PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 28 February 2006

(Extract from book 3)

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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[1] Ind from 17 September 2004
ALP from 10 November 2005

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

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TUESDAY, 28 MARCH 2006

Tuesday, 28 March 2006

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 7 March to:

Crimes (Family Violence) (Holding Powers) Act
Crimes (Sexual Offences) Act
Guardianship and Administration (Further Amendment) Act
Prahran Mechanics' Institute (Amendment) Act
Terrorism (Community Protection) (Amendment) Act.

QUESTIONS WITHOUT NOTICE

Commonwealth Games: Melbourne Cricket Ground

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Commonwealth Games. I refer to the Grocon claim for costs associated with the accelerated work to complete the Melbourne Cricket Ground in time for the Commonwealth Games and to the unbudgeted costs to get the stadium ready for Anzac Day. I ask: what is the total cost to the Victorian taxpayer of these blow-outs?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome any questions in relation to the Commonwealth Games. I welcome them because what a spectacular event the Commonwealth Games has been. The 11 days of competition during the 12 days of the games were spectacular not only because of the goodwill that prevailed in the community but, even better, because there was goodwill among all the participants. Unfortunately we all have to return to what was the case before the games, even those in this chamber.

Anybody who was at the Melbourne Cricket Ground in any fashion for any of the events would no doubt appreciate what a fantastic project the MCG has been not only as a legacy of the games but also at games time. I have mentioned before but I am happy to mention again that, leaving aside the wrought iron fences around the boundary, the oldest part of the MCG is the light towers. Who delivered the light towers? It was a Labor government. Who delivered the Great Southern Stand? It was the Bracks Labor government. Many individuals in this chamber would be members of the Melbourne Cricket Club. No doubt even they would find it difficult to criticise what has taken place at the MCG, either the events or the brand-new grandstand. Anybody who attended the MCG would appreciate that having a roof across the entire northern side of the stadium with a longer drip line — that is the technical term apparently — holds the atmosphere within the stadium. And what a magnificent atmosphere it was!

We are very confident that the Grocon's claim will be processed in the normal manner for such claims on building jobs. We are very confident that the investment this government, the Melbourne Cricket Club and the Australian Football League have made in bringing this project together has not only benefited us as a state throughout the course of the Commonwealth Games but will last for at least 50 years as a legacy we can all be proud of.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — The minister gave an extensive answer but in so doing, completely ignored the substance of the question. I will pick him up on his comments. It is true that many people have contributed to the construction costs at the Melbourne Cricket Ground , including, I have no doubt, members of this place through their membership subscriptions, but the Parliament should be apprised of the costs of this project. Will the minister expand on his original answer by advising the house of the total cost to the Victorian taxpayer of the blow-outs in the construction costs?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — First of all, let me just say that there are no blow-outs in relation to the Commonwealth Games. The only blow-outs we see around here are in this chamber.

Can I just say that the investment in this facility is of great benefit and is a great legacy. Let us not tarnish what has been a spectacular event — one treasured by all Victorians — with a little bit of political toing-and-froing from the opposition that will score no points at all.

I have been particularly proud to be involved with these games — all Victorians have been particularly proud. Let us just reflect on what a magnificent success they have been and also reflect on the benefits and the legacy of these games.

Commonwealth Games: benefits

Ms MIKAKOS (Jika Jika) — My question is also to the Minister for Commonwealth Games. Melbourne's magical Commonwealth Games closed on Sunday evening with a golden glow and were acclaimed the best Commonwealth Games ever. Can I take this opportunity to personally congratulate the minister for overseeing a wonderful Commonwealth Games. The games will deliver long-term benefits for Victoria, and I believe many of those benefits have already been realised. I ask the minister to provide an overview of how Victorians have benefited from our 12 magical days of the Melbourne 2006 Commonwealth Games.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — After many, many years of speaking in this chamber about the Commonwealth Games and about the tremendous benefits, I am deeply proud and can assure the house that the Bracks Labor government has delivered on its commitment in relation to the Commonwealth Games. But not only have we delivered on that commitment, we have even exceeded that commitment, because in every aspect of the Commonwealth Games we have exceeded expectations.

Sunday night was the incredible finale, the final night — a hugely successful night. It was an amazing 12 days of competition and of cultural festivities packed with emotion, with drama, and lots of triumph. We have broken records on and off the field. The list of sporting achievements is probably too long to run through in the time I have got, but some of the highlights were 70 broken records, and that included two world records and two more world records for elite athletes with a disability, more than 2 million people attending sporting events, a further 2 million people enjoying Festival Melbourne 2006 activities in and around the city and at live sites across Victoria, and of course the unforgettable and fantastic fish along the Yarra. Can I say, off the field — —

An honourable member interjected.

Hon. J. M. MADDEN — Fish, a bit like members of this chamber, sometimes go off after three days! But can I just say that off the field we also broke games records by selling 1.5 million tickets — more than for any other Commonwealth Games. As a result, our revenues are far in excess of the amount originally budgeted for by games organisers, and this is a fantastic result.

Our public transport system delivered gold medal performances as well, carrying 1.8 million spectators on top of its regular daily load. An average of 75 per cent of spectators travelled on public transport, and the Victorian economy experienced a massive injection over two weeks that will continue to reap economic benefits for years to come. But most importantly, a dollar figure cannot be placed on the emotions of Victorians. Whilst Victorians and visitors to our state certainly enjoyed the excitement of the games sporting and festival activities, a huge sense of pride in our city and our state was evident during the games.

I take this opportunity to thank all Victorians for their incredible support for the games and Festival Melbourne 2006. I thank them for helping to take Victoria to the world — and we certainly showed the world our very, very best.

As well as my thanking the general public for their wonderful support, I would like to thank the fabulous volunteers with their smiling and welcoming faces, who were ambassadors not only for the games but of this country to the rest of the world.

I also take this opportunity to congratulate all the athletes and team officials. They gave us their very best. The games were 10 years in the making, 11 days in the delivery — and what a time it has been! To echo the words of the organising committee's chairman, Ron Walker, 'We did it!'. Congratulations and thank you to all those involved.

Commonwealth Games: athletics track

Hon. B. N. ATKINSON (Koonung) — I also direct a question to the Minister for Commonwealth Games, the Honourable Justin Madden. I note that the government has mentioned the importance of a legacy of the Commonwealth Games that have just concluded — an event which was successful and further testimony to Melbourne's reputation as one of the world's great sporting capitals. I ask the minister: what will be the legacy of the Commonwealth Games for athletics in Victoria?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — There will be a significant number of benefits to athletics in Victoria. I welcome the member's question and his concern in relation to these matters. We know there will be tremendous legacies, but probably one of the most important and notable legacies will be in the area of sport.

Honourable members interjecting.

Hon. J. M. MADDEN — Sometimes it is worth saying nothing and just letting them rabbit on, because they do not do themselves any favours!

Anybody who experienced the spectacular atmosphere at the Melbourne Cricket Ground on any night or day would have appreciated what a magnificent occasion it was. Anybody who had a good look around the MCG would have appreciated the enormity of enthusiasm from the crowd, particularly from families and young people. That is one of the reasons we introduced family tickets for the first time — so we could get many young people there to be inspired by the likes of Craig Mottram and other athletes and to make sure they participate in athletics. I think there will be a resounding legacy from just sports participation. That may not be immediate, but it will translate over a number of years.

The other area is the value that we get in terms of people being skilled up. We saw at the MCG a significant number of officials who may or may not have experienced international events before at that level and who have now been trained up. That will be an enormous legacy. Now we have this fantastic pool of technical volunteers who are sports trained and who will go back into their communities with a high level of expertise. The benefits of that will be fantastic also.

As well as that, we would have liked to be able to keep the athletics track. I know where Mr Atkinson is going with his question. I suspect his supplementary question will be about the athletics track. We would have loved to have kept the athletics track. But as I mentioned in this chamber before, even had we been able to keep it, it would not have been able to be used for events of international or national standard, or even state events. Its deterioration during removal would mean that if it were relaid elsewhere, it could not be used for any competitions at those levels. There was no guarantee it would have been delivered in a satisfactory way.

As well as that, it would cost more to move it than it would to build a new track, so there would have been no net benefit. By bringing the removal of that track forward, so we can get football back into the MCG sooner rather than later, we will save some money. I anticipate we will be able to make some positive announcements about the funds we have saved through the early removal of that track and our agreement with the Australian Football League that makes sure we have some funds to invest in athletics. I have made that commitment and I stand by it today: where we can save money in the removal of that track, we will invest it in athletics.

We will see a whole list of other legacies. I am happy to elaborate on those. I am sure Mr Atkinson will give me the chance by asking a supplementary question. I am happy to answer every question asked today or this week in the chamber about the Commonwealth Games. I hope the opposition keeps asking me questions about the Commonwealth Games, because it is something we can be all be proud of. I probably will not be able to talk about it for too much longer. So if the opposition wants to keep asking questions, it can keep asking them because the success of the games resulted from a fantastic effort by all Victorians.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I would hate to disappoint the minister. Several athletics clubs wanted to have the Commonwealth Games athletics track relocated to a suburban or country venue, to provide enhanced facilities for athletics in Victoria going forward, yet the athletics track has been torn up to restore the Melbourne Cricket Ground in time for football on Anzac Day, as the minister just outlined. The damaged track cannot be relocated anywhere. How does the minister reconcile his comments about a legacy for athletics with the fact that the Commonwealth Games track is bound for the scrapheap, and what is the cost to Victorians of removing that track?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — It is interesting when opposition members telegraph their supplementary questions. I think I have probably answered the member's question, but I am happy to continue talking about the Commonwealth Games. As I have said, we expect there will be a saving in removing the track sooner rather than later, and we are happy to have the savings that we get from that invested in athletics so that we can make sure there is a tangible physical legacy from the savings.

I know athletics would welcome that, and the most tangible benefit from the Melbourne Cricket Ground was the 80 000 people we saw at just about every day of the athletics competitions, celebrating athletics in the world's best stadium. I look forward to the benefits provided to the state continuing for years to come.

Commonwealth Games: security

Mr VINEY (Chelsea) — My question is also to the Minister for Commonwealth Games In asking my question may I add my congratulations to the minister on his delivering an outstanding Commonwealth Games and to all of those — —

Hon. Bill Forwood interjected.

Mr VINEY — Mr Forwood does not want to hear it, but I add my congratulations to all of those Victorians who were involved in such a successful event. A critical part of having a successful Commonwealth Games was to ensure they were safe and secure, which undoubtedly contributed to the overall enjoyment and success of the games. I ask the minister to advise the house what funding was allocated to the provision of security by the Victorian government for the Melbourne 2006 Commonwealth Games.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — The Victorian government and games organisers have worked with security agencies for a number of years to deliver a safe, secure and enjoyable games. The security planning was sufficiently robust to effectively address all the issues that arose in the lead-up to and during the Commonwealth Games.

I would like to congratulate Victoria Police, firefighters, the state emergency services, our defence forces and the private security industry for ensuring we had a safe and successful Commonwealth Games for athletes, spectators and the Victorian community.

The cooperation between agencies and the private sector was absolutely exceptional. There was a sound professional and totally cooperative arrangement between all agencies involved. I would also like to commend the Victoria Police and the private security industry for ensuring that all visitors to the games were searched quickly with a minimum of fuss and the maximum of safety.

In accordance with Victoria Police advice, we were unable to reveal the security budget before the games. Now, with the games over, we are happy to clarify the games security budget. The total Victorian government funds allocated for games security was $119 million. That includes the $46 million in the original March 2003 whole-of-games budget and the $73 million allocated in December 2004.

As members would be aware, Australia has been on a medium-security alert since the events of September 11 and the Bali bombings. The extra security spending was absolutely necessary. Our investment in providing one of the safest games ever has paid off, and that was no doubt endorsed by the 2 million people who moved through public areas during the games.

The federal government also made a significant contribution to security as part of its overall commitment to the games of the order of $85 million, of which $28 million of that was new funding. I thank the federal government for its support in making the games safe, secure and harmonious. Like so many aspects of the games, the legacy does not end with the closing ceremony. Our emergency services have gained experience in performing tasks and have enhanced their organisational strength in planning with the additional funding for new equipment which will continue to be used for the safety of all Victorians.

All Victorians can be proud that the 2006 Commonwealth Games were safe and harmonious and showed — Melbourne, we are simply the best!

Wind energy: capacity

Hon. P. R. HALL (Gippsland) — I want to direct a question away from the Minister for Commonwealth Games to the Minister for Energy Industries. I ask the Minister for Energy Industries if he can advise the house what progress the government is making towards achieving its target of having 1000 megawatts of wind energy installed by 2006.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his question and his interest in wind farms in Victoria, even if that interest does not extend to support for wind farms.

As the member is well aware, we as a government indicated when we came to power that we had a target of seeking to install 1000 megawatts of wind capacity in Victoria in a time frame through to the end of 2006. We also had another target that we had set ourselves in this sector of looking after the environment — and the two targets are somewhat linked — and of trying to achieve a target of 10 per cent of our power from renewables by 2010.

It is true that whilst we have been able to install more than 100 megawatts — about 120 megawatts — of installed capacity in wind at the present moment, we also have approved several hundred megawatts in addition to that. Around about 400 megawatts or 500 megawatts in addition to that has been approved for construction in Victoria. However, it is true to say that those other approved wind farms are having difficulty in being able to make the investment and get those projects under way. The major reason for that is the scheme which has supported wind farm development — the mandatory renewable energy target scheme, which was established by the federal government — has essentially used up most of the renewable energy certificates.

People who know about these things would also know that the certificates are so used up at the moment that they are trading far lower than what makes it possible to install wind farms profitably. Indeed, they are trading at around about $25, whereas the expectation was that they would be trading at around $40, and of course at $25 it is very difficult to have a wind farm constructed and made profitable. There is an issue and it is a significant one.

