community, then that is a very risky strategy for someone who sees himself as a future leader of the Liberal Party.

I issue a word of caution to other members of the coalition. If they wish to show themselves to be something other than opportunistic headline grabbers on this issue, they should carefully and properly look to balancing the demands of amenity, policing, health and the industry's long-term future in an appropriate

manner. I would have thought that if the opposition, and the member for Malvern, gave that issue appropriate consideration and weight, then they would withdraw their reasoned amendment and support the Liquor Control Reform Amendment Bill, just like they have been dragged kicking and screaming to support all the other reforms that the government has introduced in this area. I wish the bill a speedy passage.

Mr JASPER (Murray Valley) — In joining the debate on this legislation I want to comment on the contribution made by the member for Albert Park. He indicated that this bill is another step in the government's strategy in seeking to impose appropriate controls on the liquor industry in Victoria, and particularly in the central area of Melbourne. This bill certainly does not do that. I also take issue with him over talking to the industry, because generally the industry across Victoria is a very good one.

The coalition has undertaken extensive investigations into the legislation. I pay tribute to the member for Malvern for his contribution to debate on the bill, because he put clearly the situation with the liquor industry, particularly as it relates to the central area of Melbourne and the huge problems in that area. The bill before the house does nothing to assist that issue and does nothing to improve the issues so far as the industry is concerned.

In support of the comments I am going to be making, I want to refer to a letter addressed to the Minister for Consumer Affairs from the Australian Hotels and Hospitality Association, which is a highly respected organisation in Victoria. I want to quote two paragraphs from the letter because as chief executive officer Brian Kearney says:

We are, however, surprised and disappointed that the government has chosen to proceed with the Liquor Control Reform Amendment Bill: a bill we believe is significantly flawed.

The last paragraph of the letter states:

Based on the above, we strongly recommend that the government withdraw the Liquor Control Reform Amendment Bill and rely on the existing extensive powers of the director of liquor licensing, which have proper regard to natural justice and procedural fairness, to achieve the objectives of the government, the community and the licensed hospitality industry in further reducing late night violence in entertainment precincts.

So far as the opposition is concerned, that says it all. We believe this is significantly flawed legislation that will not address the major problems in relation to the 2.00 a.m. lockout that started on 2 September. It seeks to deal with that issue and with the excessive

consumption of alcohol in the central business area of Melbourne.

I want to go back a little, because I have been in Parliament for many years and I have seen major changes to the industry. I refer back to the 1980s, when the Nieuwenhuysen report was brought before Parliament. The Labor government had called for a report — it also became known as the Monash report — prepared by Professor Nieuwenhuysen. He recommended 24-hour-a-day, 7-day-a-week trading that would open up liquor licensing throughout Victoria for anyone who wished to have a liquor licence.

Ms Thomson interjected.

Mr JASPER — My word it does, if you read it closely! Fortunately Robert Fordham was the responsible minister at the time, and he did not accept all the recommendations in the report. In fact we applauded the actions of the then minister in the Labor government for saying that the government would not extend the hours.

Because of the importance of the liquor industry to the state of Victoria and its economy, there need to be controls. But since the 1980s we have seen a gradual extension of liquor licence outlets across Victoria, with something like 18 000 licences now operating in the state. That is part of the issue we have in dealing with liquor licensing and the operations of the industry. There is no doubt that it is a volatile but important industry.

Alcohol abuse is a huge issue that needs to be addressed. I have said we need to control the industry strictly. We need to look at the hours of operation and make sure that the opening hours are not excessive, so that we do not create across Victoria the problems that have been evident with the operation of this area of licensing in Melbourne's central business district.

Further to my opening comments on the bill and on the liquor industry, I say again that we need to be very careful about the operations of the industry, and we must protect those who are in it, particularly those who are involved in it through the Australian Hotels and Hospitality Association and other organisations that operate effectively, efficiently and within the law. They provide an important service of food, wine and liquor distribution generally. Those who operate extremely well in the industry need to be applauded, but because of the volatility associated with this sector and the importance of liquor generally, there need to be controls.

Going back to the 1980s recommendations, which were not completely accepted by the Labor government of the time, the provisions have been extended by subsequent coalition and Labor governments to the point where liquor licences have become available to anyone who wants or needs one. That is the difficulty we face now, and of course the people who will be most affected by the changes are those involved in those businesses, particularly small business operators. The member for Malvern made particular mention of the difficulties for people operating in businesses and the fact that they want to be protected.

The member for Malvern's reasoned amendment needs to be supported. The bill needs to be rejected. We have to go back to square one and have a look at it. The 2.00 a.m. lockout that operated in the central business district and particularly in the King Street area needs to be revised; it needs to be looked at carefully. We need to look at the reports that have been prepared and which are not available publicly right now. That is the area we need to look at in order to get better controls in the industry.

As I indicated, it is essential to recognise the importance of the industry and acknowledge how critical it is to Victoria. We need to understand how many licensed outlets there are in Victoria and the huge impact they have on the general public. Generally we have the highest standards for the service of food and liquor, but the difficulty is in areas where there is excessive consumption and the need for control of alcohol abuse. I speak to people involved in police operations in my electorate. They have expressed concerns about the extended hours that operate, for instance, in the rural city of Wangaratta. We need to get some better controls so we can limit the hours of operation of liquor outlets and have the ability to control them. That is the issue that has been mentioned as well, particularly in the reasoned amendment that was moved.

The government has given indications that with this legislation it will further investigate issues relating to the operations within the central business district of Melbourne. We believe if the government is going to look at this legislation and carry it through to its finality and review the operations in that area, things need to be done. I support strongly the reasoned amendment, which indicates that we need to have substantially more police resources if we are going to have extended licensing hours operating in the central business district.

The reasoned amendment refers to 'improved public transport options', 'appropriate planning and liquor licensing controls' and 'better education for licensees

and their patrons'. I am sure the information provided by Brian Kearney from the Australian Hotels Association would strongly support the reasoned amendment and what we are seeking to do with this legislation. We believe the legislation is flawed. It needs to be withdrawn. It needs to be redrafted. We need to assess what the future will be if the operations are to continue in the central business district of Melbourne with these extended hours. If the operations are to continue, the government will need to look at all the issues relating to that. We need additional policing, additional resources, additional public transport and additional controls in this area because of the concerns that have been expressed. We also need to look at the extra powers that have been provided to the director of liquor licensing. Changes can be made by the director with little respect given to applicants. Applications for licences are able to be accepted or rejected without due respect being paid to the applicants, many of whom are small business operators who want to operate effectively within the industry to provide services.

I conclude my comments by saying that I have great concerns about the extended trading hours that will occur right across the state of Victoria. In respect of liquor licensing you can expect to have trading 24 hours a day, 7 days a week, which in most cases is not effective, and it should not be supported because of the continued alcohol abuse across Victoria. We need to have appropriate controls within this critical industry for the economy of Victoria. Most people operating in the industry do so effectively, and importantly they provide the service of food and liquor, which is important to the economy. I oppose the legislation before the house.

Ms THOMSON (Footscray) — Listening to the member for Murray Valley one could be confused and led into thinking he was supporting the legislation because he talked about the need for adequate controls around liquor licensing. I stand to support the Liquor Control Reform Amendment Bill 2008 and oppose the amendment.

Firstly, let me concentrate on the amendment. The amendment proposes that we hold back on this legislation until the provision of substantial additional police resources is added. There has been a recent announcement that has seen greater police resources being allocated to deal with this issue. There has been the provision of improved public transport options, and we have recently had an announcement about increased NightRider bus services to assist people to move out of the central business district and into other zones in areas where people can safely take public transport options to get home after attending venues.

The amendment refers to 'appropriate planning and liquor licensing controls'. This is something that is constantly under review. The minister has already announced reviews of the promotion and advertising of alcohol products. He also announced — and even mentioned it in his second-reading speech — that the issues around the licensing fees and their operation will be reviewed as well as the categories of licences. It is now time to undertake that review. We have seen licences come into effect that are very different from what might have been imagined only two or three years ago. It is time to review the categories of licences that are in place. I support the bill we have before us, because the legislation does not stand alone but is put in place together with a whole lot of other legislative, review and negotiation efforts that have been undertaken. There have been discussions and consultations over time with various players, be they the police, the Australian Hotels Association or the broader community.

I turn to the issue of lockouts. Lockouts in regional Victoria have been very successful because they have been part of a consultative mechanism. Where they fail is where they cannot be applied to all licensees. This legislation addresses the notion of how we can better handle lockouts as one of the tools, but not the only tool, we can use to confront a very complex issue in the abuse of alcohol at licensed venues. I put on the record at this point of time that I have had a great deal to do with the Australian Hotels Association over many years. I have a great deal of respect for that organisation and the methods it employs in trying to encourage its licensees to have appropriate and responsible practices in place for the serving of alcohol. The association should be involved in the development of the overall strategies that are being put in place to deal with these issues.

But this is not an isolated piece of legislation. Under this legislation the director of liquor licensing will be empowered to put in place temporary lockouts or permanent lockouts, individual licensees will be able to seek exemptions from those lockouts and there will be an appeal process. This legislation is a reward for following best practice. After consultation with the Chief Commissioner of Police it has been determined that abuse of alcohol at late-night venues is an area of great risk and that other measures that have been put in place have not worked. This is a mechanism that can be used to deal immediately with that issue. It means that those who have good practices can seek an exemption and be rewarded for the practices they have in place. The things that can be taken into account are things like the venue, who it attracts and the practices that are put in place, such as its practices for the responsible serving

of alcohol. All these things are important tools in helping to reward licensees who are serious about ensuring they take on their responsibilities as part of a community response to the abuse of alcohol.

If this piece of legislation were taken in isolation from all the other measures that have been put in place, maybe people should think there is a concern, but this is not the only solution and it is not the only mechanism that is being looked at by the government. What it is about is dealing with the issues that have arisen, for which this has been deemed to be the only course of action that will have an immediate impact. It is balanced. The community will be more involved in the decision making and consultations around the other measures involved in the licensing arrangements. There will be a review of the fees for licences and also the criteria for the different categories of licences. We already have in place a review of the advertising and promotional tools used in relation to licensed premises.

I want to put on the record my view that the vast majority of licensees are responsible and ensure they have proper practices for the serving of alcohol. I commend this bill to the house. With all the other measures the government is putting in place it will mean that we will be armed with a lot of alternatives and mechanisms to ensure we minimise the abuse of alcohol and violence that might ensue.

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

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling for questions, I welcome the Consul-General of Amman to the gallery today.

QUESTIONS WITHOUT NOTICE

Economy: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Auditor-General's annual financial report, which was tabled today, and ask: will the Premier confirm that the 2007–08 net result for Victoria shows a \$10.8 billion reversal — the worst ever for this state?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Burwood and the member for Yuroke that I will not have interjections of that nature.

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. What the annual financial report shows today is that as a government we have exceeded our surplus target significantly, we have retained our strong AAA credit rating, we are investing record amounts in infrastructure — in fact the Auditor-General says we are investing in infrastructure at a rate faster than it is being consumed — we are delivering on services in key areas and that we have delivered on key tax reforms which make our state one of the most competitive in Australia and much more competitive than New South Wales.

Let me say this about the net result, as reported. We measure the budget result in two ways. We measure the net result from transactions, which takes into account all of the things the government does in terms of direct revenue and in terms of direct expenses. Over the last two financial years we have clocked up surpluses in excess of \$1 billion. The quarterly report, released today, during the most difficult financial circumstances we have seen for decades, continues to show a surplus of \$95 million for the quarter, which would translate to more than \$300 million for the year. These are all positive surpluses in a very difficult set of financial conditions.

In terms of the net result to which the Leader of the Opposition refers, the Leader of the Opposition should take the time to understand what the net result measures. The net result measures things which are not transactions — —

Mr Wells interjected.

Mr BRUMBY — You would be the last person we would ask!

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby! I ask the Premier to ignore interjections, and I ask the member for Scoresby not to interject.

Mr BRUMBY — The net result does not measure anything to do with the transactions of the state. What the net result does is measure changes in the day-to-day value of the stock market, and it measures changes in interest rates. The Leader of the Opposition might like to know that when interest rates decrease — —

Mr Baillieu interjected.

Mr BRUMBY — Decrease! What happens?

Honourable members interjecting.

Mr BRUMBY — He has no idea. I will tell him, Speaker.

The SPEAKER — Order! The Premier knows better than to invite interjections. I ask the Premier to conclude his answer.

Mr BRUMBY — When interest rates decrease the discount rate decreases, and for each 1 per cent reduction in the discount rate the liabilities increase by over \$3 billion. When interest rates come down, under the accounting standard the liability goes up. It does not change the financial fundamentals of the state. It does not change — —

Honourable members interjecting.

