

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 3 September 2009**

**(Extract from book 11)**

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## **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
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

**Privileges Committee** — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, Mr Nardella, Mr Stensholt and Mr Thompson.

**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 Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. 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, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

**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*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn and Mr Scheffer.

**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, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg 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 Dalla-Riva, Ms Huppert, Ms Pennicuik and Mr Rich-Phillips.

**Road Safety Committee** — (*Assembly*): Mr Eren, Mr Langdon, Mr Tilley, 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

**Acting Speakers:** Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

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

The Hon. J. M. BRUMBY

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

The Hon. R. J. HULLS

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

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

Member	District	Party	Member	District	Party
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Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
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Bracks, Mr Stephen Phillip <sup>1</sup>	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
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 <sup>5</sup>	Williamstown	ALP
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Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
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Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter <sup>2</sup>	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
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Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André <sup>3</sup>	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William <sup>6</sup>	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene <sup>4</sup>	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

<sup>1</sup> Resigned 6 August 2007

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

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

<sup>4</sup> Elected 28 June 2008

<sup>5</sup> Elected 15 September 2007

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



**THURSDAY, 3 SEPTEMBER 2009**

BUSINESS OF THE HOUSE

*Notices of motion: removal* ..... 3045  
*Adjournment* ..... 3046

PETITIONS

*Students: youth allowance* ..... 3045  
*Rail: Mildura line* ..... 3045  
*Patient transport assistance scheme: rural access* ..... 3045  
*Police: Latrobe Valley* ..... 3045  
*Ambulance services: Kinglake* ..... 3046

DOCUMENTS ..... 3046

MEMBERS STATEMENTS

*Racing: Werribee international horse centre* ..... 3046  
*Land tax: increases* ..... 3047  
*YMCA: Bridge project* ..... 3047  
*Rupanyup: community centre* ..... 3047  
*Dr Joseph Brown* ..... 3047  
*Community sector: long service leave* ..... 3048  
*Clifton Springs Bowling Club: synthetic green* ..... 3048  
*Gardiners Creek: contamination* ..... 3049  
*Alex Marshall* ..... 3049  
*Surf Coast Football Club: achievements* ..... 3049  
*Bushfires: fuel reduction* ..... 3049  
*Australian Ballet: school visit* ..... 3050  
*Local government: intergovernmental agreement* ..... 3050  
*Kokoda Trail: memorial service* ..... 3050  
*Good Samaritan Week* ..... 3051  
*Olympic Adult Education, West Heidelberg: facilities* ..... 3051  
*Barmah State Forest: firewood collection* ..... 3051  
*Housing: first home owner grants* ..... 3052  
*Police: numbers* ..... 3052  
*Schools: Kororoit electorate* ..... 3052  
*Charles Francis* ..... 3052  
*Emily Heyward* ..... 3053  
*Burwood District Bowls Club* ..... 3053  
*Jeff Herd* ..... 3053  
*Ashburton United Men's Soccer Club* ..... 3053  
*Mooroolbark Football Club: grand final* ..... 3053

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN: AMENDMENT ..... 3053

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

*Council's amendments* ..... 3062

LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

*Second reading* ..... 3064, 3087  
*Third reading* ..... 3098

PERSONAL EXPLANATION

*Member for Scoresby* ..... 3080

ABSENCE OF MINISTERS ..... 3080

QUESTIONS WITHOUT NOTICE

*Bushfires: preparedness* ..... 3080, 3083  
*Economy: performance* ..... 3081  
*Bushfires: royal commission* ..... 3082

*Melbourne Cricket Ground: Australian Football*

*League agreement* ..... 3082  
*Police: numbers* ..... 3083  
*Police: resources* ..... 3084  
*Housing: government initiatives* ..... 3084  
*Country Fire Authority: trucks* ..... 3085  
*Regional and rural Victoria: government initiatives* ..... 3085

CEMETERIES AND CREMATORIA AMENDMENT

BILL  
*Second reading* ..... 3098  
*Third reading* ..... 3098

GAMBLING REGULATION FURTHER AMENDMENT

BILL  
*Second reading* ..... 3098  
*Circulated amendment* ..... 3098  
*Third reading* ..... 3098

JUSTICE LEGISLATION FURTHER AMENDMENT

BILL  
*Second reading* ..... 3098  
*Third reading* ..... 3099

MAJOR TRANSPORT PROJECTS FACILITATION

BILL  
*Second reading* ..... 3099  
*Third reading* ..... 3099

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

*Second reading* ..... 3099  
*Third reading* ..... 3099

ADJOURNMENT

*County Court: Bairnsdale and Sale sittings* ..... 3099  
*Neighbourhood renewal: East Reservoir* ..... 3100  
*Government: purchasing policy* ..... 3100  
*Housing: Forest Hill electorate* ..... 3101  
*Glen Iris Junior Football Club: funding* ..... 3101  
*Roads: Melton interchange* ..... 3102  
*Schools: English Online Interview program* ..... 3103  
*Norris Bank Primary School: funding* ..... 3103  
*Andale School: illuminated speed signs* ..... 3104  
*Outer metropolitan ring-road: construction* ..... 3104  
*Responses* ..... 3105



## Thursday, 3 September 2009

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.**

### BUSINESS OF THE HOUSE

#### Notices of motion: removal

**The SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 32 to 34, 176, 177 and 224 to 229 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.

### PETITIONS

#### Following petitions presented to house:

##### Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

#### By Mr CRISP (Mildura) (38 signatures).

##### Rail: Mildura line

To the Honourable 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 said 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.

#### By Mr CRISP (Mildura) (213 signatures).

##### Patient transport assistance scheme: rural access

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current level of reimbursement under the Victorian patient transport assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

- a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;
- b. increase the current 17-cent-per-kilometre reimbursement rate and accommodation reimbursement rate of \$35 plus GST to levels that are more reflective of the current travel and accommodation costs;
- c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route, not just the shortest distance alternative.

#### By Mr CRISP (Mildura) (20 signatures).

##### Police: Latrobe Valley

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws to the attention of the house the intention of the police commissioner of Victoria to remove five police officer positions from the Latrobe Valley.

The petitioners say that reducing the numbers of police in the Latrobe Valley is unjustified. There are many issues surrounding the Traralgon entertainment precinct. One issue is the inability of the police to keep people safe or follow up on assaults.

An example is the unprovoked bashing of two young brothers between Christmas and New Year 2008. To this date neither has made a full recovery, either physically or mentally. The families of these young men find it impossible to reconcile both the incident and the lack of consequence.

The growing population of Traralgon and the expansion of the Morwell court complex, along with the petitioner's firm belief that a police presence does prevent crime, makes the decision to reduce police numbers all the more difficult to comprehend.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the police commissioner to reverse the decision to reduce police numbers in the Latrobe Valley.

**By Mr NORTHE (Morwell) (1439 signatures).**

### **Ambulance services: Kinglake**

To the Legislative Assembly of Victoria:

We, the undersigned residents of the state of Victoria, draw the attention of the house to the history of unacceptably long ambulance response times in the communities of the Kinglake region, including the townships of Kinglake, Flowerdale, Pheasant Creek, Strath Creek, Toolangi, Glenburn and Strathewen.

The current Victorian government target statewide for code 1 emergencies is for the response time to be within 15 minutes for 85 per cent of cases.

Victorian government statistics show that the average response times for Kinglake, Kinglake Central, Pheasant Creek and Kinglake West are around 40 minutes, and the average for most of the other towns in the region exceeds 30 minutes.

*Source: Ambulance Victoria FOI July 08–December 08 and January 09–February 09*

The petitioners therefore request that the Legislative Assembly of Victoria immediately act to ensure that the ambulance response times for code 1 emergencies in the Kinglake region be reduced to within 15 minutes in 85 per cent of cases, and to this end establish a permanent 24-hour ambulance base in the town of Kinglake.

**By Mr HARDMAN (Seymour) (5861 signatures).**

**Tabled.**

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

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

## **DOCUMENTS**

**Tabled by Clerk:**

Auditor-General, Office of — Report 2008–09

Statutory Rules under the following Acts:

*Building Act 1993* — SR 91

*Police Regulation Act 1958* — SR 92

*Road Safety Act 1986* — SRs 93, 95

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 93.

## **BUSINESS OF THE HOUSE**

### **Adjournment**

**Ms NEVILLE** (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 15 September 2009.

**Motion agreed to.**

## **MEMBERS STATEMENTS**

### **Racing: Werribee international horse centre**

**Mr PALLAS** (Minister for Roads and Ports) — I rise to address the house and commend the recent announcement by the Deputy Premier and Minister for Racing of the establishment of a \$1.4 million international horse centre at the Werribee racecourse. The Brumby government is contributing \$1.12 million and Racing Victoria and Country Racing Victoria will provide the remaining \$280 000 for the project, which will see the construction of a quarantine compound that will take over from the existing quarantine centre at Sandown racecourse.

The Werribee international horse centre will eventually be able to house up to 42 international horses, compared to Sandown's capacity of 22. The centre will include three stabling compounds, which will become the new base for visiting international horses competing in the Spring Racing Carnival. Some of the key features of the new centre include a single controlled access point, closed circuit TV monitoring, exercise walking circuits, sand rolls and day yards, a truck washing bay, a horse washing bay, which will use filtered water from rain tanks, an isolation box and a media viewing platform.

The Brumby government continues to make a significant commitment to the future of regional racing with the establishment of the \$86 million Regional Racing Infrastructure Fund. This project is not only a boon for my local community of Werribee but for the Victorian community, which loves to see international horses race on local tracks. Werribee will be ready to host them in 2010. This project is the first step to revitalising the Werribee racecourse, and I would like

to thank Rob Hines, the chief executive officer of Racing Victoria, Scott Whiteman; the chief executive officer of Country Racing Victoria; Patrick Wheelahan — —

**The SPEAKER** — Order! The minister's time has expired.

### **Land tax: increases**

**Ms ASHER** (Brighton) — I condemn the Labor Party for its excessive land tax, which impacts on individuals, often self-funded retirees; sports clubs such as the Brighton Bowling Club; and small businesses. It is partly the failure to adjust rates over a period of time to reflect the property boom, partly the removal of the 50 per cent cap on land tax bills and partly the greed of this government that is driving this policy.

I have previously given examples of significant increases in land tax within my electorate. One assessment in 2008 for \$4000 of land tax was lifted in 2009 to \$6600. I have another constituent whose land tax, since the increase, is 38 per cent of rental income — from properties, which cannot in theory be passed on. Another example is a 2008 land tax bill for \$1230 which has risen in 2009 to \$2925.

I have written to the Treasurer about the significant increase in land tax bills, and the Treasurer consistently writes back ignoring the fundamental issue. The Treasurer has advised my constituents that they can pay their tax in instalments. That is not the issue. The issue is that the taxes should not be at this level and this level of increase should not have occurred from 2008 to 2009.

### **YMCA: Bridge project**

**Mrs MADDIGAN** (Essendon) — Today I congratulate chief executive, Peter Burns, and all the team at the YMCA on the terrific Bridge Project they run. I had the pleasure of attending the Bridge Project annual breakfast last month, at which the Attorney-General and Reverend Tim Costello were the guest speakers.

Through the Bridge Project the YMCA assists young offenders by establishing a relationship with them prior to their release from prison, finding them employment and in some cases finding them accommodation. It not only finds them employment but identifies a mentor to work with them in the organisation where they are employed. A number of these young people have not had the capacity to have older people to assist them before, and it has been extremely successful. The project has only been running for two years but so far

there have been great success stories. At the breakfast we heard stories from some of those involved in the Bridge Project; namely, Derek, Simon, Matt and Greg. The list of employers has increased quite substantially from last year and includes the Ascot Vale Leisure Centre, which is in my electorate.

Any project that can find gainful employment for young people who have unfortunately been incarcerated is a great project, and I congratulate all the people involved in the process. In view of the fact that it is the football season, it is worthwhile mentioning that the project's patron is Mick Malthouse. He is a great supporter and works very closely with it.

### **Rupanyup: community centre**

**Mr WALSH** (Swan Hill) — I would like to congratulate the Rupanyup community which has been successful in putting together a funding package for the redevelopment of the community centre at the football and netball grounds in that town. The redeveloped site will have a function room capable of seating 130 people, a new kitchen, new social club facilities, a new first aid room and office area, and, importantly, new changing rooms for the sporting teams that play there. Most importantly, there will be a new timekeeper's box for the poor people who have to sit in the cold doing the timing for the local football matches.

The community is hopeful that it will be able to use local contractors to build the facility. It has received \$275 000 from the Small Towns Development Fund, \$55 000 from the small towns drought program and \$55 000 from the Community Support Fund. But most importantly it received \$165 000 from the Bendigo Bank community fund. For the information of members, Rupanyup and Minyip are the two towns that joined together to start the first Bendigo Community Bank, and this is one of the benefits the town has seen from that initiative.

It has taken five years of work by the community to put this together, and I congratulate the community on doing that. When Andrew Wiedemann rang me and said they had been successful in putting the project together I was thrilled for that community after all its hard work and the persistence it has shown in achieving its goal. Well done, Rupanyup.

### **Dr Joseph Brown**

**Ms KOSKY** (Minister for the Arts) — It is with sadness that I report the loss of a very distinguished Melbourne collector, art dealer and artist, Dr Joseph Brown, AO, on 24 August. Dr Brown was an inspiring

Victorian. He loved art and artists and was a generous artist, mentor, benefactor and collector throughout his long life.

Dr Brown was born in Poland in 1918, emigrating to Australia in 1933. His interest in art began at an early age and was completed with an art scholarship to study at the former Brunswick Technical School. In 1938 he founded a fashion business but two years later he enlisted in the 13th Light Horse regiment of the Australian Imperial Force.

Returning to fashion after the war, he began collecting Australian art. Moving into art dealing in the 1960s he opened a gallery in Collins Street where he presented the great Australian artists of the day, along with exhibitions of our great colonial artists. He was never happier than when in the company of practising artists.

In 2004 he gifted his Australian art collection to the National Gallery of Victoria — the largest and most generous gift ever to an Australian gallery. He donated his collection of a lifetime of correspondence with artists and others to the State Library. He also donated hundreds of works to public collections throughout Australia.

At the time of his great gift to the National Gallery, which we can all visit for free at Federation Square, Dr Brown said, 'I would like all Victorians to feel they own this immense collection'.

**The SPEAKER** — Order! The minister's time has expired.

### **Community sector: long service leave**

**Ms WOOLDRIDGE** (Doncaster) — This government and the Minister for Community Services are seriously mishandling the delivery of a 2008 promise to introduce a portable long service leave program for the community sector. There is widespread support for measures that attract and retain staff in the non-profit sector.

The sector wants a model which is viable and sustainable from a financial and administrative perspective. Instead, the central fund model placed on the table by the government is administratively complex, adds costs in already financially stressful times and is on an unreasonable timetable for implementation. The government has ruled out any financial support to reflect the net cost impact.

National Disability Services Victoria has stated that it will oppose the government's proposed scheme on the basis that it would result in 'additional costs for the

disability sector at a time when its financial position has never been less certain'. The Victorian Council of Social Service has said 'the community sector has overwhelmingly voiced opposition to the central fund model currently proposed by the Victorian government'. It has also said 'the timing of creating a central fund in 2010 is unpalatable'. My local Manningham community health service has said it 'wishes to exclude itself from the scheme', and Doncare has serious concerns, along with many others.

The Brumby government gives every indication that it is determined to impose this portability scheme with no consideration of what it will mean for the future of community organisations. The minister must go back to the negotiating table prepared to listen and revise the approach to see if an acceptable scheme is achievable.

### **Clifton Springs Bowling Club: synthetic green**

**Ms NEVILLE** (Minister for Mental Health) — I was delighted recently to join with members of the Clifton Springs Bowling Club to announce a \$60 000 state government grant to add to the club's funds for a new synthetic green. The synthetic surface will enable this very popular and successful club to continue to operate despite the impact of the drought. People will be able to play bowls all year round no matter what the weather. The club plays a vital role in the life of the local community, keeping people active and socially involved. On Saturday the club will be celebrating its opening day of the new season.

I am pleased to sponsor plots for special plantings for the pathway to the clubhouse and a plaque to commemorate a special year for the club. The club's achievements have been considerable and include raising nearly \$160 000 through raffles, special tournaments and open days, having three teams in last season's pennant finals, installing a new kitchen and water tanks to help cope with the drought conditions, and working with young people to encourage them to join and discover the fun and social and fitness benefits of bowling.

My congratulations to all members of the club, many of whom volunteer their time, energy and skills to improving and maintaining the club's facilities, especially the groundsmen and maintenance team. Congratulations particularly to Jean Reid, the director, and the members of the board of management for their leadership, hard work and commitment to ensuring that this significant community asset will continue to play a vital role in the local community and beyond. My very best wishes for the new season.

### **Gardiners Creek: contamination**

**Mr O'BRIEN** (Malvern) — I note with alarm information recently obtained by the coalition showing that the level of E. coli contamination of Gardiners Creek was hundreds of times the recommended safe level. Gardiners Creek forms part of the northern border of my electorate and, as a Yarra River tributary, is one of the area's most significant environmental features.

Gardiners Creek and its surrounding areas host a number of recreational facilities in Stonnington and Boroondara, including children's playgrounds. For reasons of health, safety and environmental protection, it is essential that this waterway be kept clean. Given that E. coli represents faecal contamination and a safe level is 200 organisms or less per 100 millilitres of water, it was shocking to see the results from Melbourne Water's water quality monitoring. For calendar year 2007 the Gardiners Creek monitoring station at Glenferrie Road recorded a mean reading of 580 organisms — nearly three times more contamination than what is considered safe. However, the maximum contamination reading was a horrifying 53 000 organisms — 265 times the safe limit.

This level of E. coli pollution is absolutely unacceptable. The Brumby government has been derelict in its environmental obligations. How can parents feel safe letting their kids play near Gardiners Creek with these levels of contamination? I call on the government to release the 2008 monitoring results and to take immediate action to restore the health of Gardiners Creek before this important part of my electorate's natural environment is irreparably damaged and the health of those who use the creek is compromised.

### **Alex Marshall**

**Mr CRUTCHFIELD** (South Barwon) — I wish to inform the house about some amazing sporting accomplishments in my electorate of South Barwon. In particular I refer to Torquay eight-year-old Alex Marshall. Alex, a student at St Therese Catholic Primary School, was last week crowned world karate champion. This pint-sized self-defence master defeated both male and female opponents at the State Netball and Hockey Centre in Melbourne to win the title. Alex is now the proud under-9 World Intermediate Kumite champion after beating more than 60 competitors from around the world. This is an extraordinary achievement when you consider that Alex has trained in the sport for only the past two and a half years.

Alex's parents, Peter and Kate, sisters Victoria, 12, and Isabella, 4, and brother, William, 7, also train in martial arts. Peter performed exceptionally well at the championships despite only having six months experience in the sport, finishing fourth in his division.

### **Surf Coast Football Club: achievements**

**Mr CRUTCHFIELD** — I am very pleased to say that Surf Coast Football Club further cemented its position as a soccer-football powerhouse in the Geelong Region Football Association competition after the two girls sides and a senior women's side took out their respective competitions. This is the first time such a feat has been achieved since the female competition began, with the Surf Coast Football Club's under-14 and under-16 girls and senior women's teams finishing on top of the ladder. Both girls teams lost only one match each this season, which is a sensational achievement. The senior women's side went one better and went through the season undefeated and are tipped to carry the form through the semifinals into the grand final.

The Surf Coast senior men's Football Federation Victoria division 3 side, which is in its first year, play this weekend against Mill Park for the chance of a promotional place for next season, and I wish them well. With such superb performances on the field the world game of football is certainly alive and healthy in my electorate of South Barwon.

### **Bushfires: fuel reduction**

**Mr TILLEY** (Benambra) — Today marks 54 days until the new fire season. But can Victorians feel safe in the knowledge that all that can be done is being done by their government? On Tuesday members of the coalition demonstrated that on no less than 25 occasions this government has first undertaken to then renege on implementing critical bushfire safety recommendations. It is little wonder that the government fought so hard to gag the coalition from raising this in the Parliament. North-east Victoria has faced three serious campaign fires in the last decade: in 2003, 2006 and just recently in 2009.

Given this, I find it inexplicable that towns in the north-east, such as Beechworth, were snubbed by this city-centric government in its recent announcement of increased fire-preparedness funding. My fuel identification and reduction campaign has uncovered numerous parts of the north-east laden with ground fuel that will burn at a moment's notice. Victorians in the north-east are desperate to do the work to be prepared

for the coming fire season, but they are fighting with both hands tied behind their back.

This Labor government has simply not learnt the tragic lessons of history. Despite this week's promises, this government will still not allow land-holders adequate means to clean up in and around their land, nor for that matter has the government undertaken the necessary burn and clean-up programs. Local estimates indicate fuel levels exceed those that were recorded during previous fires, and yet the government refuses to prepare properly. How can we be safe if after 10 long years those responsible for our safety in Melbourne still will not take —

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

### **Australian Ballet: school visit**

**Ms THOMSON** (Footscray) — I wish to thank the Minister for Sport, Recreation and Youth Affairs for understanding that sport is not necessarily everyone's choice for keeping fit and for recognising that for some the pursuit of activities such as dance might be. I also want to pass on my thanks to Helen Cameron from the Australian Ballet who enabled me to take 50 local Footscray students to see the Australian Ballet's performance of *First Impressions* at the State Theatre, which provides young people with an opportunity to get a taste of ballet. On 26 August I had the opportunity to watch these children delight in the chance to see ballet for the very first time. Students from Footscray North Primary School, Footscray Primary School, Braybrook College, Footscray City College and Gilmore Girls College were part of the delegation of students who went to see the ballet.

The thing that excited me most was their reactions at the very end, when they said, 'Is that all? Can we see some more?'. It just goes to show how important it is to ensure that those who do not get the opportunity to experience dance, both to see it and participate in it as an audience and to participate in it as dancers themselves. I thank the minister for enabling them to have that opportunity.

### **Local government: intergovernmental agreement**

**Mrs POWELL** (Shepparton) — On 14 May 2008 an agreement establishing principles to guide state-local government relations on local government matters was signed by the Minister for Local Government and then Cr Dick Gross, who was also then the president of the Municipal Association of Victoria (MAV). The

objective of the Victorian state-local government agreement (VSLGA) was, among other things, to improve communication and consultation between state and local government. The intergovernmental agreement stated that:

Where the Victorian government intends for local government to administer or enforce new primary legislation, or new or revised regulation, the relevant lead department shall, subject to exceptional circumstances, consult with local government ...

There is also a requirement to:

... review the progress of the implementation of the VSLGA.

And:

... the parties agree to establish the Victorian state-local government group, comprising the Minister for Local Government, the president of the Municipal Association of Victoria and other parties as agreed.

This is a requirement to monitor the implementation of the VSLGA and evaluate its performance on an annual basis.

Given that this agreement was signed in April 2008 and it is now September 2009, which is 16 months since the agreement was signed, the review is now 4 months overdue. I ask: has the state government established the Victorian state-local government group? If so, what was the outcome of the review? My information from councils and the MAV is that the agreement has not been honoured. Many local government bills have been introduced into Parliament that councils, the MAV and the Victorian Local Governance Association were not adequately consulted about and that have had a dramatic and drastic impact on local councils.

### **Kokoda Trail: memorial service**

**Mr TREZISE** (Geelong) — Last Sunday, 30 August, together with the member for Lara, I had the privilege of laying a wreath on behalf of the state government at the Kokoda memorial service organised by the Geelong sub-branch of the National Servicemen's Association of Australia. From the outset I take this opportunity to congratulate all members of the Geelong sub-branch on their initiative in commemorating Kokoda, those who fought on the track and in particular those who did not return home.

I can assure the Parliament that, despite blustery conditions, it was a very fitting and moving memorial service. The service was well attended, with participants coming from the 39th Australian Infantry Battalion Association, the 2/14th Battalion Association and the 2/16th Battalion Association. Also in

attendance were local councillors and community members, many of whom had close family who fought in New Guinea. The Reverend Peter Holloway, himself a veteran of Kokoda, spoke very pertinently on his experiences and the people with whom he served, including many who paid the ultimate sacrifice.

I take this opportunity to once again commend and congratulate all those involved in Sunday's service, including: the president, Neville Lewis, and his members; the Reverend Bert Bell; Major Laurie Haby; Pipe Major Bill Spriggins; bugler, Christine Bowden; the Geelong Memorial Brass Band; Alpha Company, 8/7th Battalion; and the City of Greater Geelong.

Lest we forget!

### **Good Samaritan Week**

**Mr R. SMITH** (Warrandyte) — I rise to support the family of Luke Mitchell in their call for a Good Samaritan Week. Luke Mitchell was tragically killed when going to the aid of someone who was under vicious attack from a gang of gutless individuals. These same men turned on Luke and brutally bashed and stabbed him. The proposed Good Samaritan Week is supported by the coalition, with the Leader of the Opposition saying the week would be a good thing and would remind all Australians of our enduring values of mutual respect, selfless values and standing up for each other.

Luke's family has been very vocal in calling for an end to the violence and for much tougher sentencing for those who commit such crimes. I support the Mitchell family's aims in the strongest possible terms. It is alarming that, with few apparent consequences for those who indulge in such mindless and senseless violence, the problem has moved on to the next phase. The injuries sustained by police sergeant Brett Ward, which included a fractured eye socket and a broken nose, show us that thugs have no fear in attacking the very people who are out on the streets trying to protect us.

The Brumby government is virtually paralysed by the problem, with initiative after initiative being rolled out with much fanfare but with little actual effect. The police minister continues to remain in hiding, preferring to roll out the chief commissioner to make the soothing political statements. I have said this many times already in this house: more police are needed on the front line and tougher sentencing is required to send a real message to the thugs on our streets. Victorians have had enough.

### **Olympic Adult Education, West Heidelberg: facilities**

**Mr LANGDON** (Ivanhoe) — Yesterday I had great pleasure in officially opening the redevelopment of the community facility at 233 Southern Road, West Heidelberg, which includes a new community kitchen.

Olympic Adult Education (OAE), which operates classes from the Southern Road council facility, received a modernising neighbourhood house grant of \$50 000 in 2007 that was matched by neighbourhood renewal infrastructure funding of \$70 000. It must be noted that the Banyule council contributed \$40 000 and the Banyule Watsonia RSL Trust donated \$10 000 towards the project. Other contributions were made by Olympic Adult Education, the Olympia ward fund, which covered office furniture, and the East Ivanhoe branch of the Bendigo Bank, which covered kitchen equipment.

I would personally like to thank Louise Terranova, manager of OAE, for all her work, leadership and guidance in obtaining the funding, supervising the redevelopment process and working with other community groups that use the facility. In addition to the new kitchen, the facility boasts a superb welcoming entrance, a waiting area, reconfigured office space and additional work stations. The main focus of the community kitchen will be to engage people through cooking healthy food and sharing food and recipes. Groups already using the kitchen are the I'm an Aboriginal Dad group and Women Creating Harmony cookbook groups. Olympic Adult Education will also assist with cooking literacy classes.

I congratulate Olympic Adult Education on expanding its neighbourhood house activities in this area. I also advise all those present that the West Heidelberg neighbourhood renewal, which I chair, has also been granted funding for an additional few years, until the end of 2013. I personally thank the Minister for Local Government, Minister Wynne, for his support in this matter.

### **Barmah State Forest: firewood collection**

**Mr WELLER** (Rodney) — The Premier has this week announced amendments to the Victorian planning provisions to allow targeted planned roadside burns for high-risk fire areas. Under the new measures people will be allowed to collect firewood from those roadside areas for two weeks before the burns are undertaken.

I encourage the Premier to extend this new policy to enable commercial and individual timber

licence-holders to remove firewood from the floor of the Barmah forest before fuel reduction burns are carried out in the area. The Premier has set a precedent in announcing the new roadside measures and has nothing to lose by allowing the same scenario to develop in the Barmah forest. This would be a common-sense approach and one which could easily be adopted by the government, given the announcement of this new strategy.