The Victorian government is examining a range of options in relation to this issue. We started talking to the other states to see whether it was possible to bring in a state-based renewable energy scheme across all of the jurisdictions. More recently the Premier announced that Victoria was prepared to look at a Victorian-based renewable energy scheme. That is continuing.

We have had a number of consultations with industry players, and they are continuing in relation to the possible introduction of such a scheme. Obviously with such a scheme it would be possible to have an industry and deliver 1000 megawatts or more of wind power, but I have to add that without such a scheme, and in the current circumstances, it probably would not occur.

Supplementary question

Hon. P. R. HALL (Gippsland) — I thank the minister for his answer. Further to his answer, will the minister give the house details of any proposed new wind farm projects the government is aware of beyond the already installed capacity and the wind farm projects that have been approved? I also invite the minister to give the house some information on the proposed wind farm at Dollar in South Gippsland.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — Can I first of all say that a number of wind farms have been approved and are under construction, which the member is aware of, and a number of others have been proposed, such as the McArthur wind farm, the Dollar wind farm and the Warby wind farm. There are wind farms that are under consideration, such as at Bald Hills.

Hon. P. R. Hall — Can we get a list of those wind farms?

Hon. T. C. THEOPHANOUS — I am happy to make a list available to the member. In relation to the Dollar wind farm, the issue of planning for that is a matter for the Minister for Planning in the other place, and when he makes that decision the member will be informed, as will I.

Commonwealth Games: sporting equipment

Ms CARBINES (Geelong) — I have great pleasure returning the attention of the house to simply the best Commonwealth Games ever. My question is to the Minister for Commonwealth Games. The Melbourne 2006 Commonwealth Games delivered some amazing moments in sporting history. To support the games hundreds of pieces of sporting equipment were used. I ask the minister to advise the house of how the remaining sporting equipment will be used for the long-term benefit of Victorians?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I welcome the member's question and particularly her interest in the sporting equipment used at the Commonwealth Games. I also acknowledge the substantial role of the member in providing support for the Commonwealth Games, and in particular, with the other member for Geelong Province, in attracting events to regional areas like Geelong. I know those events were enthusiastically embraced by the local communities where those events took place.

Hon. B. N. Atkinson interjected.

Hon. J. M. MADDEN — Mr Atkinson might be interested in this answer. He might like to listen to what I have to say, because it relates directly to grassroots sport and sporting participation. If the opposition members were really committed to grassroots sporting participation — I am not really sure that they are, because I am yet to see a policy announcement in that area — they would be interested in what I have to say on this matter. We are committed to and will continue to commit to the long-term benefits of all Victorians as a result of hosting and delivering the 2006 Commonwealth Games. We have great new facilities because of the games, such as the state mountain bike course at Lysterfield and the new lawn bowls centre at Darebin, and facilities such as the Melbourne Sports and Aquatic Centre and the magnificent Melbourne Cricket Ground have been improved. No doubt the MCG is now the envy of the entire world.

But there are other legacies provided as part of the delivery of the games. Many hundreds of pieces of sporting equipment have been used during the games, including parts of swimming pools, netball bibs, basketball backboards, bowls equipment, hurdles and mats. I am delighted to advise the house today that the Bracks government is gifting as much of this equipment as possible to the Victorian community — to the sport and recreational organisations that nurture our great

sportspeople and to the facilities that Victorian people will use for the next 50 years.

In distributing the equipment the guiding principles will be to use this as an opportunity to improve participation in sports in local communities and to maximise use of state training centres for future major sporting events. We will be working with peak sporting bodies such as Athletics Victoria, Swimming Victoria and Basketball Victoria to decide how this equipment can best be used.

I would like to thank the Commonwealth Games Association for working with us, for sharing this vision for a lasting legacy and tangible benefit from the games. This means the Victorian community will benefit from the use of Commonwealth Games sporting equipment for many years.

We have seen some magic sporting moments over the last two weeks. Not only is the equipment distribution going to boost sport and recreation in Victoria but it is also going to result in more of those magic sporting moments created by our Victorian athletes. Victoria has maintained its strong position as a contributor to the Australian medal tally at Commonwealth Games. It contributed, I understand, 30 of our 84 gold medals and 71 of the total of 221 medals by Australia. Many of these athletes have been assisted by the Victorian Institute of Sport.

I hope that our contribution of sporting equipment across grassroots and elite levels will assist in Victorian athletes continuing to be a major part of Australia's sporting success.

Hospitals: dementia care

Hon. ANDREA COOTE (Monash) — My question is for the Minister for Aged Care, Mr Jennings. Residents of aged care facilities have complex care needs and aged care facilities develop management plans for individuals. Sadly, many of these individuals present to the acute sector in hospitals. My question is: what guidelines has the minister put in place to ensure that dementia sufferers, who are wanderers and who are transferring from aged care facilities, are safe within the acute hospital sector?

Mr GAVIN JENNINGS (Minister for Aged Care) — The member asks a very good question, because it is totally appropriate that we provide for the needs of older members of the community, particularly those who have complex care needs, those who are vulnerable and those who may be susceptible to not receiving optimum care. It is a very good question.

I am pleased to say that 18 months ago — I will not be pinned to the time, but it was somewhere within the 18 months to 2 years horizon — the Minister for Health in the other place, Bronwyn Pike, and I launched a program called caring for older people in hospital settings. It provided for the appropriate case management arrangements to be put in place and to be developed within acute hospital settings.

The member may come back and ask what are the specific guidelines actually embedded within that framework. That may be a reasonable supplementary question. I can say to the member that in fact the framework has been established by the Minister for Health and me. I can assure members that we leave no stone unturned in being evangelical to try to make sure the appropriate case management regime that should be applied within acute hospital settings takes account of the care needs of people both when they are in hospital and as they are discharged from hospital and go into a subacute setting, back to residential care or indeed back to their homes.

Within that framework — and a very clear and comprehensive framework it is — we expect that the individual care needs of patients who come into care, or the operating principles that apply within each of those care settings, will be developed by the organisations themselves. For instance, within the clear framework we have established if someone was admitted to, say, the Alfred hospital, we would expect the Alfred hospital to develop its care plans and guidelines consistent with that overall framework to ensure the appropriate case management and responsiveness to the individual care needs of the patient who comes into its care.

The member may then ask whether we perceive there needs to be a template set of guidelines that specifically addresses this question within the various hospital settings. Upon advice and reflection specific template guidelines may be something that can be established within that framework.

I am very happy to take this question as a prod from the member. She has asked how I can ensure specific guidelines are in place within each of those settings. As the member knows, there are many settings right across Victoria that are responsible for the care needs of older members of our community. I am aware of the various responsibilities the Minister for Health and I exercise through the Department of Human Services, and I am happy to take that question on notice. I will have a look at what specific guidelines may be appropriate to ensure that the member's very legitimate question is responded to now and into the future.

Supplementary question

Hon. ANDREA COOTE (Monash) — I thank the minister for his answer, but what will he do to stop the draconian practice that is prevalent in acute hospitals of shackling dementia patients to their beds?

Mr GAVIN JENNINGS (Minister for Aged Care) — I am happy for the member or for any member of the community to provide me with advice of any inappropriate behaviour in any of our hospital settings, and I would be happy to pursue that with vigour in collaboration with my colleague the Minister for Health in the other place.

Commonwealth Games: volunteers

Hon. C. D. HIRSH (Silvan) — I also congratulate the Minister for Commonwealth Games on the wonderful time everyone had at the games. I have to reiterate that they were simply the best!

I ask the minister to advise the house what initiatives are being implemented by the Bracks government to ensure that the 15 000 Melbourne 2006 Commonwealth Games volunteers, including the Leader of the Government, are rewarded and recognised for their enormous personal contribution to the success of the games and are provided with opportunities to remain involved in volunteering?

Hon. J. M. MADDEN (Minister for Commonwealth Games) — I thank the member for and welcome her question about volunteers. The athletes, the visitors to our state and Victorians have all commented that the 15 000 Melbourne Commonwealth Games volunteers were a huge part of the overall success of the event. Interestingly, volunteers contributed up to 700 000 hours of unpaid work during the 12 days of the games. The volunteers were accessible, friendly and helpful and made people feel welcome and safe. They were absolutely fantastic ambassadors for the Melbourne games. We could not have delivered the games without them, and I pay tribute to and thank them.

I would also like to give a special mention to our own volunteer from within this chamber, Mr Lenders. I know he did a fantastic job out there at the State Netball Hockey Centre. Whilst most of the work was not necessarily glamorous, he was out there with a smiling face — and I suspect he was smiling more than he does when he comes into this chamber! He enjoyed most of the work, except for opening doors for particular people from the federal government.

Yesterday volunteers were the stars of our street parade. They walked through Melbourne, led by the Australian athletes, and were congratulated by the Victorians who lined the streets. The games volunteers and work force will be awarded commemorative medals as tribute to their hard work. Many people volunteered for the first time during the games, and more than 7000 volunteers have indicated that they are interested in taking up other opportunities to volunteer once the games are finished.

At yesterday's parade the Premier announced a new program to keep volunteers involved in sporting and community activities. The $360 000 Staying Involved program will bring new energy into local organisations that are keen for fresh ideas and volunteer support. Volunteers are the heart and soul of our sporting clubs and community groups, and they contribute to developing strong and healthy communities across Victoria.

The Staying Involved strategy entails providing 1000 volunteers with accredited training in sports club administration to equip them to take up voluntary roles with local sports clubs and associations. It also entails contacting the 7000 volunteers who have expressed interest in further opportunities and putting them in contact with volunteer resource centres and local agencies. The Staying Involved program is part of a $21 million three-year volunteering strategy that includes grants to volunteer resource centres and training and skills development for volunteers and their managers. I would like to thank the volunteers for their hard work and commitment, and I am sure that all members of this chamber would also endorse our support and recognition for the true, unsung heroes of the games.

WorkCover: verbal opinions

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for WorkCover and the TAC, Mr Lenders. The recent report into the Smeaton case by KPMG — the government's internal auditors — concerned in part recommendations about medical opinions, including those from psychologists, not being verbally issued by practitioners. There is a recommendation on page 29 that the Victorian WorkCover Authority amend the claims manual to state that verbal opinions are not to be relied upon for adverse decision-making processes. Has the VWA acted on this recommendation, and if so can the minister point to any steps which have been taken to communicate this decision to medical practitioners, claims agents and injured workers?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Forwood for his question. I am delighted that he is still showing an interest in asking questions despite his backward exit out of the chamber. I look forward to the day when the new shadow minister for WorkCover asks a question on the portfolio.

An honourable member — Who is that?

Mr LENDERS — It is Mr Beige Davis — you know Mr Green Davis and Mr Brown Davis.

It is a serious question from Mr Forwood. It is an ongoing issue as to how we continue to improve the operation of the WorkCover system. This government is proud of where it has gone in reducing injuries, reducing fatalities and reducing premiums and getting greater benefits for workers. Obviously we think we are heading in the right direction but there is scope for continued improvement. I will take on notice the specifics from Mr Forwood because I am not sure what exact steps the Victorian WorkCover Authority (VWA) has taken in those areas. Clearly a growing issue for WorkCover is stress in workplaces. Medical panels need to operate effectively and be both responsive and friendly to the clients but consistent and rigorous in their case-management approach from the point of view of government and the scheme. I will take the specific details on notice, and I look forward to continuing to receive many questions on the VWA from Mr Forwood in his new capacity.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. Jeff Wilkinson, a highly respected psychologist, recently wrote in an article entitled 'WorkCover and psychology — the clash of cultures' that WorkCover:

> … claimants find it extremely difficult to receive all of their legal entitlements without a significant … battle, which in psychological terms … can be extremely debilitating.

What action will the minister take to solve the clash of cultures and in particular the use of verbal opinions by the independent medical examiners?

Mr LENDERS (Minister for WorkCover and the TAC) — Firstly, it is not too late for Mr Forwood. There is still Warrandyte; he can make his comeback!

Secondly, and on a serious note, as Mr Forwood knows there is an eternal balance, which he alluded to and to which I responded in my first question. How do we get that balance right so we look after the issue of the victim in the work force, the injured person, and treat them with dignity but at the same time rigorously test all the claims for the benefit of the state as a whole, a return to work and a range of other areas? That will be an ongoing debate. I will take up the technical areas Mr Forwood touched on in his supplementary question. I look forward to our continuing to work with the community, with business, with unions, with claimants and with the legal fraternity to getting the system even better. It is heading in the right direction but we can make it better still.

Commonwealth Games: cultural events

Mr PULLEN (Higinbotham) — My question is also to the Minister for Commonwealth Games. Earlier this year the minister outlined plans to promote Victoria's art and cultural institutions during the Commonwealth Games through Festival Melbourne 2006. Now that the games have ended, I ask the minister to advise the house of the benefits generated for Victoria of hosting a festival alongside the sporting competition.

Hon. J. M. MADDEN (Minister for Commonwealth Games) — Festival Melbourne 2006 was a wonderful success. The festival activities were held right across the inner city of Melbourne as well as in regional areas like Ballarat, Bendigo, Geelong and Moe. I thank Mr Pullen for his question, because it is something which we should truly celebrate. We celebrated during the games, but we should also celebrate the stunning success of delighting audiences in Melbourne and regional Victoria. On the few occasions that I got the chance to wander through the festival activities the numbers I saw were absolutely extraordinary.

One of the great things was the atmosphere. People were relaxed and comfortable. There were families and people of all ages, but I did not hear one kid crying or grizzling. If you are there with your family and have dragged the kids along for a day out, you normally get a couple of grizzlers, but on this occasion there was a very mellow atmosphere in the crowd.

You can understand why people were so happy to be there. The festival featured more than 2500 artists and 120 performing companies, and it provided more than 1000 performances and there were 22 exhibition projects across the 12 days. The festival was jointly funded by federal and state governments to the value of $12 million. In addition the Victorian government funded the extension of the festival into key regional areas — Ballarat, Bendigo and the Latrobe Valley — and established regional live sites. I was not able to attend all those sites but the reports from our regional members were that they were an outstanding success.