Mr BRUMBY — This is a neat one. Here we have the opposition saying that reduced interest rates are bad for the state. When interest rates come down, the discount rate is lower and the liability increases. That is an accounting reporting requirement standard. It does not change by 1 cent the amount of cash which is required by the state to meet the state's liabilities in 2035. Indeed, as the Auditor-General says — —

Mr Burgess interjected.

The SPEAKER — Order!

Mr BRUMBY — Here is the question — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Hastings to cease the incessant interjections. I ask for some cooperation from the members for South-West Coast and Scoresby.

Mr BRUMBY — This of course raises another question. In 1999 what was the — —

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

Mr BRUMBY — In 1999 — —

Honourable members interjecting.

The SPEAKER — Order! Premier!

Mr BRUMBY — The question was about the liabilities of the state and I am explaining how they are reduced.

The SPEAKER — Order! The question was about the Auditor-General's annual report and the net result.

Mr BRUMBY — Which is about the liabilities of the state.

The SPEAKER — Order! I ask the Premier to conclude his answer.

Mr BRUMBY — The — —

Mr Burgess interjected.

The SPEAKER — Order! I will not warn the member for Hastings again!

Mr BRUMBY — Under the policies that we have put in place under our government, the payout date for the extinguishment of superannuation liabilities is 2035. In 1999 it was 2041. We have brought the date forward by six years. We have been able to do that by running consistent budget surpluses, by regaining and retaining the AAA rating and by paying down our superannuation liabilities. As the Auditor-General says in today's report, ours is a very strong AAA-graded position. We have a net result from transactions which over the past two years has been in a strong surplus position, and all of this is again just the opposition not being constructive and not having a plan for the future of this state. It is opposition members acting as spoilers and talking down the Victorian economy.

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition and the member for South-West Coast.

Infrastructure: federal funding

Ms KAIROUZ (Kororoit) — My question is to the Premier. Can the Premier update the house on Victoria's infrastructure program and the role the federal government should be playing in assisting the government to deliver on these plans for transport, education and health infrastructure?

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern also has a decision to make about how long he stays in question time.

Mr BRUMBY (Premier) — I thank the member for Kororoit for her question. It was only a month or so ago that I was in the electorate of the honourable member for the opening of a Caroline Springs Secondary College campus. I think it is the fourth campus that has been built there, and there is another under

construction. It is part of the biggest school rebuilding program we have ever seen in the state's history.

Earlier this year, Victoria warmly welcomed the commitment in the May budget of the Rudd government that there would be \$40 billion worth of additional infrastructure funds made available across Australia: \$20 billion in the Building Australia Fund, and \$10 billion each in the health and education funds.

For a decade the national government has failed to deliver economic infrastructure in Australia. While the states have been spending tens of billions of dollars on infrastructure, the commonwealth has failed to do its share of the work and its share of the heavy lifting in infrastructure investment. When the Rudd government made this commitment, it was a commitment that we welcomed, as did the Australian people and as did other state governments across Australia.

Certainly, at the Council of Australian Governments meeting later this month in Canberra, I look forward to working with the federal government to ensure that infrastructure funds to our state are maximised in the years ahead so that the federal government can work with us on what is the biggest infrastructure program in our state's history.

In terms of our own proposals, we are now halfway through our plans to rebuild every school, to secure our water supplies and to modernise the hospital system. Later this year we will be announcing what will be the biggest transport plan, a transformational plan, in our state's history. In every sense of the words we have our shoulder to the wheel. We have been doing the heavy lifting. We have been increasing spending, and we want the commonwealth to play its part.

I indicated that we have been doing our bit. Over the last eight years we have quadrupled infrastructure spending in Victoria. Members should put this in context over the last 10 years: in 1998 in Victoria, referring to budget paper A, the forward commitment for all the capital works projects in the state at that time was \$3.3 billion. In 2008, under our government, there is \$13.9 billion worth of capital works, which is a fourfold increase. In that capital works program we have the biggest ever rebuilding program in our schools. We have the biggest hospital program in our history, including the new children's hospital, which will be the biggest and best children's hospital anywhere in Australia.

I want to make the point about infrastructure projects that sometimes they are controversial. The Regional Infrastructure Development Fund, which was first

introduced here, was opposed by the opposition parties. In terms of the regional rail upgrades, there has been \$1 billion of investment — it is supported by us but opposed by those opposite. EastLink as a toll road is supported by us but opposed by those opposite. With regard to channel deepening, we saw an appalling campaign from the Leader of the Opposition and the Liberal Party earlier this year, opposing plans to secure the future of the port of Melbourne.

Over the last five years we have spent \$14.7 billion on infrastructure in our state. That compares to \$2.9 billion provided by the federal government through that period. We have been doing the lion's share. We have \$13.4 billion worth of capital works in the forward estimates, but again opposition members, as spoilers, have tried to block and stop and argue against every major project we have put in place in this state.

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

Mr BRUMBY — In the *Melbourne Age* just a week ago Tim Colebatch said:

Now is the time to increase spending.

He was talking about the need for the federal government to increase its capital spending. We endorse that. We have, as I said, quadrupled spending. We now need the federal government to work with us to do that. We look forward to putting this case at Canberra. We look forward for the first time in a decade to getting a fair deal from the federal government for Victoria.

Budget: quarterly financial report

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to today's quarterly financial report which shows that the budget surplus is rapidly deteriorating, stamp duty is down \$140 million and further, that the Treasurer has flagged a decline in GST of an additional \$300 million to \$400 million, and I ask: will the Premier keep his promise to maintain a budget surplus at 1 per cent of revenue?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. I think he asked a very similar question two weeks ago in the house. I indicated at the time that the government would be continuing with its policy of producing budget surpluses in the future. We have done that every year — —

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. The question relates to

the notion of 1 per cent of revenue, not whether or not there will be a surplus.

The SPEAKER — Order! The Premier has just begun to answer the question, and I am not prepared to uphold a point of order with regard to debating the question at this time.

Mr BRUMBY — What the quarterly financial report shows is a surplus for the quarter of \$96 million. I note also the Auditor-General in his annual financial report of today said, and I quote:

The state's recent past and current surpluses ... indicate continued sustainability.

That is exactly the fact of the matter. I have made it very clear to the public and the Leader of The Nationals previously that we have a longstanding commitment in this state to producing budget surpluses. We have produced budget surpluses in every year we have been in government. Victoria has done that with a level of taxation which has become more and more competitive the longer we have been in government. We now have a payroll tax regime and land tax regime for medium-sized businesses which is more competitive than any other state in Australia.

We are able to do those things because we have been prudent with our spending and because we have run efficient public sector service delivery. We intend within those parameters to run budget surpluses in the future.

Mr Ryan — Speaker, I renew the point of order on the basis that the Premier is debating the issue. If he is refusing to guarantee that he can maintain his promise for a budget surplus of 1 per cent, then he should simply say so.

The SPEAKER — Order! The opportunity to take a point of order is not an opportunity to enter into debate. The Premier has concluded his answer.

Legal aid: funding

Ms D'AMBROSIO (Mill Park) — My question is to the Attorney-General. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the Attorney-General outline for the house the progress of discussions on a new legal aid agreement with the federal government?

Mr HULLS (Attorney-General) — I thank the honourable member for her question and for her interest in legal aid. All members of this house would be aware that Victoria Legal Aid receives funding from both the

commonwealth government and the state government pursuant to a four-year funding agreement. Up until 1997 the commonwealth made up about 60 per cent of VLA's budget. As we know, the former federal government really ripped the guts out of legal aid funding. It took \$100 million out of the budget, cutting millions of dollars out of VLA's budget. It also prescribed at the time that federal funds could only be used for federal matters, leaving the state to pick up the tab for most matters.

Since 2002 VLA has consistently received by far the lowest per capita contribution from the commonwealth of any state or territory and well below the Australian average of legal aid funding that is provided by the commonwealth to the states. While commonwealth legal aid levels have hardly increased since 1997, since 2000 the state government has provided substantial additional resources to legal aid, and through that to community legal centres as well.

In 2001 we provided \$28 million and the commonwealth provided \$27.8 million. By comparison, in 2007–08 the state provided \$43.1 million compared to the federal contribution of only \$33 million. The current legal aid agreement expires on 31 December this year, and a new agreement must be entered into. There has been a substantial increase in demand for commonwealth-funded legal aid services here in Victoria. In response, unfortunately, VLA has had to implement restrictions to its commonwealth-funded services, because it just does not have the money.

At the Standing Committee of Attorneys-General meeting last week in Brisbane the federal Attorney-General, Robert McClelland, indicated that he wanted to roll over the existing agreement for a period of 12 months to allow further work to be undertaken on a needs basis and also on a funding formula. At that meeting he indicated that the federal government would look at the possibility of changing the current very tight restrictions on federal funding not being able to be used for state matters. I have to say I welcome that announcement, and I also welcome his commitment to legal aid.

Merely rolling over the existing agreement will not resolve the funding issues of Victoria Legal Aid. In fact it would have a significant adverse impact on Victorians who need to get access to legal aid. VLA is not going to be able to maintain its existing services without an urgent increase in federal funding for legal aid. It is therefore absolutely critical that, if the commonwealth is seeking the consent of other states and in particular Victoria to roll over the current

agreement while further work can be done on needs and also the funding formula, there has to be a substantial injection of funds into legal aid by the federal government to ensure that Victorians are not further disadvantaged.

Budget: surplus

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to his previous response in relation to the serious decline in projected budget revenue in which he refused to guarantee a surplus of 1 per cent of revenue. I ask: will the Premier guarantee to the house that he will not introduce any new taxes or increase existing taxes or charges to maintain the budget surplus?

Mr BRUMBY (Premier) — I thank the honourable member for his question and remind the house that the previous question raised by this honourable member was designed to cause a run on a bank.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to confine his remarks to the question he has just been asked.

Mr BRUMBY — And it was described by the chair of Members Equity and former Reserve Bank governor, Bernie Fraser, as being suspiciously malicious, ill informed and with potential to do great harm to the company's customers and shareholders.

Honourable members interjecting.

The SPEAKER — Order! The Premier will refrain from debating the question.

Mr BRUMBY — I was asked earlier today about the surplus position of the government, and I indicated that the government will be continuing with a surplus, as promised, going forward. In relation to any matters concerning taxes or charges or other matters of a budgetary nature, they will be dealt with at budget time.

Disability services: government initiatives

Mr LIM (Clayton) — My question is to the Minister for Community Services. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of how the state government is working with the commonwealth to improve disability services for Victorians?

Ms NEVILLE (Minister for Community Services) — I thank the member for Clayton for his question. I am pleased to advise the house that Victoria is leading the way in the reform of services for people with a disability. We are guided by the pioneering 10-year state disability plan. We have replaced outdated and archaic institutions like Kew Cottages. We have established the Office for Disability to fight issues like stigma and discrimination. I am proud to say Victoria still has the biggest per capita spend on people with a disability than anywhere else in Australia. The evidence is in our last budget, which the house will recall provided a record investment in disability support — in fact the biggest ever investment in Victoria's history for disability services of \$233 million over five years.

What does that mean for vulnerable Victorians? It means more accommodation options, it means more people getting the aids and equipment they need to live independently, it means greater access to respite care and in-home help to assist struggling carers, it means more skill development programs to help people with a disability get back into the workforce and it means more flexible support packages to help people with a disability to live independently and thrive in their own homes. That investment is crucial, because we know that in our community there are many Victorians with a disability who need more support.

Unfortunately Victorians with a disability have been short-changed by the consistent underfunding that came out of Canberra under the Howard government. In fact in 2006–07 funding from the commonwealth contributed 13 per cent of Victoria's total disability budget, with the state left to fund the remaining 87 per cent. This compares with an average contribution made by the commonwealth across Australia of 20 per cent. Had the commonwealth matched Victoria's increases in disability funding in the last agreement alone, Victoria would have received approximately \$133 million extra in disability funding. To put it another way, over 1000 disabled Victorians would have had new accommodation right now if it had not been for the Liberal Party, which never prioritised disability services when in government.

Fortunately, under the revitalised federalism with leadership coming from Canberra and leadership from Victoria, we are seeing a much greater commitment to addressing the needs of people with a disability. Earlier this year the Rudd and Brumby governments negotiated a historic funding agreement for disability across Victoria. This agreement is a joint initiative, an example of cooperative federalism, a \$478 million investment that will assist over 8000 Victorians in the next four years.

But we do know that there is more to be done. Last week at our recent disability services ministers meeting we continued the negotiations, which had commenced under the Council of Australian Governments (COAG), on the historic and ambitious reform proposals for the disability special purpose payment to ensure a fair deal and decent indexation to fix the historic underfunding of disability services here in Victoria. These significant reform proposals, that are very much based on the reforms that the Victorian government has been leading in disability services, have the potential to transform the lives of Victorians with a disability, helping them with their accommodation, mobility, employment and support needs. That can be achieved only through national cooperation and goodwill. That is what the Brumby government is delivering. Unlike those opposite, who when last in government cut funding, cut services and cut opportunities for people with a disability, we are about — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question.