Northern Victorian communities along the Murray River continue to face a massive reduction in firewood supply as a result of the Brumby government's decision to dramatically scale back timber harvesting in the river red gum region. This reduction in supply could have serious consequences for Murray River paddle-steamers at Echuca, which require a supply of 2500 tonnes of firewood per year to power the boats and an additional amount of wood for repairs and upgrades.

This proposal would at least allow the recovery of some additional firewood from the forest floor which would otherwise be destroyed when the burns are carried out. My advice from the Department of Sustainability and Environment is that fuel reduction burns are scheduled to begin in sections of the Barmah forest within the next four weeks, so it is critical that the Premier move quickly to approve this proposal before it is too late.

### **Housing: first home owner grants**

**Ms KAIROUZ** (Kororoit) — I rise to congratulate the more than 5000 Victorians who bought their first home in the month of June with assistance from the Brumby and Rudd Labor governments, smashing through the record of 4946 applicants in the previous month. Victorian first home buyers received government assistance to purchase more than 1489 newly constructed homes in June, creating thousands of jobs in Victoria's construction sector.

These payments help to build new houses, create jobs, stimulate the Victorian economy and fight the impact of the global financial crisis. The first home boom is great news for Victoria's builders and tradespeople. The number of first home owner grants paid to Victorians has increased 4.99 per cent compared to the May figure, despite the impact of the global financial crisis. It is great to see that suburbs such as Caroline Springs, Burnside and Deer Park in my electorate, and Cairnlea, have the second-highest number of applications for the first home buyer grant.

### **Police: numbers**

**Ms KAIROUZ** — I welcome the announcement of an additional 120 full-time police officers on the streets to help make the Victorian public feel safer. These extra police will target trouble spots across the state and target alcohol-related crimes. New officers will start to be recruited in November this year and will start hitting the streets in the first half of 2010. This is welcomed by all communities in my electorate.

### **Schools: Kororoit electorate**

**Ms KAIROUZ** — I would like to congratulate all the school communities in Kororoit that received funding to modernise their schools thanks to the Brumby and Rudd governments. The funding will provide new facilities and refurbishments such as libraries, multipurpose halls — —

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

### **Charles Francis**

**Mr McINTOSH** (Kew) — Charles Francis was a professional colleague and friend of mine from the Victorian Bar whose career spanned some 60 years. Born in 1924, he attended Melbourne University, obtaining degrees in law, arts and commerce. He was called to the bar in 1949 and took silk in 1969, eventually retiring in 2002. In 1987 he was elected chairman of the bar council.

Charles served in the RAAF (Royal Australian Air Force) during World War II as a rear gunner. Eventually commissioned, he transferred to the RAAF reserve after the war and was promoted to group captain in 1981. He was subsequently judge advocate for the RAAF. In 2003 he described as his proudest achievement commanding 100 men at the age of 20. He was elected to state Parliament as the member for Caulfield in 1976 and served until 1979, when as always Charles chose principle and personal integrity above political convenience, which led to electoral defeat — but a happy return to the bar.

On a personal note, Charles was the chairman of my barristers' clerking list, and I remember being interviewed by and meeting him for the first time in 1984. What could have been a daunting, career-critical meeting soon became one of the warmest and most open and informative professional conversations I have ever had. From that moment I liked, respected and trusted Charles Francis. I sincerely extend my sympathy to Babette and family for their sad loss.

## Emily Heyward

**Mr EREN (Lara)** — As a task I asked a constituent Emily Heyward, a year 10 student from Clonard College in Geelong who did work experience at Parliament recently, to write a 90-second statement about any issue she liked. She wrote:

Australia as we know it today is a nation priding itself with rich sporting history, history which is rich in triumph and amazing ability.

Victoria, many could claim, is the sporting capital of Australia, with sporting infrastructure like the MCG, Etihad Stadium, Olympic Park, Kardinia Park home to the 'greatest team of all', the rectangular stadium being built, and the Geelong waterfront hosting many triathlons, are a few of the many facilities across the state providing Victorians, Australians, and even international athletes with the chance to illustrate their ability to the public.

However, it is not only the elite which claim these stadiums as their own. The MCG, Etihad Stadium, Kardinia Park play host to many individuals of all ages who share their ability, whether it may be elite or not, but their passion for the same sport is still well lived.

One example of this is the Auskick program at half-time, where young people get to play on the same ground as their sporting heroes.

Places and venues such as the Kardinia Park and the various other sporting venues across the state are what makes the sporting world of Victoria such a world-class location for competitive, spirited sport.

Whether it be AFL, soccer, cricket, or athletics, Victoria is certain to have the venue needed to provide the sportsperson with an outstanding, first-class performance.

## Burwood District Bowls Club

**Mr STENSHOLT (Burwood)** — Last Saturday I had the privilege to be invited to attend the opening of the bowls season at the Burwood District Bowls Club. It is an excellent club and a tribute to its president, Peter Humphreys, the committee and all its members. There was time before the very welcome rain to open the greens and unfurl the flag for last year's winning team. A celebratory afternoon tea included the establishment of a youth scholarship fund to encourage young players, which I was happy to support. I wish the club well for the new season.

## Jeff Herd

**Mr STENSHOLT** — On behalf of the communities of Ashwood, Ashburton and Chadstone and all those associated with the neighbourhood renewal program there, I wish to publicly pay tribute to its manager, Jeff Herd.

It was with a tear in the eye, combined with immense pride and genuine gratitude, that the community farewellled Jeff last Friday. Jeff's good humour, willingness to work alongside people, terrier-like capacity to build community and develop practical programs as well as find funding for projects have been a beacon of friendship in the local community.

It has been a remarkable journey for Jeff from bureaucrat to community worker and advocate. He grew as the community grew, and it embraced him as he embraced it. From the bottom of our hearts, the community says thanks.

## Ashburton United Men's Soccer Club

**Mr STENSHOLT** — This Saturday will be a do-or-die battle for the Ashburton men's soccer team to avoid relegation. It all comes down to this match after an up-and-down and mainly frustrating season, including losing the challenge shield to Minister Merlino's Monbulk team. I wish Paul Crisp and the boys all the best for the weekend. Go Ashy!

## Mooroolbark Football Club: grand final

**Mr HODGETT (Kilsyth)** — I wish the Mooroolbark Football Club all the best for its grand final in the third division of the Eastern Football League this weekend.

**The ACTING SPEAKER (Mr Seitz)** — Order! The time set aside for members statements has expired.

## UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN: AMENDMENT

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

That under section 46D(1)(c) of the Planning and Environment Act 1987, amendment 118 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved.

The Minister for Planning has prepared this amendment and is the planning authority for it.

The government has announced a 10/30 right when it comes to vegetation clearing. That will allow landowners to clear any vegetation on their own properties, including trees, within 10 metres of a house and any ground fuel within 30 metres of a house as of right — that is, without a planning permit.

Clause 52.43, to be inserted by this amendment, will also allow for targeted planned burns for high-risk areas, for people to be able to collect firewood as of right from those roadside areas for two weeks prior to the burns, and for landowners to clear all vegetation, including trees, for a combined maximum width of 4 metres either side of a property boundary fence, provided they have the permission of the neighbouring landowner.

The planning scheme exemptions for bushfire protection will be reassessed within 12 months, once the final report of the Victorian bushfires royal commission is available. Due to the particular planning provisions relating to the Upper Yarra Valley and Dandenong Ranges regional strategy plan, for it to be done on a statewide basis it also has to be incorporated into that plan, and that is why this matter is before the house today.

The amendment changes the list of exemptions in schedule 6 to the policies set out in the Upper Yarra Valley and Dandenong Ranges regional strategy plan. The amendment is required to enable changes to be made to the Yarra Ranges planning scheme to introduce a new provision — that is, clause 52.43 — setting out interim measures for bushfire protection. The purpose of the clause is to enable the removal and destruction of vegetation, as I have outlined.

There are a number of potential inconsistencies between the policies of the regional strategy plan and new clause 52.43 of the planning scheme. For the purposes of clarity, a new exemption will be added to schedule 6 of the regional strategy plan to exempt the relevant provisions of the regional strategy plan insofar as they are inconsistent with new clause 52.43.

After 13 years of drought Victoria potentially faces a fire season of unprecedented danger with conditions that could be far worse than those of the 2008–09 summer when 173 lives were lost in the bushfires on Black Saturday. The purpose of the interim controls that will be introduced by the new clause is to ensure that landowners can remove vegetation without a planning permit to assist with making their property as fire safe and fire ready as possible for the impending bushfire season. This will help to minimise the risk to life and property.

The amendment is also required to enable roadside fuel reduction burning to be undertaken by the Country Fire Authority without a planning permit. The public will be permitted to collect fallen wood from roadsides for personal use for a specified period prior to planned

burns. Clause 52.43 provides for this to be done without a planning permit.

The amendment implements the objectives of planning in Victoria pursuant to section 4 of the Planning and Environment Act 1987 in particular by providing an efficient and safe environment for Victorians living in areas at risk from bushfire and by providing for the fair, orderly and sustainable use and development of land in those areas. The amendment will have positive social and economic benefits. It will assist landowners to manage risk to life and property from bushfire. The amendment to the Upper Yarra Valley and Dandenong Ranges regional strategy plan is not affected by any ministerial directions.

The amendment will help reinforce various objectives and strategies set out in the state planning policy framework, specifically clause 15.07-1, headed ‘Objective’:

To assist the minimisation of risk to life, property, the natural environment and community infrastructure from wildfire.

We believe this is a positive amendment, and we seek endorsement of it by the house.

**Mr RYAN** (Leader of The Nationals) — The coalition supports this motion and the amendment consequent upon its passage. The tragedy is that we have this motion before the house after the appalling events of this year. We have this motion before the house when, as we know, 173 people died in the bushfires this year, when there were more than 2000 homes destroyed, when something in excess of 400 000 hectares of land was burnt, when untold destruction was caused not only to the physical amenity of this state, both private and public, but also to the lives of so many people directly and indirectly affected by the dreadful events of January and February and very particularly Black Saturday.

While the coalition supports the motion, we record for the people of Victoria our great regret that we are having this debate after that disaster occurred. It took the fires to move this government to action. After years of pandering to the green vote in its different forms, after years of ignoring the practical realities that go with people living in the areas which are affected by this amendment, after years of dismissing pleas by those people and so many other people apart from those very directly affected that something needed to be done to deal with these native vegetation laws and regulations, after adhering to the blind ideology of the Labor Party and its blatant refusal to take practical steps to deal with issues around native vegetation and its management and worse still after ignoring recommendations which

had previously been made as a consequence of a process which this government itself undertook in 2006, here we are.

It is to the great shame of the government that we are debating this motion in the circumstances which are before us. All Victorians, the old and the young, who often come to this Parliament as part of school groups, know all too well that the fires earlier this year had a dreadful impact across the whole of our state. Be that as it may, we now have the amendment before us.

If I might broadly summarise the effect of the motion, rather than initially going into too much of the detail, it can be put in these terms. The purpose of this motion is to allow what is termed the new 10/30 native vegetation removal provisions to apply to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan.

As a background to this, we now have the government implementing what it terms its 10/30 rule for native vegetation clearance. That is to happen in all but 20 of the metropolitan local government areas across Victoria. The 10/30 rule will allow land-holders to clear native vegetation on their property, as of right, including trees within 10 metres of a house and ground fuel within 30 metres of a house, and it will allow land-holders to do that without having a permit. There will be provisions for targeted planned roadside burns for high-risk areas. The collecting of firewood will be allowed as of right on these targeted locations, and that will be allowed to happen for two weeks prior to the burns.

Native vegetation clearance will only be allowed to take place on a property that is actually owned by the person who intends to have that clearing occur. Any person who is renting or wanting to clear land that is owned by another party — and that includes the roadside or public reserves — will need to get written permission from the landowner or the relevant public land manager. The provisions are intended to expire on 31 August 2010 following the final recommendations from the royal commission which is looking into the bushfires from earlier this year, including the Black Saturday bushfires.

The process of adopting these changes is a regular planning scheme amendment for 58 of 59 identified municipalities. However, in the case of the shire of Yarra Ranges, there is a legislated regional strategy plan, and therefore it requires legislative change to adopt these provisions into its municipal planning scheme. The Yarra Ranges regional strategy plan will therefore have a three-line amendment inserted at the end of the plan. Those three lines state:

All land within the municipal district of the shire of Yarra Ranges: vegetation may be removed, destroyed or lopped in accordance with clause 52.43 and clause 53.01 of the Yarra Ranges planning scheme.

These two clauses allow the actions that I have detailed above to occur. The totality of the process, again in the broad, will be that the motion will be passed by both chambers and the relevant changes will be listed in the 58 municipal planning schemes. That is apart from the Yarra Ranges, of course, which is directly affected by what is now before us. The changes are to be gazetted next week.

In essence that is what we see before us. When we go to the actual specifics of what is proposed, they appear within 52.43 under the heading 'Interim measures for bushfire protection'. The purpose cited within that provision is:

To enable the removal, destruction or lopping of vegetation to reduce fuel load around buildings used for accommodation and on roadsides to assist with minimising risk to life and property from bushfire.

Under 52.43-1, which is headed 'Exemption from planning scheme and planning permit requirements', the actual elements of these provisions have been detailed. As it clearly stipulates on the face of the document, they are being done for bushfire protection. They include, under a series of dot points:

The removal, destruction or lopping of any vegetation within 10 metres of a building used for accommodation;

the removal, destruction or lopping of any vegetation, except for trees, within 30 metres of a building used for accommodation;

the removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of a fence on a boundary between properties in different ownership;

fuel reduction burning in the roadside of an existing public road;

the removal of fallen wood for personal use —

and I emphasise 'personal use' —

from the roadside of an existing public road.

The clause does not apply in municipalities that are specified, and there are 20 of them. There are then some final clarifying points. All that is fine as far as it goes, and I know those who follow me will make some comments around the extent to which there remains interpretation of some of the provisions contained within what we have before us. There will be issues around the definition of a tree, and there will be commentary about the style of vegetation and whether there is any qualification upon the use of that term —

that is, any definitions involved in it. Those things will need to be further explored.

But I want to concentrate on the broader issue around the policy direction of all of this, and most particularly the timing of it. The unfortunate thing — the tragic thing even — is that in 2006 this government received recommendations which bear a remarkably striking resemblance to which we now have before us. An advisory committee report was undertaken entitled *Review Exemptions in Native Vegetation Retention Provisions*. The committee was convened by this government and comprised Cathie McRobert, Christine Forster and Chris Harty. Its report was delivered in February 2004.

In the summary of conclusions and recommendations under the heading 'Introduction' there is set out what is termed 'The advisory committee process'. Detailed within the paragraphs on page 1 is the essence of the terms of reference. Within the second of those terms of reference appears the commentary that the committee is required to:

Review the basis for providing exemptions from the vegetation controls in clause 52.17 and including consistency and implications for relevant overlays (environmental significance overlay, significant landscape overlay —

and most importantly, and I emphasise —

wildlife management overlay ...

It goes on to talk about:

vegetation protection overlay, salinity management overlay, erosion management overlay) and clause 52.18. Take into account the impacts identified in task 1, the impacts on state and local government planning resources, and compliance costs for landowners.

There are then two other categories of terms of reference.

The government constituted a committee, and among tasks it was being asked to look specifically at issues of native vegetation, the range of exemptions required to planning provisions with regard to native vegetation, and very particularly it was to look at the impact of all of this in the context of wildfire management overlays.

The committee produced a report comprising, from memory, about 120 pages. The particular element of it to which I want to take members is page 61 where after a discourse about various elements of the matters the committee had considered in the context of a general heading of 'Fire' and its impacts, wildfire management overlays and the like, there appears this recommendation from the advisory committee:

The advisory committee recommends that:

an exemption be provided for fire-risk mitigation to allow:

native vegetation, including dead vegetation, to be cleared within 10 metres of a dwelling; and

shrubs within 30 metres and dead vegetation within 100 metres of a building other than a fence.

Accordingly, in February 2006 after a protracted review process the government delivered a recommendation which bears an extraordinary likeness to the provisions which now appear within the motion we are now debating. In essence the government had before it the very recommendations which it now proposes by this motion to give effect to.

We support what the government now intends to do; we have been trying to achieve this outcome for years. Apart from the efforts of those of us on this side of the house to achieve this outcome, the people we represent have been attempting to achieve this outcome. It took the disaster of this year to convince the government that it should act, and in one of the classic cases of bolting the stable door after the horse had well and truly gone we now have before us that which in essence was recommended to the government in February 2006. Of course we know the government now recognises that the recommendation it received in 2006 was right. We know that is the case because we are here debating the issue giving effect to that recommendation. After years and years of the government's having made it more difficult and more convoluted for people to be able to do what is now being contemplated by the amendments which the government urges us to accept, we have these changes being made.

If ever one wanted a terrific dissertation about the gymnastics that have until now prevailed in relation to native vegetation management, one could not do better than read the opening by Jack Rush, QC, counsel assisting the bushfires royal commission. I sat in the commission and listened to Mr Rush make his comments, and he gave an absolutely magnificent summary of the gymnastics associated with current native vegetation controls in Victoria. He outlined the absolutely tortuous process which is represented by an amalgam of legislation and regulation which in effect makes it virtually impossible for a person to do what is now contemplated by the provisions the government is introducing here today.

As Mr Rush said at the time, and by implication indicated, something was going to have to be done to carve a way through this problem. The pity of it is that the government had that basic pathway laid out to it by

its own committee as a result of an extended process back in February 2006. Now, in essence with little change or modification, the government has decided to act. It is a tragedy that this is happening after years of ignoring the practical reality of people struggling to accommodate these issues in areas where these matters apply, after dismissing the pleas from so many people and after government members adhering to their own ideology and not being prepared to act and, worse still, in the face of having received recommendations from its own committee.

The other point to be made about this is that when I asked the Premier in question time the other day — I think it was Tuesday — why the government had decided to give effect to those February 2006 recommendations as opposed to simply announcing them on Monday of this week, he answered that the government was taking the matter out of the hands of local government. The implication in the Premier's commentary was that local government was to blame. That is an absolutely unmitigated cop-out. As the Premier well knows, and as the process now before us confirms, this is an issue of state planning policy. It has always taken a government with courage to do what needed to be done, and the sorry commentary must be made that this government has never had the courage to do it. The sorry observation must be made that it has taken the disaster of this year for the government to be moved to do what it clearly should have done those years ago. Had the government acted, who knows what otherwise might have occurred? The government, and particularly the Premier, cannot blame local government. Clearly this is an issue of state planning policy. Again we see the government having failed to act in the face of clear advice which it had been given following a protracted process. That was the best advice possible, and if taken it would have had the effect back in 2006 of that which we now see before us. It is another element of what we have seen also in so many other contests arising from the disasters of this year.

On the issue of communications, the Victorian bushfire information line was always going to fail again, and it did. The 000 line was always going to fail again, and it did. There was also the issue of the provision of a single website and the necessity for it, and it failed again. There was the failure of the use of the standard emergency warning system, which had been advocated for so long. That was not done and it caused problems again. All these things, and a multitude of others, are referred to by the commission in its interim report, and here we have another one — that is, native vegetation controls.

A further point is that the proposed change, whilst it is necessary and we strongly support it, is another case of the government seeking to act after the event. In another sense, it is another instance of the government attempting to distract people from the events of earlier this year and the interim report. The Premier has made a series of ad hoc announcements about a range of issues. People need clear leadership and direction from the government as we go into the next fire season. That is what people are calling for. Therefore, whilst we support the motion before the house — and we will reflect that in the course of our commentary, as I am now doing — in the course of the ultimate determination of this motion it must be said that it lies on the government's head that it has taken all this time and the events of this year to ultimately convince it that it should do what it should have done those years ago.

I conclude by saying that whilst some government members say that hindsight is a wonderful thing — —

**Mr Nardella** interjected.

**Mr RYAN** — By their own interjections those members display their utter ignorance of the propositions which were advanced to this government in February 2006 and which, had they been adopted by this government, could well have made a difference to the dreadful events of earlier this year. We support the motion.

**Mr CRUTCHFIELD** (South Barwon) — I congratulate you, Acting Speaker, on your generosity towards the previous speaker, particularly the latitude that you have allowed in terms of the broad range of discussion. This amendment is quite specific.

**Mr Delahunty** interjected.

**Mr CRUTCHFIELD** — The member for Lowan is out of his seat. The motion is:

That under section 46D(1)(c) of the Planning and Environment Act 1987, amendment 118 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan be approved.

It is an anomaly. Certainly we do not have to do this for the other 58 councils to which the 10/30 rule applies, as the previous speaker has identified. It has been an anomaly, and I want to apprise the house of the fact that there have always been laws that have enabled people to remove vegetation from bushfire-prone areas for their own protection. As most members would know, the 10/30 rule has existed for some time. As a former councillor and a former permanent firefighter, I am aware of those rules and that different councils have had jurisdiction over those rules and how they have

enforced them or, in some cases, not enforced them. There has been clarity around the 10/30 rule.

This proposed amendment applies specifically to the Upper Yarra Valley, but in essence the rule applies to the 59 rural councils and excludes the 20 metropolitan councils that have been identified. It is not quite clear cut that everybody wants to clear all trees and vegetation 10 metres from a house that they own, and there is no uniformity of agreement about whether people want to clear all vegetation other than trees to 30 metres away. During my time in the fire service considerable debate occurred on that issue — indeed a number of landowners do not want to do that. Although Moggs Creek on the Great Ocean Road is not in my electorate, a close friend I was in the fire service with lives there. It is in a significantly or extraordinarily fire-prone area that has been identified as an area to which fire trucks will not go during bushfires. I can understand, as can the residents, that it would be suicidal to send fire trucks in to fight fires in such areas.

There are some residents there who do want to clear around their properties according to the 10/30 rule, and they will certainly be pleased that they now do not need a planning permit to do that, but there are also some residents — and as I say, I have a close friend who is a senior member of the CFA (Country Fire Authority) who lives in that community — who would not want to enforce that particular right. Whilst there will be a number of people who will be pleased with these changes to the planning schemes for councils, in some of these communities there will be an equal number of people who are quite concerned — for amenity reasons, not necessarily fire safety reasons — about where this leaves their community and the affect it will have on their amenity.

That is why I welcome the fact that we will be reassessing the rule. The government has made it very clear that in 12 months time, once the final report of the bushfires royal commission is available, we will be reassessing the 10/30 rule. I think that is a pragmatic and indeed welcome decision, because I think there will be people who would like to clear from Mallacoota to Nelson and there will be people who do not want a twig lifted off the ground. There will be a complete mosaic of views in terms of the effectiveness of this change. I certainly welcome it. I know the Department of Sustainability and Environment will be looking at it from a scientific point of view. We need some evidential support on the 10/30 rule: does it help? In terms of the fire season, we are being warned that this year's will again be a fire season of significant concern. I am still a volunteer with the Connewarre Country Fire Authority brigade, and the CFA has certainly been told

to prepare for another season of at least the magnitude of the one that we have unfortunately just been through.

I look forward to the royal commission's report in the next 12 months, and I welcome a reassessment of the 10/30 rule because this fire season will certainly provide some clarity around its effectiveness. I support the motion that is before us.

**Mr CLARK (Box Hill)** — The motion before us is a motion to approve amendment 118 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan. That amendment is proposed to apply to all land within the municipal district of the Shire of Yarra Ranges and to provide that vegetation may be removed, destroyed or lopped in accordance with clauses 52.43 and 53.01 of the Yarra Ranges planning scheme.

The coalition parties were provided with a comprehensive briefing on this proposal by officers of the department and representatives of the minister's office. The minister's office has also been very helpful in following up on a particular query relating to the clauses referred to in the proposed amendment. The Parliament is being asked to approve the amendment ahead of the actual adoption of the key clause that is to be changed in the Yarra Ranges planning scheme, and also, as has been mentioned by previous speakers, in every other planning scheme across the state.

The motion is before the house to approve this amendment to the Yarra Ranges planning scheme because of the special status of the Upper Yarra and Dandenong Ranges region, which for a long time has been recognised, protected and upheld by the Upper Yarra Valley and Dandenong Ranges regional strategy plan. From what I have been able to ascertain from my request to the minister's office, I understand that the clause 53.01 of the Yarra Ranges planning scheme that is referred to in amendment 118 is an existing clause of that planning scheme. Clause 52.43 is the operative new clause. We appreciate the fact that the government has provided us with a draft of that proposed clause, which as I said earlier, is also to be inserted into every other planning scheme across the state.

That amendment is to give effect to what is described as the 10/30 rule, as has been outlined by the Leader of The Nationals and others. As the Leader of The Nationals has said, it is most regrettable that it is only at this stage that the government is taking note of and responding to the calls that have been made for many years by country Victorians in particular to be given the power to better protect their homes, their property and their lives from the threat of bushfires by being given greater capacity to clear vegetation when they consider

it necessary and appropriate to achieve that protection. It is a tragedy that it has taken the events of last summer to lead the government to a point where it is now introducing these changes.

Let me make some specific comments on the draft clause, clause 52.43, which has been made available to us. As it is only a draft, it may be that some of the matters that I raise can be picked up and reflected in the final version. Proposed clause 52.43-1 makes it clear that the new clause will apply, firstly, to any requirement of a planning permit, and secondly, to any provision in the relevant planning scheme. It is made explicit that any condition or requirement of the scheme to obtain a permit is covered. It will apply to requirements that prohibit the removal, destruction or lopping of vegetation and also requirements for the removal, destruction or lopping of vegetation to be carried out in a particular manner. The proposed clause will say that those requirements do not apply to the measures for bushfire protection which are listed.

I have observed that the exemption is going to apply to prohibitions. I hope it will be accepted that that covers restrictions as well, because we would not like to see the scheme undermined by restrictions being imposed in planning permits where an outright prohibition would not be allowed. Also, any removal, destruction or lopping has to be for bushfire protection, and that is understood as the objective of the exercise. In practice there is going to be an issue of fact, and one hopes there will be a sensible application of the requirement when a landowner says they are undertaking removal et cetera for the purpose of bushfire protection.

The measures that are covered are, firstly, the removal, destruction or lopping of any vegetation within 10 metres of a building used for accommodation. The frequently asked questions section of *Making Victoria Fire Ready*, one of the documents issued by the government, refers to the siting of new buildings, and it says:

... it is expected that every effort is made to avoid native vegetation removal and to provide a 10-metre separation between native vegetation and the new dwelling.

The document goes on to say, with a slight grammatical error:

The interim measures apply to the rebuilding of houses destroyed in the 2009 bushfires is covered by the new rules if they are within the relevant municipalities.

On my reading of the draft clause, if a dwelling is to be rebuilt, the right to clear within 10 metres will only be triggered once that building has been completed and is used for accommodation. Let us hope that does not

cause any complications in the bushfire rebuilding process

The second specified measure is:

The removal, destruction or lopping of any vegetation, except for trees, within 30 metres of a building used for accommodation.

In relation to this measure the question arises: what is a tree? That may sound like a trite question; however, in many instances the borderline between what is a tree and what is a shrub is unclear. As I understand it from what was said in the house the other day, it is intended that shrubs can be cleared. There is nothing in the published Q and As that I have seen that explains what a tree is, and we would not like to see the process bogged down over that definition or judgemental issue.

The next measure refers to:

The removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of fence on a boundary between properties in different ownership.

I trust that will not cause difficulties in relation to a borderline between leasehold property and Crown land. I also make the observation that the government's media release referred to doing that with the permission of the adjoining owner. What needs to be made clear is that the permission of the neighbouring landowner is only applicable to clearance on the neighbour's land and not on the clearing of the landowner's land.

The next bullet point states that an exemption applies to:

Fuel reduction burning in the roadside of an existing public road.