An estimated 2 million people attended festival events in Melbourne and across the state during the 12 days of the games, including 5000 visitors to Birrarung Marr. An estimated average of 100 000 visitors a day went along to the Alexandra Gardens, Federation Square and the Arts Centre, and approximately 10 000 to 12 000 people enjoyed music each night from around the world at the Sidney Myer Music Bowl and at many more of the festival sites across Victoria as well as in Melbourne.

Approximately 81 000 people attended the regional festival and live site locations in Ballarat, Bendigo, Moe and Geelong. There was a capacity crowd of 13 000 at the Myer music bowl for the world percussion spectacular on 19 March and for Bollywood at the Bowl on 25 March, with an estimated 5000 people listening to the show from outside the gates. Anybody who was in those precincts would have been truly impressed by not only the numbers but the prevailing goodwill of all those who attended.

In terms of the exhibitions, approximately 70 000 visitors attended free exhibitions. The flagship exhibitions at the RMIT Gallery, Threading the Commonwealth and Medalling, had of the order of 10 000 visitors. Visitors to the 2006 Contemporary Commonwealth exhibition at the National Gallery of Victoria and the Australian Centre for the Moving Image at Federation Square averaged, I understand, 4000 people a day. The coffins from Ghana at 45 Downstairs in Flinders Lane attracted a delighted crowd of over 8000 people.

The figures just continue — they could roll out all day, because they are absolutely magnificent. All 46 performances at the Big Top were full to a capacity of 800. It was standing room only at the Indigenous Cabarets, featured as part of the Tribal Expressions festival program. I could go on and on about these figures because the cultural events were such an outstanding success. My only disappointment is that I am running out of time, so I will have to have another question asked so I can get more figures out.

I thank everybody for their contribution. Sue Nattras, the chair of the festival — —

The PRESIDENT — Order! The minister's time has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 1338, 1426, 1439–41, 1453, 1466–78, 1490, 1494, 2162, 4709, 4883, 4992, 4993, 5258–63, 5281, 5318–20, 6079, 6093–6112, 6114–24, 7090, 7099, 7180–84, 7194, 7247, 7273, 7375, 7379.

MEMBERS STATEMENTS

Retirement villages: residents rights

Hon. ANDREA COOTE (Monash) — The excellent Liberal candidate for Ferntree Gully, Nick Wakeling, has raised a matter of great importance from Judy McIntyre on behalf of the residents of the Waterford Valley Lakes Retirement Village. In relation to the Retirement Villages Act, they say that the six-month clause should be proclaimed immediately and should be applicable to all pre-existing contracts. They say that settlement of a deceased estate should be finalised within a reasonable time frame — say, 12 months — unless there is a mutual agreement with both parties to extend the time frame.

Their comment on resales was that owners, operators and developers should be required to document what measures they have taken to facilitate resales, particularly when they are concurrently engaged in selling new villages. They go on to say that the pre-existing contracts contain unfair conditions, benefiting owner-operators and developers.

This is an excellent proposal that the candidate has brought up. He is working in this electorate very effectively — —

An honourable member — And he lives in it!

Hon. ANDREA COOTE — He does indeed live in Ferntree Gully. He has his ear to the ground, listening to the concerns of the aged care sector within this area. I give him a lot of praise.

Soccer: World Cup 2018

Ms MIKAKOS (Jika Jika) — The world has just seen Melbourne deliver a gold medal performance in hosting the Commonwealth Games. Melbourne and Victoria have shown this state's tremendous capacity to hold major sporting events. That is why I now express my support for Australia's bidding for the World Cup in soccer in 2018.

With Football Federation Australia already having secured for Victoria a number of world-class football events over the next four years, including the match between Australia and Greece, it would be a fantastic achievement if Melbourne were to hold the World Cup at the MCG; the consequent benefits both for soccer in Australia and the Victorian economy would be tremendous.

Support for soccer in Australia continues to grow, particularly now that the Socceroos have secured a place at this year's World Cup. Their send-off game on 25 May against Greece, the reigning European champions, will no doubt attract enormous interest amongst Victorians of all ages, and I very much look forward to attending the match. We will see first-class soccer at home and at its best. It will mark the start of the Socceroos' World Cup campaign.

The Socceroos participation in this year's World Cup in Germany marks the first time since 1974 that Australia has had a chance at soccer immortality. The Bracks government has greatly supported soccer in Victoria, particularly in my electorate with the development of the state soccer centre at Darebin International Sports Centre. Victoria has also secured a friendly match in 2007 and two World Cup qualifying matches in 2008 and 2009. We wish the Socceroos all the best in Germany, and we hope to see the World Cup staged here in Melbourne.

Norvic Food Processing

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise to make my members statement, within my portfolio responsibilities in manufacturing and export, on a recent visit I made, with the assistance of the member for Benambra, to Norvic Food Processing, a Wodonga abattoir. It is an outstanding abattoir in the number of exports it is now undertaking.

To give an example, one of the things that it was processing on that day, and is committing to overseas markets, was the feral goats that are now found around Australia. In fact this abattoir produces between 450 000 and 500 000 goat carcasses a year. It is an outstanding manufacturer and exporter that is a leading Victorian exporter.

When I was in the abattoir watching some of the goats getting it in the neck, I thought I was at an ALP preselection — then I realised where I was! I was not at the ALP preselections but at the works of a world-class exporter — an exporter that is continually screwed down because of overregulation and taxes. The ALP is more interested in its preselections than it is about supporting business in Victoria.

Templestowe Grange Aged Care Facility

Ms ARGONDIZZO (Templestowe) — The Minister for WorkCover and the TAC, John Lenders, recently presented the Templestowe Grange Aged Care Facility in my electorate with an award for best health and safety management. Nominations were received from across Victoria, and it is a credit to all that Templestowe Grange was chosen as the recipient of the award. The award was given because of the excellent strategies and training protocols that were put in place for lifting patients. This involved the use of ergonomic equipment and appropriate staff training to minimise workplace injuries.

Minister Lenders congratulated staff for addressing the vital issue of workplace safety, and I join the minister in his praise of the valuable work done at Templestowe Grange. It is in everybody's interest to have safe work practices. It is especially important at facilities such as the Grange, which is doing its utmost to protect our valued seniors and its wonderful staff.

Auditor-General: performance

Hon. BILL FORWOOD (Templestowe) — I acknowledge the contribution made in Victoria by Wayne Cameron, the outgoing Auditor-General. Last week, as the Public Accounts and Estimates Committee was about to advertise for a new auditor, he announced that he did not feel it appropriate that he should apply for reappointment.

Mr Cameron has been Victoria's Auditor-General for seven years. In that time he has provided outstanding service to Victoria. There is no doubt that he had a healing role to undertake, because he came in as Auditor-General after a period of some turmoil associated with the establishment of Audit Victoria and a new regime. In those circumstances this Parliament in particular and also the state can be very grateful to him for the way he undertook the task.

I know that in that period he worked closely with the public accounts committee and the executive government. I have absolutely no doubt that he always put the interests of the state and of the Office of Auditor-General at the forefront of everything he did. I wish him well for the future.

Kim Pitt

Mr PULLEN (Higinbotham) — I rise to pay tribute to Sandringham businessman and loyal ALP supporter

Kim Pitt for his outstanding contribution to cricket in my local area. I very much doubt that Kim's achievements have been matched by any other cricketer.

Kim joined the East Sandringham Cricket Club in 1977 and has played more than 350 games in the first XI in the top division of the City of Moorabbin Cricket Association (CMCA), which is known as the Longmuir Shield. He was a member of the team which this season won a fifth consecutive premiership for the club, he has played in all of the club's 12 premierships since East Sandringham won its first top division pennant in 1979–80 and captained 7 of them, he has amassed more than 11 000 runs, including eight centuries, he has taken hundreds of wickets, his best being 8 for 40, and he is an outstanding fieldsman. He won the Harry Morgan Medal for the best player in a grand final in 1985–86 and 2001–02, he received the association president's award for outstanding service in 1988–89 and he was named captain of the City of Moorabbin Cricket Association's Longmuir Shield legends team this season.

Kim, who is aged 48, announced after the grand final victory that he was giving away top cricket now, saying that he did not want to see younger blokes missing out on a game. Kim has been an ornament to the game, and I urge the CMCA to bestow life membership on this outstanding member.

Hamilton Indoor Leisure and Aquatic Centre

Hon. DAVID KOCH (Western) — Sunday, 5 March 2006, was a historic day for residents of Hamilton and district communities with the official opening of Hamilton's multimillion-dollar indoor leisure and aquatic centre. Having led the successful delegation that secured the funding, I congratulate all of those involved in bringing this long-overdue centre to reality. It was also the day Hamilton hosted the Queen's baton relay, when over 1200 enthusiastic people celebrated its arrival in the lead-up to the Commonwealth Games. Minister Madden was overwhelmed at the number of people who witnessed the opening of the centre prior to the arrival of the baton.

The centre is a major recreational sporting complex operated by Southern Grampians shire. Importantly it will attract new residents and development and provide a further economic injection into this strong and growing region. Having a modern recreational facility will also encourage people of all ages to participate in a wide range of indoor sporting, recreational and leisure activities. Such facilities are vital for country towns and regional viability.

The jewel in the crown of Hamilton's modern state-of-the-art indoor leisure and aquatic centre is the outstanding swimming pool that will be put to good use all year round. This centre is the most significant recreational development in the history of both the Southern Grampians shire and its predecessor. It provides a fantastic opportunity for people to participate in healthy recreational pursuits.

Jobo Raswoko and Stephen Thoahlane

Mr SCHEFFER (Monash) — During the Commonwealth Games luncheon at the Royal Exhibition Building I had the very good fortune to meet Mr Stephen Thoahlane and, subsequently, Mr Jobo Raswoko, members of the Lesotho team. Mr Thoahlane is a power lifter and Mr Raswoko is the manager of the Lesotho athletics contingent.

At home in Lesotho, Mr Thoahlane, a teacher, works at the National University of Lesotho as a special education consultant specialising in vision impairment. Mr Raswoko is a lawyer, and the first blind law graduate of the National University of Lesotho. He is also the president of the National League for Visually Impaired Persons in Lesotho. Both men have undertaken and continue to undertake important work on behalf of people with a visual impairment across their country.

Last Thursday I arranged for Mr Raswoko and Mr Thoahlane to visit Vision Australia. I am very pleased to say that they were warmly welcomed and given an extremely comprehensive tour of the facility. I was delighted that Vision Australia was so keen to establish ongoing contact with them in their work at the university and with the National League for Visually Impaired Persons in Lesotho. Vision Australia is currently upgrading its audio book lending library from cassette tape recordings to compressed CDs — the digital accessible information system, otherwise known as DAISY. Vision Australia presented a DAISY to Mr Raswoko to acknowledge his first visit to the organisation.

I commend the work of the staff and volunteers at Vision Australia and the fine work Mr Thoahlane and Mr Raswoko do for the people of Lesotho.

Mildura Wentworth Arts Festival

Hon. B. W. BISHOP (North Western) — Saturday, 18 March, saw the return to Mildura of the 50s mardi gras street parade, which was followed by a huge street

party as a finale to the Mildura Wentworth Arts Festival. The mardi gras was made up of floats from every sector of the community, including from local businesses and community groups — there was even a brass band. The organising committee that included the parade in the festival needs to be congratulated. It was an outstanding success, with many people lining the streets to enjoy the occasion.

Another outstanding feature from the arts festival was the Opera at the Lock, where Marina Pryor, soloist David Hobson and Tommy Tycho and his orchestra, local artists and a 100-voice choir kept the attendees captivated. I congratulate all involved in organising the arts festival on making the event such a success.

Furthermore, I congratulate the Richmond and Essendon football clubs for playing a practice match in Red Cliffs on Friday, 17 March, as a gesture of goodwill to the local community. The match was a sell-out and was very family focused. Before the match there was a moving tribute to the victims of the terrible Cardross tragedy, and hopefully the families and friends of those involved and the entire community can now move forward with the healing process.

It is events such as these that truly unite a community, and the strength of Sunraysia's residents has now been proved through their attendance at and participation in the festival.

Industrial relations: WorkChoices

Hon. J. G. HILTON (Western Port) — Monday, 27 March, will be seen as the beginning of the end of the Howard government, as on that day its workplace changes came into effect. Businesses with fewer than 100 employees will now be exempt from unfair dismissal claims. It has never been explained to me why employees who work for a business with less than 100 employees should have fewer rights and less protection than people who work for companies with more than 100 employees. And, of course, it has already started. A Melbourne cabinet-maker only yesterday sacked three workers. They were offered their jobs back doing the same work but without sick leave, annual leave or public holidays. Another change is that all new employees can be required to sign an Australian workplace agreement and thereafter have no right to demand an award.

These changes shift the balance significantly in favour of the employer. The intention is to create a lowly skilled, poorly paid pool of labour — what is termed the working poor. Such a cynical exploitation of the vulnerability of employees has no place in the Australian culture, which has fairness as one of its values. The federal government fully deserves the retribution that will come to it at the next general election.

Plumbing: regulation

Hon. B. N. ATKINSON (Koonung) — I wish to express some concern about an ongoing problem with the water authorities and the allocation of work to plumbing organisations which are associated with them rather than to other licensed plumbers. This is a matter which has been raised on a number of occasions by various plumbers. It is a matter of considerable concern to them, because they believe there is not a competitive neutrality associated with the allocation of this work and that indeed the water authorities themselves get some benefit from the allocation of this work.