Ms NEVILLE — What we are about is improving services for families right across the state. We will continue to work with our federal counterparts, through COAG, to deliver for Victorians living with a disability.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier. I refer to the comments on 5 November by the Chief Commissioner of Police when she emphatically stated that in a conversation with the Premier she never identified the name of the government minister under police investigation, and I ask: is it not a fact that this conversation must have taken place prior to 4.30 p.m. on 13 October, because after this time 5 million Victorians knew that Mr Theophanous was the minister under investigation?

Mr BRUMBY (Premier) — I thank the honourable member for his question. He has now asked me eight questions on this matter.

Honourable members interjecting.

The SPEAKER — Order! The member for Kew is warned.

Mr BRUMBY — This is the same as a question which he has already asked on numerous previous occasions and which I have answered on numerous previous occasions. The first time that I was aware that Minister Theophanous was being investigated, was

being interviewed and was the subject of a complaint was on the Monday to which I have previously referred.

Education: government performance

Mr NARDELLA (Melton) — My question is to the Minister for Education. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house of how the state government is working with the commonwealth to ensure that Victoria's education system remains the best in Australia?

Ms PIKE (Minister for Education) — I thank the member for Melton for his question and for his strong commitment to education in Victoria. In fact, as we have said many times and will continue to say, the education of our young people is our no. 1 priority as a government.

We are continually taking action to make sure that every single young Victorian has the best opportunity to thrive, to learn and to grow. To this end, since 1999 we have invested over \$7.3 billion of additional funding into our education system, including as part of the investment \$2.3 billion on capital works. Just in this term alone we are spending \$1.9 billion of extra funding to rebuild, renovate or extend 500 government schools as part of our program to rebuild, extend or renovate every single school right across the Victorian community. This is the largest rebuilding program in the history of this state.

What we have been working towards over the last eight years is not only building the infrastructure but also enhancing the confidence in our education system. We have been doing that without, I would have to say, the support of those opposite and certainly without the support of the former federal government. In fact we know time and again that the Howard government talked down our government education system, demeaned and diminished it, creating a much more challenging environment for us in which to do our work of rebuilding confidence in the system.

With the election of the Rudd federal government we have seen a very welcome national debate about the ways in which we can improve educational outcomes for Australian school students. We have been talking about the ways in which we can drive improvements in performance, have the development of a national curriculum and how we can bridge the equity gap that exists in our education community. These are all themes that are contained within our own *Blueprint for Education and Early Childhood Development*, which

the Minister for Children and Early Childhood Development and I released earlier this year.

As we now renegotiate the major funding agreements in education with the federal government we are in a much more constructive and productive environment than we were four years ago, when we were negotiating the previous agreement. We are working very closely with the federal government on making sure that we get the appropriate level of base funding through the specific purpose payments, and of course we are working through our national partnership agreement process as well.

These national partnerships are focusing on key areas like addressing student disadvantage, building trade-training centres, making sure that students have access to computers and enhancing and improving student literacy. What a change that is from criteria that said, 'You need to put up a flagpole if you want extra money or you need to display a poster about values', with no policy, no framework and no commitment to improvements. It is so different now, and it is an environment that is most welcome.

We look forward to continuing to work with the commonwealth to make sure that the level of funding is adequate. I have confidence that these are and will continue to be productive conversations, and we welcome the commitment to national partnership agreements because the partnership agreements are focused on genuinely improving the quality of education for all Victorians, and that is the aspiration we also share.

Schools: upgrade program

Mr DIXON (Nepean) — My question is also to the Minister for Education. I refer the minister to the Auditor-General's report *School Buildings — Planning, Maintenance and Renewal*, tabled yesterday. Given that the Auditor-General stated he did 'not find a clear documentary trail explaining the basis for selecting schools', will the minister now return Ros Kelly's whiteboard and explain on what basis schools were selected for maintenance and rebuilding?

Ms PIKE (Minister for Education) — I thank the member for his question. The Victorian Auditor-General's report, released yesterday, says:

The policy puts improved education outcomes for students at the core of all planning and investment decisions.

That is an affirmation by the Auditor-General of the 2006 Building Futures policy, which is the process in place for guiding all infrastructure investment in

Victorian government schools. That is the process in place for guiding that investment, and at the very heart of that policy is improved outcomes for students. It is the thing that guides the planning and investment decisions for the expenditure of not only the \$1.9 billion within the Victorian schools plan over this term of government but also the annual expenditure for maintenance of our schools, which has been around \$60 million every year.

I must say that we welcome the work the Auditor-General does. We know the Auditor-General does not water down his responses. That was a statement by a member for Eastern Metropolitan Region in the Legislative Council in an outrageous attack on the independence of the Auditor-General. We affirm the commitment of the Auditor-General to making sure that projects and plans are implemented appropriately.

Health: federal partnership

Ms GRALEY (Narre Warren South) — My question is to the Minister for Health. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of how the state government is working with the commonwealth to ensure that Victorians continue to have access to a world-class health system?

Mr ANDREWS (Minister for Health) — I am grateful to the member for Narre Warren South for her question and for her interest in high-quality health outcomes in her community and right across the state. What we on this side of the house know is that the way to improve outcomes for Victorian patients is to have a better partnership with the commonwealth government and to receive a fairer share for our state in repudiation of the fact that our government contributes 60 per cent of ongoing funding for hospital care while the commonwealth government contributes just 40 per cent. A better partnership and a fairer share are absolutely critical to meeting the health needs of today and providing better for the health needs of the future.

I am pleased to say that with the new commonwealth government — the Rudd Labor government — there are good and positive signs of a new partnership and a new way forward. Perhaps there is no better example than the record partnership in relation to — —

Honourable members interjecting.

Mr ANDREWS — Those opposite laugh, but there is no better — —

The SPEAKER — Order! The minister will not respond to interjections. I ask again for the opposition to allow for the smooth running of question time. This is the last answer, and I ask that the minister be able to finish it.

Mr ANDREWS — There is perhaps no better example of that partnership and the dividends that it can pay for Victorians than the elective surgery blitz — the \$35 million contribution from the commonwealth government, matched with \$25 million from this government — to build a pool of funding for extra elective surgery activity in the calendar year 2008 of \$60 million. That is more in elective surgery blitz funding than this state has ever seen. What I am pleased to inform at least members on this side of the house is that the blitz is going very well. I can announce that we have, on the preliminary data provided to me at the end of October, performed 9900 additional episodes of elective surgery against the target of 9400 for the full calendar year. We have done more than we committed to, and we have done it early.

I can say that those on this side of the house welcome that progress report, because we support this and we are serious about working with the commonwealth government to deliver real benefits for Victorians. Not everybody shares that commitment. This \$60 million program was described by some as a drop in the ocean. It was also described by the same people as a bandaid solution. Every member on this side of the house and the better part of 10 000 Victorians would not agree with that. This is what you can do when you have a partnership with a commonwealth government that is prepared to work with you rather than against you. This is what you can do when you have a determined focus to roll this funding out and to deliver for Victorian patients. This is what you can do when you are focused on delivering better outcomes, and not focused on spending every waking moment bagging our hospital system, bagging our doctors and bagging our nurses. This is what can be achieved when you have got a real partnership based on investment from both the commonwealth government and the state government.

I conclude by saying that whilst we have achieved a lot in relation to elective surgery, there is more to do.

Honourable members interjecting.

Mr ANDREWS — They are very loud now, but they were not so loud in the 1990s. We have more to do, and we are committed to doing that. I will just say that as productive as this partnership has been, the commonwealth minister is wont to say that there will be no money for nothing. We do not seek money for

nothing; we never have and we never will. What we seek from the commonwealth is a continued partnership where there is an acknowledgement that it cannot continue to fund health in this state at just 40 per cent. It needs to do more with us to deliver even better care to a growing number of patients.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed.

Ms WOOLDRIDGE (Doncaster) — I rise to speak in the debate on the Liquor Control Reform Amendment Bill 2008. Along with the member for Malvern and the rest of the coalition members I will be opposing the bill and supporting the reasoned amendment moved by the member for Malvern.

The bill seeks to introduce mechanisms for late-hour-entry declarations, or in other words John Brumby's 2.00 a.m. lockout. At the start I would like to quote from the Premier's press conference when he announced the 2.00 a.m. lockout. He said:

And it is something that we need to do, and I think if you look, you know, with all of these big social changes over the years, there's always debate about the big changes that you make. And you think back in our history, in this state — whether it's things like drink-driving legislation, you think of smoking bans, you think of things like gun control — when you do those things, they're regulatory issues, they're really about protecting the public good and public safety, and that's what this is about ... we thought long and hard about it. We believe it's the right thing to do ...

The reality is that it is unbelievable that the Premier compared the 2.00 a.m. lockout to drink-driving legislation, smoking bans and gun control. Is he looking for a legacy? What is it? Clearly the 2.00 a.m. lockout and the changes this bill seeks to put in place are a long way from the perspective of having such an incredibly big impact for Victoria's public good.

What have we seen, in reality? A bungled trial, starting with 120 exemptions from 487 licensed premises. We have seen in the KPMG report terrible outcomes in relation to the trial — increased alcohol-related assault, increased assault-related ambulance transport numbers, increased alcohol-related presentations to the emergency departments. The Premier thought he was going to create his legacy by creating the 2.00 a.m. lockout but he has had to back down and say there will be no permanent lockout.

The trouble is we have no confidence that we can trust this announcement. The bill we are debating today puts in place mechanisms to achieve that lockout. I quote from the second-reading speech:

... we want to make sure that the director is able to use this tool as effectively as possible if the director decides that such measures are necessary.

On the one hand we have the Premier saying there will be no 2.00 a.m. lockout while on the other hand we are debating a bill today that enables exactly that. It is such a clear conflict. Clearly, in pursuing rather than withdrawing the bill the government wants to leave in place the lockout mechanisms; we can have no confidence that the Premier's statement earlier this week is correct and that this will not come in in the future.

The second-reading speech talks about the Victorian alcohol action plan. It is important we consider the 2.00 a.m. lockout and this bill in the context of the wider alcohol plans of this government. Its mishandling of this issue is symbolic of its mishandling of alcohol across the board. The Victorian alcohol action plan was six years in coming: it was promised in practically every year of those six but it took six years for it to be delivered. There was minimal consultation and many groups were upset that they had not been engaged in the process. As a result we saw a grab bag of ideas, the centrepiece of which was the 2.00 a.m. lockout the Premier has now said will not happen. Clearly the Victorian alcohol action plan is flawed, is not comprehensive and leaves a lot to be desired. It certainly does not address these important issues in the community.

The second-reading speech also talks about the Liquor Control Advisory Council and its input into alcohol-related violence. We have recently had the handing down of the packaged liquor review, another critical issue in curbing alcohol-related violence. What do we get? Out of all the recommendations we will have a couple of ads stuck on shelves; and should the director of liquor licensing decide to do so we will have some ads in the paper about licences. In the context of this government's agenda in relation to alcohol, it is incredibly concerning that this grab bag of ideas is not having the impact it needs to and the centrepiece — the failed 2.00 a.m. lockout — has now been removed.

It is important to note in this context of curbing violence on our streets that the KPMG report into the 2.00 a.m. lockout highlights that drugs are a real issue and need to be looked at very seriously in any attempt to curb violence. Unfortunately we have had minimal policy and initiatives from this government in relation

to the drug issue. KPMG called on the government to do something genuine about it, and I certainly support that. It shows that this government looked for the headlines or for the front-page impact rather than for genuine solutions to curb violence on our streets.

Earlier I quoted the Premier at his press conference. In that same press conference, after a long description of the concerns in relation to alcohol-related violence, he concluded by saying it was time for us to act. The reasoned amendment gives the Premier an avenue and pathway to take some action on these issues. The mechanisms it proposes to deal with — substantial additional police resources, improved public transport, appropriate planning and liquor licensing controls, and better education of licensees and patrons, in addition to a genuine consultation process — are what is needed. We need a genuine process that is not delayed and does not seek headlines rather than solutions to address violence on our streets.

What we on this side have been hearing is that the consultation by this government is flawed. People have not been engaged in the process. They have not had the opportunity to have input. The fact that 80 000 members of the 2.00 a.m. lockout Facebook group against this issue have not had the opportunity to engage with the government on some very good solutions and ideas they have is just one example of that. That is in real contrast to a survey done by the coalition recently.

We had 2000 respondents to a young people and alcohol survey on this issue. Time and again young people said it was amazing to get the opportunity to contribute to thinking about young people and alcohol and that that was in clear contrast to the government. The Murrindindi council received state government funding to develop a local alcohol plan and used this survey as the basis of its community consultations. It explicitly recognised on the survey the work of the coalition in informing its decision making.