There is no explicit reference to fuel reduction burning in other places. The frequently asked questions section of the *Making Victoria Fire Ready* document issued by the government says:

Where a resident wishes to conduct a burn-off on their land, a permit will not be required where it is in a rural area and outside of the fire danger period or a total fire ban.

However, under the section in the document headed 'Preparing for bushfire' it says:

You need a permit from DSE or CFA to carry out fuel reduction burning on your property.

That issue needs to be clarified. The final bullet point refers to:

The removal of fallen wood for personal use from the roadside of an existing public road.

The government's explanatory statements refer to two weeks prior to a prescribed burn-off, and it appears from the Q and As and other literature that the measures outside the planning scheme requirements will regulate the capacity to remove fallen wood outside the two-week period.

The end of the planning scheme amendment, as drafted, refers to:

any condition of a planning permit which prohibits the removal, destruction or lopping of any vegetation except for the purpose of reducing fuel load around buildings used for accommodation and on roadsides to assist with minimising risk to life and property from bushfire as enabled by this clause 52.43-1.

That appears under the preface 'For the avoidance of doubt the following continue to apply'. I raise the point that this does not refer to clearance near boundaries. Again, that is a matter the government might want to consider.

Clearly, these measures have been put together in haste. The haste at this stage is not regretted, although every effort should be made to get it right. What is regrettable is that it has taken so long for the government to realise the need for these amendments in the first place.

**Ms THOMSON** (Footscray) — I rise in support of the motion to approve amendment 118 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan. We all understand that with the bushfires we have experienced in Victoria, as well as those currently in New South Wales, we are seeing new extreme weather patterns as a result of climate change, and that this is not going away. We continue to live in drought, and we will continue to have lower rainfall. This means we have to rethink strategies we have had in place in the past. That is what the royal commission is looking into and concentrating on, and we have seen its interim report.

We have had divisions in communities about clearing of land. When people choose to go and live in bush areas it is important for some of them to maintain the integrity of the bush; not to clear it but to keep it in a relatively pristine state. Others who move into those areas want to clear vegetation to provide more space. We have had conflict in a number of these communities over what is the right action to take.

Certainly the government sees the necessity to take action to ensure there is a by-right ability to clear your land within 10 metres and then 30 metres for undergrowth as a means to mitigate the chances of fire. We need to make it very clear that because of the way these fires are now operating, the heat they reach, the

way they move and their unpredictability, the damage they do is probably far more extreme than we have ever seen before, so there is no guarantee that just by putting in place proper safety plans that people will be safe. We need to do all we can to ensure that people are prepared and able to prepare not just themselves but their property.

This proposal enables it to occur in what has been a very protected part of Melbourne. We all appreciate the value of the Dandenong Ranges to the environment. All of us would have spent time enjoying the beautiful bushland that is there, but we have to be conscious that the people who moved up there a long time ago and some more recently to establish their homes there want to protect them and that is their entitlement. They want to protect their homes and their opportunities of surviving a bushfire. It is about balancing various interests. It is about deciding whether a person who owns the land is entitled to do that and to give them that opportunity. It is about balancing the interests of individuals against the appearance and the beauty of the Dandenongs. I do not think this provision will impinge upon our enjoyment of those ranges. I believe we would all rather give people the opportunity to take these precautions rather than risk seeing the Dandenongs go up in flames and causing more damage and more loss of life. If this provision goes some way to protect people, their homes and the Dandenongs then it is a good measure.

I stress again that we are in extraordinary times and we will continue to see extreme weather circumstances that will make a fire something that we will all become more conscious of, including those who live in suburban Melbourne. They will be more conscious of it and we will be listening to the warnings and taking into account the weather conditions. In the past people in metropolitan Melbourne have tended not to. This is an important amendment because it gives entitlement to the landowner to make that choice, whether they want to clear and how much they want to clear within a reasonable level and to protect both their family and their property. I commend the amendment and the motion to the house.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to speak on amendment 118 to the Upper Yarra Valley and Dandenong Ranges regional strategy plan. For the information of the house the plan covers far more than the Dandenong Ranges. It also covers Warburton, Healesville, Yarra Glen and the edge of Wonga Park. It covers a vast area.

The regional strategy plan was developed from the far-reaching vision of former Liberal Premier Dick

Hamer, who saw the special uniqueness of this area and wanted to help preserve it. The four former shires involved in the development of this plan — Lilydale, Sherbrooke, Healesville and Upper Yarra — all had needs they wanted incorporated in the plan. At times it was like a courtship dance of the flamingos: frequently one step forward followed by three steps back. It was not only councils that were actively and often heatedly involved in the formation of the strategy plan, but individual land-holders, developers, environment groups, industrial groups and many others who voiced opinions and made contributions. Eventually, in April 1977, the Upper Yarra Valley and Dandenong Ranges Authority Act 1976 was proclaimed. It was an overriding planning authority for the four former shires.

The strategy plan's reason for being were to make sure that planning in the region protected the special character and features of the region. It worked extremely well despite the fact that even after all the discussions and agreements that took place before the strategy was finalised there were many moments in the following 17 years when the strategy plan was criticised. In fact I was one who criticised the strategy plan, because at times it seemed like it was holding up what we thought were timely developments. However, it has actually worked extremely well and has protected the region.

In 1994 with council amalgamations, the authority was repealed and the plan is now administered under the Planning and Environment Act. Overall the plan has had the support of each party in government. At times it has frustrated various planning ministers because any proposed changes have always elicited much interest and discussion in the region. Changes have always been preceded by a lengthy process of discussion, submissions and hearings. In fact the authority had the support of planning ministers from both parties. A former planning minister, Evan Walker, said the Upper Yarra Valley and Dandenong Ranges Authority was essential to the region. If all of those who wanted to live there did so, no-one would want to live there.

Section 46F of the Planning and Environment Act requires the minister to not approve an amendment which is inconsistent with the regional strategy plan. This amendment is not inconsistent with the regional strategy plan. Section 20.01 on page 96 of the regional strategy plan talks about fire management and section 20.03 highlights the first dot point as:

... the need to protect life, property and other resources from wildfires.

I support this amendment. It will attract criticism from many quarters. It has been said that we will have a

scorched-earth effect and that too much vegetation will be removed. But not all people will remove vegetation. I urge those who are against the amendment to think carefully about what is more important: people or vegetation. In the regional strategy plan under the heading 'Land required for fire management' section 20.06 states:

It is recognised and noted that people making the decision to live and work in this fire-prone environment, whereby the intensity of fire may be high during the event of a bushfire, do so at their own risk. Fire safety of residents living within the Dandenong Ranges is primarily the responsibility of the individual to decide.

This amendment and the policy being developed under the 10/30 rule will help those people protect their homes.

There are genuine concerns regarding landslip, and I urge this government to contact each land-holder directly in the landslip area advising of the need to retain the roots of many trees and vegetation and any other measures necessary to minimise the risk of landslip.

It is also very important that although the removal of burnable materials around homes in bushfire areas will help, it will not on its own stop bushfires. The reduction of flammable fuels is akin to seatbelts and airbags in cars. On their own they will not stop all accidents, but they will minimise the damage. The removal of the fuel load will minimise the damage. I support all the proposals on the roadside vegetation, firewood removal and controlled roadside burns. They are very much overdue and much needed. As the Leader of The Nationals said, 'It is so sad that we had to have the disasters in February before common sense was applied'. We have seen where it has become difficult for people to remove vegetation that is dangerous.

Although I support this amendment wholeheartedly, this is the first time the regional strategy plan has been amended without the community having a voice. During the last sitting week the member for Northcote made some quite bitchy comments about the ages of members on this side of the house. One thing about having been on this earth a little while is that it gives us a memory of what has happened in the past. This regional strategy plan has not been changed previously without consultation. Just because I support and agree wholeheartedly with the reduction of fuels in preparedness for what looks like being a high fire danger season does not mean I support the way this amendment has been handled. Yarra Ranges councillors were only told about this — —

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order!

**Mrs FYFFE** — On Tuesday night of this week.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order!

**Mrs FYFFE** — This side of the house was only informed yesterday. Today we debate it in both houses.

**Mr Nardella** interjected.

**The ACTING SPEAKER (Mr K. Smith)** — Order! If the member for Melton wants to get involved in the debate, he must stand up at the right time.

**Mrs FYFFE** — There is no need to ride roughshod over the community of the Yarra Ranges. An article in the *Age* of 1 August 2009 says the Premier is making no apology for introducing policy changes. It quotes the Premier talking about the government's position and saying it could not wait until the royal commission report was delivered. The article goes on to talk about the 10/30 rule. Why was this not communicated to the people of the Yarra Ranges? Why did the Premier not consult with the councillors who were elected to represent the people?

The bushfires happened in February. It is now September. The Minister for Planning would have known that this amendment would have to be made to the Upper Yarra Valley and Dandenong Ranges regional strategy plan for the changes to come into effect. The member for Monbulk, who is the Minister for Sport, Recreation and Youth Affairs, whose electorate is in the shire of Yarra Ranges and who was previously a Yarra Ranges councillor, would have known. Why is he not here today speaking on this amendment and showing his support? The member for Gembrook, whose electorate covers parts of the Yarra Ranges, would have known that there was a need for the changes to the regional strategy plan. This is just another example of this government ignoring a council and not allowing the community time to consider and express an opinion on this amendment.

The Upper Yarra Valley and Dandenong Ranges regional strategy plan is a cherished part of our region. We in the Yarra Ranges treat it with the respect it deserves. We know how it evolved. We know it was our community that wrote this strategy plan, not any government or planning minister. It was the community and the councillors who represented them who spent hours and hours over a couple of years developing this

regional strategy plan. It should be treated by this government with the respect it deserves. There has been time for this amendment to have been taken out to the community. If it had been explained to the community, the amendment would have been accepted.

Now we are going to have problems because there is no definition of what a tree is; there is no clear definition of what the vegetation is. It is chaotic. How can you do something like this? People will go out in a week or 10 days saying, 'I can clear all vegetation within 10 metres. I can clear other vegetation and leave the trees within 30 metres'. If they do so, what advice is there going to be about removing debris left from cutting down those things? What about these landslip areas? It is really important the roots are left there. Are people going to understand that the roots have to be left to hold the soil in place? There are identified parts of the Dandenong Ranges and parts of the rest of the valley that are landslip. They are definitely identified. The people can be contacted directly and contacted quickly. This government must do it. You cannot bring in half — I am sorry, I was going to use an unparliamentary term. You cannot bring in measures like this, which is are not very clear, in respect of something so important to our region.

**Motion agreed to.**

## COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

### *Council's amendments*

#### **Message from Council relating to following amendments considered:**

1. Clause 1, page 2, lines 1 to 4, omit all words and expressions on these lines and insert —  
“(b) to amend the **Family Violence Protection Act 2008** to defer the commencement of Part 15 of that Act to enable the continued operation of the Family Violence Court Intervention Program to 31 December 2013.”.
2. Clause 5, omit this clause.
3. Insert the following New Clause to follow clause 4 —

#### **‘AA Family Violence Protection Act 2008— Deferral of Family Violence Court Intervention Program sunset provisions**

After section 3(1) of the **Family Violence Protection Act 2008** insert —

“(1A) Part 15 comes into operation on 31 December 2013.”.

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

That the amendments be agreed to.

These amendments come from the other place. They have been accepted by the government, and accordingly the government desires that the matter be dealt with today in this honourable house so that the bill can then be dispatched as being passed by the Parliament.

**Mr CLARK** (Box Hill) — The proposal before the house to adopt the amendments made by the other place is a dramatic and very welcome backdown by the government and the Attorney-General on the position they adopted when this bill was last before this house. I have observed on other occasions that the louder the Attorney-General's voice is in this house, the weaker his argument is. When the Attorney-General does not even come into the house to move the adoption of amendments to his own bill, you know he has really fouled up indeed! Let us just hope that although he is not in this house he is down in his office making some inroads into the bulging in-tray of matters requiring his attention.

When this bill left this house it did so after a tirade of abuse and misrepresentation from the Attorney-General about members on this side of the house. We were calling for further information on the basis of which we and the community could form an assessment of whether or not the Neighbourhood Justice Centre and the family violence protection program had worked adequately before we could endorse an extension of the sunset provision on the Neighbourhood Justice Centre and the removal of the sunset on the family violence protection program. None of that information was forthcoming.

Amendments were moved in the other place by both the Liberal Party and The Nationals in coalition and the Greens to continue on an extended basis the sunset clause relating to the family violence protection project. That was to allow for a proper evaluation of that project before any decision was made as to whether to make it permanent. That in turn arose from the fact that a number of organisations with a close connection with family violence issues raised concerns about the efficacy of the family violence protection program and how it operates in the two courts where it is being piloted.

I should say, just to remind honourable members, that this is a program under which men against whom an intervention order is made are required on a mandatory basis to undergo an assessment for their suitability for a

counselling program, and if judged suitable, to take part in such a program.

We on this side of the house have been very supportive of anything that will operate effectively to reduce family violence. We have certainly spoken in favourable terms of a number of counselling programs for men with family violence issues that have offered promising and encouraging signs of success. However, in the absence of a proper evaluation of this particular program, it seemed highly inappropriate to remove the sunset provision altogether and put the program on a permanent basis. That is made particularly so by the fact that there had already been one extension of the sunset provision relating to this program. When that sunset was extended in 2007, with the support of this side of the house, the Attorney-General said, 'An independent evaluation of this project is currently under way', and yet two years later he is back before the house seeking to remove the sunset altogether. He was unable to give even an interim account of what the evaluation of the project, which on his account had been under way for at least two years, was finding. He was treating the Parliament and the community with complete contempt and showing a total disregard for the issues that were very appropriately being raised by a wide range of community organisations connected with and doing their best to assist in tackling the issue of family violence.

When these amendments were moved in the other place, the Attorney-General's representative in that house, the Minister for Planning, told the Legislative Council that various complications had arisen in conducting the evaluation and that the government wanted more time to have a thorough and more extensive evaluation carried out than was originally intended. However, the minister was totally unable to respond to the point that was very cogently raised on behalf of the coalition parties by Mr Rich-Phillips, a member for South Eastern Metropolitan Region, as to why, given that that was the explanation the Minister for Planning was then proffering on behalf of the government, the government had originally sought to remove the sunset clause altogether rather than simply to obtain more time for an evaluation to be completed. I think it is fair to say the Attorney-General had left his representative in the other place completely flatfooted and without any adequate briefing or explanation as to the reason for that about-face.

The issue before the other place was whether or not the sunset provision should be extended for two years or four years. We in the Liberal Party and The Nationals thought that, given the amount of time for which, on the Attorney-General's account, the evaluation had already

been under way, a two-year extension should be an adequate period to allow that evaluation to be completed and made public. The Greens representative, being a very kind and generous person, was willing to propose that the government be given a four-year extension of the sunset within which to complete the evaluation, and that is what that house agreed to.

Now that the matter is back before the Assembly, it is certainly not something we are going to oppose, because we believe the principle has been established that there should be a continuation of the sunset provision rather than a removal of it until a proper evaluation has been completed and made public, and then a proper and informed judgement can be made by the Parliament and the community on the merits of the program. Obviously we hope the evaluation and the assessment of the program by others expert in the field will conclude that it is working and playing a valuable role in helping to reduce family violence, but we need to await that evidence.

The one thing I can assure the house is that if there is a change of government in November next year, as we certainly hope there will be, and we on this side of the house are in government, when this sunset clause comes up for further consideration we will get the evaluation completed and made public and open for consideration and community input. We will take into account the views that those involved with family violence and the community generally want to express on that evaluation before a decision is made. We will certainly not treat the community with the contempt that the Attorney-General has displayed in relation to this bill in starving the community of information and asking people to approve an extension without the necessary information on the basis of which an informed public debate can occur.

In relation to this motion, as I have said, the opposition welcomes the fact that the government has at last accepted that an extension of the sunset clause in relation to the family violence counselling program is appropriate.

**Motion agreed to.**

## LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

*Second reading*

**Debate resumed from 2 September; motion of  
Mr ROBINSON (Minister for Consumer Affairs).**

**Mr FOLEY (Albert Park)** — The Liquor Control Reform Amendment (Licensing) Bill is another step in the state government's alcohol action plan — a five-year comprehensive plan introduced last year. I note with some interest the position of the opposition in this debate so far, which seems to be to offer in-principle support of the proposition but also support for an amendment foreshadowed by the member for Malvern. That seems to be a classic each-way position, because we all remember his clanger when he sought to oppose an earlier liquor control reform bill giving police particular powers around entertainment precincts and related areas.

Before I began this contribution on the substance of the bill, I listened with great interest to the contributions of some members of the opposition yesterday, particularly around what I would think is the wrong position that they seem to be adopting in concert with a bit of a campaign from some of the hoteliers.

**An honourable member** interjected.

**Mr FOLEY** — I am glad the member interjected, because the campaign opposition members seem to be running — and which I predict they will be running in subsequent contributions — is that there is somehow a prejudicial difference in the application of this bill as between metropolitan Melbourne and regional and rural Victoria. In that regard I suggest with the greatest of respect to my friends opposite that alcohol-fuelled violence knows no difference as between my electorate — in places such as Southbank and St Kilda — or Echuca, the Latrobe Valley or anywhere else in Victoria.

I refer those opposite to a report that is available on the Department of Justice website — the Allen Consulting Group report of July entitled *Alcohol-Related Harm and the Operation of Licensed Premises*. To make it easy, if you go to table 4.1 on page 36 you will see that the data collected identifies areas of the state via venues that have had the greatest problems. It might come as a shock to some Nationals members that Bairnsdale has the venue with the single greatest number of offences, followed by Ballarat and then areas in metropolitan Melbourne. No. 7 in the top of the pops is a venue in Echuca, which over the reporting period recorded a total of 27 offences of robberies, assaults and property damage.

Material elsewhere in the report and material readily available from reputable resources such as the Australian Drug Foundation draws a distinct correlation between the size of the venue, the operating hours and historical compliance history of the venue on the one

hand, and the risk of alcohol-related violence and property damage on the other. So the claim that this is some inner city problem that stops at the end of the tram tracks does not bear up under analysis. If members opposite want to oppose the bill, they should by all means oppose it, but they should not pretend it is an issue that stops at the end of the tram tracks. I refer members opposite, particularly Nationals members, to that publicly available report, because it makes for very interesting reading that gives the lie to some of the propositions they have been discussing.

To return to the substance of the bill, it introduces a new risk-based licensing system for liquor licensing with essentially three categories and variations within those around late-night licences, restaurant and cafe licences and new major event licences. As we have already established, this is another plank in the state government's five-year plan to reduce the consequences of risky drinking and alcohol-related violence. This aim is being achieved through a combined approach of emphasising police and community safety, regulation and compliance and education and cultural change.

The bill forms part of this process, introducing a new licensing regime that brings in a risk-based structure so that those licensees associated with harm to patrons and to the surrounding community pay, as is appropriate, a fee commensurate with the degree of risk they contribute to those problems. We have heard evidence that the particular characteristics of licensed venues are disproportionately associated with higher risk of alcohol-related harm and particularly with impact on residential amenity. As I mentioned before, the contributing factors are principally length of hours, number of patrons and compliance history of the venues concerned. If you roll those factors together, what you get is that the worst performing venues will pay the highest fees to meet some of the cost they in turn impose on the community, particularly in the areas of health, property damage, policing and so on.

This is very much a matter of concern and priority in my community, situated as it is amid the heavily entertainment-based precincts of Southbank and St Kilda. Sadly, we have had deaths as a result of some of the alcohol-related violence in and around relevant venues, particularly at Southbank. The armoury this government has now given the liquor licensing commissioner has been readily deployed, particularly in one of those areas, and that is to be welcomed. This bill adds further to the regulatory and compliance armoury of our regulatory agencies in this respect and supports not only those regulatory agencies but Victoria Police in seeking to deal with some of these problems.

Only last week in my own community we had a very well attended forum that brought together people from Victoria Police, the civil compliance unit of Responsible Alcohol Victoria and the Australian Drug Foundation, the liquor licensing commissioner, representatives of a number of venues, patrons and local government representatives. What emerged from a well-informed and considered community discussion involving more than 150 people was that Victoria's Alcohol Action Plan has widespread support. It has that support because communities such as the one I have the benefit of representing know that the cultural and operational changes of an essentially hands-off, deregulatory approach to alcohol licensing over the past 20 years has in part contributed to the sort of social and health problems we are now dealing with across Victoria, Australia and the Western world.

When we have opportunities to support the further application of the Liquor Control Reform Act we should take them. When we have opportunities to support Victoria's Alcohol Action Plan we should grab and support them. I urge those opposite to take these opportunities. It is disappointing that at times opposition members seem to be straddling the uncomfortable position of having both in-principle support for the bill and an apparent unwillingness to support particular aspects of it. Instead they line up with people like nightclub — —

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

**Ms WOOLDRIDGE (Doncaster)** — I am pleased to speak on the Liquor Control Reform Amendment (Licensing) Bill 2009. This bill seeks to do a number of things. It amends the Liquor Control Reform Act 1998 to strengthen the harm minimisation objects of the act. It creates new licence categories, provides for a risk-based fee structure for licence and BYO permit fees and makes some other amendments.

I am pleased to speak today from the perspective of my drug abuse shadow portfolio responsibilities. The opposition is not opposing this bill and I support the member for Malvern's foreshadowed amendment.

I would like to start by saying that we support the harm minimisation objectives of the principal act and the changes that are provided through this bill, in particular the insertion of two new paragraphs, one stating that an additional object is:

encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community ...

The second is:

It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol.

These are important inclusions in the act and are widely supported by the drug and alcohol sector. We know that it is absolutely critical that we translate the objectives defined in the act into practice.

I would like to quote from an Alcohol Policy Coalition submission to the Victorian Civil and Administrative Tribunal president's review where it says:

The coalition submits that the approach taken in VCAT to liquor licensing reviews based on amenity and harm minimisation objections, is effectively limiting the applicability of the term 'amenity' under the act, and failing to give full regard to harm minimisation principles in the objects of the act.

We can incorporate these new objects into the act, but unless they translate into practice in relation to decision making, it will not make any difference. We must ensure that the translation of the reforms that are proposed in this act happen in practice on a day-to-day basis.

I would also like to spend a little bit of time talking about the risk-based licensing structure. Since 1998 the number of licences in Victoria has actually doubled, and we believe that it is important to support a risk-based licensing approach so that those who cause harm pay some additional costs for a result which creates an incentive to minimise the harms created from alcohol consumption and also pays for some of the costs when those harms occur. However, there are a number of points I will raise.

It is an important part of setting the fees that the previous conduct of the licensees be taken into account. We know that reported incidents are only a small proportion of the actual incidents. A risk-based licensing process is only as good as the compliance regime that sits around it. It is absolutely critical that those who are enforcing the liquor licensing regimes, particularly the police, are resourced to do their job effectively. We have to have effective compliance and monitoring of that compliance in order for the risk-based fee structure to actually work.

Secondly, a number of anomalies have been raised previously in this debate. We need to make sure that these anomalies are dealt with so that the objectives of the act are achieved. We need to ensure that it does not just become a money grab by this government, but that

it enables businesses that are going about their business sensibly to continue to do so without punitive licensing fees. The amendment proposed by the member for Malvern will seek to ensure that the regulations reflect the objectives outlined and that they do not inappropriately penalise venues which are not contributing to the problem.

I also want to raise some comments from VAADA (Victorian Alcohol and Drug Association) and the Alcohol Policy Coalition about a number of things. Firstly, the dataset that is supported behind these new regulations is absolutely critical. We currently have limited information on harm and violence connected back to premises, and we need to make sure that information is collected so we can evaluate the impact of this new risk-based structure and adjust the policy settings accordingly.

Secondly, there is a known link between harm and gaming venues, but this risk-based structure does not actually incorporate gaming venues as one of the risks in its decision making. In terms of the definition of predominant activities relating to the preparation and serving of meals, VAADA has raised the importance of that definition being well defined so that it can be monitored and enforced, because at the moment it is quite broad and may not be able to be enforced appropriately.

The Alcohol Policy Coalition is also quite concerned about late-night packaged liquor licences. In a submission on the bill, it says:

The risk of including packaged liquor licences in the late-night licence section of the bill is that it creates a presumption that packaged liquor licences should be permitted to remain open well beyond ordinary trading hours

A recent VicHealth study has found that only 5 per cent of survey respondents supported packaged liquor licensees opening after midnight, but here we are incorporating it into the act and giving it a long-term legitimacy in terms of premises with packaged liquor licences being open well after midnight.

Finally, the Alcohol Policy Coalition also believes that a proportion of the additional revenue raised as a result of this new fee structure should go into research and programs associated with alcohol-related harm.

I would like to take this opportunity to also comment on an aspect of the regulations. I have had contact with Bruce Clark, whose son Leigh died just over 10 years ago after consuming vodka essence. Bruce writes in relation to alcohol-based food essence products:

It is apparent to me that the government has failed to examine the issues fully and has settled on a regulatory model somewhat less stringent than is operating in New South Wales.

...

What upsets me now is the state government has failed to fully survey the available products. They have then compiled a report suggesting no action based on a false belief that existing products are at or below the NSW threshold of 35 per cent alcohol.

In fact we see quite a range of alcohol-based food essence products on the market with concentrations up to 70 per cent that have not been examined by the government in its examination of the regulations. We know this can have significant and fatal consequences. Bruce requests — and I support him — that the government survey all products and look at introducing regulations similar to those in New South Wales which place limits on the alcohol contents of these products. I want to thank Bruce for his continued efforts in relation to protecting young people from harm related to alcohol, and I ask the minister to take his concerns and the other ones that I have raised into account.

I would like to spend my last couple of minutes commenting on the broader alcohol agenda of the government. We have had the Liquor Control Advisory Council report of which the minister only accepted two recommendations and deferred the rest to this subsequent licence fee review. Many of the issues raised in the Liquor Control Advisory Council recommendations have not yet been covered. These include amending planning schemes to remove the exemption from the requirement to obtain a planning permit for packaged liquor licences. They include the director of liquor licensing developing and implementing community awareness campaigns. They also include looking at supermarkets and other packaged liquor premises in relation to limiting products displayed at point of sale and keeping products only within designated licensed areas.

Many things have been on the table for well over a year in relation to alcohol-fuelled violence that this government has not yet addressed, and they should be addressed. While there are some merits to the bill we are debating today and things that will continue to make a difference, this government must take a more all-encompassing approach in relation to the violence that we see on our streets. Obviously alcohol is one contributor to that. We also see drugs and attitudes in relation to authority. There are changes to family and parenting structures, communication technology and the media.

Another great concern is the lack of police on our streets to enforce the law and control the violence that we are seeing on a regular basis. Unfortunately, a number of government strategies have been introduced but not funded, such as the amphetamine strategy, the blueprint for drug and alcohol treatment services and even Victoria's Alcohol Action Plan. Many initiatives are not funded and not delivered by this government. While we do not oppose the bill and there are some merits to it, more must be done.

**Mrs MADDIGAN** (Essendon) — I rise to support the Liquor Control Reform (Licensing) Bill 2009 and oppose the amendments circulated by the member for Malvern. I was a little surprised that the previous speaker's comments seemed to suggest that the government had been tardy — —

**The ACTING SPEAKER (Mr K. Smith)** — Order! Could the member stand a little closer to the microphone, please?

**Mrs MADDIGAN** — I could speak louder.

**The ACTING SPEAKER (Mr K. Smith)** — One or the other would be appropriate.

**Mrs MADDIGAN** — I am sure the Acting Speaker would be very distressed if he could not hear the valuable contribution I am making to this debate.

The government has been very proactive in dealing with some of the community concerns about violence around Victoria, and this is part of a raft of measures that the government has undertaken. This legislation was signalled in the 2009 annual statement of government intentions and in the government's report entitled *Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance*. A number of changes identified under Victoria's Alcohol Action Plan have already been implemented.