I am certainly at a loss to understand — and at some stage I will invite a minister or someone from the government to advise me — what qualifications, skills, accreditation or other advantages, including commissions payable to the water authorities, warrant them receiving a commercial advantage in terms of the allocation of work. This is particularly in the case of defective water pipes or fittings where work is being directed by South East Water, for instance, to a company called Priority Plumbing**.** Around 80 per cent of jobs have been allocated by South East Water to Priority Plumbing. I am at a loss — as are many independent plumbers — to understand why it receives that work when other licensed plumbers and commercial firms are available with the skills, ability, insurances and so forth in place to undertake that work. I hope the government might have a look at the operations of these — —

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

Industrial relations: WorkChoices

Hon. H. E. BUCKINGHAM (Koonung) — Like the Honourable Geoff Hilton, I am very disappointed to note that the Howard federal government's harsh new industrial relations laws have come into force this week. The federal Minister for Employment and Workplace Relations, Kevin Andrews, recently released the details of regulations relating to the new industrial relations laws. The regulations include harsh new fines and penalties for workers and unions and a crackdown on union activity in the workplace. Under the regulations workers and unions can incur federal government fines of between $6000 and $33 000 for seeking commitments from employers about job

security or fair treatment processes, and many basic union activities in the workplace have been effectively outlawed. Job security and fair treatment are of fundamental importance to workers and working families, but the federal government is saying it will now be illegal for workers or unions to even ask for these things.

The laws also provide for fines for workers or unions who seek commitments in agreements that union or occupational health and safety representatives will have access to training or that union members will be allowed to meet to discuss workplace issues. Clauses regulating the use of independent contractors or labour-hire employees have also been banned. These laws infringe the basic rights of every Australian worker. They will increase the pressure on people in the workplace and put more pressure on the incomes and lifestyles of Australian working families.

The federal government has produced no valid argument, evidence or justification as to why such laws are necessary. I support the Australian Council of Trade Unions in its actions against these unfair and unreasonable industrial relations laws.

Lions International: youth quest

Hon. ANDREW BRIDESON (Waverley) — Today I want to acknowledge and congratulate Lions International for the way it supports and promotes youth in our community, particularly through its involvement in programs such as Youth of the Year Quest.

The zone 7 final, which comprised candidates from Wheelers Hill, Oakleigh and Waverley Lions clubs, which are in my electorate, was held on Wednesday, 8 March, at Mulgrave Country Club. The candidates were Christopher Kudlicki from Caulfield Grammar School representing the Wheelers Hill Lions Club; Adam Kessler from Wesley College representing the Waverley Lions Club; and Elisa Scarton from Sacred Heart Girls College representing the Oakleigh Lions Club.

The night was a wonderful success. The dinner and final judging were attended by almost 60 people comprised of Lions club members and their partners, candidates and their families, and representatives from various local schools. All candidates spoke extremely well and displayed a very mature attitude when answering the two impromptu questions. Any one of the candidates would have been a worthy winner; however, the overall winner was Adam Kessler from Wesley College, who, as I said, represented the Waverley Lions Club. In his prepared speech he discussed the value of freedom of speech. Adam went on to represent the zone at the district final which was held in Tatura last week.

All too often in today's society we hear negative comments regarding the youth of today. Quests like these are a fantastic opportunity for communities to showcase their youth in a positive way.

The PRESIDENT — Order! The member's time has expired

Industrial relations: WorkChoices

Mr SMITH (Chelsea) — I too wish to draw the attention of members of the house to the dreadful situation being confronted by three furniture tradesmen. I refer of course to the first victims of Prime Minister John Howard's workplace choices legislation orders or, as we say on this side of the house, the take-it-or-leave-it legislation. These men unfortunately, and I am sad to say, are the first of many more workers in this country who are going to feel the full weight of this legislation before the next Labor government can repeal it.

For those who do not know, these three people have been confronted by a one-day notice of redundancy and then a day later an offer of their job back as casual or part-time workers minus annual leave, penalty rates et cetera. It is estimated they will lose something of the order of $20 000 a year in income. If the lot on the other side of the house are proud of that, I say shame on them. The fact is — and I have said this before — that what the Libs have done with this legislation is to open the door for the Labor Party to drive back into power. They do not understand what they have done to ordinary workers in this country, but they are going to. If this keeps up — as we know it will — there will be many employers who will take full advantage of it. Despite the rhetoric by the Prime Minister that it is good for choice and productivity, it is quite the contrary. Workers are going to rue the day they gave the Senate to this mob.

Country Fire Authority: enterprise bargaining agreement

Hon. J. A. VOGELS (Western) — I rise to support the stand of the Volunteer Fire Brigades Victoria (VFBV) in relation to the current enterprise bargaining agreement negotiations between the Country Fire Authority and the United Firefighters Union (UFU). There is no doubt that the Bracks government has taken the CFA's 58 000 volunteers for granted and will strike

a deal with the 400 union members even though it will impact adversely on the state's 58 000 volunteers.

The volunteer charter to which the Bracks Labor government is a signatory was not worth the paper it was written on as it only commits to consultation not action. Presently the Bracks government is not even honouring that part of the charter which says, 'to consult'. The VFBV was conned into signing its charter four years ago. I hope its elected association representatives have learnt and will stand up for the rights of the state's 58 000 volunteers. There is no doubt that the UFU are currently riding roughshod over the CFA on too many issues that affect volunteers. This must be stopped in the future. Volunteers need to reclaim their brigades. The Liberal Party is in the final stage of developing a policy relating to the Country Fire Authority, and I can assure the volunteers they will have an important say on matters that may affect them in the future.

PETITIONS

Schools: public education

Hon. KAYE DARVENIZA (Melbourne West) presented petition from certain citizens of Victoria requesting that any new legislation dealing with the state public education and training system — (1) be separate and distinct from any legislation dealing with the private schools; (2) defines public education as free, secular and universal; public in purpose, outcome, ownership and accountability; and accessible to all children; (3) gives primacy to public education in all areas; and (4) includes proper, transparent, publicly accessible accountability measures for expenditure of all taxpayers money (467 signatures).

Laid on table.

Clyde Road, Berwick: upgrade

Hon. G. K. RICH-PHILLIPS (Eumemmerring) presented petition from certain citizens of Victoria requesting that, due to the traffic congestion on Clyde Road, Berwick, the government upgrade this road and undertake the construction works immediately (1235 signatures).

Laid on table.

Water: fluoridation

Hon. P. R. HALL (Gippsland) presented petition from certain citizens of Victoria praying that the Legislative Council of Victoria does not support the addition of fluoride to any Victorian water supply, including water in the Gippsland region, in view of current scientific doubts regarding its safety (88 signatures).

Laid on table.

Racial and religious tolerance: legislation

Hon. ANDREW BRIDESON (Waverley) presented petition from certain citizens of Victoria requesting that the Racial and Religious Tolerance Act 2001 be repealed (14 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 3 of 2006, including appendices.

Laid on table.

Ordered to be printed.

Review 2005

Ms ARGONDIZZO (Templestowe) presented annual report, including appendices.

Laid on table.

Ordered to be printed.

Statute Law (Further Revision) Bill

Ms ARGONDIZZO (Templestowe) presented report, including appendices.

Laid on table.

Ordered to be printed.

Terrorism (Community Protection) (Amendment) Bill

Ms ARGONDIZZO (Templestowe) presented minutes of evidence relating to *Alert Digest* No. 1.

Laid on table

BUDGET SECTOR

Mid-year financial report 2005–06

The Clerk, pursuant to Financial Management Act, presented report.

DRUGS AND CRIME PREVENTION COMMITTEE

Strategies to reduce harmful alcohol consumption

The Clerk, pursuant to Parliamentary Committees Act, presented report, including appendices, together with minutes of evidence.

Mr SCHEFFER (Monash) — By leave, I move:

That the Council take note of the report.

The Drugs and Crime Prevention Committee last week tabled the final report of its inquiry into strategies to reduce harmful alcohol consumption. The committee was asked to investigate how alcohol is consumed in Victoria, the social costs and impacts, the influence of alcohol advertising, how risky drinking affects high-risk groups such as young people and Kooris, and the strategies that governments and relevant organisations could implement that would help reduce the harmful consumption of alcohol.

These are complex and multilayered issues, and the committee is aware that each issue could easily have been an inquiry in its own right. The considerable length of the report is a consequence of seriously focusing on each of these many issues. The committee hopes that the final report will serve as a comprehensive resource for the many individuals and organisations with an interest in reducing harm caused by alcohol.

The committee conducted more than 102 public hearings and meetings in Victoria, other parts of Australia and in Europe. We talked to legislators, community leaders, researchers and experts, drug and alcohol workers, medical and legal professionals, ambulance officers, police, public servants, administrators, alcohol manufacturers, retailers and regulators.

We found that while alcohol is associated with a range of benefits and that many people use alcohol moderately and responsibly, the physical and social harm and the economic costs associated with the misuse or excessive use of alcohol are great and that proportionately more concerning than the costs relating to heroin or other illicit drugs.

Alcohol consumption causes over 4000 deaths per year in Australia and at least 40 fatal conditions are caused in whole or in part by alcohol — various cancers, liver disease, falls, road injuries and injuries resulting from child abuse and violence. But working out the overall cost to the community is very complex. The final report points to research that estimates that in 1998–99 the total cost to the community of harmful alcohol consumption across Australia was $7.6 billion per annum, and of this, approximately $1.7 billion was due to lost production in the workplace arising from alcohol misuse. Despite this, 90 per cent of Australians do not think of alcohol as a drug and almost the same number think that regular and frequent alcohol consumption is acceptable.

The report demonstrates that harmful alcohol consumption is a major public health issue. While the final report provides useful statistical data about drinking trends, we need to recognise that broad surveys often do not tell us who drinks or how much they drink, and this is what we need to know so that effective strategies to bring down harmful alcohol use can be developed and put in place. Because of this, the final report gives considerable attention to the availability of reliable data and information that can tell us more about the patterns and cultures of alcohol consumption.

Throughout the final report the committee has endeavoured to make it very clear that its focus is on harmful alcohol consumption, not the alcohol industry, and I take this opportunity to acknowledge the contribution of the representatives of alcohol manufacturers and retailers to the inquiry.

I also acknowledge the contributions to the inquiry made by many non-government organisations with an interest in the community's health who wish to see a reduction in harmful alcohol consumption. Good public health policy that minimises alcohol-related harm relies on a partnership of government, health professionals, health service providers, community organisations, the alcohol industry and the media. The recommendations contained in this final report both assume this positive relationship and seek to strengthen it.

The committee has made 165 recommendations that aim to affect gradual and realistic community change, taking into account the fact that most members of the community have not had the evidence relating to harmful alcohol consumption laid before them. The measures recommended are balanced and achievable,

and if implemented can have an incrementally positive impact on the community by raising awareness and reducing the level of community harm. The approach has been to recommend measures that positively impact on both the general population and on individuals facing alcohol-related problems.

I would like to pay tribute to my fellow committee members — the deputy chair, the member for Mornington in the other place; the Honourable Sang Nguyen; and the members for Narracan, Scoresby, Forest Hill and Benalla in the other house — for their great contributions and for the valuable insights into and understanding of the many complex issues considered in our inquiry.

The work of the Drugs and Crime Prevention Committee is greatly respected within this Parliament and across the country. This respect is due to the excellent work undertaken by the committee's researchers, Sandy Cook, Pete Johnston and Chantel Churchus. I also thank Michelle Summerhill for her excellent administrative and logistical work. It is difficult to do justice to the extraordinary capacities of the team that the Drugs and Crime Prevention Committee has been privileged to work with, and on the half the committee, I thank them. I commend the report to the house.

Hon. W. A. LOVELL (North Eastern) (*By leave*) — I wish to note that there are two minority reports by Liberal Party members of the committee — that is, by the members for Mornington and Scoresby and by The Nationals member, the member for Benalla, all in the other place. Both these minority reports deal with the same two issues, the first being the concern of the committee that the report has recommended that public drunkenness be decriminalised pursuant to a recommendation made by the committee to the 54th Parliament in its final report on the inquiry into public drunkenness.

It is important to note that the recommendation to decriminalise public drunkenness was subject to three provisions, and the committee at that stage was adamant that the decriminalisation of the offence should only go ahead if those requirements were met. The concern of the committee members is that in the five years since that report was published there has been no effort by the government to implement those objectives. Committee members have stressed that they will not give consideration to supporting the decriminalisation of public drunkenness unless those three provisos detailed in the committee report to the 54th Parliament are first put into effect.

The second concern relates to alcohol being sold through vending machines. The Bracks government introduced that form of sale in 2004 through the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. The Liberal Party is steadfast in its opposition to alcohol being sold through vending machines. It gives under-age people the opportunity to have access to alcohol, and it defies the reasons for the responsible service of alcohol laws, because a vending machine cannot and will not be able to ascertain whether someone is either intoxicated or is 18 years of age before serving them alcohol.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Venue and Project Orders, pursuant to section 18 of the Act (three papers).

Conservation, Forests and Lands Act 1987 — Draft Code of Practice for Fire Management on Public Land (Revision 1).

Crown Land (Reserves) Act 1978 — Minister's order of 22 February 2006 giving approval for the granting of a lease at Sorrento Public Park Reserve (two papers).

Mildura Cemetery Trust —

Minister's report of failure to submit report for the period 1 January 2004 to 30 June 2005 and the reasons therefor.

Minister's report of receipt of report for the period 1 January 2004 to 30 June 2005.

National Environment Protection Council — Report, 2004–05.

Northern Victorian Fresh Tomato Industry Development Committee — Minister's report of receipt of 2004–05 report.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Rural and Regional Services and Development Committee's Inquiry into the Cause of Fatality and Injury on Victorian Farms.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme — Amendment C35.

Boroondara Planning Scheme — Amendments C36 and C65.

Brimbank Planning Scheme — Amendment C90.

Golden Plains Planning Scheme — Amendment C17.

Greater Bendigo Planning Scheme — Amendment C60.

Kingston Planning Scheme — Amendment C47.

Latrobe Planning Scheme — Amendment C32.

Mansfield Planning Scheme — Amendment C1 Part 1.

Mildura Planning Scheme — Amendment C29 Part 2.

Queenscliffe Planning Scheme — Amendment C15.

Surf Coast Planning Scheme — Amendment C31.

Victoria Planning Provisions — Amendment VC38.