I suggest that consultation is critical in this process. The government should take a leaf out of the coalition's book in relation to consultative mechanisms. Government funding is being used to engage in consultation because the government considers that to be an appropriate way to initiate and deal with matters. I am very concerned that we are dealing with this bill today. I am opposing it and supporting the reasoned amendment. It will give the government a mechanism to try to genuinely address the issues of alcohol-fuelled violence and the violence on our streets, rather than the half-hearted, two-bit approach currently being taken by the government in relation to this issue.

Ms NEVILLE (Minister for Mental Health) — I am pleased this afternoon to rise in support of the Liquor Control Reform Amendment Bill. From some of the debate I heard last night and this afternoon, I find it extraordinary that those opposite are opposing these changes. This is another example of flip-flop by the opposition. Where does it stand on this issue? The Liberal Party policy at the last election was that a Liberal government would introduce entertainment area lockdowns and venue lockouts across metropolitan Melbourne and country Victoria, and they would become mandatory.

I find it extraordinary that the member for Malvern asked last night, ‘Why are we even debating this bill?’. I thought it might be useful to remind members why this bill and the amendments in it are so important. The provisions in the original legislation were supported by Parliament. It was the intention of Parliament to give clear powers to the director of liquor licensing to impose temporary or permanent lockouts where necessary to tackle and manage alcohol-related violence and public disorder. We all supported this. Every member supported it because the evidence in a whole lot of communities in Victoria and across the country showed that lockouts can be an effective extra tool to reduce the violence, public disorder and health harms associated with alcohol misuse in entertainment precincts.

During the debate when these amendments were originally introduced to Parliament, the member for Scoresby said he was pleased the government was doing something about lockouts because they were something the Liberal Party put forward as a policy at the last election. In another debate he talked about the fact that he thought you might do it voluntarily in the first instance but if 90 per cent agreed with it and the other 10 per cent did not, then it was time for the police to step in and make sure they can get rid of antisocial behaviour.

The member for South-West Coast talked about the lockout being extremely successful in Warrnambool. He said he was very pleased to see it in legislation and that the lockout had been very effective. That is right; it has been extremely effective. In fact the KPMG report indicates clearly that combined with a suite measures a lockout can be an effective tool. It found that in Queensland, for example, where a permanent lockout applies right across the state, things like ambulance call-outs on the Gold Coast decreased by 66 per cent in the first four months. In Warrnambool reported assaults fell by 37 per cent, in Albury serious assaults decreased by 50 per cent, in Ballarat assaults in the central business district decreased by 40 per cent, and in

Bendigo we saw a 25 per cent reduction in assaults. There is no question that where lockouts have been applied — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! Honourable members should cease interjecting in that manner and allow the minister to contribute to the debate.

Ms NEVILLE — That is why at the time we all signed up to these amendments, to give the director effective powers to choose to introduce lockouts, including temporary or trial lockouts — in fact that is what it was about — to use them as a tool to reduce alcohol-related violence. That was the intention of the house. One of the key things to come out of the evaluation was that in order to be effective, to give effect to the intention of the Parliament, the provisions needed to be strengthened. The intention of the Parliament was that the director could at her discretion, where required, institute lockouts around certain areas or certain venues on a temporary basis to try to curtail alcohol-related violence.

What occurred was that 25 per cent of venues refused to participate in the trial and sought to mount a legal challenge, which showed we needed to strengthen these provisions. To be clear, these provisions are not just about Melbourne’s CBD (central business district); they are about giving powers to the director to choose particular areas and particular times where there are high risks. They have already been used. For example, a debate has been occurring around lockouts in my community of Geelong. The *Geelong Advertiser* has been a strong and passionate supporter of the introduction of a lockout in Geelong, and it may or may not be appropriate in that community.

A whole range of measures has been put in place and they have provided some assistance, but if over the summer, for example, there was a significant increase in violence, would it be appropriate to have a lockout? If we do not fix these provisions that will not even be available for the director, and that is what this is about. If those communities determine with the director that the best way to deal with increases in ambulance call-outs and alcohol-related violence — —

Dr Napthine interjected.

Ms NEVILLE — I can tell you that a large — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for South-West Coast!

Ms NEVILLE — If, for example, 25 per cent of the venues in Geelong decided they did not want to sign up to it, then good luck to them, because they would not be in it and there would be no effective lockout. This is about ensuring that the powers this Parliament has previously agreed to are effective. I find it extraordinary that those across the table are not supporting the provisions to allow the director and communities like Geelong and other regional communities to use the powers as intended.

The amendments before us today will ensure that the powers this Parliament intended the director to have can be applied effectively. The Premier has announced that there will not be an ongoing, permanent, broadbased lockout. However, what is really clear — and if those opposite read this legislation it would be very clear to them — is that this gives powers to the director, where appropriate, to determine particular areas and particular venues that are contributing to alcohol-related violence, whether it is in Melbourne's CBD or in regional and rural Victoria.

In addition, of course, we have also put in place another suite of measures including more police and a community-awareness campaign around alcohol and violence. Apart from those opposite, everyone in our community is absolutely committed to seeing this issue addressed not just by government but by licensees and the broader community.

For example, the Premier and I met recently with the Step Back. Think group, which is an incredible group of young people, including Clancy Wright, Daniel Cronin, Olivia Finlayson and Joss O'Chase, who have taken on the challenge of working with young people and changing the way they see alcohol and violence. They lived through this and saw one of their friends — James Macready-Bryan — who was significantly affected by alcohol and violence, punched when he was in the city of Melbourne.

An honourable member interjected.

Ms NEVILLE — He was attacked and punched by someone. As a result of alcohol-fuelled violence, he has been left with an acquired brain injury. They are leading the way with young people. The *Geelong Advertiser* is leading the way in our community with the Geelong Football Club and local businesses through the Just Think campaign, and that has been picked up by the Leader community newspapers. As the Premier said, we need to make alcohol-related violence as unacceptable as drink-driving. This bill goes some way towards ensuring we have the whole suite of measures

we need to really tackle this issue and change the way we see alcohol and violence in our community.

Mr RYAN (Leader of The Nationals) — With the very greatest respect I will give the minister the benefit of the doubt and say that she genuinely does not understand this legislation. When you look at the bill and its primary functions it shows the depths to which the supposedly once-great Labor Party is prepared to sink for the purposes of trying to cover up the awful mess it has made. The fact is that back in the last century — in the 1990s — the Labor Party protested the necessity of natural justice. It was the Labor Party that was the advocate and whose members were talking about the propriety and the appropriateness of people who are subject particularly to administrative directions having a right of appeal, a proper right of review, through the Victorian Civil and Administrative Tribunal.

Now, of course, the Labor Party has brought before this house legislation which seeks to abolish the right of those people who are subject to the terms of the principal act to have access to natural justice and to be able to exercise their appeal rights before VCAT. It is a disgrace. It rests on the heads of Labor Party members that they should have abandoned their fundamental principles in this regard to this extent.

That is not the worst of it. The worst of it is that in some instances people who were subject to the original legislation and who did have rights by way of natural justice and by way of appeal, sought to access those rights. What the government has now recognised, of course, is that the propositions it advanced by way of this lockout were wrong, and it is abandoning them. Instead of addressing the sorts of issues which were the outstanding flaws in the proposition as originally advanced, it is now trying to solve its problem by taking it out on the people who were subject to the government's mess and removing from those people the capacity to have access to natural justice and to appeal rights.

That is an appalling and deplorable state of affairs instituted on behalf of this government. Therefore twice over I say: shame on it. It is a dreadful state of affairs that we have reached here in Victoria when the government of the day passes legislation which it says is going to address a particular issue when it does not address the issue at all and it then abandons proposals that it advanced. And on the way through, just in case, it seeks to take away the rights of those who have been put upon by the terms of the legislation and the actions which the government now recognises as having been wrong; it is going to stop those people from having

access to their legal rights. It is a dreadful state of affairs. Fancy all of this coming from a Labor government!

As we know, the lockout turned out to be a complete fiasco. The Liberal Party and The Nationals have said from the start that this is an issue that needs to be addressed in a way which fundamentally calls for the measures that are set out in the reasoned amendment moved by the member for Malvern. The fact is that if we had more appropriate policing on the streets — this is what we have said for months upon months upon months — it would address this issue in the first instance.

Now what have we got? The government, having abandoned the notion of the lockout, has been dragged kicking and screaming to this further principle that we have been advocating forever — that we need to have more police on the streets in these troubled areas at the appropriate times. Even in what the government is doing now we have shades of grey. It is talking about the availability of up to 350 police. It is talking about getting them from who knows where. We have a shaded reference to the fact that they will probably have to come from the suburbs — indeed in some instances they may have to come from the country. Let it be said, this is not a case where these police are going to be in addition to the numbers already on the front line of the police force of Victoria. What the government is going to do is rob Peter to pay Paul. It is going to take police from other areas in the suburbs and probably in the country, where resources are already badly overstretched, and bring them in here to Melbourne.

People need to understand what the government is talking about in relation to this issue of policing. All this is in circumstances where, tragically, we have almost ritualistic bashings happening in the nightclub strip every Saturday night. We as a coalition have been pleading with the government on behalf of the community to take the positive steps which the reasoned amendment I referred to dictates should be taken. That is in essence why we are opposing this bill. The practical fact is that the government is trying to take away basic rights from the people of Victoria. The practical fact is that the government itself has abandoned the propositions which were to be undertaken in the course of the original legislation. It has turned its back on them. The practical fact is we have got the government talking about bringing in up to 350 police and choosing its words very carefully in the course of making such announcements in circumstances where we still do not know from where those police are going to be drawn.

Another aspect of all of this, which this government is prepared to ignore, is the impact upon the small business sector. The people who are the subject of this are small businesses. The people who are engaged in running those businesses are part of a structure in our communities which is very basic to the way Victoria runs. This government is launching into them by the terms of the bill which is now before the house. The net effect of it will be that a member of the bureaucracy will have a wide-ranging ability to, in effect, destroy a small business, subject to how the orders are made, pursuant to the powers the bureaucracy will have, without the proprietors have any form of comeback. That is an absolutely untenable state of affairs. I note that the Australian Hotels Association has today issued a press release in which it says:

Australian Hotels Association (Victoria) chief executive officer Brian Kearney today called on the Brumby government to withdraw the Liquor Control Reform Amendment Bill currently being debated by the Victorian Parliament.

He goes on to make points in the nature of those I have generally referred to. He concludes his release by saying:

AHA (Vic) applauds the Liberal-National coalition in opposing the bill in the Legislative Assembly and calls on upper house members to stand up for licensed business operators in ensuring that they are supported by the justice system as they play their role in contributing to a significant reduction in late-night violence in entertainment precincts.

This goes to the core of it. The minister has read out the policy of the Liberal Party going into the last election. What she failed to read out was the fact that the policy was predicated on a consultative process with the community. What this government has tried to do is use a sledgehammer to crash through what is a very significant problem. What the government has not done is introduce a process in concert with the small business proprietors that would enable a coordinated assault to be launched upon the terrible problems we have seen on a regular basis over the course of these past months. Now the minister has made reference to the significance of the application of this regime of lockouts in places such as Warrnambool in the electorate of the member for South-West Coast, Bendigo and other places. The difference in those instances is it has been done on a cooperative basis, and in those instances it has been seen to work well. Very importantly, it has been able to work in circumstances where the proprietors have access to their legal rights; where the proprietors have had the opportunity to exercise those legal rights if they so chose.

I conclude by saying that one of the greatest ironies in this is the fact of exemptions being granted under the principal act. Those exemptions mean businesses in some cases have been able to avoid the application of the lockout under the original act. All of that was done by way of agreement with the bureaucracy. The Victorian Civil and Administrative Tribunal — the removal of its capacity for review with regard to the application of these orders is now being sought — did not make the orders about which the government complained. Even if the complaints were valid — and they are not, because all they involve is the simple application of basic legal principles — when you look at what actually happened, you see that agreement was reached and the VCAT orders were never necessary in all the prevailing circumstances.

We as a coalition are deeply concerned about the issues that have given rise to these acts of violence in the streets. Of course we need to have them resolved, but they need to be resolved in a cooperative manner with proper policing, which we have been calling for for months upon months upon months. Even the government has turned its back on the lockout process. It is trying to take away legal rights to solve its own problems — it is nothing less than a disgrace!

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Liquor Control Reform Amendment Bill. I am keen to support this bill and oppose the ridiculous amendment proposed by the member for Malvern.

Again we see an opposition that opposes everything and stands for nothing. It cannot even get an internally consistent position amongst its own membership. Whatever this government has tried to do is in recognition that this is a very significant social problem that is not confined to Victoria — it is not confined to Melbourne, it is not confined just to this country; alcohol abuse is actually a worldwide phenomenon. We have tackled this problem head-on. We have been prepared to try a range of initiatives to deal with this problem. One of them was the temporary lockout, which arose out of the Victorian government's alcohol action plan.