Just quickly, they include the introduction of a compliance directorate — a squad of special liquor licensing inspectors to ensure licensees are meeting all their legal obligations. They are already on the street, even though it is not all that long since that legislation went through the house. There are public awareness campaigns to educate patrons to behave responsibly, avoid violence and look after their mates; a freeze on the issue of late-night licences in the inner city; improved closed-circuit television, and the City of Melbourne has been very active in working with the government in relation to that; stronger powers for police and the director of liquor licensing, including powers to suspend licences; police powers to ban troublemakers from venues and entertainment

precincts; tough new weapons laws; and a doubling of penalties for licensees caught serving drunks or minors. All of those initiatives have already had an effect in the city.

Interestingly enough, the Drugs and Crime Prevention Committee did a tour of venues in Melbourne city some time ago. We were there from about 11 o'clock until 2.30 a.m. or 3.00 a.m.; we were probably the oldest people in the city at the time, but that is another story. We were surprised at the large number of young people in the city and the size of some of the venues. Certainly the system of licensing fees under this legislation tries to spread more equitably the costs of enforcing legislation over those areas which create the most risk. It is interesting, however, that it is estimated that of the 19 000 licensees in Victoria only 3800 will pay extra fees, and that will be in circumstances where they trade later than 11.00 p.m., or from 2011 if they are caught serving drunks or minors or allowing them on the premises, which are the offences found to most directly contribute to alcohol-related harm.

The bill seeks to spread the cost of the enforcement, which is estimated at something like \$35 million, among the people involved in the area rather than across the broader community, many of whom are never in the city or attend venues in places around the state. It is interesting that the figures that have been presented identify the largest number of assaults as occurring in the areas of St Kilda, St Kilda West, Frankston, Dandenong and Ballarat, but it is a mistake to think there are not similar problems in country and regional towns as well. We really have to look at the whole area, because young people in the country deserve the same sort of protection as young people in metropolitan Melbourne.

Why have we chosen these certain risk factors? There is a substantial body of evidence that demonstrates that certain characteristics and practices of licensed venues are associated with a higher risk of alcohol-related harm. Among the standout factors are late trading hours and compliance history. The evidence shows that the later a venue trades, the more risk of alcohol-related harm. It also shows that a licensee's compliance history is an indicator of future behaviour. Licensees with good compliance histories are obviously generally regarded as lower risk than licensees with poor compliance histories. The risk factors incorporated into the model reflect the evidence and were consistently identified by stakeholders during consultation. How late a venue trades and if it is caught serving drunks or minors is its compliance history.

The fee structure we have is quite complicated but takes into account those factors that have been identified. Concern has been expressed in different ways. The member for Warrandyte expressed different concerns from other members in relation to venues that do packaged sales. It is difficult when you are looking at a fee structure to exclude packaged outlets, because it is very difficult to work out how much of the alcohol purchased from these outlets is related to violence.

Some work has been done in that area. Almost 76 per cent of alcohol sales are from packaged liquor outlets, and packaged liquor licence trading outside non-standard hours is included in the proposed model due to the increasing anecdotal evidence from the industry stakeholders, the director of liquor licensing and Victoria Police that there is growing concern regarding the practice of pre-loading — that is, buying drinks and consuming a huge amount before going out on the streets late at night and making a nuisance of yourself in other areas. It is necessary to include those people in the provisions in this bill.

As I said, this is just one of many initiatives the government has brought in to try to make our city safer. The City of Melbourne is very clear that it wants Melbourne to operate as a 24-hour venue but one which anyone can come to safely. Rural towns, whether they be major regional centres or smaller country towns, also have the right to expect that their young people will be protected from people behaving in a manner which is inappropriate.

In conclusion, may I say that my experience as a member of Parliament is that most young people, wherever they live in Victoria, are terrific. Most of them are law-abiding young citizens who will make great adults. We must always remember that it is only a very small number of people who create a huge problem for the community. But licensing venues have to take their share of responsibility in working with the government and the community to ensure that they behave in a manner which supports the government's policy and the safety of young people throughout Victoria. I am pleased to support the legislation, and we can look forward to licensed venues working hard with the government to ensure that young people going out late at night are protected.

**Mr NORTHE** (Morwell) — It gives me great pleasure to make a contribution to the Liquor Control Reform Amendment (Licensing) Bill 2009. The bill seeks to amend the Liquor Control Reform Act 1998 to strengthen the harm minimisation objects of the act, to create new licence categories, to provide for a risk-based fee structure for licensed and BYO permit

fees and to make other amendments to improve the operation of the act. I wish to support the amendments circulated by the member for Malvern. Having said that, as other speakers on this side of the house have said, we support the intent of the bill; it has merit and is valid enough. However, the regulations referred to by the member for Malvern in his proposed amendments have caused considerable consternation for many current liquor licensees.

I am sure all members of the house support the notion of reducing what has been referred to as alcohol-fuelled violence. As I say, whilst I understand the intent of the bill, the creation of an unfair and inequitable liquor licensing formula will, in my opinion, fail to address this particular issue. I have spoken many times previously in this house about the Traralgon entertainment precinct which exists within the Morwell electorate and the establishment of a Traralgon CBD (central business district) safety committee. This consists of venue operators, local police, community members, the council and others who have a vested interest in ensuring that the Traralgon entertainment precinct is as safe as possible.

There have been a number of local initiatives established and developed over time, and may I say this is one way I believe the government can assist local communities to reduce alcohol-fuelled violence on the streets. Unfortunately some of the local initiatives that have been established have not got off the ground or have not been supported by government in terms of funding. I refer to taxi rank security, which was in place for some time in the Traralgon entertainment precinct, but the Rudd government abolished that program, which means it no longer exists.

We have also had a NightRider bus service trial which was instigated over a period of time. Unfortunately we have been unable to obtain any state government funding to ensure the trial continues, although just recently we made another submission to the minister's office. They are the types of local initiatives I believe can be put in place to tackle alcohol-fuelled violence.

But it is not just alcohol that creates violent situations. Unfortunately today drugs are prevalent among younger people in nightclub precincts. I have a 17-year-old son, and I know it is quite disconcerting for parents to know about the situations their children might find themselves in. My fear is that if the price of alcohol increases, we will see a greater prevalence of drugs in our community and the reason we are here today might not address the situation. I have been told by liquor licensees that if we increase their fees, it will increase the cost of alcohol. It could also mean a

reduction in staffing, including security, in some venues.

An example of an alcohol and drug scenario can be seen if you look at the Rudd government's alcopops tax. When the cost of the drinks affected by the tax increased people came into my office to say that children were taking up drug use instead of drinking alcohol, and that is a concern for us.

In terms of the liquor licence fees, the proposed structure has caused much angst among many venues, not to mention the fee increases which occurred last year. We now see that estimated revenue from these fees will rise from \$15 million to \$35.8 million. The new fee structure chart is based on annual licence renewal fees. It includes a base fee and takes into account risk factors including operating hours and compliance history. That is multiplied by the capacity of a venue. This has caught the operators of many of these venues unawares, and unfortunately the very much law-abiding outlets will be compromised by the fees on the chart. That is what forms the basis of our objection and the amendment circulated by the member for Malvern.

I have received correspondence from a couple of local outlets that have concerns about the legislation. I would like to quote from one letter which states:

Under the proposed system our liquor licence fees will increase from \$5841.40 to a minimum of \$25 560.00 and we will be subject to the 'risk-based fee structure'.

The letter goes on to talk about the financial increases as well. Some concerns were raised about the introduction of the compliance officers who are now in place and enforcing the liquor licence regulations. That is fine; I do not have a problem with that. However, there is some fear in the industry that these compliance officers will end up like parking inspectors to some degree and will make an effort to fine venues for very minor things. They may look at it as a revenue-raising venture, and that is of some concern.

The letter goes on to say:

I have observed an alarming increase in the consumption, and circulation of illegal substances, which results in risk-taking behaviour by individuals and poses a danger to venue staff and public. To compensate for the increased fees and in an attempt to remain financially viable, venues will have no alternative other than to pass the costs on to patrons via drink and admissions fee increases. I strongly believe this will increase the antisocial and risk-taking behaviour we currently see on our streets.

In relation to venues remaining financially viable, I make the point that the Brumby government has stated

that the proposed risk-based renewal fees are not considered a burden on business. That contradicts the correspondence I have received from local venue operators.

The letter also states:

The Brumby Labor government intends to recruit an additional 120 Victorian police officers with the revenue raised, how many will be allocated to Traralgon?

That is a question I pose to the minister. I have also received documentation from another local business which states, in part:

With your support we can help stop or make amendments to the Liquor Control Reform Act, before these absurd fees become legislation ... This will seriously affect Gippsland's seasonal hospitality operators, small bars, cafes, country pubs and on-premise licence-holders not to mention make impacts on the major events held in Gippsland ...

It goes on to say:

Why should you pay fees of up to 1000 per cent higher, because the Victorian government can't control an 'out of control' Melbourne CBD ...

Those are the sentiments of some of the businesses in my region, and I think they are a fair indication of what other members have outlined to the house in respect of this matter.

In relation to police, the second-reading speech refers to the 120 additional police who are proposed to be employed as a result of the revenue that will be gained from the new regulations. We have lost five police positions in the Latrobe Valley recently, and as I understand it those positions have gone to Melbourne to cater for the issue of antisocial behaviour in the CBD. As stated by a local business, my question is: how many of the 120 police officers will be dispersed across Victoria? I will use my electorate as an example. If all venue operators and licence-holders are now paying increased fees, we expect to see police officers dispersed to our region. Unfortunately the minister has been unable to respond to that question. My electorate is very keen to understand how many police officers will end up in our region as a result of the increase in the fees.

In his speech the Leader of The Nationals made reference to the great contribution that many of our pubs and clubs make to the community. The Royal Exchange Hotel in Traralgon has been a fantastic fundraiser for the Royal Children's Hospital over many years. In fact, I think for 24 of the last 25 years it has been the top country pub fundraiser. That is the type of thing our local pubs and clubs are doing. While the

intention of the legislation before us is noble, and I think it is going along the right path, the regulations that are attached to it are unfair. They are inequitable to many businesses not just across regional Victoria but across the whole of Victoria.

**Ms D'AMBROSIO** (Mill Park) — I rise to support the Liquor Control Reform Amendment (Licensing) Bill. I am pleased to do so because, like many people, I have become increasingly concerned about a fairly sensitive problem that needs to be addressed — that is, an unfortunate increase, especially in the CBD (central business district), in antisocial behaviour related to the overuse and abuse of alcohol. This bill is part of the government's broader strategy to reduce the harm that alcohol presents to our community.

The bill recognises a number of areas in which there needs to be greater exercise of discernment of where the responsibility lies for the supply and consumption of alcohol in public places. I say that advisedly, because I know the overwhelming majority of liquor licence-holders are admirable and respectable in the way in which they conduct their businesses and operations; however, there is a growing problem of alcohol abuse and antisocial behaviour arising from that abuse, so we need to take a broader collective responsibility and approach to reducing the harm that can befall not only the wider community but also individuals, especially younger people who often go out in the evening to have a good time. Some very nasty consequences sometimes arise from behaviours that are not always appropriate and are fuelled by the excessive consumption of alcohol.

In taking a harm-minimisation approach to the problem, this bill introduces a new regime of conditions and licences for the supply and consumption of alcohol in venues. The bill introduces three new categories of liquor licence, categorised according to the level of risk associated with the type of business and its operating hours — for example, the bill introduces a new category for late-night service. There will be a late-night general licence, a late-night on-premises licence and a late-night packaged liquor licence. This measure groups together high-risk venues and businesses that provide or supply alcohol. This change recognises that the supply of alcohol late at night is correlated with a high risk of alcohol-fuelled antisocial behaviours.

Changing licensing requirements which require a higher fee from particular groups of businesses which operate within a high-risk category is a salutary measure and is the right move in trying to reduce harm caused by excessive consumption of alcohol and

antisocial behaviour. That is not to say that all operators within these categories are somehow not responsible, but it does promote the need for greater responsibility in the way that alcohol is supplied. The change also recognises the increased onus on the state to monitor these types of premises in a way that often requires greater law enforcement capacity and obviously the cost associated with that.

The bill introduces a new category of liquor licence for restaurants and cafes which predominantly serve food for their entire trading period. The provision or supply of alcohol can be a concurrent feature of those businesses, but the category is for businesses that primarily serve food. A lower liquor licence fee will be associated with these types of businesses, which reflects the lower risk of excessive consumption of alcohol and antisocial behaviour associated with these types of businesses. This will mean those businesses will experience a lesser burden when it comes to the monitoring of alcohol and consumption on their premises; therefore, they place a lower burden on law enforcement agencies and are classified as low-risk businesses.

The people who operate these types of businesses are pleased that a new licensing regime and fee structure reflects the lower risk to the broader community of the alcohol that is served on their premises. However, later at night such cafes and restaurants will not be able to convert their licences to the category of a business that primarily serves alcohol. Such businesses need to maintain predominant food service throughout their period of trading and not change to predominant bar service later in the evening. That is important to maintain the integrity of the type of licence to be issued to these types of businesses.

The category of liquor licence for major events acknowledges that where there are greater gatherings of patrons at an event, there is a greater possibility of the excessive consumption of alcohol, and therefore greater pressure on crowd control management in containing antisocial behaviours and fights that may break out at such major events. There is always the issue of discerning differences in public gatherings and businesses that provide or serve alcohol. We need to ensure that the licensing regime fits neatly and discerns between low-risk and high-risk businesses. It is important to appreciate that.

Victoria's Alcohol Action Plan includes initiatives such as those contained in this bill, but the amendments contained in this legislation provide a greater regime of initiatives on the part of this government to tackle what has become a growing problem in our community. The

plan is about restoring public confidence and civil order. Melbourne's CBD has a wonderful night-life. We want to keep the city's night-life wonderful, because it attracts a lot of tourists and families at various hours during the day and evening; however, we also want to make sure that it is a safe place for people to go about their business, to have fun and to enjoy what Melbourne has to offer. Nevertheless, we need to ensure that we provide the confidence for people to continue to do that, so part of the strategy is to apply a more appropriate regime of liquor licensing which puts greater responsibility on the operators of premises where liquor is supplied or consumed.

With those few words I commend the bill to the house. I also appreciate the fact that this bill receives very broad support.

**Ms ASHER** (Brighton) — As has been indicated by previous speakers, the opposition does not oppose the Liquor Control Reform Amendment (Licensing) Bill. I also strongly support the amendment flagged by the member for Malvern which calls for the regulations, which are a key component of this policy package, to be subject to disallowance by either house of Parliament. We on this side of the house support the principle of a risk-based fee structure, but we have grave concerns about the draft regulations the government has come up with, and we are not so sure the government has achieved an equitable outcome. There are significant anomalies. It appears that the draft regulations, which obviously have been flagged in the bill, are nothing but a cash grab, and in some instances they are grossly unfair to particular businesses.

The new licence structure put forward in the bill has been outlined by previous speakers, so I want to focus, as I said, on the draft regulations that are available to the public. I urge people involved in the liquor industry to comment on these regulations. Public comment is possible until 18 September. In particular I want to focus on the fees which are set by the regulations. The government is now suggesting there will be a base fee which will be higher in certain circumstances and will have added to it a risk fee, which will relate to operating hours and compliance history multiplied by a venue capacity multiplier. Whilst I acknowledge compliance history is particularly important, I am not so sure that other elements of the government's proposal provide for a fair outcome.

I want to raise a couple of concerns about this from the perspective of business. First of all, the government's fee revenue will increase massively. Last year the government raised \$10 million from this area of regulation, currently the figure is \$15 million and after

the new fees are introduced it will be \$35.8 million, so there is no doubt these are very significant increases in fees. Again, I am not so sure that business should pay for the cost, for example, of telling police what liquor licensing laws are.

A range of anomalies have been drawn to the attention of opposition members. The fees for country pubs have been adequately covered by other speakers but I also make the observation that a restaurant in a 5-star hotel in Melbourne will be hit by higher fees. I do not know what other members of the house experience, but I do not experience a whole lot of violence in restaurants in 5-star hotels and yet those businesses will also be hit by these fees. There is a clear opportunity for the government to make some adjustments to this proposal.

I make the point also that if the cost of doing business is increased, that will be a cost on jobs, yet this government is trying to maintain it is interested in jobs long term. We have seen examples of fee increases of 300 per cent and more. Again, there must be a flow-through effect on jobs with those increases.

I want to use the rest of the time available to me to refer to the regulatory impact statement (RIS) in relation to this bill. I have some real concerns with the regulatory impact statement, foremost of which is a comment on page 41 of the statement, and I quote:

The proposed risk-based renewal fees are not considered a burden on businesses, and, as such, it is not anticipated that there would be a significant proportion of licensees who would suffer serious financial hardship on payment of the renewal fees.

I do not accept that at all. I regard that as a fundamental flaw in the regulatory impact statement.

Likewise, in the section on the impacts on small business and competition, starting at page 42, I consider the approach in the RIS is wrong. The argument is that, because the fees will represent only an allegedly small proportion of profit, these fee increases are okay. I do not accept the government's premise for that. Neither do I accept the government's premise, in its examples on page 43, that the business they picked out as suffering a detrimental effect probably would not exist because such a business would have more staff. Unfortunately I do not have the time to quote the precise example, but I think the reasoning in the regulatory impact statement is a nonsense from a business perspective.

Similarly, the statement on page 43, that small businesses — for example, florists or bed and breakfasts — do not have to have this component of alcohol sales in their business any more if it is too

expensive, is a nonsense. Governments are meant to be allowing business opportunities to flourish and businesses to create employment. Unfortunately this RIS is deficient in its approach to business.

**Ms KAIROUZ** (Kororoit) — I rise to speak in support of the Liquor Control Reform Amendment (Licensing) Bill 2009. As we all know, alcohol plays a role in the lives of most Victorians. Drinking alcohol is widely supported in our society as a legitimate way of socialising, celebrating, relaxing and being with family or friends. There are some positive aspects to alcohol, including the important role it plays in our culture. It has increased jobs — for example, in vineyards — and it makes an overall contribution to our social lives and the economy. Liquor licensing reforms over the past 25 years have supported development and changes to this aspect of Victorian culture.

However, over the years we have also seen an increase in alcohol-related harm and antisocial behaviour. To address this, the Victorian government released a document entitled *Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance*. This aims to prevent and reduce the harm associated with alcohol abuse in Victoria. As part of this plan the Victorian government committed to a review of liquor licensing fees that would consider a differentiated, risk-based fee structure that also operates as a mechanism to ensure that licensees associated with the most harm pay a higher fee than others. Similar considerations have led other jurisdictions, such as those in Queensland and Ontario, to implement risk-based liquor licensing models.

When considering the risk-based licensing model, the Victorian government needed a detailed and robust understanding of the costs of alcohol-related harm in Victoria, including the quantum of costs borne by the Victorian government, and the association between alcohol-related harm and licensed venues, including if venues with certain characteristics or operating procedures have an increased risk of contributing to alcohol-related harm. This research helped to inform the Victorian government's understanding of these issues.

As I said, alcohol is associated with a range of harms, which together impose a significant cost to the Victorian government and therefore to Victorian taxpayers.

I will give an example of the alcohol-related harm in Victoria each year. We have had 24 714 inpatient hospitalisations, over 8000 emergency department presentations, over 4700 ambulance attendances in

metropolitan Melbourne, and 759 alcohol-related deaths, including 57 road deaths. I could go on and on. There have been 16 500 drivers convicted of drink driving or drug offences, and there has been an increase in assaults in licensed premises. The social cost of alcohol-related harm in Victoria in 2007–08 is estimated to be around \$4.3 billion. Estimates suggest that approximately \$366 million of this amount is borne by the government.

The objectives of the act have been amended to strengthen the harm minimisation objective. The changes are intended to support the shift in focus under Victoria's Alcohol Action Plan, which emphasises the need to increase community awareness of safe drinking practices, and to mark the priority to be given to harm minimisation and risk management.

The bill also broadens the measures that may fall within the scope of the harm minimisation objective by providing that it is an object of the act to contribute to minimising harm by encouraging a culture of responsible drinking and reducing the risky drinking of alcohol and the impacts that has on our community, particularly on young people. The bill further reinforces the harm minimisation objective of the act by providing that it is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by the act shall be exercised and performed with due regard to harm minimisation and the risks associated with the abuse of alcohol.

The bill introduces three new licence categories: restaurant and cafe licences, late-night licenses and major event licences. It splits the limited licence category into two subcategories: a temporary limited licence and a renewable limited licence. Licence categories are essentially an administrative tool to enable regulators to take a structured approach in applying regulations and restrictions on the sale and supply of alcohol. However, similar activities can be licensed under different licence categories.

There are transitional provisions in the bill for those affected by the changes, and they will automatically apply to the new licence categories.

There is a lot more to this important bill. It will help with harm minimisation in relation to alcohol and reduce the issues we have seen in our community over the last few weeks — issues that are reported on by the media all the time. The government has committed to introducing an extra 120 police in November, and the Chief Commissioner of Police will locate them in areas where they are needed. Together with the measures

introduced by this bill, Victorians will be able to feel much safer. I commend the bill to the house.

**Dr SYKES** (Benalla) — I support all reasonable and common-sense efforts to ensure the safety of all Victorians. I am aware of the much publicised violence in the Melbourne nightclub district and in other specific locations in Victoria. I therefore support a risk-based approach to liquor licensing fees, as enabled by this bill.

The proposed risk-based approach to licensing fees has four components: a base fee, a loading for late-night trading, a loading for venue capacity and a loading for previous infringements. At first glance this proposal appears to have merit, but on further examination it is found to be fundamentally flawed.

I first became aware of these fundamental flaws when I was contacted by Carl Durnin, licensee of the White Hart hotel in Longwood. Carl and his partner, Nadine, took over the licence at the hotel two and a half years ago. Carl saw the White Hart as a good small business opportunity with a mature clientele which includes many baby boomers and tree changers who appreciate the opportunity to enjoy a fine meal and a glass or two of the region's magnificent wines on a Friday or Saturday evening in a cosy atmosphere. Whilst they are not night owls, the locals like to kick on until a little after 11.00 p.m., so Carl has retained the 1.00 a.m. licence. As a result, the new licence schedule will see Carl's fees going up from \$578 in 2008 to \$957 in 2009, then to \$2130 in 2010. Carl asks how this massive hike in liquor license fees can be justified, as his clientele and his business present next to no risk to the safety of themselves and the surrounding community. I should also highlight that Carl and Nadine are magnificent contributors to local community activities, including the Longwood Football and Netball Club.

Carl and Nadine's story is not an isolated case. The same story has been told to me time and again as I have sought information on this unjust piece of legislation or the regulations and associated fees. Clearly the late-night licence, per se, of 11.00 p.m. to 1.00 a.m., in isolation, is not the risk factor. There are other things to consider that result in the unruly and violent behaviour we read so much about.

The next risk factor to consider is the issue of the venue capacity. Again, many local hotels and other licensed premises raise this as a major concern. In north-east Victoria we have many venues with a large capacity to accommodate the seasonal tourism trade and the occasional large event, but very often that large capacity is not used. For example, there is the Settlers

Tavern at Tawonga South. Its fees are going up from \$957 this year to \$3195 under this proposal. Mardi Lucas, licensee of the Settlers Tavern says:

I honestly do not know how we will be able to recoup that increase. It will mean limiting our sponsorship in town, eliminating entertainment and a price increase.

That is because the Settlers Tavern has a large capacity to meet seasonal tourism needs, but usually only a small part of that capacity is used.

For the Happy Valley Hotel in the Ovens Valley it is a similar story: in 2008 fees of \$578; in 2009 fees of \$957. Under the proposed new licensing structure its fees will rise by a massive 445 per cent to \$4260.

Jo Bowers, one of the licensees, says:

We would need to sell in excess of 3000 extra pots of beer to bring us back to the start of 2009. This is impossible in a hamlet of 130 residents.

I should say that hotel was one of the unofficial relief centres in the Mudgegonga bushfires. People went there for showers, food, refreshments, compassion and tender loving care. This proposal will put people like that out of business.

I turn now to the Alpine resorts, which are a significant part of my electorate. I have commentary from Alan Pay who speaks on behalf of six restaurants at Falls Creek. One restaurant's fees will go from \$957 to \$5325; Maddisons will see its fees increase from \$323 to \$1065. These are businesses that have a very short season — from 12 to 16 weeks — to make most of their annual income, and they cannot cope with this fee slug, which is based on illogical criteria based on maximum venue capacity rather than looking at the overall yearly activity. Similarly, the Attunga Alpine Lodge and Apartments made the statement:

Once again this is just another kick in the guts for small business.

Its fees look like going up 1000 per cent. The same story occurs at the Arlberg at Mount Buller. The list goes on. Alpine resorts are hurting.

I turn to the infringement notice loading. Again, in principle, it is a good idea, but when you look at the detail, as interpreted by the licensees at the North Eastern Hotel in Benalla, you see that any infringement will result in a penalty of something like \$2000. The infringement that this licensee incurred when he first took over the licence involved an under-age person who was found with alcohol in the hotel car park. That is not a hanging offence. It is not the same as a bashing or a glassing outside a Melbourne nightclub. It is a minor

offence. Yes, a wrong was done, but they should not be hit with a \$2000 penalty as well as the infringement.

I have also had feedback from other hotels, such as the Tolmie Tavern and the Black Spur Inn at Narbethong. Tolmie Tavern and the Black Spur Inn are community-based hotels that delivered a fantastic community service during the bushfires — the Tolmie Tavern during the 2006–07 bushfires and the Black Spur Inn in Narbethong during the 2009 fires. Those licensees cannot comprehend how they can be hit with a massive licence fee increase.

Other small hotels that have contacted me include the Thoona hotel, the Tatong Tavern, which does a magnificent job with the Royal Children's Hospital Good Friday Appeal, the Porepunkah Hotel Motel which is managed by Chris and Mary Sutherland, the Kevington Hotel which is halfway up to Woods Point and not where the night owls frequent, and the Bright Historic Oriental Boutique Hotel. They are all small hotels. They are all having a go and they are all fearing the economic consequences. At Benalla we have the Farmers Arms, which has done a great job over the years raising money for the Good Friday appeal, and the Victoria Hotel, whose fees will increase 300 per cent. The Victoria Hotel ran a Good Friday appeal last year and raised over \$35 000.

The fees that will come out of this enabling legislation are putting businesses like that at risk. How can a government which claims to govern for all Victorians contemplate such an ill-conceived fee structure?

Other businesses that have contacted me which are not exactly hotels but which have a licence include Bright Berry Farms, Birches Luxury Spa Chalets, the Brandy Creek Cafe, the Dinner Plain licensed supermarket and the Valley Hotel. They are all saying that the Premier and the Minister for Consumer Affairs have got it wrong. These fees are not achieving the objective they sought to achieve and they are penalising innocent people in small communities.

The Latrobe at Beechworth, which is a business and convention centre in Beechworth, has raised concerns. The Anderson Winery in Rutherglen and the Buffalo Brewery at Boorhaman are saying the same thing. In summary, this so-called risk-based approach to licensing fees is fundamentally flawed. It will cause great financial grief to many small, law-abiding hotels and liquor outlets, and it will negatively impact on small country communities that are already doing it tough.

I have passed on the feedback I have received by email from my many constituents who are concerned about this issue, and also concerns from constituents from other electorates. I have invited the minister to visit the licensees in north-east Victoria and hear firsthand the impact of the massive licence fee increases and the flawed nature of this proposed fee structure. I call on the minister to talk with his bureaucrats — he has told me that he has started the process — so the bureaucrats can work through and work out what I hope are the unintended implications of this ill-considered and flawed fee structure. I hope it is that rather than just a cash grab from a money-hungry government.