Project Development and Construction Management Act 1994 — Orders in Council of 14 and 16 March 2006 of nomination and application orders (three papers).

Rural Finance Act 1988 — Treasurer's directive of 15 March 2006 to the Rural Finance Corporation.

Statutory Rules under the following Acts of Parliament:

Commonwealth Games Arrangements Act 2001 — Nos. 20 and 24.

Corrections Act 1986 — No. 14.

Drugs, Poisons and Controlled Substances Act 1981 — No. 16.

Fisheries Act 1995 — Nos. 12 and 17.

Legal Profession Act 2004 — Nos. 19 and 27.

Liquor Control Reform Act 1998 — No. 13.

Magistrates' Court Act 1989 — Nos. 18, 25 and 26.

Road Safety Act 1986 — Nos. 22 and 23.

State Superannuation Act 1988 — No. 15.

Tobacco Act 1987 — No. 21.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 12, 13, 19, 20, 22, 23 and 27.

RAIL SAFETY BILL

Second reading

For **Ms BROAD** (Minister for Local Government), Mr Gavin Jennings (Minister for Aged Care) — I move:

That, pursuant to sessional order 34, the second-reading speech be incorporated into *Hansard*.

Given that that bill was amended in the Assembly, it is incumbent on me to outline to the house the nature of those house amendments. They were undertaken in order to maintain national uniformity or consistency in rail safety regulations as required by the intergovernment agreement on rail safety. Those various house amendments deal with the following matters: firstly, the purpose of accreditation so that the scheme focuses on the competence and capacity of persons to manage the risks of rail safety incidents; secondly, coverage of contractors; thirdly, clarification of the liability of the Crown to ensure that the Crown is deemed to be a body corporate for the purpose of the bill; fourthly, interaction with occupational health and safety laws, which in broad terms has the effect of confirming the primacy of the Occupational Health and Safety Act and putting these issues beyond any doubt; and fifthly, technical amendments in relation to utilities.

Motion agreed to.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This bill heralds a new era in rail safety in Victoria. While Victoria has a proud rail safety record over the 150 years of rail operations in the state, new enhanced rail safety regulation and public transport governance is essential in order to maintain our current high safety levels and to generate continuous safety improvements in the future.

Government and transport operators must remain vigilant about rail safety performance. Together, we need to seek further safety improvements in an industry where, as international and interstate experiences show, incidents have the potential for serious consequences for life and limb. This is a particular issue for Victoria where the responsibility for the delivery and operation of passenger and freight rail services has been largely devolved to private operators and away from direct government control.

Victoria's challenge, and more broadly the challenge for the nation, is to learn from the safety regulation improvements in other jurisdictions and industries and to adopt best practice regulation that facilitates better hazard identification and risk management — activities aimed at preventing incidents, and at mitigating their consequences if ever they do occur. With these considerations in mind, it has been a key objective of the government to develop a contemporary best practice rail safety regime for the state.

The purposes of the bill

The key purposes of this bill are to:

maintain and improve the safety of rail operations and to further reduce the risks of rail incidents generally and especially major rail incidents; and

improve public transport safety regulation and administration at reasonable cost by introducing contemporary regulation and governance which —

draws on proven rail safety regulatory models operating in other key industry sectors and jurisdictions; and

more clearly defines the role, accountability and performance of Victoria's public transport safety regulator; and

effects other necessary regulatory and organisational changes.

Why is new rail safety legislation needed?

Metropolitan train and tram services and country rail services in Victoria were until the late 1990s almost solely operated by government or managed by wholly government-owned public entities. These entities were vertically integrated and directly accountable to government for their safety performance. However, from 1996, the delivery of train and tram services was transferred from the former Public Transport Corporation, first to corporatised public entities and then to private transport operators. By 1999, the Victorian rail system had been disaggregated and privatised. The passenger rail system is now managed through partnership agreements between government and rail infrastructure managers and rolling stock operators. Intrastate and interstate rail freight operations and infrastructure management are also now fully privatised.

Rail safety regulation

The current rail safety legislative framework was introduced into the Transport Act in 1996 before this disaggregation occurred. Soon after, responsibility for rail safety regulation transferred from the Public Transport Corporation, the then government owned operator of all Victorian rail and tramway operations, to the Secretary of the Department of Infrastructure.

The centrepiece of the framework is a safety accreditation scheme for rail infrastructure managers and operators of rolling stock, the principal criterion for accreditation being what is described simply as an 'appropriate' safety management system (SMS) accepted by the safety regulator.

It is now recognised that this legislative framework has not kept pace with contemporary developments in safety regulation, particularly given the significant structural changes in the rail industry. For example, the current Transport Act provisions provide little guidance on how the 'appropriateness' of an SMS is to be determined. In practice this leads to negotiated safety outcomes and a divergence in the quality of safety management systems among transport operators.

In addition, the legislation does not establish a coherent chain of responsibility for the effective management of rail safety risks. For example, unlike other modern safety legislation, the act does not identify the key parties or individuals who can control risks and does not impose performance-based safety responsibilities.

The existence of an appropriate SMS may not of itself ensure safety if it is not energetically and intelligently implemented and managed by persons who have specific obligations for safety. Further, the Transport Act contains a basic compliance and enforcement regime which can constrain the public transport safety regulator in making safety-related enquiries and taking proportionate responses to safety breaches. In addition, current penalties for safety breaches are below those currently applied in other relevant safety regimes such as occupational health and safety.

The Waterfall rail accident in New South Wales on 31 January 2003 where seven people lost their lives has resulted in critical rail safety lessons for all jurisdictions. In the final report of the special commission of inquiry into the Waterfall accident, Justice McInerney emphasised the need for proactive risk management and effective and independent safety regulation in the rail industry in order to prevent major accidents such as the Waterfall accident and an earlier accident at Glenbrook in NSW on 2 December 1999 which also led to multiple fatalities. In addition, the need to improve the rail safety regulatory framework and to improve risk management practices in Victoria has been highlighted by independent investigations and reviews into rail accidents and incidents in Victoria in recent years which have identified some systemic safety concerns.

There is a need to improve Victoria's rail safety regulation to ensure that the rail industry adopts the modern hazard identification and risk management practices which will enable industry participants to manage risks more effectively. It is also critical that the community have confidence in the safety of the rail system and confidence in public transport safety generally. The public has a right to expect that Victoria will require optimal safety performance from those involved in rail transport.

Public transport safety governance

Community, government and industry confidence in the role, independence and accountability of Victoria's public transport safety regulator is also essential. Improving the independence and effectiveness of the regulator is vital to securing improved safety outcomes in Victoria in the rail and bus industries.

Currently, public transport safety regulation in the rail and bus sectors is administered by the Department of Infrastructure. The Transport Act and the Public Transport Competition Act confer safety powers on the Secretary of the Department. In practice, the Secretary's powers are delegated to the director, public transport safety Victoria. The director essentially administers rail and bus accreditation schemes through approval and auditing, as well as approving the safety aspects of new works on the rail networks and conducting safety inquiries and investigations of incidents and breaches of safety requirements. However, the director is not able to enforce safety obligations directly by means of prosecution and other direct enforcement as the current legislation does not make sufficient provision for this to occur.

In addition, the Transport Act does not formally establish the director's position and consequently it does not set out the objectives of the role or its functions. Accountabilities are also unclear and there is no provision for formal independence for the office to exercise its safety regulation obligations. Under current arrangements potential conflicts of interest could arise where the Secretary is responsible for the appointment and resourcing of the safety regulator and also for the procurement, funding and performance regulation of transport services undertaken by the director of Public Transport.

The special commission of inquiry into the Waterfall accident in NSW emphasised the need for and importance of an independent and effective rail safety regulator. Those findings have been supported by a review of current governance arrangements for rail safety regulation in Victoria and through consultation with the rail industry and rail industry unions. There is a need for clearer and strengthened organisational arrangements for rail safety regulation and rail safety regulator performance. Reform will also allow the director to concentrate on operational public transport safety regulation,

including the development of codes of practice and other guidance material to assist industry safety compliance, while responsibility for safety policy and the delivery of transport services will rest with other areas of the department such as the director of public transport. In addition, no blame investigations into accidents and incidents will be conducted by the proposed new statutory office of the chief investigator, transport and marine safety investigations.

A new rail safety framework for Victoria

In response to the Waterfall accident in NSW and incidents in Victoria, the Department of Infrastructure has undertaken a series of initiatives concerning rolling stock, rail infrastructure and human factors impacting on safety outcomes with the overall objective of improving rail safety in Victoria. The development and implementation of the legislative framework in this bill for improved rail safety is a cornerstone of this concerted effort.

Rail safety regulation initiatives in Victoria have tended to evolve reactively rather than proactively and often in response to investigation reports into specific incidents and accidents. This approach to rail safety regulation has been reviewed as part of a wider review of all public transport legislation. In July 2004, the department released an issues paper entitled *Improving Rail Safety in Victoria*. The paper examined safety regulation developments in the rail industry and other key safety sectors both in Australia and overseas and recommended the key features for a new integrated and best practice regulatory framework.

These features are reflected in the bill now before the house and include the establishment of performance-based rail safety duties for rail operators, managers of rail infrastructure, contractors working on rolling stock or rail infrastructure and rail safety workers including drivers and maintainers of rolling stock and infrastructure to ensure safety so far as reasonably practicable. This effectively imposes rail safety duties and obligations on each person in the rail industry who is in a position to affect safety and clearly identifies their roles and the safety chain of responsibility between them.

The duties emphasise the responsibility of each participant to take steps as far as reasonably practicable to identify hazards and manage risks to safety that are within their control. This includes persons whose influence on safety exists 'upstream' such as persons involved in design, manufacture, maintenance, repair and modification of rail infrastructure and rolling stock. Codes of practice and other guidance material will be issued by the minister and the director to provide guidance to the persons who have duties under the bill.

The bill also includes a more robust safety accreditation scheme for key rail industry participants; that is, infrastructure managers and rolling stock operators who control the critical elements and who have primary responsibility for identifying the hazards and for managing particular risks that have the potential to lead to rail safety incidents, especially major incidents.

The bill will substantially increase the rigour in the accreditation regime by requiring documentation on hazard identification, risk assessment and risk controls to prove that an organisation has the capacity and ability to achieve the required level of safety performance. The new bill will also require that greater detail be provided in the content of each safety management system and set out the objectives of an SMS. Each SMS will be reviewed by the director to ensure that it complies with requirements and represents a complete and effective method of safe rail operation. These provisions should substantially reduce the risk of rail accidents and incidents by providing a greater level of assurance about the adequacy of safety management systems and their ability to improve the level of safety performance across all rail operations. The new accreditation system will be a more effective regulatory tool in a complex industry with multiple participants and complex network interfaces.

The bill also contains a graduated hierarchy of sanctions and penalties to enable proportionate compliance and enforcement responses to rail safety breaches and contraventions of notices to improve safety performance.

The specification of a spectrum of penalties and sanctions is consistent with best practice safety regulation and is intended to emphasise prevention and provide greater incentives for better risk management, especially by accredited rail organisations. The wider range of compliance options made available by the bill will give the rail safety regulator greater flexibility to take appropriate action consistent with the nature and severity of the safety breach. Where the safety regulator detects a non-compliance with an SMS, he or she will be empowered to issue a mandatory improvement or prohibition notice followed by a penalty if it is not complied with.

The bill also establishes the director of public transport safety as a statutory office to provide greater independence from government and to clarify the role and its accountabilities and powers.

While the new regulatory framework is expected to deliver substantial safety benefits, the government has taken particular care in its design to maintain an appropriate balance between safety and financial considerations. This will continue the sensible allocation of private and public resources and avoid unnecessary burdens on industry, rail users and government. With this in mind, unless it is in the interests of the protection of public safety to act immediately, the director, public transport safety and the director of public transport must undertake cost benefit analyses and consultation on mandatory rail safety decisions (such as the imposition of conditions of accreditation) and on the implementation of safety recommendations which have potential for significant cost. This must be done by following guidelines developed and issued by the Minister for Transport following consultation with the Premier and the Treasurer.

The key elements of the bill

The key elements of the bill are as follows:

Parts 1 and 2 of the bill set out preliminary matters including definitions and a set of overarching rail safety policy principles.

Part 3 establishes performance-based duties for key parties with risk management responsibilities as part of the chain of responsibility for rail safety.

Part 4 enables the director, Public Transport Safety to take action, in consultation with the relevant utility safety regulator, in relation to utilities or rail operators, where there is a threat to the safety of the operations of the rail operator or utility.

Part 5 sets out the framework of the accreditation scheme including provision for applications, offences, assessment criteria, conditions and variations of accreditation and disciplinary action.

Part 6 continues the alcohol and drug control provisions for rail safety workers which are currently contained in part 6 of the Transport Act.

Part 7 contains provisions to facilitate the internal and external review of decisions of the director. External review is permitted by the Victorian Civil and Administrative Tribunal in relation to a list of reviewable decisions which includes decisions relating to accreditation.

Part 8 makes provision for the development, approval and availability of codes of practice for the purpose of providing practical guidance to accredited rail operators and other persons with obligations under the bill.

Part 9 concerns offences by bodies corporate, partnerships and unincorporated bodies or associations and their officers. The part confirms the seamless interaction of the bill with the Occupational Health and Safety Act 2004 and sets out regulation-making powers and other matters.

Part 10 amends the Transport Act to —

establish a new statutory office of the director of Public Transport Safety. The part specifies the functions, powers and accountabilities of the office, including a requirement that the director act independently. Other provisions such as that limiting direction also highlight the independence of the role. The director will report to the minister on statutory matters and to the Secretary of the Department of Infrastructure on other issues such as administration. The part also requires cost benefit analyses and consultation on certain decisions and recommendations of the director;

require the director of public transport to take safety into account and to conduct cost benefit analyses and consultation on certain decisions and recommendations of the director of public transport safety and the chief investigator, transport and marine safety investigations;

include some general offences concerning the safe behaviour of persons in relation to public transport infrastructure and vehicles which are serious enough to require their transfer from current regulations to the act;

make appropriate provision for the enforcement of transport safety including by providing for the appointment of transport safety officers and the powers of officers for entry, inspections, searches and seizures; and

establish powers and sanctions including improvement notices, prohibition notices and other sanctions such as commercial benefits orders and supervisory intervention orders.