What the bill before the house today proposes to do is change the lockout process from what now exists as a three-step process to a two-step process. The Leader of The Nationals in his contribution to the debate questioned whether the Minister for Community Services understood the process. It was a very patronising question, but I wonder whether he understands the bill, because I do not believe he does. There is no denial of natural justice in this process. New

sections 58(f) and (g) establish a process for seeking an exemption from the director of liquor licensing. Natural justice is maintained because the decision of the director of liquor licensing is appealable to the Victorian Civil and Administrative Tribunal. Natural justice is absolutely preserved. I think the Leader of The Nationals and other opposition speakers have completely misunderstood this process. I think they have either misunderstood it or they are wantonly seeking a headline and opposing what is good policy to deal with a difficult set of circumstances. For the opposition, it is always, 'Do as I say, not as I do'.

We heard the member for Brighton last night advocating for the rights of small business, saying that the Liberal Party is the party for small business and that this proposal before the house is anti-small business. But I refer to comments on previous amendments to this bill by the other so-called economic spokesperson for the opposition, the member for Scoresby, in his contribution to debate on the Liquor Control Reform Amendment Bill on 26 November last year, when he stated what the Liberal Party policy at the last election was in relation to this.

The Liberals policy document was called 'A Liberal government plan for Victoria Police: our streets, our homes, our force'. He said that the document states at point 10, 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 ...

They 'will become mandatory', he said. How could anyone in the community ever trust this opposition? They will say one thing to one audience and say another thing to another, then try to remove themselves and say that they did not say it and that they would do something different.

In the final sitting weeks of last year, when we had the introduction of banning notices, the Liberal Party had to be dragged kicking and screaming to approve the legislation. I think The Nationals rue the day they rejoined that crummy lot in coalition. The Nationals actually occasionally came up with some common sense when they were on their own, and they saved the Liberal Party from themselves in relation to the banning notice issue. I remind those opposite that the banner headline of the front page of the *Herald Sun* of 6 December last year was 'Booze bust — Libs sink laws to make our city safer'.

That is the level of commitment the Liberal Party has in this place. Their amendment — and I am not sure whether I have actually said I oppose the amendment moved by the member for Malvern — talks about having a comprehensive solution to tackling rising levels of violence. That is exactly what we have been doing; that is what we are doing, and that is why I call on those opposite to actually get on board.

Only this week the Premier, with the Chief Commissioner of Police, Christine Nixon, announced that extra police would be deployed to inner city Melbourne on Friday and Saturday nights to boost safety and curb alcohol-related violence throughout summer and the holiday season. It is part of a comprehensive package that we are proposing to address safety in the inner city.

There will be an additional \$11 million to fast-track the recruitment of 50 extra permanent police. During our time in government we have absolutely always been the party that has supported and resourced the police. Everyone remembers what happened under the Liberal Party's watch. It did not allocate a record budget of \$1.75 billion for Victoria Police; in fact it cut police numbers by 800. It did not grow Victoria Police, it did not give it additional resources to deal with alcohol-related violence.

Not only are we as a government saying we are prepared to tackle this problem but we also expect that the community will address this. That means we are seeking the cooperation of nightclub operators and hotels. For those reasons I support the changes proposed in the Liquor Control Reform Amendment Bill. It is good policy, it retains the right of appeal and natural justice, and I commend the bill to the house.

Dr NAPHTHINE (South-West Coast) — There is genuine community concern about the real and significant increase in violence in parts of the central business district of Melbourne, in and around suburban nightclub areas and even around nightclub areas in some regional centres. Our sympathy goes to those tragic and unfortunate victims of this extraordinary level of violence, which has increased significantly in recent years. That violence is usually associated with excessive use and abuse of alcohol and drugs, and while we focus on alcohol in this legislation, we should not forget the ongoing issue of drugs in our society and the lethal mix of alcohol and drugs which often leads to excessive exuberance and violence.

I want to address three issues in relation to this legislation. I will address what is actually wrong with it, why the reasoned amendment is sound, and will finish

with some quotes from an experienced nightclub operator in the Warrnambool area. What is wrong with this legislation is that clauses 4 to 8 deliberately take away the fundamental rights of licensees and give the director of liquor licensing unfettered power without proper checks and balances. That is not appropriate in our modern democratic society, even if we are trying to deal with a serious issue. We do not deal with serious issues by taking away the fundamental rights of individual citizens and individual businesses. That is the wrong approach. That is the approach you would expect to see in Robert Mugabe's Zimbabwe or in totalitarian regimes, but it is not the approach we should adopt in a civil society in Victoria in the 21st century.

Section 87A of the principal act provides that a licensee affected by the lockout has a right of appeal to the Victorian Civil and Administrative Tribunal. That right of appeal is removed by this legislation. A fundamental principle in any law-abiding society is that people should have the right of appeal against administrative decisions. It is absolutely fundamental; you do not create a better society by undermining the fundamental pillars of what civil society should be about, and that is what this legislation does.

The previous speaker said that this legislation does not deny people natural justice. The previous speaker is in the chamber, and I hope she listens to this, because clause 5 on page 10 of the bill inserts proposed section 58I — I note that the previous speaker is now leaving the chamber because she does not want to learn or understand what is in the bill she is defending — which under the heading 'Rules of natural justice excluded' says in part:

... the Director is not bound by any of the rules of natural justice in —

... making, varying or revoking a late hour entry declaration; or

... exempting or refusing to exempt licensed premises from a late hour entry declaration.

It is a sad day in Victoria when we exclude the fundamental tenets of natural justice from administrative decisions that affect people's livelihood and people's future in this state. Any removal of natural justice is unfair, unreasonable and totally inappropriate in a modern democracy.

Some of the fundamental rules of natural justice which were absolutely spelled out brilliantly in the speech by the member for Malvern are some of the fundamental principles that we should hold near and dear in respect of every piece of legislation we look at. They are that the decision-maker must not be biased, that the

decision-maker must not prejudge the decision, that the decision-maker must hear both sides of the argument and the decision-maker must hear all relevant evidence.

These are absolutely fundamental issues, because natural justice is fundamental to our society. It has been around for century upon century, and it is one of the cornerstones of our modern democratic society. Here this Brumby Labor government is seeking to exclude natural justice from this decision-making process through this legislation. It should hang its head in shame. It is denying people the right to appeal to protect their businesses. That is why this legislation is fundamentally flawed, fundamentally wrong and should be voted against. I support the reasoned amendment because it provides a very positive way forward to deal with some of these issues.

The government says it has announced the provision of additional police resources for the central business district, but on my count that is the fourth such announcement in the past three years with not one extra police resource being placed on the street. We are even being told now the extra police will not be by providing additional new police but by robbing Peter to pay Paul by taking police from Ballarat, where they are already strapped for police resources at night, and putting them in the central business district (CBD); by taking police from the outer suburbs to put into the CBD; or, as the Premier now says, it will be done through paying police additional overtime, which will affect the quality of life and the ability of those police to continue to do their normal duties.

The government is threatening the safety of our society across Victoria in its move to implement this plan. What it has failed to do is what the opposition has said for years it should do — that is, get more police on the beat in the CBD without robbing Peter to pay Paul, provide extra public transport and enforce the law with regard to the liquor licensing rules. Enforcement is an important issue.

I refer now to some very constructive comments I have received from Alison Bonjer, who is the proprietor of the Gallery Club and Bistro in Warrnambool. By way of introduction, her letter says:

My husband and I have been involved with the Gallery Club for 21 years and proprietors of the venue over the last 17 years.

Her notes to me say:

These licensees —

referring to current licensees in Victoria —

have invested money, time and passion in running their business in a professional manner.

We are an industry that has never been more regulated. The minimum conditions imposed on licenses are such as:

- (a) all bar staff must have a responsible service of alcohol certificate;
- (b) venues trading later than 1.00 a.m. or those providing live entertainment must provide crowd controllers at a minimum of two for the first 100 patrons and one ... for every 100 patrons thereafter;
- (c) two crowd controllers must be stationed at the front entry of the premises for 30 minutes before the entertainment begins and for 30 minutes after the venue has closed;
- (d) CCTV and recording devices must be installed to the satisfaction of the licensing inspector;
- (e) persons new to the industry must complete a Licensees First Step course before obtaining a liquor licence;
- (f) licensees are responsible for the amenity of the area and ... adhere to EPA requirements.

Her notes further say:

Most cities and towns in Victoria have a liquor licensing accord ... In the case of the Warrnambool licensing accord ...

At Warrnambool it is done through cooperation with the police and the local community. It delivers outcomes, including lockouts, but it is done with cooperation between the police, the licensees and the community. A part of this accord says:

- (a) No practices that encourage the rapid consumption of alcohol are permitted. This relates to discount drinks, happy hours et cetera.
- (b) No double-shot spirits.
- (c) Customers can only purchase one shot per sale ...

There is a dress code and the sale of high-strength ready-to-drink (RTD) units is considered inappropriate in the area.

But Alison contrasted what the nightclubs are doing in a spirit of cooperation with what happens elsewhere in the industry. She said:

It is of great concern to me that alcohol is available for purchase at an extremely cheap price through multinational liquor outlets.

The notes further say:

These multinationals encourage excessive consumption ... by offering ... deals —

special deals —

such as 'buy two slabs of beer' for a discounted price.

They also offer deals that appear in newspapers that equate to a happy hour style of marketing. Further:

You will regularly see the unit price of a bottle of spirits ... cheaper ... if you buy two or multiples.

Alison quite rightly said:

Anecdotally a spirit will cost around \$9 in a metropolitan bar and up to \$8 in a country bar. To consume 10 spirits will cost a patron ... \$90 as opposed to being able to purchase 6 vodka RTDs from a supermarket for \$10.

She quite rightly also said:

... 15 years ago 70 per cent of alcohol consumed was on licensed premises and 30 per cent was consumed off licensed premises. This has now totally reversed with 70 per cent of alcohol purchased being consumed off licensed premises with only 30 per cent consumed in hotels, bars and clubs.

What Alison is saying is that we need to address the wider community issue with regard to alcohol. She also says we need to address the wider community issue with respect to violence, even non-alcohol related violence such as road rage, bullying, domestic violence, child abuse and general assault in the community. She makes a very valuable point with regard to lockouts and the control of violence. She says:

The only solution to patrons in the street causing problems is a greater police presence.

She also says:

The lockout of course does not address patron numbers in the streets after a venue closes. The lockout does not address patron behaviour after a venue closes.

What is needed is a greater police presence on the streets.

Ms MUNT (Mordialloc) — Today I am very pleased to rise to speak in support of the Liquor Control Reform Amendment Bill 2008. I do not support the amendment of the member for Malvern. Melbourne is an international city. We have to balance the use of the city as a 24-hour city against the behaviour of a small section of the people who come and enjoy the facilities of Melbourne throughout the 24 hours of the day.

I actually have a flat in the CBD (central business district), so I have been very aware over the past 12 months of the ebb and flow of the use of the city as a 24-hour city. I must say that around three months ago there was quite a bit of activity during the night. I saw young people roaming in the very early hours of the morning. Whenever I walked outside my flat there were smashed bottles everywhere in the street. Over the last

couple of months that has significantly reduced. I have noticed a big difference in the city.

We all know about the email campaign from the anti-2.00 a.m. lockout young persons group. It had a particular point of view, which I understood — —

The ACTING SPEAKER (Mr Ingram) — I did not.

Ms MUNT — The Acting Speaker says he did not understand the group's point of view, but I certainly did. As the mother of a young adult and other teenage children, I was certainly aware of their views on the 2.00 a.m. lockout. I think it is fair to say that it was not too popular with the younger members of our community. But as I said, there is a balance between the safe use of the city and the 24-hour use of the city. I think this bill tries to find that balance. There was difficulty with the 2.00 a.m. lockout because of a number of exemptions that were granted to the club operators. The second-reading speech says:

The ability of some licensees to use legal manoeuvring to avoid the lockout has highlighted a need to tighten the legislation to give effect to the intent of the 2007 amendments and to ensure that this is no longer able to occur.

The lockout power must be available to the director to use effectively, should the director decide that such action is needed in the future.

This is a fairly balanced bill. There is also a fairly balanced range of other measures that are being put in place right now, even after the lockout has been withdrawn and before this bill has been passed by the house.

There has been some discussion about the unfairness and the lack of natural justice of this bill. I truly cannot see it. It seems to me that the very basis of fairness is to provide for an appeal from any decision. This bill will provide that ability. If the director decides to put control in place, the licensees will have 30 days to apply to the director for an exemption from the application of the lockout to their venue. The director will then have 60 days to determine the application. The director will be able to grant an exemption only if it will not affect the alcohol-related violence or disorder in the area and impact on the effectiveness of the lockout.