In conclusion, I support the amendments proposed by the member for Malvern. I draw everyone's attention to the outstanding presentation by the Leader of The Nationals yesterday and I call on the government to bring some common sense and equity back into this legislation.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to support the Liquor Control Reform Amendment (Licensing) Bill 2009. I will not support the circulated amendments. Members of the house know about the Brumby Labor government's Victorian Alcohol Action Plan 2008–13, which commits the government to a wide range of initiatives to restore the balance within families and communities regarding alcohol. It plans to reduce risky drinking and the impacts on families and young people. It highlights the consequences of risky drinking for health, productivity and public safety and the alcohol-fuelled violence and antisocial behaviour that impacts on public safety.

If I may just indulge the house with a few words, alcohol is an all-of-community problem: it affects people from all walks and sections of life. I absolutely reject the claims made by some of those in high office who say, 'This problem is caused by bogans coming from the northern and western suburbs'. Again, trying to — —

**An honourable member** interjected.

**Ms BEATTIE** — Your future leader perhaps! They are trying to paint that sort of behaviour as belonging to one section of the community. People in the northern and western suburbs, which the member for Derrimut and myself represent, are good, decent, hardworking people. We absolutely reject the notion that those people are solely responsible for bad behaviour in the city.

I wanted to talk about those things because it is important that we have a vibrant city life. People from

all walks of life are attracted to it. I myself come into the city some Saturday nights to go to a restaurant. I do not go around inducing violence and I do not go to nightclubs. The licensing regime introduced some years ago following the Nieuwenhuysen report in the 1980s has allowed us to have a really cosmopolitan lifestyle, and particularly as the summer months come on we can sit outside a cafe and have a glass of wine. We have to remember that with that right comes responsibility. It is a whole-of-society responsibility.

This new licensing regime commits us to a risk-based-type system. We gave a commitment to introduce a system where venues can be identified. Those who are at higher risk pay a greater share of the cost of regulating the licensing system. I think that is a fair thing. If a club or a venue is adding to the risk, it is only fair that they should make a greater contribution to that regulatory regime than places that are at low risk. The previous speaker mentioned a number of operators in his area. Yes, the fees will increase, but the venues he mentioned are probably not high-risk venues. We have done a lot to reduce alcohol-fuelled violence. This is part of a bigger package. We have put 120 more police on the street and we have introduced a compliance directorate, and I have heard talk of the inspectors going into places. There are also bigger penalties for being drunk and disorderly in public, bigger penalties for serving intoxicated patrons and greater enforcement powers for police.

It is not just a question of the risk-based regime; it is a whole package and a whole-of-community responsibility. Nobody in this house condones violence. We all find any sort of violence, whether it is alcohol fuelled or not, completely abhorrent. What we have to do — and it is a particular problem with young males — is change the culture, and this is not going to be done overnight. Outlets with extended trading hours that are more likely to be associated with greater alcohol-related harm — what they call preloading and unsupervised and under-age consumption — have to be controlled. This is a way of doing that, because if they are indulging in those risks then they will pay more. I encourage safe and good management practices. We have limited time because I understand that there are many speakers who want to speak on the bill. I support this bill wholeheartedly and I will not support the amendments circulated by the member for Malvern.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to make a brief contribution on the Liquor Control Reform Amendment (Licensing) Bill 2009. When the concept of risk-based licensed fees was mooted, I supported it. I still support the concept, but I am very uncomfortable with what we are discovering will happen with this one.

As part of a family business that held licences for 25 years, I fully understand liquor licensing and the requirements of liquor licensing rules and regulations. The government side, however, does not seem to understand that every dollar paid in a licence fee comes off the bottom line. There are already sufficient licensing laws and regulations, and if they were policed and imposed, they would help to eliminate a lot of the problems we now have.

The increase in revenue from liquor licensing fees from \$15 million to \$35 million in one year is going to have to be passed on to customers. That is really going to affect small businesses. The packaged liquor base fee of \$1420 is completely illogical. Why have a Dan Murphy-type establishment paying the same amount as your corner store that carries small quantities of liquor, stocked as a convenience to customers in the hope that there will be impulse buying on biscuits and the other things people buy when they are purchasing alcohol? It is completely illogical; I cannot work it out.

The shadow Minister for Consumer Affairs gave the example of the Royal Mail Hotel and said that its liquor licence fees will increase from \$1954 to \$10 650 — an increase of 433 per cent. That means it will have to serve some 400 extra meals to cover that increase of \$8696, or sell an extra 4300 drinks just to pay the licence fee. What sort of risk-based regime classifies a 5-star hotel like the Park Hyatt with a King Street nightclub, a tabletop dancing venue or a country pub?

The contribution by country pubs must never be underestimated. I point to what the Healesville Hotel has done, with its excellent food, to draw attention to and increase visitation numbers in Healesville. The quality of the hotel's food is absolutely brilliant, and it is very busy at weekends. It encourages the other venues to lift their standards with their food, and Healesville is very vibrant because of that country pub. Such pubs are also meeting places, and they raise funds for local and state causes and charities.

I want to make specific mention of the Yarra Valley Grand Hotel, which on Saturday night, 7 February, just opened its doors to all those fleeing the fires in Kinglake, Steels Creek, Toolangi, and even some of the Marysville people who came down that way. The owners opened their doors without question. They fed everybody who needed feeding. They were giving out cold drinks, tea and coffee throughout the night. They carried on all the next day and all the day after that. There was no question of who could and could not have, who could and could not pay or what they would be charged; they just gave generously. The owners have not said how much this cost them, but my own

calculations put it at several thousand dollars. That is the value of country hotels.

I look at what these fees are going to do some to those businesses. Every time you get such a fee increase, it goes on top of all the other costs that businesses have had to pay. The ever-increasing fees that this government is continually putting on businesses are making it virtually impossible for a lot of these places to keep going. The economy is down, so people are not going out and buying a three-course meal now; they are buying a one-course meal.

We have the situation also of people buying packaged liquor and drinking before they arrive at a venue because of the cost of the liquor at the venue. As fees for nightclubs increase — I am not talking about the ones that are risky, but the good nightclubs — the good nightclubs will have to put up their prices. Consequently we will have people drinking more before they get there or, sadly, they will turn to drugs, where a tablet will be cheaper than actually having a drink in a licensed venue.

As I said, I support the concept of risk-based licence fees, but they must be aimed at the people who are causing the risks or problem, not at the good businesses that are providing genuine, good, high-quality service to the rest of the community. I realise a lot more members want to speak and we have only 5 minutes each, so I will sit down.

**Mr SEITZ (Keilor)** — I rise to speak in support of this bill. Clause 1 outlines the basic purposes of the bill, which are to strengthen the objects of the act in relation to harm minimisation and the responsible consumption of control.

It was quite interesting to listen to the remarks of the honourable member for Benalla in particular. They reminded me of my father's situation; he was in the business 65 years ago. He had two licences, one in the city and one in the country. Even then the discussion was raging that fees for the licences and inspectors were too high, and in fact my father got into strife at different times. Nothing has changed in history.

The issues are forever changing because human society is changing. Alcohol has been with us for a long time, and governments all over the world have been trying to control and influence behaviour relating to alcohol consumption, including levying taxes on alcohol. This bill has been forced upon us by the behavioural and social changes in our society. The Nieuwenhuysen report recommendations were accepted by the government in 1996. That liberalised our

licence-issuing practices, which actually changed our whole view of liquor consumption, respect and understanding.

Under the primitive system that existed before that time, we had to travel up to the hotel at Sunbury, because there you would be considered a bona fide traveller and you could buy cans of beer on weekends, whereas you could not buy them in a Keilor hotel. All those sorts of things have always been issues when it comes to liquor consumption — and I am going back about 40 years now. Alcohol could be bought at the Sunbury hotel. The Mount Macedon hotel has been closed down because of a supposed breach of some regulation. An overzealous inspector wanted to close it down — because the people who bought that hotel and had the licence were of the wrong nationality. That did not suit some people, so that hotel was closed down.

When it comes to liquor licensing, there is always a problem, but the biggest reason that has caused us to bring in these changes — and I congratulate the minister on taking this serious action — is the harm that is caused by irresponsible alcohol consumption and irresponsible service of alcohol at the big venues in the city and the cost to our community and society, as has been pointed out by the honourable member for Kororoit.

As a former chairman of a community health service, I know that when the health service was open late on Saturday evenings and on Sunday nights the health department said it was treating only the cuts and bruises of the drunks. Again, this is nothing new, but there need to be constant changes and constant monitoring in this area. One of the ways of addressing the problem is to increase the fees in the venues that cause problems. The issue is that if there is a problem in one area, the law applies right across the state and so do the fees.

It is rather interesting to note that I have not had anybody from the liquor business who operates a small bar, restaurant, cafe, bottle shop or you name it in my area actually make representations to me objecting to this legislation. That was the case when the government introduced the amendments resulting from the Nieuwenhuysen report in 1996. I believe it is widely recognised and accepted by the community that the government has to act by strengthening the powers of the director to enable her to enforce and take away licences and regulate the various licences so that people know what their responsibilities are when they do hold a major event. That is an important issue.

Licensees will have to contribute towards the cost of the services that are provided by the taxpayers to

administer their industry. The money that is collected in fees does not only go towards just administration of the office, but also into consolidated revenue for administering the liquor industry in the broader sense. That is also an important part of it. Our whole society must be responsible.

I am getting the message here that I should wind up. I could talk for about an hour on this subject but, out of respect to my colleagues who also wish to speak on the bill, I conclude by saying that in my region of the western suburbs we have very little violence occurring as a result of alcohol consumption in the local area. However, the emergency department of Sunshine Hospital in the Furlong Road, St Albans, complex gets crowded out by a lot of people who have come in on the train from the city. People who need treatment urgently — people who have children with fevers and other problems — have to wait longer in a queue because people who have been involved in brawls in the city are in the hospital emergency department.

I commend the bill to the house. Whatever we can do to minimise harm resulting from liquor consumption, the better it will be for our society.

**Mr KOTSIRAS (Bulleen)** — While I welcome this legislation as a first step in an attempt to stop the violence in our streets, this bill on its own will not stop the ugly scenes that have been experienced and that we have seen on our television sets and on our streets. I am not opposed to this bill because it goes some way to assisting with addressing the situation, but I support the amendments foreshadowed by the member for Malvern because they will improve the legislation. Let me explain why I believe this bill will not do what it aims to do.

Firstly, this bill does not ensure one extra police officer will be put on our streets. There is no improvement to our public transport system to ensure people are able to get into the central business district quickly and safely. There is no public education on how people can behave responsibly. Of course the biggest flaw in this legislation is that it does not deal with people who are taking drugs — because the violence we see on our streets is not due to just alcohol.

In most cases drugs are involved. In most cases the drug ice is involved. Any member who has children aged over 18 will know that drugs are at most clubs on the weekends. I have a son who has just turned 18, and I have not seen him since he turned 18. He is out at clubs — he calls it ‘clubbing’ — every weekend. He is amazed at what he sees on the club scene. I am surprised the government has not seen this and has not

introduced legislation to do something about it. It is a major problem, but the government has failed to put a stop to it.

Another part of the bill that concerns me is the way liquor licensing fees are being set. They are not being set according to any proper assessment of risk. They are currently unfair. They will cost jobs and hurt small businesses in Victoria. As other members have said, you cannot put the Hyatt, a country pub and the Men's Gallery in the same group. But that is exactly what the bill does. I cannot understand why the government does not see this difference. I suppose it is like a good whiskey — you can have a single malt or you can have a blended whiskey. You have to be able to distinguish between the two. Most members would not be able to do this. It is the same with this legislation. They are putting everything into one group, which is not working.

I support the amendments foreshadowed by the member for Malvern, because the bill as it stands is unfair. It will cost jobs and it will hurt small business in Victoria. It is a good first step but, as the government likes to say, 'More needs to be done'; even though it has had the last 10 years to do something, more does need to be done. In the 14 months the government has left before the next election, I urge it to do something to ensure that the problem of drugs in our clubs is resolved so that parents are able to sleep at night without worrying about what is going on clubs in terms of drugs and alcohol. I do not oppose this legislation, but I hope the government looks at the major problem of drugs in Victoria.

**Mr PERERA** (Cranbourne) — I wish to speak in favour of Liquor Control Reform Amendment (Licensing) Bill 2009. The bill will implement the commitments the Brumby government announced in *Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance*.

... commits the government to a wide range of initiatives to 'restore the balance' within families and communities. It aims, in particular, to reduce:

risky drinking and its impacts on families and young people;

the consequences of risky drinking on health, productivity and public safety; and

the impact of alcohol-fuelled violence and antisocial behaviour on public safety.

My children have passed the clubbing age, but I have heard a lot of stories from them about their experiences attending clubs.

As always with the Brumby government, extensive consultation was undertaken by the Department of Justice in the development of this legislation. The Australian Hotels Association Victoria, Clubs Victoria, the Restaurant and Catering Industry Association of Australia, the Master Grocers Australia and the Association of Liquor Licensees Melbourne were consulted during the review of licence categories. The Alcohol Policy Coalition generally supports the changes to risk-based liquor licensing fees in recognition of the significant impact alcohol has on the community.

Everyone says the Brumby government got this one right. According to police records, assaults in the public domain have increased over a period of time. The majority of assaults occur at night-time and many of these violent incidents are alcohol related. It was revealed that a number of factors, such as increasing incidences of binge drinking, growth in the night-time economy and an increase in number of licensed venues, are the major contributors to this deteriorating situation in public safety.

Reports indicate that about 300 000 people visit Melbourne's central business district on Friday and Saturday nights. The number of licensed venues operating after 3.00 a.m. increased from 55 in 2005 to 156 in 2008. Many research reports have confirmed a link between alcohol and violence. Alcohol abuse and alcohol-related violence have featured extensively in the media recently. The Labor government came into office in 1999 and will complete its recruitment of over 1800 police officers by the end of this term. This is in stark contrast to the police force being reduced by 800 under the seven years of the previous Liberal-Nationals government.

However, it is now apparent that increasing policing is a very important part of the solution but not the single fix to the alcohol-fuelled violence. The reforms introduced in this bill fit with the present-day challenges associated with alcohol-fuelled violence. A risk-based system may not completely eliminate alcohol-fuelled violence, but it is an important step in the right direction for success. The package of reforms includes 120 more police on the streets, the introduction of a compliance directorate, bigger penalties for drunk and disorderly behaviour and for serving intoxicated patrons, and greater enforcement powers for the police and for the director of liquor licensing.

Victoria is not the only state facing these challenges. In Queensland and New South Wales increasing incidences of alcohol-related violence have resulted in recent legislative reform. Queensland's new liquor

licensing regime came into effect on 1 January 2009 after the Liquor and Other Acts Amendment Bill 2008 was passed in 2008. One of the key elements of the Liquor and Other Acts Amendment Bill 2008 is a focus on harm minimisation, which is also a key element in the Liquor Control Reform Amendment (Licensing) Bill 2009. In this context, many of the changes have been designed to suit the particular drinking culture in Queensland and to reduce the amount of liquor consumed in the community.

Some of the changes introduced in the bill were reduced trading hours, ministerial banning powers, licence fees based on risk and establishing an offence for the irresponsible supply of alcohol. The structure of available licence types has been streamlined; there are now only two types — commercial and community. New South Wales has passed similar legislation in the recent past, and the Victorian legislation takes a similar path.

The Victorian reforms are based on the user-pays concept: the higher the risk, the higher the licence fee and the higher the contribution to the cost of the stronger regulation and liquor industry enforcement that is necessary to help reduce alcohol-related violence. Currently some of these costs are being borne by the ordinary taxpayer, which is not fair and no longer acceptable. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to make a contribution on the Liquor Control Reform Amendment (Licensing) Bill 2009. The Nationals will be supporting the amendments circulated by the member for Malvern, but in coalition we are not opposing the bill. We want alcohol and violence problems fixed, but we do have some concerns with this bill. There is not a single person in this house or in our community who is not worried about the alcohol and violence that is occurring around late-night venues.

The concern of The Nationals is that this bill will do damage to responsible businesses. Not everywhere is King Street, and not everywhere has cowboy operators. We are concerned about a number of issues, and in particular how this bill will affect some country areas. I am sure these were elaborated on by the member for Benalla. How will the licence fee hike and the new structure affect major events in country areas? These are clearly important for our tourism, and they are infrequent events. What will be the impact on vineyards? Vineyard tourism again is very important in my area. Vineyards hold special events such as birthdays, parties and local festivals. How will the new fees affect those with cellar doors who are part of our local economy? What will be the impact on hotels with

accommodation? Are the beds counted in the numbers as part of the risk equation?

How will country performing arts centres, theatres and galleries that facilitate social functions be dealt with? In Mildura in particular I can think of Opera by the Lock and a number of other special events. For those reasons the regulations must be disallowable, and that is why we are supporting the amendments foreshadowed by the member for Malvern. Everybody wants drug and alcohol-related violence reduced in Victoria, and most country people fear that what is happening in the city will spread to country areas. However, there must be a way of addressing it without affecting country events, tourism and the simple country pub. No country pub with the capacity of a nightclub in Melbourne that is full every night can afford to pay these new fees. This difficult issue leads to a cash grab concern; the actual dollar figures have been put on record by the member for Malvern.

There must be a better way of changing the drug and alcohol culture. We have taken what we think is a right step in addressing this problem, but it is only the first step. There is a long way to go in this, and there is harm and concern out there, particularly among those small country hotels which are vital parts of their communities and are meeting and support places for the community in times of trouble. We need those hotels to remain there, and we must be very careful that in dealing with the problem in the city we do not take away the viability of country centres. Some of these small hotels in country areas are all that is left. They are also the post office, they are the general store and they are the town hall. Having to work increased fees into their capacity will affect their viability.

The member for Gippsland South looked at just how much these licensing fees have changed, and going by the figures he presented, there are many small country hotels in my electorate that simply could not and will not be able to sustain these changes. Their alcohol-related violence risk is extremely low, but before we even get to the risk variation in the formula they will have been punished to a point where they may not be viable. The Nationals will be vigorously supporting the amendments proposed by the member for Malvern, but we are not opposing the bill. We have to do something about this violence.

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

**Business interrupted pursuant to standing orders.**

**PERSONAL EXPLANATION****Member for Scoresby**

**Mr WELLS** (Scoresby) — I wish to make a personal explanation. Today the Treasurer in the Legislative Council referred to a press release posted on the Liberal Party website dated 2 September 2009 and under my name. I am informed by the Liberal Party that this press release was originally placed on the website and dated September 2008. This press release was in fact released one year ago on 2 September 2008. Due to a programming error in the new Liberal Party website, the release was incorrectly autdated and reposted on the site yesterday. In order to ensure Parliament is not misinformed, I seek to correct the record.

**ABSENCE OF MINISTERS**

**The SPEAKER** — Order! I wish to advise the house that the Minister for Health is absent from question time today. Questions for the minister will be answered by the Minister for Mental Health. The Minister for Community Development and Minister for Energy and Resources is also absent. The Minister for Agriculture will answer questions on behalf of the Minister for Energy and Resources and the Minister for Local Government will answer questions directed to the Minister for Community Development.

**QUESTIONS WITHOUT NOTICE****Bushfires: preparedness**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. Why has this government ignored 25 vital policy recommendations and warnings over the seven years prior to Black Saturday, and will the Premier and his ministers commit, if requested, to appear before the bushfires royal commission to explain this government's chronic failure to act?

**Mr BRUMBY** (Premier) — I thank the Leader of the Opposition for his question. My attention has been drawn to some of the claims that have been made by the Liberal Party about the state's preparation for bushfires. I can inform the house that a number of the claims made by the Liberal Party are not true. Surprise, surprise! It is a bit like the personal explanation we just heard from the member for Scoresby — —

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

**Mr Burgess** interjected.

**The SPEAKER** — Order! The member for Hastings!

**Mr BRUMBY** — One of the claims made, amongst many, in the Liberal Party documents which is not accurate is in relation to the use of fire sirens as warnings. This is a matter which the Leader of the Opposition asked me about yesterday in question time as well. There was a report in 2002, *Community Alerting for Bushfire — A Local Solution*, with the subheading 'The Ferny Creek fire alert siren follow-up evaluation'. The Auditor-General reviewed that in 2003. The Auditor-General told the Parliament that:

Evaluation of the effectiveness of the siren as an alert system for residents was inconclusive.

Here we have got — —

*Honourable members interjecting.*

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

**Mr BRUMBY** — Here we have got other claims in the Liberal Party leader's documents about, for example, implementing a standard emergency warning signal (SEWS). The Victorian SEWS guidelines were updated and distributed to media and emergency services in 2006. We have another claim by the Liberal Party about requiring commercial media to broadcast fire warnings. The Office of the Emergency Services Commissioner signed an MOU (memorandum of understanding) with the ABC in 2004. The MOU is non-exclusive and does not preclude the government from entering into similar arrangements with other broadcasters.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Yan Yean! The Premier and ministers will not be shouted down.

**Mr BRUMBY** — There is another claim in the Liberal Party document about the national emergency warning system. Victoria has led the way in relation to the national emergency warning system. This is acknowledged by the royal commission itself. Here you have a document released by the Liberal Party. Again it is a standard Liberal Party document — inaccurate, incorrect, lazy and full of errors.

**The SPEAKER** — Order! The Premier will not debate the question.

**Mr BRUMBY** — As I indicated yesterday, during the years in which we have been in government, if you

look at the funding of the fire services, if you add up that nine years of funding of the fire services, you see there has been more than \$5 billion invested in fire services in our state. This has been virtually a tripling of funding to give our firefighters and our emergency services the best support, the best resources and the best backup they have ever had. I reject the claims made by the Leader of the Liberal Party. The focus for our state is on this year's fire season, with less than 60 days to go, and making sure that we make this state as fire safe and as fire ready as possible.

### **Economy: performance**

**Ms BEATTIE** (Yuroke) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work, raise a family and do business, and I ask: can the Premier outline to the house how this government is addressing the global financial crisis, how our economic strategy has been received and if he is aware of any recent announcements that support our strategy to secure jobs and the economy?

**Mr BRUMBY** (Premier) — I thank the member for Yuroke for her question. As I indicated in question time yesterday, the successful formula for our state has been about investment and jobs, and that means confidence looking forward. We saw that in the results from the national accounts yesterday, with Victoria recording by far the strongest growth in the quarter of any state in Australia, and not just that but the strongest growth in state final demand of any state over the past year. The strategy that we have put in place — our jobs building budget and \$11.5 billion in terms of infrastructure — is paying dividends for the state. I might say it is a strategy endorsed by Standard and Poor's earlier this week; it has endorsed our AAA rating and the strength of our budget position.

On top of that, we have had a number of new job announcements recently. I mentioned yesterday the announcement in Bendigo about George Weston Foods — \$100 million plus and 480 new jobs. Earlier this week, with the Minister for Public Transport, I announced the new train franchise — 200 extra jobs in customer service and maintenance as well as new apprentices. Last week, with the Minister for Roads and Ports, we had the completion of the channel part of the channel deepening project. I want to thank the Minister for Roads and Ports for the great leadership he has shown on that project. It has been a great project for our state. That project had its critics, mainly on that side of the house, but we have gone ahead and done the job, and you see the confidence in our state in the strong figures yesterday. As I said yesterday, we are not

waiting; we are getting on with the job and we are building.

Today I was delighted to announce at Docklands a new \$1 billion MAB Corporation residential development that will create 5000 jobs in construction and provide 1000 homes to be built in Victoria Harbour at Melbourne Docklands. This is a beautiful project; it is a fantastic project. If you like, it is infill development. It is medium-density development. It will provide some fantastic accommodation options down there at Docklands, and as I said, in the construction process there will be 5000 jobs.

I am also able to confirm today that our government has brokered a breakthrough with the Victorian football clubs in relation to the MCG. We are investing \$36 million towards the upgrade of the MCG's Great Southern Stand and Yarra Park. This is great for jobs, and it is great for football. It is going to enable the AFL (Australian Football League) and the MCG to deliver greater returns to clubs for home games at the home of football. I suspect that the Minister for Sport, Recreation and Youth Affairs may have more to say about this at some time in the very near future. This is a great announcement. It is great for the MCG, great for AFL, great for the Melbourne Cricket Club, great for the clubs and great for the footy fans. It is not just a win-win; this is a win-win-win-win situation. This is going to mean more jobs, opportunity and prosperity for our state.

I mentioned, too, the last unemployment figures for our state, which came down from 6 per cent to 5.8 per cent, and that is a good result for our state as well. I have to say there have been some critics of it. I noted that one of the critics of this performance was the member for Scoresby.

*Honourable members interjecting.*

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

**Mr BRUMBY** — I note that between 2008 and 2009 there was not just a change of date but a change of font and paragraph description as well. It is typical of the lack of application that we have seen, the laziness that we have seen from the —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Dr Napthine** interjected.

**The SPEAKER** — Order! Even though it is Thursday, I warn the member for South-West Coast.

**Mr BRUMBY** — It is not surprising. I do not think anyone would know! No-one would know who the shadow Treasurer was.

*Honourable members interjecting.*

**Mr BRUMBY** — One, two, three, four; we are going to run out —

**The SPEAKER** — Order! The Premier has been speaking for 6 minutes. I ask him to conclude his answer.

**Mr BRUMBY** — We have been getting on with the job, and there has been no task that has been more important to our state this year than generating jobs, generating investment and generating confidence in our economy. We have been getting on with the job of doing that. At virtually every step along the way in terms of our budget strategy and in terms of our major capital works we have been opposed by those opposite. The best response we could get from those opposite to yesterday's national accounts was a press release that is a year old.

### **Bushfires: royal commission**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to the fact that the commonwealth government has allowed its agencies to have separate representation in front of the Victorian Bushfires Royal Commission, and I ask: will the Premier now follow this example from the commonwealth and remove his restrictive order requiring all Victorian government agencies to be represented by a centralised counsel answering to the Premier and his department?

**Mr BRUMBY** (Premier) — The government is represented as a single party before the commission to assist the work of the commission and because Victoria —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will not be shouted down. I ask for some cooperation from the member for Bass.

**Mr BRUMBY** — It is because Victoria has a whole-of-government emergency management system, and it has always been thus. I have consistently maintained, and the Attorney-General has consistently maintained, that agencies and departments may seek to

be separately represented before the commission if it emerges that their interests diverge from those of the state. The government has not received any request from the CFA (Country Fire Authority) or indeed from any other department or agency to be separately represented. In fact, I understand the CFA has recently again assured the government that it wishes to remain part of the state's representation before the commission.

For the benefit of the Leader of the Opposition, it is worth noting also that in addition to being represented by the Victorian Government Solicitor's Office the CFA is being advised by its own lawyers, who have also not sought separate representation for their client.

**Mrs Fyffe** interjected.

**The SPEAKER** — Order! I ask the member for Evelyn to cease interjecting.

### **Melbourne Cricket Ground: Australian Football League agreement**

**Mr TREZISE** (Geelong) — My question is to the Minister for Sport, Recreation and Youth Affairs. 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: can the minister update the house on how the Brumby Labor government is taking action to secure the long-term future of football at the MCG, especially given the likelihood of a Cats premiership there in 2009?

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Geelong for his question. As we know, he is a great supporter of football, and particularly of the Cats.

AFL (Australian Football League) football is part of the fabric of our society. It is our nation's indigenous game, and the Brumby government understands its importance. Since 2000 over \$176 million has been injected into our AFL clubs, our VFL (Victorian Football League) clubs, our suburban clubs and our country footy-netball clubs. So when a delegation of AFL clubs came to the government raising concerns about the impact of stadium returns on their financial viability the government took the issues very seriously.

The MCG — also known as the G — is the home of football. It is critical that the returns that clubs receive from playing games at the MCG help cement their financial future. I am delighted to advise the house that today an agreement was finalised between the Brumby government, the MCG Trust, the Melbourne Cricket Club and the AFL which will help secure the future of every club that plays games at the MCG. This

agreement is a comprehensive win for AFL clubs. Those playing games at the MCG will receive an additional \$4.6 million per year, or \$100 000 a game, for the next 10 years. There will also be bonuses paid directly to the clubs for annual crowd attendances above 2.1 million. This agreement is a comprehensive win for the MCG. The AFL Grand Final will remain at the home of football until at least 2037, as will 10 of the 12 best attended home-and-away matches.