Part 11 makes substantive changes to the Public Transport Competition Act 1995 to incorporate the establishment of the new office of the director, public transport safety, and to provide for the functions of the office in relation to the accreditation scheme established for bus operators under that act. The government intends to review the current bus safety regulation regime in that act in the near future. The part also amends the Rail Corporations Act 1996 to require VicTrack to take account of safety matters when performing its functions. It also amends the Electricity Industry Act 2000, the Gas Industry Act 2001, the Road Management Act 2004, the Water Act 1989 and the Water Industry Act 1994 to establish performance-based safety duties for the utilities covered by those Acts when they exercise their powers on or near rail infrastructure or rolling stock. The Part also provides for savings and transitional matters.

Implementation of the new rail safety framework

The bill will come into operation on proclamation and the government has targeted 1 July 2006 for its commencement. A staged implementation process and an appropriate transitional period are necessary for some key aspects of the bill. This will facilitate an appropriate pace of risk management and compliance change for industry and allow for necessary systems, training and administrative changes.

Regulations required for the commencement and operation of the bill are currently in development. The draft regulations and an accompanying regulatory impact statement are expected to be made available for industry and wider public comment shortly after the passage of the bill.

Relationship of this bill to the proposed National Rail Safety (Reform) Bill

In addition to the momentum in Victoria on rail safety matters, reform of rail safety regulation is an important national priority. It is clearly desirable to have consistent regulation throughout the nation, especially in view of interstate passenger and freight operations.

The National Transport Commission is currently developing a national model Rail Safety (Reform) Bill which is aligned with the Victorian bill. The national bill is expected to be presented to the Australian Transport Council for approval by Australian Transport Ministers in mid-2006.

There has been a high degree of cooperation between the National Transport Commission, the rail industry and Victoria and other jurisdictions during the development of the national bill. Victoria is firmly committed to playing its part in achieving nationally consistent rail safety outcomes. Importantly, Victoria's proposal and the national bill framework have remained consistent throughout their development and this is expected to continue.

Victoria has already demonstrated its ongoing commitment to achieving national uniformity or consistency by amending its bill to cater for matters raised by the National Transport Commission during the development of the national bill. However, if further substantial and material differences unexpectedly emerge between the two bills, Victoria will seek to modify its legislation to the extent necessary to discharge its responsibilities for national uniformity or consistency. In any intervening period, the mutual recognition provisions of Victoria's bill will ensure seamless interstate rail safety regulation.

It is hoped that other jurisdictions will also ultimately pass legislation which reflects the policy framework contained in the Victorian and national Rail Safety bills. If this occurs it would facilitate a high degree of uniformity or consistency in rail safety regulation across the nation.

Conclusion

The bill continues the government's reform of public transport legislation and the necessary transition to better, clearer and more streamlined performance and process-based regulation. This is a direction which is being explored for public transport legislation generally.

This bill is undoubtedly one of the most important public transport legislative proposals in the last 20 years. It continues Victoria's journey towards the ongoing maintenance and continuous improvement of the already high rail safety standards which apply throughout the state.

I commend the bill to the house.

Debate adjourned for Hon. R. H. BOWDEN (South Eastern) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL

Second reading

Ordered that second-reading speech be incorporated for Ms BROAD (Minister for Local Government) on motion of Mr Gavin Jennings.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Victoria has a proud safety record in the public transport and marine sectors. Passenger travel and freight movements by rail, bus or vessel are very safe. However, government and operators in particular must remain vigilant to maintain the current high levels of safety performance in these industries and to generate continuous safety improvements in the future. In particular, we must be prepared to consider and adopt best practice reforms and be willing to learn from the safety experiences of other jurisdictions.

With these considerations in mind, the purpose of this bill is to provide for independent public transport and marine safety investigations. The bill will establish an Office of Chief Investigator, Transport and Marine Safety Investigations, to give Victoria an ongoing capability for independent no blame safety investigations of public transport and marine accidents and incidents. The bill is a further important step in providing more effective frameworks for public transport and marine safety in Victoria. It is expected that the bill will facilitate :

reduced accident and incident rates through the identification and elimination of causal factors;

improved safety performance by industry at management and operational levels;

improved safety governance and increased public confidence in public transport and marine safety; and

reduced costs of public transport and marine accidents to industry, the community and government.

The current regulatory frameworks for rail (train and tram) and bus safety are set out in the Transport Act 1983 and the Public Transport Competition Act 1995 respectively. The centrepiece of each framework is a safety accreditation regime for rail infrastructure managers and rolling stock operators and bus operators.

The director, public transport safety, in the Department of Infrastructure is responsible under delegation from the secretary for the administration of public transport safety regulation in Victoria. This includes the investigation of incidents or potential breaches of safety accreditation, for both compliance and no blame purposes, by train, tram and bus operators and rail infrastructure managers. While the acts provide authority for the minister or the secretary to require rail and bus incidents to be investigated, currently Victoria does not have a dedicated resource to conduct no blame investigations. For the most serious public transport accidents and incidents, the state has relied most recently on the Australian Transport Safety Bureau or nominated independent experts to guarantee impartiality.

The Marine Act 1988 contains licensing and certification regimes for the safe and efficient operation of commercial shipping and recreational boating in Victoria. The act also confers power on the director of marine safety for the investigation of marine incidents for both compliance and no blame purposes.

The review of the role and accountability arrangements for public transport and marine safety regulation in Victoria by TFG International Pty Ltd recently examined the current governance arrangements for safety regulation and investigation in the public transport and marine sectors in Victoria. The review considered reforms in other relevant jurisdictions, consulted key industry and government stakeholders and made recommendations to improve the governance, accountability, structure and methodology of public transport and marine transport safety regulation and investigation.

The review found that apart from the inconsistency between the administrative and legislative frameworks for the conduct of public transport and marine accident safety investigations, no blame investigations needed to be conducted independently of the respective safety regulators to avoid conflicts of interest. This is particularly important where it is necessary to examine or question the role of the relevant safety regulator as part of an investigation. National standards for no blame safety investigation of transport accidents also require them to be conducted in a manner which is independent, impartial and unbiased. The review recommended that the function of accident investigation be conducted by an investigator who had statutory independence from the relevant safety regulator. It also concluded that public transport and marine accident investigation functions should be combined in a single office.

The establishment of a dedicated investigations capability is also essential to reduce the current reliance on operator self-investigation of rail incidents. On average, only five to six of reported category A rail occurrences are independently investigated each year by the Australian Transport Safety Bureau or independent experts. The remainder are subject to internal investigation by the rail operator concerned.

Category A incidents and accidents include those that involve fatalities, serious injuries, derailments and collisions. As the Auditor-General highlighted in his report *Regulating Operational Rail Safety* issued in February 2005, individual operators can lack the competence, resources and objectivity necessary to undertake these investigations to an appropriate standard. It is, however, not possible or practicable for every category A occurrence to be independently investigated. However, it is imperative that the more serious occurrences such as those involving significant collisions or those where there is evidence of systemic safety deficiencies, are subject to independent investigation.

The situation is similar in the marine sector where incidents involving Victorian registered commercial and hire and drive vessels respectively are reported to the director of marine safety. Very few incidents are currently subject to independent investigation while some are investigated for compliance with marine safety regulation. Accidents involving recreational vessels are normally subject to investigation by the Victoria Police for compliance purposes.

Property and infrastructure damage costs resulting from accidents and incidents, including costs to repair damage caused by rail derailments and collisions, can be significant. There are also the human costs of accidents and incidents and other costs for service delays, emergency services, insurance and legal matters which must be taken into account. By identifying underlying causal factors, independent safety investigations will improve public transport and marine safety outcomes and reduce human, operator, industry and government costs through recommendations which will lead to reduced accident and incident rates. New South Wales now has an independent Office of Transport Safety Investigations prompted by recommendations arising out of the Glenbrook and Waterfall rail accidents in 1999 and 2003 which resulted in 14 fatalities. The experience there shows that better quality aggregate accident causation data contributes to overall safety improvements and potential cost reductions by underpinning more effective and strategic investment of available safety funding.

It is not practical or possible to make greater use of the Australian Transport Safety Bureau. The bureau's primary mandate is to investigate aviation accidents and accidents on the national rail system and those involving international or interstate shipping.

Industry stakeholders have indicated a strong preference for the separation of the accident investigation role from the statutory safety regulation role. The view has also been expressed that accident safety investigations should be kept close enough to the industry to remain relevant. There was also no industry support for the separation of the investigation function from the transport portfolio to another area of government.

Accordingly, the bill inserts a new part V in the Transport Act, the key feature of which is the establishment of the new statutory office of the chief investigator, transport and marine safety investigations. The bill underscores the independence of the new office by imposing an explicit duty on the investigator to act independently when conducting investigations, including those directed by the minister to whom the position will report. In addition, the terms of office of the investigator cannot be varied during the term of appointment and suspension and removal are subject to parliamentary review.

The bill makes it clear that the principal function of the office is the independent investigation of no blame public transport and marine safety matters and the reporting of the results of investigations to the minister. In conducting accident or incident investigations, the chief investigator will not apportion blame and must focus primarily on determining the factors which caused the accident or incident. The chief investigator must also identify safety issues that may require further review, monitoring or consideration.

The bill provides for the proper and efficient administration of the office of the chief investigator including by making provision for acting arrangements, staffing, delegation and indemnity. I note that it is expected that the chief investigator will have a small staff. Appropriate provision is also made for the specific and general investigation powers and other powers needed to support the effectiveness of the office.

It is important that the chief investigator's function be properly coordinated with the functions of other persons or bodies that may inquire into transport accidents and incidents. This includes the director, public transport safety, the Victoria Police, WorkSafe and the coroner. To this end, the chief investigator will enter into memoranda of understanding with those persons or bodies to ensure that transport investigations proceed in an orderly and complementary manner.

This initiative is another important government reform aimed at improving transport safety governance and, more broadly, improving safety outcomes in the public transport and marine sectors.

I commend the bill to the house.

Debate adjourned for Hon. R. H. BOWDEN (South Eastern) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

RAIL SAFETY BILL and TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL

Concurrent debate

Mr GAVIN JENNINGS (Minister for Aged Care) — By leave, I move:

That this house authorises and requires the President to permit the second-reading debate on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill to be taken concurrently.

Motion agreed to.

JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister

for Sport and Recreation) on motion of Mr Gavin Jennings.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Background

This bill gives effect to the government's decision to make a series of minor technical amendments to legislation related to the justice portfolio. The amendments are primarily of a mechanical nature.

While none of the amendments alone mark a significant policy initiative, together they reflect the government's commitment to ensuring that the justice system continues to work efficiently and fairly.

Appeal Costs Act 1998

The bill amends the Appeal Costs Act 1998 to reinstate the requirement to prove additional costs as a consequence of a criminal adjournment in order to enable the Appeal Costs Board to accurately determine the costs 'reasonably incurred' (as specified in section 17(3) of the act).

Constitution Act 1975 — judicial pensions

The bill makes amendments to restore an entitlement to elect to retire for judicial officers appointed to the Supreme or County courts in a set period in 1995.

The restoration of this entitlement is consistent with section 82(6B) of the Constitution Act 1975 which states that the salaries and aggregate allowances of judges of the Supreme Court should not be reduced.

I note that the amendments to entrenched provisions of the Constitution Act 1975 will require an absolute majority of members in the Legislative Council and the Legislative Assembly.

County Court Act 1958

The bill clarifies amendments made to the County Court Act 1958 by section 7 of the Courts Legislation (Judicial Appointments and Other Amendments) Act 2005 by ensuring that relevant sections do not refer to a now repealed section.

Courts Legislation (Judicial Conduct) Act 2005

The bill provides a purely technical amendment to the Courts Legislation (Judicial Conduct) Act 2005 to correct a textual omission in the act.

Crimes Act 1958: DNA — appeal against sentence

The bill provides for an amendment to the Crimes Act 1958 to clarify that an appeal against sentence does not delay the execution of an order for the conduct of forensic procedures.

Currently, the legislation does not make it clear whether an order can be stayed pending an appeal against sentence, as well as an appeal against conviction. It would be undesirable for an order for a forensic procedure to be stayed merely on account of an appeal against sentence.

Evidence Act 1958

The bill provides a purely technical amendment to the Evidence Act 1958 to rectify an incorrect reference to the Patents Act 1952 that should be the Patents Act 1990.

Public Notaries Act 2001

The bill amends the Public Notaries Act 2001 to rectify an error relating to the fee payable, by a person seeking appointment as a public notary, to the prothonotary of the Supreme Court.

The Monetary Units Act 2004 converted fees expressed in Victorian legislation as 'dollar values' into 'fee units'. As part of this conversion process, the application fee of $285 was to have been converted in July 2004 into 29 fee units (or $290).

However, the Monetary Units Act 2004 inadvertently converted the fee into 2.9 fee units.

The amendment will remove the decimal point.

Serious Sex Offenders Monitoring Act 2005

The bill amends the offences covered by the Serious Sex Offenders Monitoring Act 2005 to include two new commonwealth offences prohibiting trafficking in children.

This will allow an extended supervision order under that act to be imposed on offenders who are convicted and imprisoned for these offences.

The amendment will also ensure consistency with the offences covered by the related Sex Offenders Registration Act 2004.

Sex Offenders Registration Act 2004

The bill provides a purely technical amendment to the Sex Offenders Registration Act 2005 to correct a numbering error in the act.

Victorian Civil and Administrative Tribunal Act 1998

The bill makes a number of minor technical amendments to the Victorian Civil and Administrative Tribunal Act 1998 (the VCAT act) to improve the efficiency and timeliness of proceedings before the tribunal.