Licensees have further redress in the form of a review by the Victorian Civil and Administrative Tribunal. If the director refuses an application for an exemption, the licensee may apply to VCAT for a review of that decision. VCAT is not able to grant stays of the director's decision. Licensees will be subject to the lockout unless the director or VCAT grants them an

exemption. Then there is the further ability to appeal the VCAT decision in the Supreme Court, as is the case with a range of other decisions over which VCAT presides. The full suite of justice is available in this bill, but in essence the director of liquor licensing must have the ability to make decisions and directions that affect the operation of her responsibilities.

In the time that is available to me I would like to talk about the range of measures that have been put in place to aid making Melbourne a great place to go out for night-life but a safe place for all as well. I know that one of the crucial parts of this issue is the NightRider service. A lot of the young ones that I saw roaming the city in the early hours were probably waiting for transport to go home after leaving a club or a pub. Knowing that, it is pleasing that the NightRider bus services have been doubled. The NightRider services run every 30 minutes now throughout the night. It is my understanding that the ticket that is used to get into the city on the train will be able to be used on the NightRider bus to get home again. Once again, from my personal experience, I know that a lot of young ones use that bus service, because it is a safe way to go home. It goes right down Nepean Highway and has a number of stops in Mentone and Parkdale that my young ones use and walk home from.

There are now also prepaid taxi fares, safe city taxi ranks and boosted police numbers — on which I will go into a little bit more detail. Victoria Police is trialling a new time-out zone at the corner of Flinders and Swanston streets to provide a safe place for people to wait for transport home and to get police and medical attention if required. Victoria Police is deploying five high-visibility Hummers and a closed-circuit TV van that will be stationed at various locations. A new \$2 million public awareness campaign on alcohol-fuelled violence will begin in December. We are moving to risk-based fees for liquor licences to better reflect the social cost of enforcement. I think that is a very important initiative.

There is a number of responsible operators and responsible patrons out there, but there is a small number of irresponsible operators and irresponsible patrons. If those operators want to run an irresponsible business, they should be putting their hands in their pockets to help pay for the costs of policing those businesses. In extreme cases the director will have the power to impose sanctions on those businesses.

There will be tougher penalties for liquor licensing breaches, new powers to suspend liquor licences in the interests of public safety, new powers to ban troublemakers from licensed venues and entertainment

precincts, a freeze on new late-night liquor licences in the inner city and strict new requirements for security cameras in licensed venues.

I know that a lot of young people in my electorate like to come into the city and enjoy a night out and have fun with their friends and get home safely again. Once again, as a parent and as the member for Mordialloc, it gives me comfort that these measures are being put in place to try to secure the safety and enjoyment of those young ones when they come into the city. I also have a flat in the city, and it is nice to go out in the morning and not see broken glass everywhere. There is much less of that visible now than there was a few months ago.

These measures also support small business owners in the central business district. After all, their businesses are better if people are coming in to enjoy them because they think they are going to have a safe and enjoyable night out. I believe this legislation provides a balance and a suite of measures to ensure that the central business district and some of the other nightspots in the inner city are safe and enjoyable. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Liquor Control Reform Amendment Bill 2008. My contribution will be brief, because I know the member for Morwell wants to speak. I would like to highlight two areas. As a person who has owned and managed licensed venues for over 20 years — a liquor store, then a restaurant and cellar door sales — I am very aware of how the Liquor Act used to be enforced, the changes after the Nieuwenhuysen report and what is happening now.

What happened with the 2.00 a.m. lockout was absolutely appalling. I would like to contrast that with what happened on Melbourne Cup Day at the Yarra Glen races, where the local pub, in consultation with the police, closed its doors at 4 o'clock. The local bus companies brought in buses from 3.30 p.m. to 7.30 p.m. and they took people down to Lilydale station, so there was a rapid dispersal of the crowd. Sadly there were some young people who drank too much and there were a few incidents, but it was manageable. That was because it was done with consultation and with planning.

Having worked under draconian liquor commission rules which were silly beyond belief and having experienced the breath of fresh air that came in with the changes following the Nieuwenhuysen report, I look at this legislation and am absolutely horrified that the director of liquor licensing will be above the law. It

empowers her to declare a permanent lockout anywhere in Victoria for any reason, without any consultation or accountability.

It takes me back to the days when a liquor licence inspector came into our liquor store at Mayerling Cellars. It was back in the days when one wall had to carry non-licensed products. He looked at the plan and said, 'You've got liquor on that wall and it should not be there. Take it down immediately!'. I said, 'No, excuse me, that is not right. You are holding the plan the wrong way'. He said, 'No, I am right. I want you to remove all that liquor, here and now'. We had to take the liquor off that wall, which was in fact the correct one, because he would not accept the argument, and we had no recourse to appeal. That is how stupid it was then.

This reminds me so much of those days, I cannot believe it. There is no right of appeal for any business. Everyone else, even a rapist or murderer, has a right of appeal, but a small business person who is working hard to make a quid to survive — and let me tell you, they do not make a lot of money; they work long hours and operate for a very long time — is penalised under this. I cannot believe it. I do not support this bill.

Mr PERERA (Cranbourne) — I rise to support the Liquor Control Reform Amendment Bill 2008. The bill is designed to clarify and strengthen the powers of the director of liquor licensing in relation to late-hour entry declaration, commonly known as lockouts. This will enhance the power of the director. The bill does not provide for a permanent lockout situation. It gives the director the power to enforce a lockout situation if, as and when it is required.

Members of Labor governments always support small business, but at the same time we are concerned about the safety of the people who enjoy the night-life of the city and we want to protect those young ones. The government has to put in place a regulatory framework so that violence can be mitigated.

The lockout is not the only measure the government will introduce to mitigate violence. A number of measures are already in place. Police already have the power to ban troublemakers from some places where alcohol-related violence has happened. Police can ban a person for up to 24 hours if they suspect the person of having committed an offence, including violent or disorderly behaviour, sexual offences or the destruction of property or that they are carrying a prohibited weapon near a licensed place. People can be banned only from areas that have been identified as a trouble

spot or designated area. Those areas will be published in the Victorian *Government Gazette*.

These prohibitions in the bill restrict the right to move freely within Victoria. However, the International Covenant on Civil and Political Rights explicitly recognises that rights may be subject to restrictions that are necessary to protect public order, public health or the rights or freedom of others. That is the reason the powers of the director have been enhanced — to enable her to impose a lockout as and when it is necessary. It would not be necessary for the director to impose lockouts if everybody behaved responsibly, including venue operators and restaurant owners, and incidents of violence were reduced.

KPMG has carried out an extensive evaluation of the trial lockout. All the evidence points to the fact that lockouts, with other measures, could mitigate the alcohol-related violence. The trial was not 100 per cent successful because 25 per cent of venue owners were exempted from participating in the lockout. Therefore the government is introducing measures so that declarations cannot be challenged in the Victorian Civil and Administrative Tribunal. However, the lockout is not a permanent measure. It will happen only when it is deemed necessary. I commend the bill to the house.

Mr NORTHE (Morwell) — I wish to make a short contribution to the debate on the Liquor Control Reform Amendment Bill 2008. This legislation deals with late-hour entry declarations and has been introduced subsequent to the 2.00 a.m. lockouts that were trialled in Melbourne and concluded on 2 September of this year. Whilst this trial was not successful in Melbourne, it is interesting to note that similar trials have been successful in regional areas such as Ballarat, Bendigo and Warrnambool.

It is important to note that some of these safety initiatives do not fit particular regions. As members will be aware, Melbourne is not the only region to experience alcohol-related violence. Whilst the majority of people who go out in the evening are there for a good time, there is a small element of people who destroy the night out for other people. The Traralgon entertainment precinct in my electorate has recently become a designated area, and that is welcomed by the local community and local police.

I have been to many meetings with the Traralgon CBD (central business district) safety committee. The purpose of that committee is to introduce initiatives and measures to curb alcohol-fuelled violence in and around the Traralgon entertainment precinct. The committee is made up of a number of representatives from the

community including the police, Latrobe City Council, the venue operators, the taxi services and security firms.

It is of some note that taxi security had been provided at the Traralgon taxi rank through funding from the previous federal government's national community crime prevention program. Unfortunately that funding has now been abolished and has left the Traralgon taxi rank without security on Friday and Saturday evenings, which is extremely disappointing. It is my understanding that Victoria is the only state where funding is not provided for safe taxi rank programs. This is very disappointing given that venue operators in the Traralgon entertainment precinct and the safety committee had wanted to trial a pilot program through that measure.

In her contribution to the debate the member for Mordialloc made mention of the NightRider bus services. The Traralgon CBD safety committee had wanted to trial a NightRider bus service in Traralgon for the many people in surrounding areas who come into the entertainment precinct. When the venues close it is difficult for these people to return to their townships. The member for Mordialloc gave the NightRider bus services in metropolitan areas a glowing reference, but the fact is that this government provides no funding for similar services in regional areas. I have written to the Minister for Public Transport seeking some assistance for at least a trial NightRider bus service for Traralgon.

The last point I want to make is that very early on I asked a question through the Traralgon CBD safety committee about police involvement and about what measures had been taken at the times when the numbers of incidents were at their lowest. The answer was that there was a police presence — police out on the beat making sure that the appropriate resources were applied in the CBD and around the entertainment precinct. That is what has made a real difference to the issue of alcohol-related violence.

I call upon the Minister for Police and Emergency Services, who is at the table, to ensure we have appropriate police resources in our regional areas so that alcohol-related violent incidents are reduced in the future.

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 necessary questions.

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

Ayes, 51

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

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
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Napthine, Dr	Wooldridge, Ms

Amendment defeated.

House divided on motion:

Ayes, 51

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lupton, Mr
Beattie, Ms	Maddigan, Mrs
Brooks, Mr	Marshall, Ms
Brumby, Mr	Merlino, Mr
Cameron, Mr	Morand, Ms
Campbell, Ms	Munt, Ms
Carli, Mr	Nardella, Mr
Crutchfield, Mr	Neville, Ms

D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Harkness, Dr
Helper, Mr
Herbert, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Kairouz, Ms
Kosky, Ms

Noonan, Mr
Overington, Ms
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Noes, 33

Asher, Ms
Baillieu, Mr
Blackwood, Mr
Burgess, Mr
Clark, Mr
Crisp, Mr
Delahunty, Mr
Dixon, Mr
Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Naphthine, Dr

Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr K.
Smith, Mr R.
Sykes, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PUBLIC ADMINISTRATION AMENDMENT BILL

Second reading

Debate resumed from 12 November; motion of Mr BRUMBY (Premier).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

MULTICULTURAL VICTORIA AMENDMENT BILL

Second reading

Debate resumed from 11 November; motion of Mr BRUMBY (Minister for Multicultural Affairs).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 11 November; motion of Mr HELPER (Minister for Agriculture).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Public transport: Pakenham

Mr K. SMITH (Bass) — My adjournment item today is for the Minister for Public Transport. I seek her support in developing a decent, safe, clean, usable and reliable public transport service for Pakenham and the surrounding area. I am sure the minister would realise how rapidly growing the Pakenham area is, but I can assure the minister that our train service is poor, undermanned, dirty and late and has serious cancellation problems, and that there are not enough services to satisfy the number of people coming to the area.

The most recent Connex internal survey shows that Pakenham is the most overcrowded route during the morning peak time. Yet while the minister gave two new morning services to the Labor-held Sydenham area, the Pakenham line got none. In the afternoon the busiest line of the whole network is Pakenham, but the minister put into place only one new service. This is on top of the confusion caused when the V/Line country trains from Melbourne to Traralgon do not stop at designated stops because they are packed to the gunnels with Pakenham people — and that happens on a country service!

I have raised this issue with the minister before and received no sympathy or support — only bureaucratic claptrap. The current and potential passenger needs are being ignored by the minister, who should also be aware that the parking at Pakenham and also at Officer is at a premium and that car break-ins and thefts are the highest in Pakenham. The incidence of assaults, robberies, rape and sexual assault is also highest on the Pakenham line. This is shown in a report in the *Herald Sun* of Tuesday, 11 November.

We should not have to put up with this sort of rubbish out in this rapidly growing community. We need a new station at Lakeside to catch up with this rapidly growing residential area, which would capture passengers from Officer, Pakenham and also the Lakeside area and the large industrial development proposed by the government. We need this now, not in 2015 as proposed by the government.

A survey conducted by Connex on behalf of the government showed a deteriorating satisfaction rating on all government lines, with Pakenham among the worst. Further, a youth survey of over 2000 kids aged

from 10 to 25 carried out by the Cardinia Shire Council showed that the kids in the area said a lack of public transport was one of their main issues.

For years we have asked the government to extend the NightRider bus service from Dandenong, where it finishes, to Pakenham to allow our kids the opportunity to go to Melbourne to experience a bit of city life and get home safely. The kids deserve that consideration. I ask the Minister for Public Transport to take into account the fact that the public transport system in Pakenham is a big problem. As I said, I have raised it before.