The Brumby government will invest \$30 million towards a major refurbishment of the Great Southern Stand, which will benefit every patron of the stand, going from the AFL members reserve to upgraded entry points, seating, food outlets and amenities throughout the stand. The government will also commit \$6 million to a \$22 million environmental and water-saving project for Yarra Park, in partnership with the Melbourne Cricket Club. This will greatly improve the surrounding parkland and protect the trees from the impact of the drought.

Finally, and most importantly, as the front page of today's *Herald Sun* clearly states, this agreement is a win for the fans.

**The SPEAKER** — Order! The minister will put down that newspaper now!

**Mr MERLINO** — Not only will they be able to watch the best matches in the best facilities, but the MCG will remain open for families, no matter where they live. It is a longstanding policy of the Melbourne City Council to remove cars from Yarra Park. This is simply unacceptable. Close to 50 per cent of all people parking at the MCG live more than 40 kilometres away from the ground. For many Victorians, particularly those living in the outer suburbs or in regional Victoria, driving to and parking at the G is their only option. The government will legislate to transfer the management of the Yarra Park precinct from the council to the MCG Trust. This will ensure that \$22 million in environmental initiatives will be invested in Yarra Park, and it will guarantee that the council, the Greens political party or anyone else cannot ban parking at this vital community asset. I do not think anyone in this chamber would support banning families from parking at the G, unless of course the Liberal Party drafts the Lord Mayor of Melbourne back into the leadership!

**The SPEAKER** — Order! The minister will not go down that track. He will not debate the question or I will sit him down.

**Mr MERLINO** — We make no apology for this protection. This is the people's ground, and it is going to stay that way.

### **Bushfires: preparedness**

**Mr WALSH** (Swan Hill) — My question is to the Premier. Can the Premier confirm that in 2008 the Department of Sustainability and Environment made a submission to the government's expenditure review committee seeking several hundred million dollars in additional funds to reduce the bushfire threat in Victoria, but that the request was rejected?

**Mr BRUMBY** (Premier) — As the honourable member knows, I do not discuss what comes before cabinet and what does not. What I can confirm is what I have said repeatedly in the Parliament today, and that is that we have significantly increased the funding for all the fire services — the Country Fire Authority, the Department of Sustainability and Environment and others. So much so, in fact, that there has been a virtual tripling of the funding that has been made available. In terms of this year's fire season and the fire season just past, the total expenditure by the government has been uncapped.

### **Police: numbers**

**Ms BARKER** (Oakleigh) — My question is to the Minister for Police and Emergency Services. I refer to this government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the work that Victoria Police and the government are undertaking to make Victoria the safest state in Australia?

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the member for Oakleigh for her question. Like all members on this side she welcomes the additional police — more than 1400 of whom have been put on, an additional 350 are coming this term and a further 120 were announced a month ago. We have a record budget for Victoria Police, and since 2000–01 we have seen crime go down more than 25 per cent. We have a level of crime which is the lowest since we have had the modern system of recording crime.

I can advise the house of the latest figures in relation to public transport crime. When we look at the number of crimes per million trips, in the last year we have seen a fall of 10.5 per cent. That comes on top of, since 2000–01, a crime rate reduction of 43.63 per cent, when we look at that we can see that the rate of assaults has fallen 14 per cent — there are now 2.2 assaults

recorded for every million trips; robbery is down 5.2 per cent; overall crime against the person is down 11 per cent; and theft from motor vehicles is down 28 per cent. We have the lowest recorded crime rate for public transport. Since 2000–01 the rate of assault has come down by 21 per cent and robbery by 40 per cent. As a result of the budget this year we have seen more transit police being put on — an additional 50 will be put on during the course of the current financial year.

You, Speaker, will be aware that the chief commissioner has announced that in the new year he will be establishing an operational response unit. That is to address public order issues, including on transport. He is doing that as a result of the record resources that are being provided to him by the Brumby Labor government. I congratulate the public transport operators, the police and the public on those results and on those reductions in public transport crime.

We believe it is important to get on with the job, and we continue to believe we have to confront the issues facing us. That is why we will be having legislation that will involve infringement notices for drunks, a new disorderly offence, a move-on power for police where they believe there is an imminent threat of a breach of the peace and new search powers for weapons. We would like there to be unanimous support for these things. We have not had any support so far from those opposite, and we do not want them to vote against these things like they did with the entertainment precincts.

We have put on more police; we are continuing to do that, and they are real police. We certainly do not believe in unfunded, make-believe police from Baillieu-land.

### Police: resources

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to a report on the front page of the *Port Phillip Leader* entitled ‘Drowning in booze — locals want more cops’, which contains a statement by Port Phillip district police inspector Lisa Hardeman, who says:

‘Would I like to have a permanent police presence (in St Kilda) on Thursday, Friday and Saturday nights? Yes ...  
‘Can I supply the police for that? No.’

And I ask: is it not a fact that Victoria Police cannot cope with the rising tide of violence because the minister is not providing it with the resources it needs whilst he hides behind claims of operational matters?

**Mr CAMERON** (Minister for Police and Emergency Services) — I congratulate the police in the

Port Phillip police service area on a 51 per cent reduction in crime since 2000–01. We have record numbers of police across this state, and they are allocated by police command. I understand why the honourable member may have wanted to selectively quote, because if he had quoted all of the article, he would have had the inspector saying that she fully supports Victoria’s Alcohol Action Plan.

### Housing: government initiatives

**Dr HARKNESS** (Frankston) — My question is to the Minister for Housing. I refer to the government’s commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house the action the Brumby Labor government is taking to deliver social housing in Victoria?

**Mr WYNNE** (Minister for Housing) — I thank the member for Frankston for his continued commitment to public and social outcomes not only in his own electorate but more broadly across the state. What a cracker time to be Minister for Housing! I am pleased to advise the house that earlier this week the Rudd government approved a further 3872 new units of social housing across Victoria.

**Mr Seitz** interjected.

**The SPEAKER** — Order! I ask the member for Keilor to curb his enthusiasm.

**Mr WYNNE** — This is part of the Nation Building economic stimulus package of the Rudd federal government. On top of previous approvals, this brings the number of new homes being built across Victoria to more than 4500. It is important to acknowledge that the investment from the commonwealth has been reduced as a result of the adjusted funding arrangements announced last week; however, there is no escaping the fact that this still represents the single largest investment in new social housing ever by the commonwealth government, and Victoria will now get on with the job of building it, right across the state — from Ballarat to Bairnsdale, from Mildura to Moorabbin. It will undoubtedly be the biggest build we have undertaken in this state since the Olympic Games.

As we know, is investment has dual objectives. The first is the economic objective of jobs. We know one of the most important stimuluses you can provide is in the building sector, not only in the direct jobs that are provided but in the knock-on effect to suppliers in the sector as well. As the Premier reminded the house, building approvals in Victoria in the last month were

35 per cent of the national total — 35 per cent of national new approvals are in Victoria — so Victoria is in an excellent situation.

The second outcome is the social outcome, and that is much-needed public and social housing for this state. I recently opened a 25-unit older person development at Kinloch Parade in Wantirna.

*Honourable members interjecting.*

**Mr WYNNE** — I will say a bit more about you in a moment. Kingloch Parade in Wantirna is part of the Brumby government's record investment of \$500 million in public and social housing. This was a fantastic development in a court — 25 units of public housing for older people, with a great community facility in the middle of it.

As one does, I talked to people after the function. I found out a really surprising thing when I was having a discussion with an elderly lady. I asked her, 'Where did you come from prior to coming to this magnificent development?'. This lady, who was certainly in her mid-70s, said to me that she in fact had been homeless. She had been homeless for more than 10 years. When I talked to her about her life story, which I will not go through here today, I discovered it is really quite a tragic story. It is a story that provides a timely reminder to this house that homelessness knows no bounds. It knows no geographic bounds and it knows no age bounds. This housing was really fundamental in changing her life. These 25 units for the first time will provide to this elderly lady of 75 years of age the opportunity to live in dignity in secure, stable and affordable housing.

**Mr K. Smith** — Ten years to get into a house under the Brumby government — that's normal.

**The SPEAKER** — Order! I ask the member for Bass to cease that level of interjection.

**Mr WYNNE** — He's just like a punch-drunk fighter. He's punch drunk!

**The SPEAKER** — Order! The Minister for Housing will not invite interjections. The Minister for Housing, to conclude his answer.

**Mr WYNNE** — What is revealing about this project is that not everyone supported it. In fact when this project was first mooted in 2006 there was one group in the community which opposed it. It opposed it and called for the site to be cleared. As open space it would have denied the residents of those 25 two-bedroom units a roof over their heads.

Unfortunately I have to advise the house that that same group is now at it again, opposing more social housing developments in Frankston, in Ringwood and in Moorabbin. As recently as last weekend that group participated in a protest rally against a development behind the old Moorabbin town hall which has been approved by the Kingston council through the normal planning processes of local government. That group declared that social housing is not very good in terms of economic stimulus. That group bragged that it had been critical of this program since day one. You may ask, Speaker, 'Who would be heartless enough to oppose putting a roof over the heads of the most vulnerable in our community?'. Who? Who is that group?

**The SPEAKER** — Order! I have asked the minister to conclude his answer. He is clearly debating the question. I ask the minister to conclude.

**Mr WYNNE** — That group is those people over here, the Liberal Party, particularly the member for Bayswater, the member for Warrandyte — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister has concluded his answer.

### **Country Fire Authority: trucks**

**Mr RYAN** (Leader of The Nationals) — My question is to the Minister for Police and Emergency Services. I refer the minister to reports this morning that, less than two months before what is anticipated to be a horror fire season, 55 new Country Fire Authority fire trucks have been found to be too heavy to operate when loaded to full capacity, and I ask: is it not a fact that as a result of the government's incompetence these fire trucks will only be able to fight fires if their water tanks are only partially filled?

**Mr CAMERON** (Minister for Police and Emergency Services) — As a government we are very proud that we have tripled funding to the Country Fire Authority. We are very proud also to have provided 700 replacement and new fire trucks for the CFA. What we know is that we have got great volunteers with great resources. In relation to these trucks the CFA advises me that this design issue will be sorted out and they will be fine by the coming fire season.

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

**Ms DUNCAN** (Macedon) — My question is for the Minister for Regional and Rural Development. I refer the minister to the Brumby Labor government's

commitment to making Victoria the best place to live, to work and to raise a family, and I ask: can the minister update the house on government policies that are supporting growth in regional communities, and are there any alternative positions?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Macedon for her question. I am absolutely delighted to inform the house this afternoon that two reports were released last week that endorse and back the Brumby Labor government's policies and programs that are all about supporting jobs and population growth right across provincial Victoria.

The first report I want to turn to is the Regional Cities Victoria report. This group, which is made up of the 10 largest municipalities in regional Victoria, released its report *Implications of Population Growth on Infrastructure and Resources in Regional Cities*. This report reinforces the importance of the investment this government has made in regional Victoria over the past decade to rebuild and boost regional cities. If I can share a quote with the house, in releasing the report the chair of the regional cities group, the mayor of the City of Ballarat, Cr Judy Verlin, stated:

When governments at all levels support policies that encourage regional growth, investment in infrastructure, services and employment are dispersed.

In addition to this work, last Wednesday at the small towns summit in Maffra, at which the members for Gippsland East and Morwell were also in attendance, I launched the results of the relocated residents survey. There are great results from this survey. This survey of residents who have moved to provincial Victoria in the past decade found that 76 per cent of survey respondents were over the moon about their move to provincial Victoria. They said given their time over they would make exactly the same choice again. In fact it was reflected in the survey that after relocating to provincial Victoria more people felt satisfied with their whole life.

As members of the house can see, the results of this survey and the report by Regional Cities Victoria are a ringing endorsement of the approach this government has taken in supporting infrastructure and services that bring more jobs and more people into our regions.

I am disappointed to inform the house that not everyone in the Victorian community supports these efforts, which have created over 105 000 jobs and seen more than 110 000 people move to provincial Victoria in the past decade. There were some who opposed the groundbreaking Regional Infrastructure Development

Fund and went so far as to call it a sham. There were some who opposed, and I am disappointed to say continue to oppose, the transformational regional fast rail project. I understand they have also added the \$4.3 billion regional rail link to their hit list.

We also know that to secure ongoing growth and to support the populations of our regional areas we need to secure this state's water supply. Incredibly we have seen projects such as the goldfields super-pipe and the \$3.5 billion desalination plant also opposed by some every step of the way.

Finally, there is the channel deepening project. The Premier has already talked about this in the house today and praised the leadership of the Minister for Roads and Ports. This has been a project of vital importance to the whole state, but it is of particular importance to the dairy industry, a vital industry in regional Victoria. Some have called this project a pointless exercise. Who was the voice of opposition on all of these projects? We know, of course, that it was the Liberals and Nationals that opposed each and every one of these projects that are about supporting growth and jobs in our regions.

These are all more than just great infrastructure projects, and standing alone they are great infrastructure projects. They are more than just projects generating thousands of jobs in every part of our state. They are projects about the vision the Brumby Labor government has for growing strong and vibrant regions. You need policies and you need to do the hard work, but most of all you need to have your heart in it when it comes to supporting the future of regional and rural Victoria.

**Mr McIntosh** — On a point of order, Speaker, I want to raise a matter of, perhaps, grave privilege. It is my recollection that in the response given by the Minister for Police and Emergency Services to my question he indicated that had I read further on in the article I would have seen that Inspector Hardeman, whom I had quoted in my question, says something to the effect that she fully supports the government's position. I have reread that article, and it certainly does not have anything that remotely approaches that suggestion. I would ask that the minister perhaps check the record, and I will provide the Speaker with information on that matter. As I said, it is a matter of grave privilege, and perhaps the appropriate action can be taken against the minister.

**Mr Cameron** — On the point of order, Speaker, I advise, as I look to the honourable member for Albert Park about this, I understand what it was. There was a presentation — that is what the article was about — and

it was in her presentation that Inspector Hardeman said those things. I correct the record accordingly.

**The SPEAKER** — Order! There are established procedures for the member for Kew to follow, if he wishes to pursue them.

## LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

*Second reading*

**Debate resumed.**

**Mr BROOKS** (Bundoora) — It is a pleasure to join the debate on the Liquor Control Reform Amendment (Licensing) Bill. I understand a lot of members of this house wish to contribute to debate on this bill this afternoon so I will keep my comments fairly brief. The bill addresses the broadly supported desire of the community and this government to minimise the harm caused by alcohol-related violence. It introduces a system of risk-based licensing for licensed premises. Members on both sides of the house during this debate have spoken in support of the broad objective of this bill, and given the number of members who want to contribute to this debate I will not go into the specifics of those issues and I will not repeat what has been said. But I urge members to read the minister's second-reading speech which contains a very helpful explanation of the government's policy position in this area.

I have been surprised to hear the shadow minister and members of the opposition lecturing the government on the need for a number of other strategies to tackle alcohol-related violence, particularly in the central business district and other areas. This has to be seen as being fairly embarrassing for the opposition, particularly when you look at its record.

When in office the Liberal Party and The Nationals in coalition cut police numbers by 1000 and crime went up by 10 per cent. The Brumby Labor government has put 1400 police back into the force, is delivering another 350 police this term and has just announced another 120 police on top of that. The government is also toughening up police powers. In terms of giving police the resources and the powers they need to do their job to clean up crime, this government is delivering. The record of the opposition is disgraceful.

Other speakers have mentioned the need for good transport for people wanting to leave the central business district late at night or in the early hours of the morning. I know in my area the very successful

NightRider bus runs from the city down Plenty Road to Bundoora, past my electorate office in Grimshaw Street through to Greensborough and Eltham. It is a fantastic service and runs to 4:30 a.m. on Saturday mornings and 5:30 a.m. on Sunday mornings. That is a well-used transport service, mostly by young people who have been out enjoying themselves.

There has been some debate about the need for education programs and programs to encourage people to consume alcohol responsibly and to not engage in violent behaviour. The government has been in this space for a long time. It introduced the \$37 million long-term strategy for minimising alcohol-related harm in May 2008 called Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance. The government has introduced tougher enforcement measures and has introduced the 'Will you handle your alcohol or will alcohol handle you' campaign, which is aimed at educating the community. There is the Step Back Think pilot program that is part of the overall government Respect strategy. One only has to look at the Liberal Party website to see that it has no policy on police, no policy on liquor licensing, no policy on transport. It opposes everything and stands for nothing.

**Mr INGRAM** (Gippsland East) — I rise to speak on the Liquor Control Reform Amendment (Licensing) Bill, which is an important step forward. I know there are some challenges to be faced with the way licensing fees will be implemented by this bill. Like many members of Parliament, I have received representations about the fee structure and concerns about how the different levels of premises will be treated — whether they operate after 11.00 p.m. and how that impacts on the fees they are charged. Many establishments are concerned about that change because they believe it does not necessarily accurately represent the risks they face. They are also concerned about the enforcement costs in those particular areas.

I have listened to speakers in the debate who say that this is a problem for the metropolitan areas. That is not the case. Disappointingly, my area in Gippsland East has some significant problems with alcohol-related violence, particularly at late-night venues. The report prepared by the Allen Consulting Group in relation to alcohol-related harm around the operation of licensed premises contains a list of licensees by suburbs and offence type, and it lists venues with the highest rate of offences around the state. It is disappointing to note that a venue in Bairnsdale rated the highest in the state between 2006 and 2008. There were 41 assaults in that period in that one venue in Bairnsdale.

That raises a real concern when we have venues in regional areas where people are subject to alcohol-related violence. Often what happens in those places is that the violence spills out onto the street and the police have to deal with it. I know the local police and local licensees do a great job attempting to reduce the level of violence in and around the venues and the impact of this issue.

It is a real issue in our community. We have seen some disturbing images of events that have occurred, predominantly in the metropolitan areas, where young people have gone out for a night and ended up being killed as a result of violent fights either in or outside venues. We must do everything we can to reduce that impact because this violence is unacceptable. It is a community problem and is not necessarily something that can be easily solved. It will take some concerted effort by not just the licensees but the community, which must try to find solutions for it.

I understand venues, such as hotels, right across my electorate are concerned about the increased licence fees. Many of them are not necessarily profitable businesses. They are small businesses, often in small towns, and they do not necessarily make a large amount of money. They have an extended licence even though they do not necessarily operate after 11 o'clock all the time — and most times they do not — but they provide social venues for people in those communities.

I will support the amendments foreshadowed by the opposition. The bill is an important step forward, and the government should address the concerns venue operators have about licence fees to ensure that we are targeting those venues that are causing the problem. The government must find some strategies and solutions around those venues, whether they be in Bairnsdale or anywhere else in Gippsland East or in the metropolitan area. The community needs to make sure that when people go for a night out they come home safe and that we reduce the level of violence. With those few words I support the bill.

**Ms DUNCAN** (Macedon) — I rise to speak in support of the Liquor Control Reform Amendment (Licensing) Bill 2009. We have heard from this side of the house many good arguments about the support this government has given to addressing the problem of alcohol-fuelled violence in our streets. As we heard from the member for Gippsland East, this violence is not confined to the Melbourne central business district.

The legislation before us this afternoon is part of a \$37 million long-term strategy for addressing alcohol-related harm and which is contained in the

document entitled *Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance*, which was introduced in May 2008. It has a range of objectives, but one of the main ones is to change community attitudes to encourage a safe and sensible approach to alcohol use. As outlined in the Premier's statement of government intentions at the start of this year, part of this strategy was a commitment to bring forward a bill this year to make fundamental changes to liquor licences and the way in which they are regulated here in Victoria, to provide a framework for reviewing fees and licence types and giving consideration to a differentiated risk-based fee structure that also operates as a mechanism for ensuring that licensees associated with the most harm pay a commensurate fee.

In lots of the media reports we read that many of these incidents occurring in the city are coming out of large, all-nightclubs. We know this is a fairly large risk factor in determining the sorts of difficulties that may arise from a licensing system. This bill before us ensures that bars and nightclubs that are open late and that have large numbers of patrons should contribute more to the cost of stronger regulation and enforcement of the liquor industry to help reduce these instances of alcohol-related violence.

This system is also one where venues can be identified as having a higher risk and therefore must pay a greater share of the cost of regulating the licensing system. We know there are risk characteristics that we can identify. Some of those are about the times of their trading and previous compliance history. We know that the later a venue is open, the greater the risk of alcohol-related harm. We also know that a licensee's compliance history is an indicator of future behaviour. This bill is part of a wider strategy. This government continues to address these issues and look at a range of measures to deal with them. I commend the bill to the house.

**Dr NAPTHINE** (South-West Coast) — I rise to speak on the Liquor Control Reform Amendment (Licensing) Bill 2009. As other speakers from the coalition have outlined, we support in broad principle the provision of a risk-based fee structure for liquor licences and BYO permits. We also strongly support the amendments circulated by the member for Malvern to permit a disallowance of regulations by either house of Parliament, which is a fair and democratic system.

It is a misnomer to refer to the problems we have on our streets, particularly late at night, as purely alcohol-related violence. A number of factors are involved, and we do not have time to go into all of them today. There is a big issue with drugs and the linking of drugs with alcohol, particularly the form of

methamphetamine commonly known as 'ice'. There is a need for a greater police presence on the streets, particularly in the high-risk hours. Questions need to be asked about the number of licences and the number of venues we continue to allow to open. There also need to be questions raised about the hours of operation. For the life of me I cannot see why we need liquor licences that go to 5.00 a.m., 6.00 a.m. and 7.00 a.m. All of those things need to be addressed.

I particularly want to use the brief amount of time I have to refer to some issues raised by some of the licensees in my area. I have had many comments from licensees concerned about this legislation. I want to read into *Hansard* a couple of the very pertinent points they make. Mr Ben Russell of The Loft in Warrnambool says, and I quote:

I believe it is simplistic and ultimately harmful to judge every licence on type only and impose these sanctions across the board, regardless of the establishment's history or its location. It seems to be unfair responsible licensed premises pay the price as well for a handful of rogue operators. Especially in regional areas where there is long-running and successful responsible drinking programs between licensees and local council and police, where proactive policy has made a positive impact on the community, highly reducing the number of alcohol policing issues.

The Warrnambool Liquor Licensing Accord is a prime example of this, implementing a number of firsts in Victoria like supervised taxi ranks paid by licensees and also implementing agendas that are not legislated, like 1.00 a.m. lockouts and no happy hours, barred patrons policy or discounted drinks to name only a few. It is an example of a regional industry being proactive and working with local council and police. To sanction these establishments financially that are taking their responsibilities seriously will only be a negative influence on these regional accord groups and undo a lot of their good work, with being able to pay the increased licence fee weighing heavily on the decisions not to have happy hours or responsible serving if they are going to be sanctioned like a venue in the city that does these money grabs anyway.

Alcohol abuse and antisocial behaviour are a serious issue for all communities today, problem licences need to be fined if not revoked, but also just as importantly I feel you need to reward or not sanction ones going out of their way and keep them as licensees and in the industry. Making it financially impossible for a business will only leave the big beer barns in the city and it appears that is where most of the problems lie. People will want to go out late and it is better to have them in a responsible safe venue than in a beer barn or an unsupervised, unsafe house party.

He goes on to suggest that we should have a point system where incidents that require police attention are recorded and accumulate as points against the licence-holder. If you accumulate a certain number of points, the licence should be in jeopardy or even be taken away. He also says that police walk-throughs are important.

It is also important that we continue to encourage these very well-run venues which support the local music industry and provide jobs and safe opportunities for people to go out and have a reasonable time with a degree of safety.

I have an email from another operator, who says:

We know that this is purely a revenue-raising exercise and once again using the 'lowest common denominator' style of regulation. It seems to me a rather unfair way of calculating who should pay extra and who shouldn't ... one hopes that the extra funds will ... go into more police ... on the streets.

A question raised is: if a venue incurs a penalty notice, will that be there forever, or is it a time-limited penalty? Another is: what happens if a licence is transferred; will the new proprietor be lumbered with the sins of the past licensee? Also: will licensees be rewarded, given benefits, if they actually take proactive action to reduce risk on their premises? It really does suggest a positive way of encouraging licensees to be very responsible.

There are a number of very positive suggestions there, as well as a number of concerns raised. I ask that the minister give those positive consideration, rather than just going forward with a blanket no-thoughts policy.

**Mr NOONAN** (Williamstown) — I rise also to speak in support of the Liquor Control Reform Amendment (Licensing) Bill. The principles underpinning this bill are absolutely completely fair and reasonable. Earlier this week in fact, in his contribution to the debate, the Leader of The Nationals made the point that an entity or a business producing a risk or a problem for society, operating under some form of licensing arrangement in which the state has a controlling influence, should have to pay the cost of that risk to the community. As the Leader of The Nationals said, 'We think that is a fair thing'. He was right, as too is the government for introducing this bill.

The minister stated in his second-reading speech:

The Brumby government is taking action to recast the liquor licensing system to ensure that bars and nightclubs that are open late and have large numbers of patrons contribute more to the cost of stronger regulation and enforcement of the liquor industry necessary to help reduce alcohol-related violence and contribute to a safer community.

Again, this in my view is a completely reasonable position to take.

As other speakers have said, this bill will introduce a risk-based fee structure that will see licensed venues that present a greater risk of harm to the community pay a higher price to hold that particular liquor licence. Unfortunately there is a clear link between excessive alcohol consumption and violence in our community. I

have certainly seen the effects of this link and its associated tragic consequences firsthand.

I have spoken in this Parliament a number of times about my work with the YMCA Bridge Project, which supports young offenders in our juvenile justice detention facilities transition from custody to community. I have had a number of opportunities to visit the Malmsbury facility and speak with young men serving custodial sentences about their experiences and future aspirations. Unfortunately too many of these young men are serving time in custody essentially because of poor decision making and a range of variable circumstances. For many, though, alcohol-fuelled violence has been the problem. I have heard many stories of young blokes who have drunk to excess, got themselves into a fight, punched someone to the ground and then had to pay the consequences. For some, it has been their first offence. These are very sad and life-changing stories that really feature no winners.

I reject in part the assertion the member for Malvern made in his contribution when he talked about drugs being the problem on our streets. I accept that there are drug problems, but the overwhelming problem as it stands is excessive alcohol. I suggest the member for Malvern should broaden his understanding on the issue by speaking with those in our youth justice community, who will confirm my view on this particular matter. The fact is that alcohol is cheap and more accessible than drugs.

My experiences as part of the YMCA Bridge Project have been pivotal in my view that alcohol-fuelled violence is a community problem which requires a community response. Part of that community response, surely, must fall to those who operate licensed premises, particularly those larger operators. It has been correctly stated that a liquor licence is not a right but a privilege, and licensees should pay accordingly for that particular privilege. The proposed fee structure will target the late-night, high-capacity venues that pose the greatest risks to the community. Pleasingly, though, many lower risk venues, such as country pubs, restaurants and small laneway bars, will pay lower licensing fees or, at worst, just moderately increased fees.

I am also pleased that the government has committed to use the proceeds of the increased licensee fees to strengthen the role of the new compliance directorate so that the directorate can inspect premises any time 24 hours a day, 7 days a week. The new fee structure will also cover the cost of additional police enforcement, including the continuation of Operation Razon. This will also translate to additional police. In fact, as others

have said, an extra 120 police will be recruited. That is over and above the government's commitment of 350 more police in this term. This is also on top of the delivered commitment to provide 1400 extra police since this government took office in 1999.