Further, section 25A of the VCAT act places certain practice restrictions on former VCAT members. When I introduced the provision in 2000, I noted that the provision was intended to be mainly educative. The section was intended to enhance the ability of VCAT members to make independent and impartial decisions.

It is considered that this purpose has now been largely achieved. Over the last five years VCAT has enhanced its reputation for providing timely, efficient, cost effective and impartial dispute resolution services. It is now considered that the provision as currently drafted can act as a disincentive to attracting members of the highest calibre to VCAT. The proposed amendment will continue to ensure that VCAT members maintain the highest professional standards and at the same time facilitate the attraction of quality candidates as members by giving the VCAT president discretion to consent

to former members appearing before their former list in appropriate cases.

Working with Children Act 2005

In order to ensure that the Working with Children Act 2005 properly gives effect to the government's decision that all registered Victorian teachers will be exempted from the requirements of the working-with-children scheme, the bill provides for an expansion of the act's definition of a 'registered teacher'.

It will now capture teachers who may not be formally qualified but who have been recognised and registered by the Victorian Institute of Teaching (VIT).

These teachers, who usually teach things such as dance, music or specialised languages, have been through police checks, carry a VIT registration card and are subject to the same disciplinary regime as other registered teachers.

The government is committed to ensuring that Victoria's laws remain responsive and effective.

I commend this bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

INFRINGEMENTS BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Gavin Jennings.

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Background

Nearly 100 years ago, the Parliament was considering a bill to regulate the driving of motor cars by introducing certain offences and penalties. The minister presenting explained why such regulation was required:

> If recklessly driven they endanger the lives of the people, more especially those who are not in the cars, but sometimes the occupants are also endangered.

Interestingly, the minister went on to explain:

> Where it is most desirable to bring motor cars under proper control is in the thoroughfares of the large cities. I am entirely indifferent as to the speed at which motor cars travel on lonely country roads, for there the rate of speed at which they travel imperils the lives of none but those in the cars. That is their look out …

Clearly — and fortunately — things have changed since 1909. We now have an infringements system with offences and penalties that seek to protect all the community — including those in regional Victoria, and those who might imperil their own lives.

The infringements system was born because of the motor vehicle and has developed as the motor vehicle has become an integral part of our lives. Infringement notices were first introduced in Victoria in the 1950s for parking fines. They were a cost effective way of enforcing minor criminal offences, without the need for a costly court prosecution.

The growth in the system around the motor vehicle is reflected in the data on the offences managed by Victoria Police. (We should note that the data does not cover local government infringements, which currently account for approximately 35 per cent of road and traffic infringements.) In 1965 Victoria Police issued approximately 64 000 infringement notices for 11 different traffic offences. By 1985 the number of offences had grown from 11 to 124, and by 1992 there were more than 200 infringeable offences. Now Victoria Police manage approximately 474 different road and traffic infringeable offences and in 2003–04 issued approximately 1.9 million notices in relation to those offences.

In the system overall there has been around a 40 per cent increase over the last decade in the number of infringements issued by all agencies in Victoria. In 1990–91 an estimated 2.3 million notices were issued. In 2003–04 approximately 3.2 million notices were issued.

The importance of the infringements system as a diversionary mechanism in the justice system is evident from the following data on the Magistrates Courts. In 1971, 69.4 per cent of convictions recorded in the Magistrates' Court (numbering 188 328) were for driving offences. In 1991, by which time on-the-spot tickets were well in place, these offences amounted to only 28.8 per cent of all offences charged.

Since the 1950s and 1960s the use of infringement notices has not only grown considerably in volume but also in application. Whilst motor vehicle-related offences account for 95 per cent of the system, infringement offences are now in more than 50 different Victorian acts, providing for more than 1000 different offences. Whilst infringements notices are relatively low in volume for these non-traffic-related areas, they are a critical part of regulating behaviours across industries and occupations, as well as protecting the physical environment.

Infringements systems now exist in most jurisdictions around the world and are clearly here to stay. The objective is therefore to be able to regulate community behaviour to achieve public order, safety and amenity in a way that maintains fair and due process in dealing with breaches of those standards. The current system has developed over the last 50 years in an ad hoc way. It is timely to present a bill to this house to ensure the infringements system meets the community needs in 2005 and well beyond.

The new infringements model

The bill provides for a new infringements system. Its primary purpose is to improve the community's rights and options in

the process and to better protect the vulnerable who are inappropriately caught up in the system. A second objective is to provide additional enforcement sanctions to motivate people to pay their fines in order to maintain the integrity of the system.

Broadly, the new elements of the system are:

- overarching legislation to cover infringements law and process;
- a fairer infringements process based on early intervention and improved information to the public;
- process improvements which include a right of internal review by the issuing agency;
- measures at various stages, including internal review stage, to filter people out of the system who cannot understand or control their offending behaviour (e.g., people with mental or intellectual disabilities, the homeless, people with serious addictions);
- improved administration by issuing agencies of the infringements environments they manage;
- firmer enforcement measures to improve deterrence in the system, reducing 'civil disobedience' and the undermining of the rule of law;
- arrangements to establish a gatekeeper role for the infringements system which will take a system-wide view and be responsible for managing ongoing improvements to the system; and
- changing the name of the current PERIN court to infringements court.

Overarching legislation

The bill will establish a common process for issuing and enforcing infringement notices by a wide variety of state and local government agencies, as well as bodies such as universities and hospitals. The bill will replace inconsistent legislation and practice across more than 50 different acts.

Offences will still be created under the acts assigned to individual ministers, but the infringements process will no longer be set out in individual acts. This will achieve the consistency of practice and law long sought by the community.

The exceptions to this are the serious infringement offences under the Road Safety Act, the Marine Act and under rail safety legislation. Offences which involve excessive speed or driving whilst drug or alcohol affected — whether in a road, rail or seagoing vehicle — will retain the specific process provided for in their respective acts. For example, under the Road Safety Act drug or drink-driving or excessive speed will result in conviction and/or licence loss unless contested to court within 28 days. In volume, these offences are small in number (approximately 5 per cent of the system) but their consequences are serious and it is important to retain the protections and deterrence achieved by such specific processes.

I propose to introduce a separate bill to this house next year dealing with the consequential amendments required to this range of acts.

Improving the front end of the system

Improving the front end of the system improves the experience most Victorians have with the infringements system. The bulk of Victorians pay their fines before they default.

Greater onus will be placed on agencies that issue infringement notices. This will require agencies to:

- have training standards and codes of conduct for their issuing staff. Many agencies have already acted on the need for improvement in this area. These improvements will continue to be supported by guidelines the Attorney-General can issue under the proposed act to improve interaction in an infringements situation.
- provide information to people about their rights and options in the infringements process, as well as about their responsibilities.
- review an infringement notice once issued. This is a significant change to current arrangements, and will include the requirement to disclose the right of internal review on the notices.

Internal review by agency

The bill gives a person a right to apply to the agency to withdraw a notice where a person believes its issue is wrong in law, or the identity is mistaken, or where the person has exceptional circumstances or special circumstances. In response to such an application the agency has a number of options. These include confirming the decision, withdrawing the notice, or withdrawing the notice and issuing an official warning.

Whilst some agencies currently consider a case made to them by a person, the practice is dependent on the individual agency, and often the individual officer, and it is not disclosed as a right. The bill enshrines this right, and the prescribed information in infringements forms will require the disclosure of this right of review.

Under the act the Attorney-General will also issue guidelines to assist agencies in conducting reviews. These guidelines will establish a more consistent approach across the system, but are not intended to interfere in the discretion necessary to be exercised by the individual agencies.

The right to contest an infringement notice to the Magistrates Court is an important principle of an infringements system; however, it is recognised that it can be a difficult option for some to exercise. The right of review is an important adjunct mechanism for a person to contest a notice.

Special circumstances

A ground for seeking a review of a notice is that the person has 'special circumstances' that affected the behaviour at the time of the offence. This is a critical change to filter the vulnerable in the community out of the infringements system. People with special circumstances are disproportionately, and often irrevocably, caught up in the system. In a just society, the response to people with special circumstances should not be to issue them with an infringement notice.

The term 'special circumstances' refers to circumstances whereby a person cannot understand or control his or her

offending behaviour. The circumstances that are included in the definition contained in the bill are:

mental or intellectual disabilities or disorders,

homelessness, or

serious drug/alcohol/substance addictions.

Often, it will be when the sheriff attends an address to service a notice or execute a warrant that it is discovered that the person is in special circumstances.

Homelessness has been included to provide for those people who are sleeping on the streets or living in crisis accommodation. Often these people have no choice but to be in public places where they are more likely to be infringed. In this sense, they cannot control their offending behaviour. There will be some people who are homeless who also have either a serious addiction or a mental or intellectual disability. But some do not and the bill needs to provide for them also.

This problem has been in part addressed by the implementation of the special circumstances list in the Magistrates Court. People with mental or intellectual disabilities who have infringement fines and enforcement orders are able to have their matters considered by a magistrate, and in most cases the matters are discharged.

This bill goes a step further to try and prevent special circumstances matters flowing to the court by having notices withdrawn by the issuing agency. Where the person's circumstances are genuine, it should be possible for the person or, more likely, someone on their behalf, to provide evidence to the agency of the person's condition and seek to have the notice withdrawn. This provides benefits to all parties. Unnecessary matters are not prosecuted by the agency and, for the people involved, fines are avoided and matters do not escalate.

As an added protection, the bill provides that where a person has their application for review on special circumstances grounds rejected by the agency, the agency can only prosecute the matter to open court. The default cannot be lodged at the proposed Infringements Court. This is another filter to prevent people with special circumstances being channelled into a highly automated enforcement process.

Instalment payment plans

A longstanding criticism of the infringements system has been that people cannot pay a fine by instalment when they first receive it. A bill was recently introduced to the Parliament to implement instalment payment plans as soon as possible, and prior to 1 July next year when the Infringements Bill would be expected to come into operation. This earlier implementation is important to allow people to enter into plans prior to stronger enforcement sanctions which the Infringements Bill implements coming into operation. The Infringements Bill, pending consideration by this house, is proposed to commence on 1 July 2006.

The Infringements Bill provides for instalment payment plans for the period beyond 1 July 2006. The provisions generally mirror those in the earlier bill, with the basic requirement on an issuing agency to offer instalment payment plans to people where there is financial hardship. It also replicates the powers and mechanisms for the Department of Justice to offer agencies a centralised facility for managing instalment plans, which agencies can choose to use. In the past, agencies have not been able to justify the cost of setting up separate information technology systems to manage instalments.

The eligibility criteria for instalment plans will be based on financial hardship and include people on a commonwealth benefit or who have a health care card. There will also be capacity for people in financial difficulty who are not on a benefit or have a card to make a case to the issuing agency for inclusion.

Improved enforcement

Victoria lags behind all other jurisdictions in measures available to the sheriff to enforce court orders. The sanctions in Victoria currently are driver's licence suspension, where the offence was road related, and seizure of personal property. Whilst the bulk of the community pays their fines, a small group are recalcitrant and ignore the court's orders. Approximately 40 000 people have 10 or more outstanding warrants.

An additional range of measures is proposed based on what works effectively elsewhere and is likely to operate effectively in Victoria. The measures proposed are:

driver licence suspension and non-renewal,

vehicle registration suspension and non-renewal,

wheel clamping,

garnishees against wages,

charging orders on real property, and

sale of real property.

Defaulted fines are, in effect, the non-observance of court orders. The sanctions would therefore apply irrespective of the original offence relating to the fine.

Driver licence and registration non-renewal will mean that any renewal notice sent by VicRoads will indicate that a person will need to pay their fines, or enter into an instalment plan to pay, before the licence or registration can be renewed.

The proposed improvements to the infringements system will make the system fairer for the ordinary person and will protect the vulnerable, minimising the degree to which their matters flow on to enforcement. This means that firmer enforcement sanctions to motivate people to pay fines can be considered. This will help deal with the perception that compliance is optional. Such a perception threatens the viability of the whole system.

A unique protection in the Victorian system once an infringement has defaulted to the sheriff is that a sheriff would in most cases personally serve a notice of intention to effect an enforcement sanction. This does not generally happen in other jurisdictions in Australia, where an enforcement sanction is notified by mail. (The exceptions to this will be the non-renewal of a vehicle licence or registration as part of the usual renewal notices sent by VicRoads; and potentially some cases of wheel clamping where notification is not practicable.)

Personal service by the sheriff is a resource-intensive process but one which ensures that:

people are personally handed the notice of the intention to effect an enforcement sanction and given a time period (at least seven days and for some sanctions more) to pay their fine or enter into an instalment plan to avoid the sanction being given effect. Enforcement of the sanction does not proceed unless the notice of intention can be personally served;

the correct person is the subject of the sanction; and

people are made aware of other options open to them, such as entering into instalment payment plans or seeking a revocation of the enforcement order if, for example, the person was not the driver.

Community work

Community work is an option available when a sheriff executes a warrant to arrest. This is earlier than the community work which is available if the matter proceeds to court. The availability of community work at this pre-court stage is important. It avoids the need for the matter to go to court, and it avoids the risk of imprisonment. However, the terms of the community work available from the sheriff — termed a custodial community permit — are legislatively restrictive, limiting the people able to take up the option.

The problem currently is that custodial community permits require the person to undertake the community work in one continuous period. For example, if the amount of the fines translates to five days jail, the community work must be undertaken full time over the five days immediately following arrest by the sheriff. This means that many people are not eligible for custodial community permits.

In contrast, court-based orders allow the community work to be spread over a period, allowing people to fit the community work around other commitments. The bill replaces custodial community permits with a community work permit that can be undertaken over a period of time, similar to a court-based order. This will mean that some people will not need to appear before a magistrate to be able to undertake community work for their fines.