Clearways: Sydney Road, Coburg

Ms CAMPBELL (Pascoe Vale) — The matter I raise is for the attention of the Minister for Roads and Ports. I ask the minister to act to ensure that when clearway signs are put on Sydney Road with the new clearway times, only one side of the road will have simultaneous clearways.

At the moment on Sydney Road, up towards Fawkner, where Fawkner Flowers operates, and between Bell Street and Munro Street, there is a double clearway, in the sense that in the morning and in the afternoon both the east and the west sides of Sydney Road have clearways. This has a grave impact on the businesses that operate in the vicinity of the double clearways. It makes their business viability less than optimum.

I have had the opportunity to go to Sydney Road with VicRoads, and I have met with the Minister for Roads and Ports. We have had very fruitful discussions. But as more and more of these clearways are implemented, I ask that a definite decision be made about having clearways on only one side of the road. Obviously we would want in the morning peak a clearway on the eastern side of Sydney Road, and in the evening peak a clearway on its western side, so only one side at a time would have those designated clearways.

I pay tribute in particular to the Coburg traders for their clarity on the importance of having only the single-sided clearway, and also to Luke Tompkinson, who is an excellent business person in the Moreland area. He and his family have been operating a successful florist shop, and initially his dad had both a florist shop and a nursery. They are well known and well respected, and Luke is a fantastic advocate for small business in the Moreland area.

Police: Morwell station

Mr NORTHE (Morwell) — I wish to raise a matter for the attention of the Minister for Finance,

WorkCover and the Transport Accident Commission. The action I seek is for the minister to inform the Morwell community of the government's intention in respect of the old Morwell police station building currently located in Princes Drive, Morwell. The building has been empty for in excess of two years now and unfortunately in recent times has been the subject of vandalism.

The police station visually detracts from the Morwell CBD (central business district) and does not enhance the prospects of developers currently wishing to sell dwellings in the nearby vicinity. On a recent visit to the area I was horrified to witness burn marks, amongst other visible signs of vandalism, adorning the old police building in what appeared to have been an attempted arson attack.

I have since learnt from the developers nearby who have invested considerable sums of money in renovating properties that adjoin the old police building, that their properties have been considerably vandalised due to their close proximity to the police building. That includes such things as smashed windows, graffiti and littering. Whilst an alleyway separates the renovated properties and the old police building, the developers have seen the necessity to erect cyclone fences in an attempt to deter further vandalism. One then gets a visual picture of how this area indeed detracts from the Morwell CBD.

The Brumby government should in the first instance at least close the alleyway to both vehicular and pedestrian traffic to prevent further acts of vandalism. I am disappointed to learn of the developers' experience in this regard, as they see Morwell and the Latrobe Valley as a fantastic region to invest in. However, experiences such as this may ultimately deter future investment.

The Morwell community has also expressed its concern and frustration about the procrastination by the Brumby government over the future status of the site. Make no mistake: this building, situated on one of Morwell's major roads within the CBD, is nothing more than an eyesore that promotes vandalism and hinders investment within the town. There is a simple solution for the Brumby government, and that is to act now for the benefit of the Morwell business community and its residents.

Unfortunately the Morwell community is rather circumspect about whether this government can deliver, given its past performance of vacating buildings and leaving them to rot. The old Morwell high school site is one such example. Despite having been closed for a

number of years, the school remained idle until it was finally bulldozed earlier this year. May I say that, whether it was by coincidence or otherwise, this was after extensive representation to the Minister for Education by me on behalf of the Morwell community.

Our community wants an aesthetically appealing township and I trust the Minister for Finance will act swiftly to ensure a positive outcome in this regard. That is why I ask the minister to inform the Morwell community of the government's intention in respect of the old Morwell police station building currently located in Princes Drive, Morwell. I ask the minister to act promptly and swiftly.

Geelong Hospital: emergency department

Mr TREZISE (Geelong) — I raise an issue for action by the Minister for Health. The issue relates to the opening and the operation of the newly rebuilt accident emergency unit at Geelong Hospital. The action I seek from the minister is that he work with Barwon Health to ensure stage 2 of the emergency department, which is due for completion in early 2009, is completed on schedule.

In my seeking this action from the minister, it has to be said that under this Brumby government Barwon Health has had a complete renaissance through infrastructure projects worth hundreds of millions of dollars. In relation to the accident and emergency department alone, stage 1 of the new department has been operating since July of this year. In mentioning that, may I also remind the minister that the department is yet to be officially opened. I know the staff and management of the emergency department will welcome the minister with open arms as usual if he decides to do them the honour of opening the emergency department.

Stage 1 of the emergency department was completed to the tune of something like \$20 million, and it has seen the department go from a very cramped and out-of-date, unfriendly work and care environment to one that is now absolutely state of the art. One only has to compare the floor space to get a good picture of exactly what has been occurring within the emergency department. The old department had a total floor space of something like 1040 square metres; it was very small indeed. This must be compared with what will be available after stage 2 is fully completed, when it will have something like 2100 square metres of floor space — more than double its former size.

As I said, besides the emergency department, the government has completely transformed Barwon

Health compared to what was there prior to 1999, when half the hospital within the city itself, Baxter House, was flogged off by the Liberal Party to the highest bidder, and no doubt Grace McKellar, an iconic centre in North Geelong, more or less had the 'For sale' sign put up by Jeff Kennett. Under the Bracks-Brumby government, we have seen the renaissance of Barwon Health from the Andrew Love oncology centre through to the Grace McKellar Centre, where we have a world-class rehab and aged-care centre. I mentioned the accident and emergency unit before. We have seen a complete rebuild of Barwon Health, and, as I said, I know the people of Geelong would welcome Minister Andrews to Geelong at any time to open the new accident and emergency unit.

Mount Eliza: Sunnyside Beach

Mr MORRIS (Mornington) — The matter I raise this afternoon is for the Minister for Planning. The action I seek is that the minister immediately initiate a review of the status of Sunnyside Beach, Mount Eliza, a beach prescribed under the Nudity (Prescribed Areas) Act 1983.

Sunnyside North Beach has a long history as an optional dress beach. Reports in the *Age* suggest that perhaps its use as an unofficial optional dress beach goes back to the 1930s. It is in fact not a beach at all. It is an area of land in the intertidal zone. If you look at the *Government Gazette* of 5 November 1986, you will see it is very clear that it in fact extends from the high-water mark through the low-water mark and then out into the bay. That is in part because much of that stretch of coast is in fact in private hands right up to the high-water mark.

As I said, for many years prior to the gazettal the beach was used unofficially as an optional dress beach. It is a very isolated area which lies on the coast between Mount Eliza and Mornington in the interurban protection area and is at the end of a very long road. There are a number of large abutting properties including the Morning Star Estate winery and reception centre, a large racehorse establishment and Camp Manyung, which is the YMCA camp. There is one public toilet in the public car park, which is quite some distance from the prescribed area, but there are no public facilities at all in the prescribed area. In 1987 it was estimated that some \$3 million would be needed to bring the area up to scratch.

The council has been seeking a review of this area for a considerable period. In May 2006, the Department of Sustainability and Environment advised that it would initiate a statewide review. In October 2006, the then

Minister for Planning indicated that he wanted further information from the council, which was provided on 27 October. Some of the issues the council has identified as being of concern are the lack of facilities, with no waste bins or toilets; very limited and poor-quality public access — there is only a goat track across to the actual optional dress area; inadequate car parking; its status as the only optional dress beach on the eastern side of Port Phillip Bay; litter, including syringes; and considerable environmental degradation. Most importantly, though, according to the council, a real culture of antisocial behaviour has developed in the adjacent car park, including flashings and lewd acts in the public toilets, and there has been a shift from it being an essentially unisex area to a homosexual meeting place, all of these issues make its current use entirely inappropriate.

Alphington Primary School: future

Ms RICHARDSON (Northcote) — The matter I raise for the Minister for Education concerns Alphington Primary School, and the growing needs of the school community and the strain on current facilities. I ask the minister to visit the school and discuss the challenges ahead.

Alphington Primary School provides excellent education opportunities for its students and has been doing so for the past 100 years. I have attended the school's celebrations over the past year and seen firsthand the support the school provides not only to its students but to the wider community as well. The school is quite simply the heart of the wider Alphington community. Student numbers have grown significantly, reflecting a mini baby boom that we have experienced in Northcote and more widely in the north. Another significant development on the horizon that will undoubtedly have a major impact on the school's capacity to provide educational opportunities in the Alphington region is the sale of the Amcor site.

It has been estimated that people in 3000 new residences could be calling Alphington home — the lucky devils! — once Amcor shuts its doors. Alphington Primary School simply could not accommodate the large influx of new students that will inevitably come from the 3000 additional households. I guess in a way what we are looking at is a whole new suburb that is to be incorporated within Alphington. Nevertheless, the school has a plan to cope with the expected increase in student numbers and as always has kept the interests of the wider community at the forefront of its deliberations about what to do in the future.

This week I attended the school council meeting, ably led by council president James Thyer and school principal Cheryl McCashney. I got to learn more about the plan they have in mind for the campus at Alphington. It involves providing two campuses — a children's hub linked with the Yarralea Children's Centre next door and a second campus on the Alphington site. In discussions with these people you cannot help but be impressed by the vision the school leadership and wider school community have for their students and for the future.

I would like to take this opportunity to commend the work undertaken by Virginia Harding to provide excellent art facilities and programs — and the festival, which simply cannot be missed. I call on the minister to visit the school and meet with the principal, teachers, staff and students to learn firsthand of the challenges facing Alphington Primary School and the school's plans to meet them.

Rail: Somerville level crossing

Mr BURGESS (Hastings) — I wish to raise a matter for the Minister for Public Transport. The action I seek is for the minister to facilitate the immediate removal of the boom gates at the unused Ryan Road, Pakenham, level crossing and ensure their prompt installation at the Bungower Road level crossing in Somerville.

As reported on Channel 7's news on 28 October 2008, the barriers at Ryan Road in Pakenham have been obsolete since the road was closed on the completion of the Pakenham bypass. The news story stated that while people have been dying on inadequately protected railway crossings around Victoria, fully functioning boom gates have been going to waste on a road to nowhere. V/Line has been responsible for the crossing for more than a year, since resuming control of it from private operator Pacific National.

Following the embarrassment of the story, V/Line announced the same day that the Ryan Road boom gates would be dismantled and removed. The next day I sent an urgent fax, followed by a copy by email, to the Minister for Public Transport, asking her to immediately arrange to have the unused boom barriers relocated to the Bungower Road level crossing in Somerville. Unfortunately the minister has not responded.

After a long and sustained campaign by the community, the Minister for Public Transport relented on her previously reported position that the Bungower Road crossing was safe and committed to upgrading

protection at that deadly Bungower Road level crossing to boom barriers. However, the minister intends to make the community wait three years for that upgrade. The Bungower Road level crossing in Somerville has already claimed two lives, most recently a local family man, Jeff Young, just over 12 months ago.

I ask the minister, in the interest of public safety, to assist in having the unused boom gates at Ryan Road immediately transferred to and installed at Bungower Road. The availability of the defunct boom barriers to assist in the prevention of any further loss of life at this notorious intersection is a blessing for my community. It would also consolidate the state government's commitment to upgrading dangerous level crossings.

Any opportunity to expedite the installation of boom gates at life-threatening level crossings should be taken. The Minister for Public Transport is in a position to make a simple decision that has the potential to save the lives of motorists using the Bungower Road level crossing. On behalf of the community and motorists, I ask the minister to act now to protect the lives of people using the Bungower Road level crossing.

Small business: Bendigo Bank forum

Ms MARSHALL (Forest Hill) — I wish to raise a matter for the Minister for Small Business. The action I seek is for the minister to attend a breakfast to be organised by the Blackburn South Bendigo Bank which is a forum for small businesses in the Forest Hill electorate to network and share their experiences. The Victorian Business Centre (VBC) in Vermont is situated in the Forest Hill electorate and services the eastern metropolitan region, providing state government grants and initiatives to all businesses.

It was created as a delivery arm of the government's Department of Innovation, Industry and Regional Development to assist businesses to grow. I have long been aware of the terrific work and assistance the VBC offers. On each and every occasion I have suggested a local small business owner might benefit from some type of VBC interaction Ron Pilkington has provided them with guidance and information as if the business were his own.

Susan Joy, the project and events coordinator at the VBC, has been invited to attend. Not only has she accepted but she has offered to provide some 'intenders kits' to people who are looking at starting new businesses. In addition she will be able to provide them with an events calendar which will list all of the eastern metropolitan region's business events guests may wish to attend.