Those who believe that simply employing more police and greater law enforcement will resolve alcohol-fuelled violence are quite simply wrong. As other speakers have said, resolving this issue will require a community response. The government is a key part of any community, and accordingly has put in place a range of measures. They include freezing the issuing of new late-night liquor licences in Melbourne's inner city, granting police greater powers to ban troublemakers from designated areas, granting additional powers to police and the director of liquor licensing to act more quickly to shut down problem venues, doubling penalties on licensees for breaches of liquor licensing laws and amending planning provisions so that local councils can make amenity-based decisions when assessing planning permit applications to use land on which to sell and consume liquor. The government has implemented a myriad of initiatives in this area.

The implementation of a risk-based fee structure for licensees in this state is but one measure. It is a most reasonable response to a very difficult problem. It will ensure that those venues that pose the greatest risk of harm to the community will be burdened with the greatest costs. It is for those reasons that I support this bill and oppose the amendments foreshadowed by the member for Malvern.

**Mr DELAHUNTY** (Lowan) — I rise on behalf of the Lowan electorate to speak on this very important bill. It has major ramifications for many hotels, clubs and liquor outlets in Lowan, the largest electorate in the state.

I must make comment on the contribution by the member for Williamstown. In fact what he was saying was that the one cap fits all. That is the reality of the bill, but that is not so. We have seen that the rates for some country hotels have gone up 30 per cent in three years and staff wages have gone up 25 per cent. Under this program liquor licence fees will go up by anything up to 1000 per cent. On top of the land tax bills they are getting, the government is driving businesses in Victoria out of existence.

Before coming in, I was looking at the Drugs and Crime Prevention Committee report on the central business district (CBD) produced back in 2001, entitled

*Reporting Crime in the Melbourne CBD.* I will read from the chairman's foreword:

Melbourne is a city of contradiction. While its beauty and atmosphere cannot be understated, an uneasy perception has evolved in recent years that the city is unsafe.

That was back in 2001, and since then we have seen eight years of no action by this government. It is throwing everything at and blaming the operators of licensed venues. It is an approach that will not work. There needs to be a much more encompassing process and more work needs to be done. While The Nationals are not opposed to the legislation, I will strongly support the amendments to be moved by the member for Malvern.

Violence on our streets is unacceptable. In fact, violence anywhere is unacceptable, so harm minimisation needs to be handled and addressed. Alcohol in moderation is a great tool, but the problems arise when it is taken in excess. As many members, particularly those on this side of the house, have highlighted, the violence is caused not only by alcohol; it is caused also by drugs. I know from experience from the times I have walked through Melbourne's CBD with members of the committee I am a member of and from conversations with my sons who live down here that it is those who are pre-loading before coming into Melbourne who are the problem. They are pre-loading with alcohol that they can buy cheaply in bottle shops, supermarkets and the like, or they are pre-loading with drugs and are then being topped up here in Melbourne.

It is unfortunate that people in some of the facilities do not have the skills to address these issues, but again we do not want to blame the operators. In fact, the government is throwing everything at the operators, whereas it needs to take a more encompassing look at ways of handling this issue.

The risk-based fee structure the government has included in the bill will really impact on a lot of hotels. The government has a four-stage fee structure. There is a base licensing fee of about \$710, then on top of that the hours-of-operation fee, then the compliance history and then the venue capacity. We have many large venues in country Victoria, and many people who run hotels across my electorate have contacted me about this issue. They have large venues that could hold many people but very rarely do so at this stage. Because of the change in demographics we have seen a change in the numbers in venues as well. But these people are going to get hit by this enormous compounding licence fee structure. Many of these hotels, clubs and liquor outlets are going to be put out of business because of what this government is doing with this legislation.

Again I call on the government to look at some of the contributions that have been made in this house and I ask the minister to address them and ensure that we make some changes.

There is no problem in the minister accepting the amendments circulated by the member for Malvern, because they would give us the chance to look at these measures in a more detailed way. We all want to see the removal of violence from our streets, and it does not only happen in Melbourne. In fact I believe that Ballarat is in the top five places in Victoria in terms of violence on the streets. It happens in any town. Newspaper articles a couple of weeks ago in the *Hamilton Spectator* referred to police being attacked.

Many of these police are operating one up, because in country Victoria we do not see those so-called 1400 extra police. In the south-west I think about 14 police have been removed. I heard the member for Gippsland East speak about this, and in the electorates of other members right across Victoria we are losing officers who have been taken out of those areas and moved into Melbourne's central business district to try to address this issue.

I remember being taken around the streets of Melbourne about 12 months ago; I think there were about 120 police on the beat that night. I was told that a couple of years ago it was only 20 or 30 police, so that change must relate to what has happened. I believe this has come about because since 1999 the number of licensed outlets in Victoria has doubled, and they all have to make money. We have been too free and easy in giving out liquor licences. I think there is something like 200 outlets with licences in Melbourne's central business district.

We need to address these issues rather than hitting businesses with this sledgehammer, which is going to hit businesses that have not been a problem for the government or the community. These extreme licence fees will put them out of business. I support the proposed amendment, and we will see what happens after that.

**Mr STENSHOLT** (Burwood) — I believe, like other members who have spoken before me, that this bill is one element in addressing alcohol-related violence and that it will contribute to an even safer society. As the member for Williamstown said, a total community response is needed in this regard. There is a need for a wide range of actions, and this bill provides for some. Previous speakers have referred to the report commissioned by the Department of Justice — the Allen Consulting Group report reviewing

alcohol-related harm in relation to licensed premises and risk-based licensing models. The report notes that the social cost of alcohol-related harm in Victoria is approximately \$4 billion, of which the government is bearing about \$366 million. The costs are obviously both direct and indirect, or intangible, in areas such as law enforcement, health care, pain and suffering associated with disability, loss of wellbeing, premature deaths, production losses in the workforce and at home, and road accidents. I think up to one-third of road deaths are associated with alcohol. Obviously there is also the cost of crime associated with alcohol.

A lot of action is taking place with regard to alcohol-related violence. We gave Victoria's Alcohol Action Plan 2008–13 the name Restoring the Balance, and that is what we very much want in our society — balance. In 2007 a whole range of reforms were brought in through the Liquor Control Reform Amendment Bill, which gave police the power to ban troublemakers and suspend liquor licences for up to 24 hours and gave courts the power to issue exclusion orders. As has already been mentioned, we also have so many more police than we had before — 1400 police who were delivered after the last election, a further 350 promised and being delivered during this term of office, and yet a further 120.

*Honourable members interjecting.*

**Mr STENSHOLT** — I know opposition members bleat about police numbers and phantom police, but there are extra police. For example, in my own area — and I know the member for Kew sometimes talks about this in the local paper — police numbers in Boroondara have gone up 15 per cent since the year 2000, and crime in the area is down by over 36 per cent.

This bill provides for further measures in terms of strengthening harm minimisation as part of the commitment of the government and Victoria's Alcohol Action Plan 2008–2013. It will provide adequate controls over the supply and consumption of liquor and will ensure, as far as practicable, that the supply of liquor contributes to and does not detract from the amenity of community life. It will also restrict the supply of certain alcoholic products.

The bill provides for a range of licence categories, which a number of members have spoken about. There is a late night category; a restaurant and cafe category; a major events category, which has also been mentioned; and limited licences. Important in this is the risk-based fee structure, which is very much the essence of this bill. It will provide for regulations which may provide for fees to be based on factors such as the nature and

scale of the activities in the licensed premise; the type of venue; the number of patrons — if you have 1500 patrons obviously the fee should be higher; and a range of other factors, such as previous history. That is very important when violence has been associated with a particular premise in recent times.

Thus this bill takes another step in the direction of restoring the balance as part of our overall community response to the need to address alcohol-fuelled violence in Victoria. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Liquor Control Reform Amendment (Licensing) Bill 2009. As has been said by the member for Malvern, the Liberal-Nationals coalition will not be opposing the bill; however, I strongly support the amendments foreshadowed by the member for Malvern.

The bill before the house seeks to introduce a range of changes which are going to affect a number of organisations across the state which distribute alcohol. As has been mentioned by many speakers on this side of the house, we have deep concerns about the risk-based approach and its effect on businesses, particularly small businesses throughout the urban and rural parts of this state.

I am interested in a stark comment in the August 2009 regulatory impact statement on the proposed new liquor control reform regulations, a comment that is symptomatic of a government that clearly does not care about the concerns of business:

The proposed risk-based renewal fees are not considered a burden on businesses ...

What a tragedy that comment is. As has already been stipulated, this new approach will see an increase in annual fees that are going to be borne by small and medium-size businesses across this state with revenue increasing by \$20 million — a 139 per cent increase in revenue to the government. Businesses in my electorate will be very concerned if, in order to cover the cost of alcohol-fuelled violence on the streets of Melbourne, they have to put up with higher fees and higher costs which will affect their bottom line and consequently their ability to employ local residents in my electorate. My constituents will be deeply concerned, because they are going to be paying significantly more when they themselves are not the perpetrators of this level of violence.

It is interesting to note the comments that have been made about law and order. As has been stipulated, this bill goes part of the way — a very small part — to

fixing this problem. As we all know, one of the things that will fix this problem is having more police on the streets. I know in my own community we have been fighting for more police on our streets. In the suburb of Rowville, where my community was promised a 24-hour police station, the police station only operates a maximum of 16 hours a day. The provision of more police on the streets will act as a deterrent to stop people perpetrating these crimes. I am deeply concerned that the government is more interested in spin and rhetoric than it is in delivering actual troops on the ground. It is more concerned with its own spin and the way it is perceived in a news grab than actually providing police on the ground that are going to provide the deterrent.

Members of the youth council that I meet with regularly, which includes contributors from a range of secondary colleges across the community, talk to me about the impact of alcopops. In fact what has happened is that the vast majority of young people who are engaging in alcohol-related consumption have shifted across to consuming single bottles of spirits, which is escalating the level of intoxication amongst young people. There is a range of factors that we are having to put up with in our community.

As I have indicated, we will not be opposing this bill, because it goes a small way towards fixing this problem. However, it is incumbent upon the minister to take on board the very important issues that have been raised by members of the opposition and good, hardworking business owners across this state who are concerned about the introduction of these fees and to accept the very reasonable amendments that have been put forward by the member for Malvern.

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to rise in support of the Liquor Control Reform Amendment (Licensing) Bill 2009. If I may quickly summarise, the minister in his second-reading speech indicated that there were commitments announced by the government in Victoria's Alcohol Action Plan. These commitments included reviewing the licence categories and introducing a risk-based fee structure so that licensees associated with the most harm pay a commensurate fee. The minister also stated that there was substantial evidence to demonstrate that certain characteristics and practices of licensed venues are associated with a higher risk of alcohol-related harm, particularly the trading hours and compliance history of the licensee. Furthermore, the minister identified that some of the costs of regulating the licensing system are being borne by taxpayers and that a liquor licence is not a right but a privilege, and licensees should pay accordingly.

At this point I wish to deal with the issue of alcohol and drugs. It is my view that there is a significant drugs issue. From my observations and discussions that I have had with lots of young people, particularly musicians in the sector, I am informed there is a significant issue of concurrent drug use in some of these establishments. I respectfully submit to the house and my colleagues that we would be kidding ourselves if we did not consider that there is an issue of drugs on the streets as well.

The minister identified that some of the costs of regulating the licensing systems are borne by the taxpayers. The minister also noted that the increase in large nightclubs and bars that has subsequently accompanied the liberalisation of liquor laws was not accounted for at the time of the Nieuwenhuysen report. He said that these reforms were intended to help reduce alcohol-related violence and contribute to a safe community without penalising Melbourne's food and cafe culture, which presents less risk to the community.

The government has undertaken a range of measures, and they have all been in the right direction in tackling this challenge. I wholeheartedly agree with my colleagues in this chamber who have indicated that at the end of the day it is a whole-of-government, whole-of-community issue, and in that I include families and friends who have and should take responsibility for this. I think all of us in the community are in the same boat and we certainly should take responsibility. However, the government has played and should play a significant role, and this government is proud of many of its achievements, although it does have very significant challenges before it.

In response to the increase in nightclub-related violence, in May 2008 the government committed \$37.2 million over five years to developing and implementing an action plan and reducing the consequences of risky drinking and alcohol-related violence. The plan was outlined in *Victoria's Alcohol Action Plan 2008–2013 — Restoring the Balance* which summarised many of the social impacts and health consequences of alcohol misuse. It listed the following statistics under 'How alcohol affects Victorians every year'. Alcohol abuse results in 24 714 inpatient hospitalisations; over 8000 emergency department presentations; over 4700 ambulance attendances in metropolitan Melbourne; 64 per cent of 18 to 24-year-olds and 32 per cent of 14 to 17-year-olds binge drinking; 759 alcohol-related deaths which is 759 too many; 57 road deaths, which does not include passengers and pedestrians; 487 infringements to licensees breaching liquor laws; approximately 2000 assaults involving young people affected by

alcohol; 16 500 drivers convicted of drink and/or drug offences; 10 000 to 15 000 people apprehended for public drunkenness; and over 1500 assaults in licensed premises.

I conclude by indicating and reaffirming that this is good legislation. These reforms are going in the right direction, and I commend the minister for the efforts he is undertaking on our behalf. Again I reiterate that there ought to be a whole-of-government, whole-of-community approach which includes family responses to these challenges.

**Mr BURGESS** (Hastings) — I rise to speak on the Liquor Control Reform Amendment (Licensing) Bill 2009. The normal case with the Brumby government is that it does not give you anything good without something bad, and then it makes it impossible to have one without the other. The bill proposes to amend the Liquor Control Reform Act 1998 to strengthen the harm minimisation objects of the act; to create new licence categories; to provide for a risk-based fee structure for licence and BYO permit fees; and to make other amendments to improve the operation of the act. The bill adds as an object of the act:

encouraging a culture of responsible consumption of alcohol, and reducing risky drinking of alcohol and its impact on the community ...

The bill creates three new liquor licence categories of late night, major events and restaurant and cafe, as well as two subcategories of temporary limited and renewable limited. Late-night licences are in the subcategories of general, on-premises and packaged liquor licences. The bill empowers persons authorised by the Secretary of the Department of Justice to request information from a licensee or permittee about the conduct of the licensed premises to assist in determining relevant fees and/or to assist in identifying and measuring the factors that contribute to the risk of alcohol-related harm.

The bill provides that regulations setting liquor licensing fees may take into account factors including authorised trading hours, the nature and scale of activities carried out at the premises, the type of venue, the number of patrons and the previous conduct of the licensee. This is aimed at providing flexibility to establish a system of risk-based liquor licensing fees.

The new risk-based fees are not set out in the bill, and this is where the real sting is. The regulation power in the bill allows the Governor in Council more flexibility in establishing a risk-based fee structure. However, the problems with the government's proposed fees are, as I say, not contained in the bill but will be in regulations.

The fees proposed in the regulations are to be set by reference to a base fee, depending on the type of licence, plus a risk fee which venues operating after 11.00 p.m. or those with a poor compliance history generate, the total of which is multiplied by a number set by reference to venue capacity. The compliance history risk factor will not apply for the 2010 year. It appears that the regulations will not be disallowable by either house of Parliament, and in the absence of a relevant amendment to the principal act there will be no opportunity for the opposition to seek to disallow the government's proposed regulations in the Legislative Council.

While the new risk-based liquor licence fees are not contained in the bill, the government has already produced a proposed fee structure which it says is risk based. It admits that it will increase annual fee revenue from \$15 million to \$35.8 million; a 139 per cent increase. This is on top of \$5 million in fee increases last year. The government claims that the \$35.8 million figure represents the costs of administration, compliance and enforcement involving the liquor licensing system, so the new fee structure represents an exercise in cost recovery. However, a number of the costs claimed by the government as being attributable to liquor licensing are open to question. It raises concerns that this is just another cash grab by the government.

The risk factors the government has decided to adopt for setting liquor licensing fees are very broad, and as a consequence a large number of anomalies have already been exposed. The government appears indifferent to the fact that significant fee increases can have a massive effect on small businesses and therefore on employment. In fact the government has stated that:

The proposed risk-based renewal fees are not considered a burden on businesses ...

This statement shows how out of touch the Brumby government is with the realities of running a business and the effect that taxes, charges and fees have on the survival of small businesses.

The Brumby Labor government has frittered away more than \$300 billion over the last 10 years, and now it simply wants to latch on to small businesses such as the Langwarrin Hotel, the Baxter Tavern Hotel, the Westernport and Kings Creek hotels and the Somerville Hotel, all in my electorate, to get even more. It is time the Premier took responsibility for the problems his soft-on-crime policies have caused across Victoria instead of simply sucking more and more money out of Victorians so he can waste it again.

**Ms RICHARDSON** (Northcote) — I am very pleased to rise to speak on the Liquor Control Reform Amendment (Licensing) Bill. This bill provides a major overhaul of the liquor licensing laws and delivers on Labor's commitment to bring fundamental change to the regulation of liquor licensing in Victoria to help tackle alcohol-induced violence, which is of great concern to the community and the Labor government. Too many individuals and families have been very sadly affected by alcohol-induced violence. We need to take action, and that is precisely what Labor is doing via the bill before the house.

The bill strengthens the harm minimisation measures under the Liquor Control Reform Act 1998 by introducing a range of changes to the licence category structure and risk-based licence fees. In practice it will shift the fees and cost burden onto the licensed premises that have the highest level of risk — for example, large and late-night operators will pay a higher fee in accordance with the risk they pose regarding alcohol-induced violence. Specifically the bill creates three new licence categories: a new late-night licence category, a separate restaurant and cafe licence category and a major events licence category. The bill also creates two subcategories of limited licence: a limited renewable licence and a temporary limited licence.

It is going to take a great deal more than simply legislation to tackle the problems before us. It is not enough, as members opposite often chant, to just bring more police onto the beat. The Chief Commissioner of Police and the Premier have repeatedly said this is a whole-of-community problem and we need a whole-of-community solution. It is not police on the beat on their own, it is not young people dealing with the problem on their own, it is not legislation on its own; it is all of these measures working together to bring about a solution to a very serious problem. I therefore commend this bill to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on this legislation and say the coalition does not oppose the bill. I support the member for Malvern's circulated amendments because he is calling for regulations to be disallowable. One of the reasons we will be supporting this is we believe otherwise it would be unfair to businesses in country Victoria. We need to do everything we can to reduce the risks caused by alcohol abuse and to reduce violence on our streets. It sickens us when people are killed or badly injured by cowardly thugs who are fuelled by alcohol. I would like to put a couple of issues on the record for the Shepparton area. On 18 August the *Shepparton News* reported 14 assaults in one night. The article states:

Inspector Bull yesterday branded a series of alcohol-fuelled assaults in Shepparton streets early Sunday an 'absolute disgrace'.

He confirmed the majority of the 14 assaults that caused havoc on city streets between midnight and 4.30 a.m. Sunday were perpetrated by a group believed to have attended a party at a private residence Saturday night.

The article goes on to say:

Inspector Bull affirmed no licensed premises were implicated in the assaults and said there was nothing to indicate Shepparton residents were increasingly fuelling up on alcohol in their homes before heading into the city; a growing concern in Melbourne's CBD.

A number of licensees who have contacted me are very angry about the regulations. They say their licences will increase substantially, and they will have to pay higher fees. One publican in a small town said his fees will rise substantially from \$967 to \$2130 for the same operating hours. He has extended hours he only uses about 20 times a year. He extends those hours as a service to his customers.

Many small businesses are doing it tough in country Victoria because of the ongoing drought and the recent bushfires, and this increase in fees could be the straw that breaks the camel's back. Can I say the government should do more to combat violence on the streets. It needs to put more police on the streets, and there needs to be adequate resourcing to support alcohol-related programs, but it also needs to ensure that sentences for violent behaviour are increased and enforced. We do not oppose the bill, but we ask the government to look at small communities in rural Victoria and make sure their fears are not substantiated.

**Mr HOWARD** (Ballarat East) — I am pleased to speak briefly on the Liquor Control Reform Amendment (Licensing) Bill which, as we have heard from the previous speakers, adapts a new licensing system for hotels and licensed premises which is based on a risk-based fee structure. There will be variations in the way these fees will be charged. As well as in Melbourne, in my electorate of Ballarat East there has been concern especially about late night or early morning alcohol-related violence happening over weekends and associated with many of the licensed premises in Ballarat.

I am pleased to say, however, that police in Ballarat have worked well with our venue operators over recent years to establish an accord, which has seen a lockout operating from 2.00 a.m. A range of good procedures have been set in place by the venues and the police, with additional action by police in our central business area. Over the last year we have seen a drop in violence

in Ballarat in the central business area. That has been very pleasing.

This legislation takes one additional approach. Clearly this government has taken a lot of action and has undertaken a lot of initiatives as part of Victoria's Alcohol Action Plan to try to reduce alcohol-related violence and other antisocial behaviour issues associated with alcohol. This bill puts in place an additional strand which will see licensed premises charged for their licences on the basis of risk. That is based on whether they are open after 1.00 a.m., on the number of patrons and on the previous behaviour of the licensee and so on. I think it is very sound.

Some owners of premises in the country in my electorate have approached me with their concerns about the fee structure. I am hoping that the answers to their questions will make them satisfied that the fee structure is fair and that the money will be going into ensuring that the cost of dealing with licences and the associated cost of inspections are covered. I certainly support this bill. I think it is a step forward.

**Mr HODGETT** (Kilsyth) — I rise to make a contribution on the Liquor Control Reform Amendment (Licensing) Bill 2009. I state at the outset that there is bipartisan support for the principle of risk-based assessment of liquor licensing fees. I also support the member for Malvern's foreshadowed amendment to the bill which stipulates that regulations setting licensing fees may be disallowed by either of the two houses of Parliament.

The purpose of the bill is to amend the Liquor Control Reform Act 1998 to strengthen the harm minimisation objects of the act, to create new licence categories, to provide for a risk-based fee structure for licensed and BYO permits and to make further amendments to improve the operation of the act.

If we look at the main provisions, we see the bill adds as an object of the act:

... encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.

The bill creates three new liquor licence categories: late-night licences, major events licences and restaurant and cafe licences, as well as two subcategories. Late-night licences are in the subcategories of general, on-premises and packaged liquor licences.

However, the fees proposed by Labor do not deliver risk-based assessment, because they do not distinguish between 5-star hotels, city nightclubs, tabletop dancing

venues and country pubs, nor do they distinguish between a country hotel that may reach its patron capacity twice a year and a city nightclub which is full every week. Labor's proposed fees completely fail to distinguish between the types of activities within licensed venues that increase risks relating to antisocial behaviour. Venues which present totally different risks but have the same trading hours and capacity are treated as though they present exactly the same risks. This is a senseless approach which shows how poorly thought out these proposed fee regulations are. It is absurd for Labor to propose that a small licensed grocer should pay the same packaged liquor licence fee as a massive Dan Murphy's store.

If we look at what this bill will not do, I concur with the comments made by the member for Malvern when he put on record that this bill:

... will not deliver one extra police officer on our streets. It will not deliver one extra train, tram, bus or taxi into the entertainment precincts to get people in and out —

of the city. Further:

This bill does not deal with the drug problem, which has a massive impact on the violence we are seeing on our streets ...

There is nothing in this bill to encourage more responsible behaviour by individuals ... This bill does nothing to encourage or require better behaviour from individual patrons.

Labor's proposed fees are poorly designed, unfair and do not deliver the genuine risk-based fee assessment regime that was promised. These fees will damage thousands of responsible businesses and cost jobs across the state. I strongly support the amendments foreshadowed by the member for Malvern.

**Mr DONNELLAN** (Narre Warren North) — It is an honour to be speaking today on the Liquor Control Reform Amendment (Licensing) Bill 2009. I have followed this issue for many years, having worked on the Nieuwenhuysen report many years ago when the initial reforms were brought in to introduce a more European style of drinking — certainly not what we sometimes see on the streets of Melbourne.

It is important that the government is moving to introduce this risk-based fee structure. At the end of the day there are some venues which will keep serving liquor to people until the cows come home and will not take responsibility for their actions. They look at it as a profit-making venture. That is fine for them, but they need to take some responsibility. In a blunt way this risk-based fee structure sends that message very strongly to many venues which serve far too many

people, where there are far too many drunks, and which do not take responsibility for their actions.

In many ways the government is doing the right thing here. The police do the right thing as well. To some extent, we also need parents, who bring up the children who go to the venues and who drink and behave like ratbags, to take responsibility for what they put into the community. They need to pass on good morals to their children and discourage them from believing that punching each other's lights out is an appropriate way to behave. That is not an appropriate way to behave in this society. We expect parents to behave responsibly.

The measures set out in the bill will deal with the initial problems, but in the long run it is up to parents. I see far too many people who do not take their role of parenting seriously. They leave it up to teachers, the police, politicians and to everybody else, and that is really not good enough. Parents have to take responsibility for their actions, for the way they behave and the messages they send their children. The government can take some initial action to deal with the problem we have today, but in the next 10 years or 20 years, there will never be enough police on every corner to deal with these issues.

Parents also need to take responsibility for what happens in the community. In the long run that is the only way these issues will be dealt with without putting a policeman on every corner and without having teachers taking responsibility for bringing up other people's children and the like. I think this is a very appropriate bill for the initial period to deal with the current issues we have. I welcome the support of the opposition, subject to its amendments, and I commend the bill to the house.

**Mr THOMPSON** (Sandringham) — Interwoven into the DNA of the Labor Party are the genes of debt and taxation. In relation to taxation, it is noted that annual fee revenue in this area will increase from \$15 million to \$35.8 million, representing a 139 per cent increase. This is on top of a \$5 million fee increase last year. Apparently the government claims that the \$35.8 million represents the cost of administration, compliance and enforcement involving the liquor licensing system, so the new fee structure represents an exercise in cost recovery. But there can be smarter ways to go about things, and the opposition has serious reservations about the bill.

The other aspect to the bill, in addition to the taxation element, is the issue of debt which, as I noted, is inextricably intertwined in the DNA of the Labor Party. Where this will impose debt may not be on the larger venues, which perhaps have some significant issues.

However, a number of other licence-holders who are conducting their businesses responsibly and who are trying to make an income out of the management of their enterprises will now no longer be able to do so, and this represents a major and serious point of concern for the future of many licensed premises. The Labor Party holds the view that the proposed risk-based renewal fees are not a burden on business, whereas in the opinion of the opposition they will represent a significant burden on running a business, and many small business proprietors will be placed at serious risk and in significantly adverse circumstances.

Many members have expressed their reservations about the legislation. In the Sandringham electorate we predominantly see the responsible consumption of alcohol, although there have been significant issues — in fact major issues — around late-night venues, including the Sandringham Hotel and the Mentone Hotel. Venue managers endeavour to do their best to regulate the consumption of alcohol on site but not all alcohol is consumed on site. There is a litany of incidents surrounding licensed premises both in the Sandringham shopping centre precinct and in Mentone Parade where multiple issues have been reliably reported by Mentone residents.

**Mrs VICTORIA** (Bayswater) — I rise to speak on the Liquor Control Reform Amendment (Licensing) Bill 2009. As many of my colleagues have said, there is bipartisan support for the intent of the bill. On our side of the house we support the amendments circulated by the member for Malvern. His second amendment makes a lot of sense because it would allow the regulations under the bill to be disallowed by either house of Parliament. This simply brings in a greater level of scrutiny and allows us to have some control over what happens under the new legislation.

The bill has a number of purposes, including to amend the Liquor Control Reform Act 1998, to strengthen the harm minimisation objects of the act and to create new licence categories and provide for a risk-based fee structure for licence and BYO permit fees. Predominantly that is where most of the debate has been aimed.

The main aim of what is proposed today is to promote the responsible consumption of alcohol and to reduce the risky drinking of alcohol. I am sure most Melburnians would be in the same category as I am — that is, feeling very ashamed about the level of violence on our streets, about young people, and predominantly young people, spilling out onto the streets, and about the number of attacks that result in harm and permanent

injury. The number of attacks causing death is well out of control in our city at the moment.

One must ask: what are we doing here, and what is the intent of the legislation? If the intention is to curb violence, the legislation may work in some instances, but I do not think it goes nearly far enough. We need to start looking at the root of the problem. Probably one of the biggest things missing from what has been happening in the chamber lately is the introduction of preventive measures against this type of violence. We need to look at more programs for young people so they can understand the problems. I believe Life Education Victoria has been re-funded, and I am pleased about that. Its program teaches young children about their bodies, about drugs and alcohol, about respect for themselves and also about what is and is not acceptable. Under the program young people are getting very early education. Preventive measures need to be a part of this whole package.

The bill does not give us any idea about what is going to happen to revellers if, for example, a venue owner wants to reduce their fees and decides to close their club at 1.00 a.m. What will happen to the people in the club? There is no provision for extra public transport. There is nothing extra for late-night buses, trains or trams. There is certainly no extra provision for police. We hear all the time that there are X number of extra police on the beat. I can say that around the hotspots in the outer eastern suburbs the police we have are struggling to keep up with demand. It is ludicrous to expect two people in one patrol car to police an entire police service area on a Friday or Saturday night when harmful behaviour is occurring.

There is bipartisan support for the bill, but there is so much more that could have been done. I am a little upset that it has not been thought of. I think there is inequity in the proposed fees. The structure should have been looked at a lot more carefully. You cannot tar with the same brush a club in the country or in the outer eastern suburbs which may only reach capacity when it has the occasional Rotary lunch and a King Street nightclub.

**Business interrupted pursuant to standing orders.**

**The 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.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## CEMETERIES AND CREMATORIA AMENDMENT BILL

*Second reading*

**Debate resumed from 2 September; motion of Mr ANDREWS (Minister for Health).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## GAMBLING REGULATION FURTHER AMENDMENT BILL

*Second reading*

**Debate resumed from 2 September; motion of Mr ROBINSON (Minister for Gaming).**

**Motion agreed to.**

**Read second time.**

*Circulated amendment*

**Circulated government amendment as follows agreed to:**

Clause 143, line 30, omit "146" and insert "143".

*Third reading*

**Motion agreed to.**

**Read third time.**

## JUSTICE LEGISLATION FURTHER AMENDMENT BILL

*Second reading*

**Debate resumed from 2 September; motion of Mr CAMERON (Minister for Police and Emergency Services).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## MAJOR TRANSPORT PROJECTS FACILITATION BILL

*Second reading*

**Debate resumed from 2 September; motion of  
Mr PALLAS (Minister for Roads and Ports).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**The SPEAKER** — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority. As there is not an absolute majority of members of the house present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

## ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

*Second reading*

**Debate resumed from 1 September; motion of  
Mr BATCHELOR (Minister for Energy and  
Resources).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Remaining business postponed on motion of  
Mr CAMERON (Minister for Police and  
Emergency Services).**

## ADJOURNMENT

**The SPEAKER** — Order! The question is:

That the house do now adjourn.

### County Court: Bairnsdale and Sale sittings

**Mr CLARK** (Box Hill) — I raise a matter for the attention of the Attorney-General about whether consideration is being given to ending County Court sittings in Bairnsdale and Sale. I ask the Attorney-General to take all appropriate action within his role and responsibilities to ensure the continuation of a regular Gippsland circuit, with sittings in Bairnsdale and Sale.

Gippsland-based lawyers have passed on to me reports that County Court officials are sounding out practitioners about the possibility of scrapping some or all of the County Court circuit sittings in Bairnsdale and Sale, which is causing grave concern. Gippsland lawyers point out that many problems will arise if the circuit is cancelled, particularly relating to accessibility of justice, travelling times and expenses, costs to parties, difficulties in organising all relevant parties to attend court given the distance involved, and of course time delays. Even a move to have sittings on a so-called as-needed basis would cause serious problems, including scheduling of court availability, witnesses, police and security and marshalling of relevant parties.

Any argument that sittings of the County Court be held in Morwell would be an adequate substitute is completely out of touch with reality. As Gippsland lawyers point out, the train times are not convenient for the public to travel to court in Morwell, particularly for people who live outside Sale and Bairnsdale who need to get to court without staying overnight.

There are many low-income people living in Gippsland, and this would place a particularly serious burden on those people. Much of the work of the court is done through legal aid, hence it is done at rates which have forced most practitioners to withdraw from Victoria Legal Aid panels, leaving those remaining to run cases at a substantial loss as a community service. Many of those remaining practitioners are likely to drop out as well if they are required to incur substantial additional costs and huge losses of time travelling to and from Morwell for cases. This will compound the already chronic problems with conflict of interest and

deny the most vulnerable people in the community representation from local practitioners who are accessible, who understand them and who know and trust them.

The Morwell court is already heavily utilised. Some practitioners doubt whether it has the capacity to take up the work from Sale and Bairnsdale without pushing out delays in trials even further. Requiring parties and witnesses to travel to Morwell from as far away as Bairnsdale or beyond will in practical terms deny access to justice for many Victorians.

Practitioners tell me that prior to the construction of the Morwell court many expressed concern that it would eventually lead to loss of court hearings in their local communities, but they were assured by the Attorney-General this would not be the case. Court sittings are ultimately a matter for the court. However, it is the Attorney-General and his government that provide the resources within which the court must work, and under the model of court administration over which he presides many aspects of court operations are either facilitated or impeded by the Department of Justice. It would be a grave loss for the Gippsland community if lack of resources or administrative support from the government were to force the County Court to end its regular circuit sittings at Bairnsdale and Sale, so I ask the Attorney-General to take all appropriate action within his responsibility so the sittings can continue.

### **Neighbourhood renewal: East Reservoir**

**Mr SCOTT** (Preston) — I raise a matter for the attention of the Minister for Housing, who I note is in the house. The issue I raise is the neighbourhood renewal program in East Reservoir, and the action I seek is that the Minister for Housing ensure that the people of East Reservoir receive funding for neighbourhood renewal until 2013. In my own electorate I have seen the difference that neighbourhood renewal can make to the lives of disadvantaged persons. It brings together the ideas and resources of governments, residents and community organisations to strengthen economic, social and political participation. In East Reservoir real improvements have been made in housing, health, education, employment and public safety.

Some members may be aware that as a result of decisions in the 2009–10 state budget four neighbourhood renewal sites have not secured funding for their full eight years. One of these sites is East Reservoir. The East Reservoir program has been

running for four years. At this point the program has only secured funding until 2011.

The neighbourhood renewal program is designed as an eight-year program in order to provide sustained intervention and support from the Department of Human Services to communities that are in need. We need to remember that these sites are selected because they are home to communities that are among the most disadvantaged in Victoria and have histories of significant economic disadvantage. In these communities there are systemic problems, such as lack of access to safe and affordable housing, lack of civic engagement and community pride, unemployment, crime and safety issues and a degradation of the physical and social environment.

Change in these communities is possible. Neighbourhood renewal has been playing a critical role in making that sort of change take place. The local council and the neighbourhood renewal steering committee, as well as many local residents, support the East Reservoir program and were extremely disappointed when they found it had been cut short. I strongly urge the minister to ensure that the neighbourhood renewal program in East Reservoir is funded until 2013 to bring the program to its full potential.

### **Government: purchasing policy**

**Mr NORTHE** (Morwell) — I seek an action from the Minister for Industry and Trade. The action I am seeking is for the minister to take appropriate steps to ensure that Gippsland-based manufacturers and businesses are afforded maximum opportunities to supply goods and services to the Victorian government through its purchasing policy.

The Gippsland region is blessed to have world-class manufacturers and businesses within our region. However, I express some concern over how well weighted this government's purchasing policy is towards supporting these manufacturers and businesses. For example, Australian Paper's Maryvale mill was recently purchased by Nippon Paper Group. This is one world-class enterprise we have within our region. I believe this government could further support this business through its purchasing policy. My understanding is that the Victorian government stationery contract is held by OfficeMax. Whilst I cast no aspersions on OfficeMax and acknowledge that Australian Paper, through its Reflex paper, which is high quality and recycled, of the preferred brands, unfortunately so is a generic imported brand which is not of the same quality.

Gippsland Aeronautics is another highly regarded manufacturing business in Gippsland. It is innovative and is a very large exporter of aircraft, such as the GA8 Airvan. In fact as was reported on page 4 of today's *Age*, this aircraft was used in the search for the Minister for Finance, WorkCover and the Transport Accident Commission. Whilst its aircraft are exported all over the world and interstate, there are very few opportunities in Victoria for this business.

I have made reference in the past in this house to print management services, and again, without casting aspersions on Stream Solutions which holds the government contract, it can be very difficult for local printing businesses and firms to be successful in winning bids because part of the mantra of this printing contract is 'the cheapest price wins'. Unfortunately local suppliers miss out on many occasions and lose local contact with government departments and Victoria Police.

It is interesting to see that the New South Wales government has recently released a Local Jobs First plan. This plan is heavily weighted towards the government purchasing Australian-made products. I believe this type of plan is something this government could consider which would effectively assist Victorian manufacturers and businesses. I know our local campaign of putting locals first is a very successful campaign that is greatly supported by the local community and local businesses.

In closing, the action I seek is for the Minister for Industry and Trade to make sure that appropriate steps are taken to ensure that Gippsland-based manufacturers and businesses are given ample opportunity to supply goods and services to the government.

### **Housing: Forest Hill electorate**

**Ms MARSHALL** (Forest Hill) — I rise in the house to raise a matter for the Minister for Housing. The action I seek is for the minister to direct funding to the maintenance and upgrading of existing Office of Housing properties in the electorate of Forest Hill.

Everyone on this side of the house is aware of the increased need for public and social housing in this state. Forest Hill is no exception. In the eastern metropolitan area as at March this year a total of 4821 people were on the waiting list for public housing. It has been suggested that the primary reason for such a high number of people being on the waiting list is an unbalanced rental market. The most recent rental report, of March 2009, indicates that the average median weekly rent in the eastern metropolitan region, which

obviously encompasses Forest Hill, is \$340. This is a 6.3 per cent increase from March 2008. Locally the Ringwood housing office at the end of March 2009 had 1736 people waiting for housing and 382 people waiting for early housing.

On a side note, I have had occasion to deal with the staff of the Ringwood housing office and I cannot commend them highly enough for their tireless hard work in assisting some of the most disadvantaged in our community.

Each week that a constituent approaches me for assistance with their application for housing I am shown the ongoing struggles these people face, which are far more touching and gut-wrenching than any television drama. It is imperative that every effort be made to ensure that adequate housing is available to people when they are vulnerable and most in need.

Given the increase in waiting lists for public housing it is vital that we invest in building new homes as well as ensuring that our existing stock is fully utilised. There are a number of public housing units in Forest Hill that are currently untenable. They require urgent maintenance work to be completed to enable them to be occupied.

The house is aware of the recent federal government announcement that \$99 million of the stimulus package will be spent on maintenance of public and social housing. I would ask the minister to ensure that a portion of this funding is directed to the eastern metropolitan region to ensure that we can make full use of the public and social housing properties in my electorate. The people of Forest Hill would greatly benefit from minor refurbishments to existing occupied properties, such as repainting and carpeting. Again I ask the minister to ensure that the necessary maintenance funding is provided to the eastern metropolitan region so that existing Office of Housing properties can be fully utilised.

### **Glen Iris Junior Football Club: funding**

**Mr O'BRIEN** (Malvern) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to support the application by the Glen Iris Junior Football Club for funding to go towards the redevelopment of facilities at Muir Pavilion at Kooyong Park in my electorate. The Glen Iris Junior Football Club, known as the Gladiators, is one of the largest sporting organisations in my area. It has over 400 registered players and fields 18 teams every week. The club was founded in 1987.

**An honourable member** interjected.

**Mr O'BRIEN** — They are going well. It has a fantastic reputation in the local community.

**Mr Wynne** interjected.

**Mr O'BRIEN** — No, they do not. The Gladiators strongly encourage family involvement in their activities and good sportsmanship, respect for opponents and officials — they should come in here — and participation by juniors, regardless of ability. In short, this club is a model junior football club which makes an enormously positive contribution to the lives of many families, especially those with children, in my electorate.

I should add that the club's grant application also has the support of the member for Burwood. The Gladiators membership includes juniors from both the Malvern and Burwood electorates, and the bipartisan support for this application generated from both sides of the house demonstrates what a terrific project this is and why it is so deserving of the funding sought.

That brings me to the project itself. Glen Iris junior players have been working with the St Kevin's Old Boys Football Club, with which they currently share facilities at Muir pavilion, which is located at Righetti Oval in Kooyong Park. I have visited Muir pavilion on a number of occasions, and I can confirm that the current facilities are completely inadequate for their purpose. They do not meet existing needs of the club or other groups with access to the pavilion let alone have the capacity to accommodate future needs. Some of the problems include poor access internally for users and a lack of storage. As well as that there are no separate female changing facilities, which is quite understandably hampering the club's ability to attract female players. There are also inadequate facilities for club teams, visiting opposition sides and umpires.

A major sport and recreation grant is being sought through Stonnington council. The club is seeking to develop a multipurpose space that incorporates operable walls to maximise the flexibility of the facility. This will advance the shared goals of the club and Stonnington City Council to transform Muir pavilion into a versatile venue that will offer opportunities for a broad range of community groups. The Glen Iris Junior Football Club's proposal to redevelop Muir pavilion will assist in building an important community asset for the area. It will make a long-term contribution not just to junior football in my electorate but to the welfare of the community more broadly because organisations other than the Gladiators also use Muir Pavilion.

This is a fantastic application. If the minister has any doubts about the need for this funding, I invite him to accompany me to Muir Pavilion. He will be made very welcome, especially if he brings his chequebook.

### **Roads: Melton interchange**

**Mr NARDELLA** (Melton) — My adjournment matter is for the Minister for Roads and Ports. The action I seek is for the minister to get VicRoads to design and construct an interchange at either Bulmans Road or Hopetoun Park Road in Melton in conjunction with the construction of the Anthonys Cutting realignment between Melton and Bacchus Marsh.

On 20 August 2009 I had a meeting with local residents, ably led by both Pete Morton and Jack Finney, regarding the need for an interchange at either Bulmans Road or Hopetoun Park Road so that residents on Hopetoun Park and Long Forest roads can have easier access to the Western Highway once the realignment is completed. Currently VicRoads will not fund this access, even though the *Melway* street directory shows a full diamond interchange at Bulmans Road. If an interchange is not built at either Bulmans Road or Hopetoun Park Road, residents will have to travel along High Street, Melton, to Coburns Road, which at times is congested, to get onto the Western Highway once the realignment is built.

A report sponsored by VicRoads recommends a full diamond interchange, with Bulmans Road as the preferred site and preferred project due to growth in the area and the residential buildings that are being constructed on both the north and south sides of the Western Highway along both Bulmans Road and Clarkes Road. VicRoads does not want to construct the interchange at Bulmans Road for all the wrong reasons, but it is needed at either Bulmans Road or Hopetoun Park Road.

The isolation that will result and the extra travelling time that will be taken if these interchanges are not built — or one of them is not built — will be very distressing for residents along this stretch of road because access will be available only at Coburns Road. The Woodgrove shopping centre on Coburns Road is a major shopping precinct which will be further developed over the next couple of years; it will be extended to become the regional shopping centre for the district. Not having the foresight to undertake this construction while all the equipment and people are on site for the Anthonys Cutting realignment is false economy, because all those resources will have to be brought back and the cost will be much greater. That is what we found with the upgrade of the Hopkins Road

and Leakes Road overpasses. As time goes on these interchanges will become much more expensive and difficult to construct, and in the meantime the residents of Hopetoun Park Road and Long Forest Road will be disadvantaged.

I ask the Minister for Roads and Ports to do what he can to assist my local residents in getting an interchange at either Hopetoun Park Road or Bulmans Road.

### **Schools: English Online Interview program**

**Mrs VICTORIA** (Bayswater) — I rise to ask the Minister for Education to provide funding to my local primary schools for the English Online Interview assessment program. This is a new tool to monitor learning for schoolchildren from years prep to 2. I also ask the minister to push back the time line of the testing from October to November this year. Some members may be aware that yesterday was National Reading Day, which is a great reminder of the importance to our children of learning language fundamentals which will stand them in good stead for life.

The English Online Interview program involves a mandated assessment conducted by a teacher. It is designed to assess students on the four important aspects of English: reading, writing, speaking and listening. Once the program is rolled out students will be assessed at the start and end of the prep year and at the end of years 1 and 2. Schools have been instructed to begin testing as of mid-October this year but, as is becoming the norm with the Labor government, schools have been told they will have to juggle teaching time and finances to undertake this program. One principal described it as ‘another program to justify the overabundance and ever-increasing army of bureaucrats at the department’. Other principals have said that this is a great and very worthwhile program, but they complain that they do not have spare dollars in their school global budgets for this year. In fact one principal expressed her horror at teachers spending around 40 minutes one-on-one time with each child while the rest of the class had what was termed ‘busy time’.

A government memo told schools that class teachers need to find an additional 25 hours over two weeks to meet requirements, starting from 12 October. Many primary school teachers would agree that October and November are the most important teaching times of the year, especially for the preps, because that is when the year’s work is consolidated and ultimately understood by some of the younger students. I am asking for the assessment to be pushed back to give teachers more scope to find out exactly what the kids have learnt during the whole year.

The Victorian Principals Association recently conducted a survey to ascertain its members’ views on the English online testing, and the results were as follows: over 80 per cent of respondents would not have existing staff who would be able to administer the English online interviews within their present school global budget allocation, and 225 principals estimated that \$1.25 million would be required from the school global budget in Victorian government schools to implement the online assessment. This has not been planned or budgeted for in 2009. It is approximately \$40 per student.

I call on the minister to properly fund this program so that schools are able to effectively introduce the assessment and to adjust the timing of the testing period so that our younger students are not missing out on important learning time.

### **Norris Bank Primary School: funding**

**Mr BROOKS** (Bundoora) — I raise a matter for the attention of the Minister for Education. The specific action I seek is for the minister to allocate funding to undertake improvement works at Norris Bank Primary School in Bundoora. Norris Bank Primary School is a fantastic local public school in my electorate which celebrated its centenary year in May. I was able to attend the celebrations which took place at the school on the main celebration day. I was impressed by the pride the students have in their school, the support in the community for the local school and the work that is undertaken by the teachers, volunteers and the principal, Marise Boff, who does a fantastic job.

Like many schools, sections of the school are being rebuilt with funding from the federal government’s Building the Education Revolution program. The school has received \$2 million to build a new library and learning neighbourhood. That will replace most of one of the school’s two buildings and will leave four teaching areas in that building that have not been upgraded. Other sections of the other building have not been upgraded either. There is room for the state government to allocate funding. Obviously there is no need for the amount of funding provided by the federal government, but a level of funding is required to upgrade the teaching spaces and the existing administration areas. That would be much appreciated by the school and would virtually complete the entire upgrade of the school at Norris Bank.

I ask the minister to make the funds available to further improve the school, and I ask her department to work collaboratively with Norris Bank Primary School to arrange any works.

### Andale School: illuminated speed signs

**Mr McINTOSH** (Kew) — I raise a matter for the attention of the Minister for Roads and Ports. The matter concerns the inadequate 40-kilometre-per-hour road signs around Andale School in Kew. The action I seek from the minister is the installation of electronic, flashing 40-kilometre-per-hour speed signs that would operate particularly during student pick-up and drop-off times.

Andale School is a small school in Kew, established in 1981, to provide a supportive environment for children with language and learning difficulties whose needs fall between mainstream and specialised schools. Andale describes itself as ‘like an urban country school’ because of its small size and multi-age classes.

Andale School sits between Charles Street and Highbury Grove in Kew. While the school’s address is Charles Street, the main entrance for pupils and parents is in Highbury Grove. Highbury Grove has no off-street parking for parents. There is no school crossing, and in many cases you have to cross Highbury Grove to get to the school. However, what should be a quiet little side street, at peak hour, particularly at drop-off and pick-up times, becomes a rat run for getting motorists from one major road to another, and this causes significant traffic issues.

I note that much of the traffic that uses Highbury Grove at these times can be parents seeking to get to many other larger schools in the area at drop-off and pick-up times; for example, Sacred Heart school, Trinity Grammar, Xavier College, Methodist Ladies College and Ruyton Girls School. This presents problems for Andale School because many motorists do not notice the existing static 40-kilometre-per-hour road signs. Despite regularly walking down Highbury Grove, which is the nearest street to my electorate office in High Street, I had never noticed the two static 40-kilometre-an-hour signs, one facing north and one facing south, until the school brought the matter to my attention.

While most people slow down when driving down the street, many do not. Parents and teachers have complained to me that there are issues with motorists speeding along Charles Street oblivious to the existing 40-kilometre-an-hour speed signs. Flashing 40-kilometre-an-hour speed signs would have a much greater impact on motorists than the present static speed signs. Andale School is a special school for special kids and needs our protection. I am seeking for the minister to have installed 40-kilometre-an-hour flashing speed signs to protect the students of Andale School.

### Outer metropolitan ring-road: construction

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek from the minister is for the proposed E6 freeway to be constructed as an arterial road. The reason I ask for this is because my local residents and local council have long supported the building of this road up to Bridge Inn Road as an additional north–south road in addition to Plenty Road. I am pleased that the minister was in my community recently announcing some additional funding for further duplication of Plenty Road and the Epping-Kilmore Road, which with Yan Yean Road are almost the only north–south roads.

The community supports an additional north–south road. The community believes, and I support them in that belief, that the Hume Freeway is an adequate freeway to serve the needs of the north into the future and has capacity for expansion. I thank the minister on behalf of my community for listening to the concerns of Wollert and Woodstock residents, who like me were devastated by the first VicRoads proposal about the E6, which risked damaging the heart of Wollert and Woodstock. The alternative proposal preserves what we hold dear in Wollert and Woodstock in the fire station, the general store, the halls, the tennis courts and most importantly, the magnificent, majestic red gums.

VicRoads has announced an additional 28-day consultation period on this road. I urge local residents to have their say and to take this opportunity to tell VicRoads that they support an option which saves Wollert and Woodstock, and to say that they would like the proposed E6 built as an arterial road and not a freeway. The time for submissions to the Growth Areas Authority will close at 5.00 p.m. on 21 September.

A public information session has been held, but there is information on the Web and on my website — [www.daniellegreen.org.au](http://www.daniellegreen.org.au) — which has a link explaining the new options. I urge residents to have a look at that and to have a say about the future of this important road, because the alternative proposal will save the beautiful Wollert and Woodstock communities.

I urge the minister to listen to the submissions from the community — as he has done so far — and to continue to listen to the community. I urge him to have this road constructed as an arterial road and not a freeway, because the Hume Freeway, the outer metropolitan ring-road and the northern ring-road will serve the north into the future.

## Responses

**Mr WYNNE** (Minister for Housing) — I rise to respond to an adjournment matter raised by the member for Preston. I thank the member for his support for neighbourhood renewal, which is a fantastic initiative that really goes to the heart of supporting communities. That program, which is an eight-year program, has been rolled out across 20 metropolitan and regional sites across Victoria. I am pleased to advise the member that we will be continuing the last two years of the much-needed neighbourhood renewal program in his area.

An evaluation survey of neighbourhood renewal demonstrated that neighbourhood renewal is having a positive impact. It is improving the lives and opportunities of residents in the most disadvantaged areas of our state; 87 per cent of indicators show improvements, or arresting of further decline in those areas, which is fantastic; 62 per cent of indicators show that the gap between neighbourhood renewal and the rest of the state has stopped growing, or better still, has been narrowed.

Since 2002 the Brumby government has invested more than \$360 million in neighbourhood renewal, and it has been expanded to 21 metropolitan and regional areas across Victoria. Some of the achievements include: works to over 7000 houses; energy-efficiency improvements to close to 4000 homes; 100 community infrastructure projects; and importantly, employment opportunities being made available to 5500 residents, which is absolutely fantastic. In every respect the results speak for themselves.

However, one of the most pleasing things for me is to talk to the participants about how neighbourhood renewal has changed their lives. For many people this is the first time that government has reached into the community and said, 'We want to hear your voice; we respect your voice; and we want to respond to the things that are important in your neighbourhood'. In that respect the member for Preston is on the point, in that change in communities takes time and requires a sustained commitment from government. I very much appreciate the advocacy the member for Preston has shown in not only the neighbourhood renewal work, but in his advocacy over many years in relation to public and social housing outcomes in his electorate.

I am pleased to advise him that the East Reservoir neighbourhood renewal program will continue until 2013 with government funding. It will ensure that the program runs for its full eight years and that all the projects and initiatives that were planned for East

Reservoir will be completed. East Reservoir is a great area. It is an area that has required significant investment by the government over a period of time. Today's announcements on the Rudd government's stimulus package means money will be spent across the state. Funding will be provided for the member for Preston's electorate, and I thank him for raising that matter with me.

The member for Forest Hill raised a matter for my attention in relation to much-needed maintenance funding for public and social housing in her electorate. As the member would be aware, since 1999 the government has completed near enough to 22 500 major upgrades to social housing stock, including 3277 upgrades during the 2008–09 financial year. Thanks to the \$100 million from the Rudd government — which is a fantastic stimulus — \$50 million will be spent in each of the two financial years on our stock. I am pleased to report to the house that many of the projects have been completed or are under construction. At the end of July, 1917 projects were already completed. We are well on track to achieving our target of 5600 renovations to our properties.

Some of these renovations go to relatively small investments, including painting and refurbishment of kitchens and bathrooms, to really bring another 15 years of life into those properties that may have been on the tipping point of whether they were to be disposed of or in fact demolished.

This is a fantastic outcome for the member for Forest Hill and indeed more broadly across all of the electorates within the state. This program is being rolled out. I am pleased to report that maintenance work is already under way in the electorate of Forest Hill. As the member already knows, around 60 properties in the suburbs of Blackburn South, Vermont South and Forest Hill will receive maintenance work.

This investment will make an extraordinary difference to the public housing stock in the electorate of the member for Forest Hill, but more broadly across metropolitan Melbourne and indeed across country Victoria as well. It is great in terms of jobs. As I said in the house earlier today, the stimulus package has two outcomes: the economic outcome in terms of jobs and the knock-on effect to the supply chain, and of course the fantastic social outcome to refurbish more than 5600 public and social housing properties throughout the state.

The member for Box Hill raised a matter for the Attorney-General, requesting that the County Court

circuit remains in Sale and Bairnsdale to ensure that there is accessibility to the higher level courts when the circuit does its rounds. I will make sure the Attorney-General is aware of that matter.

The member for Morwell raised a matter for the Minister for Industry and Trade, seeking his support for government procurement strategies to address the issues of his suppliers in the Gippsland region. I will make sure the minister is aware of that.

The member for Malvern raised a matter for the Minister for Sport, Recreation and Youth Affairs, seeking his support for a pavilion upgrade for the Glen Iris Junior Football Club, which is known as the mighty Gladiators! I will make sure the minister is aware of that.

The member for Melton raised a matter with the Minister for Roads and Ports, seeking support for an interchange at Hopetoun Park and Long Forest roads in the Melton electorate. I will make sure the minister is aware of that.

The member for Bayswater raised a matter for the Minister for Education, seeking some funding support for the English Online Interview assessment program and a revision of the dates for those assessments to be moved from October to November. I will make sure the minister is aware of that request.

The member for Bundoora also raised a matter for the Minister for Education, seeking financial support for the Norris Bank Primary School further upgrade program. I will make sure the member is aware of that request as well.

The member for Kew raised a matter for the Minister for Roads and Ports, seeking support for installation of electronic speed signs at the Andale School in Kew. I will make sure the minister is made aware of that request.

Finally, the member for Yan Yean raised a matter for the Minister for Roads and Ports, seeking his support for the E6 freeway to be constructed as an arterial road, as an alternative north–south link to Plenty Road.

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

**House adjourned 4.43 p.m. until Tuesday,  
15 September.**