Small business in Victoria is anything but small. Having been involved in the Whitehorse Business Week every year for the past six years, as well as hosting numerous dinners here at Parliament for small business owners who reside in the Forest Hill electorate, I have seen the extraordinary commitment of each and every person to their business. The role of marketing manager, director, chief executive officer, accountant, secretary and every other position that in larger companies would be filled by different people falls on their shoulders each and every time. Sometimes small businesses have 20 staff, at other times just 1. The Minister for Small Business would be able to provide a great deal of information to the guests, in addition to answering any questions they might wish to pose on the day.

From the newly announced world-class service there is advice on the state government's initiatives to reduce the regulatory burden on businesses, skilling small businesses for growth, improvement of occupational health and safety in small businesses, and the facilitation of business growth investment and export. It even extends to addressing the skills shortage for small businesses. There are many topics that all who attend these events would be thrilled to hear about firsthand from the minister. I ask the minister to join me, along with Forest Hill small business owners and Bendigo Bank, and attend an event before the end of this year.

Gas: Katunga supply

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Energy and Resources, and in his absence the Minister for Housing, who is at the table. I seek his assistance in providing funding support for an extension of the natural gas pipeline to service the township of Katunga in my electorate.

For the benefit of members, in the late 1980s I undertook a lot of work in seeking an extension of the natural gas pipeline to service other areas of my electorate. In the early 1990s we were fairly successful in achieving support from the Gas and Fuel Corporation to extend the natural gas pipeline through my electorate to service Rutherglen, Yarrowonga, Cobram and Numurkah, and indeed across the river into New South Wales. This extension was to include the township of Katunga. The natural gas pipeline extends from south of Strathmerton to Numurkah and runs along the railway line close to the township of Katunga. I have raised this issue in the house on a number of occasions.

The minister said the recent extension of the natural gas pipeline in this state was the first to be undertaken in Victoria for decades. I remind that house that in the

1990s we had an extension of this natural gas pipeline in my electorate, which cost approximately \$100 million. It was very successful except that the townships of Katunga and Nathalia, in the electorate of Rodney, did not receive the extension of the natural gas pipeline. With the privatisation of the Gas and Fuel Corporation we now find that there is difficulty in getting the government to assist the privatised organisation and provide funding support for extension of this natural gas pipeline from near the railway line adjacent to the township of Katunga into the township itself.

I want the minister to investigate this issue again.

Mr Wynne — Which minister?

Mr JASPER — The Minister for Energy and Resources — the Leader of the House. The response I have had from him to date has been fairly negative. I want a positive response from him saying the government will provide support. He indicated areas close to Melbourne which have succeeded in receiving funding, but to date we have not been able to get funding support for this project. If the government will give funding support to the privatised natural gas supplier, I am sure it will be successful.

I am asking the minister to investigate this again. I am getting the Moira Shire Council to provide me with detailed information. The Katunga development committee, which has been very keen in its support of this project, has sent me letters, which I have sent to the minister. I want a positive response from the minister for this particular extension of natural gas in my electorate.

Ambulance services: Mornington Peninsula

Dr HARKNESS (Frankston) — I wish to raise a matter this afternoon for the attention of the Minister for Health regarding ambulance services in Frankston and on the Mornington Peninsula. The action I seek is that the minister ensures that the investments in local ambulance services announced earlier this year are delivered quickly.

In the May budget the Brumby government delivered a massive \$185.7 million boost to ambulance services, representing the single biggest investment in ambulance services in the state's history. Frankston and the Mornington Peninsula were certainly at the forefront of the government's decision making, with nine ambulance stations to be refurbished or rebuilt, including refurbishments worth \$350 000 at Hastings. Additionally, it was announced that new peak period

units supported by additional ambulance stretcher vehicles will be established in Patterson Lakes and Frankston in a \$7 million-plus boost to ambulance services at busy times of the day as part of a package of 13 new peak period services. A new 24-hour paramedic team will also be based at Frankston as part of an investment of more than \$6 million.

It was announced that the mobile intensive care ambulance (MICA) services are to be upgraded at a number of metropolitan stations, with the rollout of more single MICA responder units to provide greater flexibility and a faster response in emergency cases. Two new single MICA responders are to be introduced at Chelsea and Frankston. Indeed on 3 June the minister toured the MICA 6 unit in Frankston accompanied by representatives of Ambulance Victoria and the local hardworking and dedicated MICA paramedics. The decision by Ambulance Victoria to implement further MICA single responder units around the state, including in Frankston, is based on sound evidence that it will deliver greater flexibility and faster responses to the community. It will see 16 extra paramedics introduced as part of the revamp, and it represents an investment of more than \$10 million to improve ambulance services in Frankston. Unfortunately since the minister's very successful tour of the MICA 6 facility, some misinformation has been circulated about the decision by Ambulance Victoria. Because of this I have previously made r to the minister and met with Ambulance Victoria management and local paramedics.

In relation to ambulance service delivery specifically in Frankston, Ambulance Victoria advises that there will be continuing MICA coverage of the area. The existing MICA unit will be converted to a 24-hour MICA single responder unit, with an additional 24-hour ambulance crew and a 12-hour peak period unit also commencing in the area. As members may be aware, MICA rapid responder units are sedans staffed by a specialist MICA paramedic. They are designed to quickly deliver care to those most in need. MICA single responder units have operated successfully in metropolitan Melbourne for over 10 years. They are supported by an emergency ambulance and staffed by a team of two advanced life support paramedics who are simultaneously dispatched to assist with treatment and transport. MICA services are being reorganised and streamlined at a number of metropolitan stations with the rollout of more MICA single responder units to strengthen clinical care. These changes are designed to improve response times and at the same time increase the availability of MICA level care. It is for these reasons that I seek the minister's action in ensuring that the investments in local ambulance services are delivered quickly.

Responses

Mr ANDREWS (Minister for Health) — I am very pleased to provide a response to, firstly, the member for Geelong, who is a very determined advocate on behalf of his local health service, Barwon Health. I have had the great pleasure, in my role as both parliamentary secretary and minister to visit Barwon Health with the member and to see firsthand that he is very much in touch with the needs of his local community and is a very strong advocate for his local hospital. He knows this government has provided Barwon Health with the recurrent funding it needs to treat more patients and to provide better care. What he also knows, because he has seen it firsthand, is that this government has provided Barwon Health with the capital dollars it needs to improve the fabric and the nature of the facilities from which it provides that first-class care to a growing number of patients.

Mr McIntosh interjected.

Mr ANDREWS — This is an important matter to the member for Geelong and to me, and I will work through the response in an appropriate way.

There is one great example of our government's commitment to the people of the Barwon region — not just to Geelong, because it goes beyond that — and that is the \$26.1 million new emergency department at Barwon Health. This is a very important investment and one we are proud of. I was down there a few months ago to officially open stage 1.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am having a great deal of difficulty hearing the Minister for Health on a very important matter, and I seek the cooperation of the house to do so.

Mr ANDREWS — These are important matters, and it is important to detail the government's commitment to the emergency department at Geelong Hospital. The member for Geelong's proud commitment to his local community — —

Honourable members interjecting.

Mr ANDREWS — If that is not shared by others, so be it. I was very pleased to open stage 1 of the emergency department. The member has invited me to go back to Geelong Hospital for the opening of stage 2. He is very keen, as is his community, to ensure that stage 2 is opened as quickly as it can be so we can have a situation where the best part of 25 000 local residents and visitors who present at the emergency department

each year can receive care. I know the member for Geelong and his local community are keen to see stage 2 open so that the growing number of patients can get the best possible care. I thank him for his kind invitation, and I commend him for his ongoing interest. He and his community can rest assured that we will continue to work as hard as we can to deliver stage 2 of the \$26.1 million to the emergency department redevelopment at the Geelong Hospital. I think it is the biggest emergency department redevelopment in rural Victoria in the state's history. We are committed to it, and the member for Geelong and his community can be absolutely confident of that as we go forward.

The member for Frankston raised an issue around ambulance services for his local community and for the Mornington Peninsula in a broader sense. It is important that I give all honourable members a clear sense that as a government we are completely committed to giving our ambulance paramedics — the best ambulance paramedics in the world — the resources they need to treat the growing number of patients who require pre-hospital emergency care.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Bass is out of his place. There may only be 26 minutes left of the adjournment debate, but I will put him out for it if he is not careful. I also indicate to the member for Benambra that I will do the same for him.

Mr ANDREWS — Thank you very much, Deputy Speaker. We are committed to ambulance paramedics and the services they provide. There is no better evidence of our commitment than this year's state budget. It did not just give a boost; it provided nearly \$186 million in additional funding for our ambulance service, together with substantial reform combining the three separate ambulance services into a single service to provide the best care right across our state, both on the road and in the air, with not one but two additional rotary assets for Air Ambulance Victoria.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I know it is the end of the week, but I seek the cooperation of members, particularly the member for Bass. The member for Bass should understand that he sits right in line with my left ear, and he is getting very noisy.

Mr K. Smith interjected.

The DEPUTY SPEAKER — Order! That is enough from the member for Bass.

Mr ANDREWS — We have provided the best part of \$186 million, and not just in one part of Melbourne but right across the state, with 59 new or upgraded services in 48 towns and suburbs — as I said, both on the road and in the air. The member for Frankston can be sure, as can his community and the community in that region, that Frankston, and the Mornington Peninsula in a broader sense, will share appropriately in this record boost to ambulance services.

In terms of some concerns around MICA services that have been raised in his local community, I simply say that we are about to increase the total number of locations from which MICA services are run, operating under the new model — a model developed by Ambulance Victoria with the support that we have provided — from 20 sites to 26 sites. As well we are rolling out single responder MICA units under a new model of care in Bendigo, Ballarat, the Latrobe Valley and also in the Geelong area. This is undoubtedly about more intensive care support for the sickest patients right across metropolitan Melbourne and in rural and regional Victoria. There can be no doubt that this is about improving access for critically ill patients to mobile intensive care ambulance services.

The member for Frankston and his community can have absolute confidence that that is the motivation and that the outcome will be greater access to intensive care ambulance services under this new model. That is only made possible because of the funding that this government has provided, which is the best part of \$186 million in extra funding in this budget alone. It is not just me who puts the view that this is an enhancement. This model of care, the single-responder MICA, was introduced by those opposite in the mid-1990s. There has been some commentary from those opposite against this model, but the absolute hypocrisy of their position is obvious to all.

It is not simply a matter of my forming an opinion about these matters; there are a number of others who are well-qualified to form this view. I will quote from a joint letter published by Associate Professor Mark Fitzgerald, director, emergency and trauma centre, Alfred hospital; Associate Professor Stephen Bernard, intensive care physician, Alfred hospital; and Dr Marcus Kennedy, medical director, Adult Retrieval Victoria:

In summary, the proposed change to MICA —
mobile intensive care ambulance —

services is undertaken to maximise the availability of MICA paramedics and to provide the best ambulance service to the community. We are very confident that the proposed

restructure will increase the availability of MICA to those patients who require this skill set.

Those comments and those offered by me tonight should give the member for Frankston and the community that he so passionately serves the reassurance that they need.

Mr WYNNE (Minister for Housing) — The member for Bass raised a matter for the Minister for Public Transport. The member asked for support for further transport services in Pakenham and surrounding areas, and I will refer that matter for the minister's attention.

The member for Pascoe Vale raised a matter for the attention of the Minister for Roads and Ports in relation to the implementation of initiatives for clearways on Sydney Road, indicating that between Bell and Munro streets there is a clearway on both sides at the same time of day and that that anomaly ought to be resolved. I will make sure the minister is aware of that matter.

The member for Morwell raised a matter for the Minister for Finance, WorkCover and the Transport Accident Commission in relation to the future use of the old Morwell police station, and I will make sure the minister is aware of those issues.

The member for Mornington raised a matter for the attention of the Minister for Planning. It is an interesting matter — the Sunnyside North optional dress beach. The request is that the Minister for Planning prescribe that area, and I will make sure the minister is aware of this matter. Perhaps he might like to make a site visit!

The member for Northcote raised a matter for the Minister for Education in relation to a great school, the Alphington Primary School. She seeks that the minister visit the school to address the expected further demands that will be placed on the school by a future very significant housing redevelopment just to the north of the school.

The member for Hastings raised a matter for the Minister for Public Transport in relation to what he indicates to be the obsolete boom gates at Ryan Road, Pakenham, suggesting that those gates be removed from that site and installed at Bungower Road at Somerville.

The member for Forest Hill raised a matter requesting that the Minister for Small Business participate in a business forum auspiced by the Vermont business centre. She indicated the excellent work that the Victorian Business Centre in Vermont has done in

supporting small business in her area. I will make sure that the Minister for Small Business is aware of that matter.

The member for Murray Valley raised a matter for the attention of the Minister for Energy and Resources. He is seeking support for the further expansion of the natural gas pipeline to Katunga.

The DEPUTY SPEAKER — Order! The house is now adjourned.

**House adjourned 4.52 p.m. until
Tuesday, 2 December.**