The bill also provides that the sheriff can issue a community work permit at the time of serving a notice. Currently, the sheriff is required to arrest the person and take him or her to a prison or police jail, where consideration can then be given to whether or not the person is eligible for community work. The changes will enable the sheriff to authorise a community work permit at the person's home. This avoids the convoluted process of arresting the person, which in regional areas of Victoria, can mean driving the person a significant distance from their home to a police jail. If they are then released on community work, they have to find their own way home as they are no longer technically 'in custody' and the sheriff is not empowered to return them to the place where they were arrested.

Magistrates powers

In 2000 the Parliament passed amendments to the Magistrates' Court Act to prevent people being arrested on enforcement warrants and automatically taken to prison. Anyone arrested on a warrant must now appear before a magistrate in open court. The policy of avoiding people being imprisoned for infringement fine defaults is continued in this bill and enhanced.

The bill gives broader options to magistrates in open court hearings which occur after the execution of an enforcement warrant. By this stage, other enforcement sanctions, instalment payment plans or community work will not have been successful in expiating the fines. These hearings consider whether a person should be imprisoned, and will determine whether the individual has extenuating circumstances.

Currently, magistrates powers include being able to discharge the matter if the person has a mental or intellectual disability. If a person has exceptional circumstances, the court can place the person on community work. The term of imprisonment can also be reduced. The bill proposes that magistrates also be able to approve instalment payment plans and that where imprisonment would be 'excessive, disproportionate or unduly harsh' the magistrate can discharge the fine in all or part, or reduce the term of imprisonment by two thirds. These changes will ensure that imprisonment is, and will remain, a sanction of last resort for the most serious fine defaulters.

PERIN court name change

The bill proposes that the name of the PERIN court be changed to infringements court. 'PERIN' is an acronym for 'penalty enforcement by registration of infringement notice'. However, research shows that the term is not understood by the community in particular, and by many practitioners in the field. 'Infringements court' makes clearer the purpose of the court.

System oversight role

An ongoing concern about the infringements system is that it involves a large number of different agencies whose focus is on their particular domain. No single agency has responsibility in relation to the system as a whole. It is proposed that a unit be established in the Department of Justice with this responsibility.

The unit will support the Attorney-General's responsibilities as minister responsible for the proposed Infringements Act and will:

monitor the operation of the system, including the implementation of the proposed new act,

provide advice to the Attorney-General and government on infringements policy,

effect legislative instruments and develop guidelines required under the proposed act,

support an ongoing advisory committee comprising agencies, stakeholders and community groups, and

undertake key system improvement projects such as a review of infringement notices and associated documentation.

The character of the unit's role will be to foster ongoing improvement across the system and to have a stronger stakeholder management role. The stakeholders — both agencies and advocacy groups — in this area are many. Their support and input are critical to how the system operates, and to how it improves. Whilst the proposed legislation establishes a base for change, there needs to be ongoing system improvement and responsiveness. A system that has

taken 50 years to develop will not only be changed by an act of this Parliament.

I commend this bill to the house.

Debate adjourned for Hon. C. A. STRONG (Higinbotham) on motion of Hon. Andrea Coote.

Debate adjourned until next day.

LIQUOR CONTROL REFORM (AMENDMENT) BILL

Second reading

Debate resumed from 28 February; motion of Hon. M. R. THOMSON (Minister for Consumer Affairs).

Hon. D. McL. DAVIS (East Yarra) — My contribution to the Liquor Control Reform (Amendment) Bill is a small one that concerns a number of local matters. In particular I am interested in the effect that clause 13 will have. It states:

> Section 37(b) of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004 is repealed.

The practical effect of that is that this section required applicants for new licences in dry areas to bear the cost of conducting the poll. The section had not been proclaimed but the government decided it was not necessary for the applicant to bear that cost. During the committee stage I will seek some clarification as to how this change will operate. I have to say there does appear to be some confusion about this among experts in the industry, including consultants and others.

In the longer sweep of the 80-year period of the dry area in the cities of Boroondara and Whitehorse individual applicants for licences were required to foot the cost of the poll that might be conducted in the local area. I understand that may have changed more recently and that this further change may have put it back to the more traditional way that has operated in the past. The government seems to have done another backflip and brought in a system that will require councils to bear the cost. I will seek indications in the committee stage as to what costs the government expects will be incurred for councils and what the impact on ratepayers will be.

I hasten to add that as the local member in the upper house for the last 10 years or so — 10 years is very close to the exact period — I have supported the current arrangements, which have been in place for a long period, because they offered the community the option of allowing licensed restaurants in the area. I am aware most of the polls have been unsuccessful over the years, although recently there have been some successful polls. Cafe Invidia in Warrigal Road, Ashburton, and Wildflower in Canterbury have been successful. I note the *Hansard* report of the debate in the other place presumably incorrectly records Mr Stensholt referring to it as Sunflower in Canterbury. Wildflower is one of the restaurants, among many others, that I, as a resident of Canterbury, am very fond of. It is important to uphold the principle that the local community has a say. We would be loath to generate costs for ratepayers in one respect, and I am very concerned to see that there is no change on these points.

I note that Mr Stensholt in the other place was recorded in the *Progress Leader* of 7 March as saying:

> … the government could change the dry-zone conditions through legislation.
>
> But Mr Stensholt said doing so would remove a democratic right.

I think he is correct in that, but his government appears to be weakening some of the provisions that have protected the community in the longer sweep. I note in the same article that mayor Jack Wegman said the poll could cost up to $200 000 and that that was not on the council agenda. Certainly there could be potential costs to ratepayers with the government's new approach, and it may well in effect weaken the protections the community has had.

I need in the committee stage clarification from the minister as to how this will apply. I make the point that in the longer sweep, deregulation of liquor control has been beneficial. Going back to the Nieuwenhuysen report of the 1980s, the in many ways more civilised approach to liquor control of restaurants having longer trading hours and the ability to serve glasses of wine and so forth rather than having purely the option of a bring your own, or BYO, permit, has worked statewide. Notwithstanding my support for those long-term changes, I make the point that the city of Boroondara, which is largely the old city of Camberwell, has remained a dry zone. That is on balance the choice of the people in that area.

As the polls have come and gone over the years they could well have changed the arrangements case by case or had a poll that would have changed the arrangements across the entire municipal area, but that is not what has happened. Certainly when I talked to families in the area there was a view that whilst civilised dining is to be respected, they see the upside in many cases of having an area in which to raise children where there is

not a preponderance of hotels with poor behaviour around their fringes. These things are of course always a balance, but I believe there has to be maintenance of that balance in our area. I am very concerned to get some assurances from the government in the committee stage as to the practical effect on the longstanding arrangements of the changes contained in this bill.

Ms MIKAKOS (Jika Jika) — I am very pleased to rise to make a brief contribution to the Liquor Control Reform (Amendment) Bill. I say at the outset that alcohol in its many aspects is a very pervasive part of our society, like it or not. Restaurants, pubs, cafes and even bottle shops have become an essential part of the Australian lifestyle. Of course alcohol does lead to many social problems. In particular links have been clearly demonstrated to family violence and many other negative forms of behaviour. That is why it is essential that the government play a role in regulating the sale and provision of alcohol to ensure that these negative behaviours and the results of drunkenness and intoxication can be mitigated.

There is also a responsibility on those involved in the sale of alcohol to ensure they do so in a responsible way. There is a long-established tradition in legislation relating to the sale of alcohol, and to licensed premises in particular, to ensure that alcohol is not supplied to minors or to people who are already intoxicated. The bill builds upon this framework and seeks to clarify the law as it relates to the regulation of alcohol in this state. In particular it seeks to do so in relation to late-hour entry declarations by providing the director of liquor licensing with a clear and more responsive mandate for dealing with such declarations in a particular area or locality. It seeks to enhance the ability of the director to deal with social and community problems associated with alcohol.

An essential feature of the late-hour entry declaration is that it prevents entry into licensed premises after a certain time. The bill specifically seeks to address problems in particular localities where a lot of people hang around nightclubs, hotels and other licensed premises and engage in, you could say, unruly behaviour. Unfortunately this has led to violent incidents on a number of occasions. The legislation gives the director greater flexibility and more power to make late-hour entry declarations on a case-by-case basis, enabling a declaration to take into account the conditions and circumstances within a locality. These decisions made by the director are open to review by the Victorian Civil and Administrative Tribunal.

Another aspect of the bill relates to intoxication. It provides that the director of liquor licensing can issue guidelines for the determination of intoxication. I note that until now intoxication has not been specifically defined in the act, which has led to a reliance on general notions and case law for a definition. This in turn has led to uncertainty in the industry and for police in enforcing these powers. The bill defines intoxication as follows:

> … a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

I note that in her contribution the lead speaker for the opposition expressed concerns about the way this definition has been phrased and referred to some feedback she has had from some members of the police force about it. I want to assure her and members of the house that the criteria set out in the definition are prefaced using the word ‘or’, so one or more criteria in combination, whether it be speech, balance, coordination or behaviour being affected, are capable of meeting the requirements of this definition.

In addition, I want to note that I believe the definition will assist the police in monitoring compliance with the act even though the provisions are not relevant to their own powers in relation to drunkenness under the Summary Offences Act 1966, which will remain unaltered. The definition will assist licensees in determining the legality of providing alcohol, and it will enable the director of liquor licensing to provide clear information to licensees to enable them to recognise the signs of drunkenness and act accordingly. This is part of the responsible behaviour I was talking about at the outset of my contribution.

Whilst there have been some standards for identifying intoxication, the new definition will provide greater certainty and will assist members of the hospitality industry in doing their jobs. As I indicated, guidelines will also be issued. The director of liquor licensing will be consulting widely with industry stakeholders in the development of the guidelines, in seeking to ensure that they are consistent with those in other jurisdictions.

The other aspect I want to touch on quickly is that the bill relates also to minimum recording standards for security cameras in licensed venues. Unfortunately a number of incidents have occurred in those types of premises. It is, of course, essential for proper policing that the police are able to retrieve information recording of incidents not on grainy film but so that it is capable of being viewed and identifies the perpetrators of criminal offences. The bill seeks to ensure that surveillance equipment with the minimum recording

standards is put in place in venues. That will, of course, assist the police in subsequent investigations.

The bill provides also that inappropriate venues will not be able to provide alcohol, either due to their proximity to other venues or because a venue is used frequently by minors. The prescribed class of premises includes petrol stations, drive-in cinemas, milk bars and convenience stores, which tend to be used frequently by minors. The bill seeks to ensure that minors will not be inappropriately exposed to alcohol. The bill provides for exemptions to be provided by the minister on a case-by-case basis. That might be necessary in regional areas where only one shop of the type in the prescribed category is the only premises available in that town.

In conclusion, the bill seeks to provide licensing laws that are flexible and appropriate to the regulation of the liquor industry in this state. It seeks to ensure that we have a regime that protects vulnerable members of our society from alcohol abuse but also enables patrons and others wanting to frequent licensed premises and avail themselves of the opportunity of consuming alcohol to do so in a responsible way. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — A couple of things about the direction of liquor licensing enforcement in Victoria concern me. Some of those issues are prompted in my mind by this legislation., particularly in the context of the orders that might be issued by the director of liquor licensing and the role of the Victorian Civil and Administrative Tribunal going forward.

It has come to my notice that there is a move by the police to use VCAT as a forum in which to address issues relating to some concerns about a particular licensee as an expedient shortcut to tackling licence issues and in some cases to seek the revocation of those licences. As I understand it, at the moment there is before VCAT a case concerning a particular hotel in the city area. My concern about that is that obviously the responsibilities in terms of proof and evidence in court proceedings are quite different from those that apply in proceedings pursued at VCAT.

As I understand it, in at least one of the cases that has gone the VCAT route there was not even an opportunity for the licensee in the first instance to understand that there were incidents that he needed to address. In other words, he was not informed of issues that he needed to address and attend to in order to preserve or protect his licence. As I said, VCAT was used. As I understand it, had that matter gone to court, the court would have had a very different view from VCAT on what the responsibilities of the police might have been in terms of informing the hotelier on the incidents upon which he was being judged in regard to his licence.

I am concerned about the legislation also in the context of the right to business. It is interesting that Ms Carbines, a member of this place, was at one point asked to chair a review of city businesses that were running into strife with complaints about amenity from residents living in the city area. The concerns that came before the Minister for Planning in the other place, obviously, and no doubt some other ministers and the Melbourne City Council, were that a number of residents considered that particular venues were operating in a way that was detrimental to their amenity, perhaps on the basis of noise, the hours of operation, kitchen smells or whatever. That review proceeded, and Ms Carbines did quite a good job in addressing some of those issues, but it seems to me that the matters that were the substance of that review have not really been addressed.

In my small business portfolio I am certainly concerned about circumstances where an existing business would be shut down because of complaints by people who, having taken up residences or other commercial premises, did not like the way that the first business was operating. There ought to be some recognition of existing use rights for those businesses. Provided that they have been operating within the provisions of their planning permits and the regulations that apply, they ought to be able to expect that they have the right to a fair occupation of those premises and ought not to be unnecessarily hassled.

It occurs to me that if there is a difficulty between residential apartments and businesses operating in the city, for instance, then it is incumbent upon the developers to make sure — by virtue of using double glazing perhaps and other methods — that noise and other concerns that might apply to the conflict of uses are addressed. If we do not address those sorts of problems adequately, then as we look towards more mixed-use developments throughout the metropolitan area there will be some very serious implications for a number of businesses and no doubt a lot of angst for residents.

In the context of this particular legislation, I note that the director of liquor licensing will have the power to impose late-hour entry declarations on licensed premises in specified areas or localities, subject to the rights being reviewed by VCAT. As I said, I hope that that power is used judiciously because I very strongly believe that businesses ought to have the right to

operate as they have been where they have in fact established existing-use rights and have been in a position clearly ahead of those people who have come to an area and then started to complain.

I note the provision relating to the introduction of security cameras being toughened up to achieve safer environments in clubs. That is not something that I have a major problem with, but it certainly occurs to me that one of the key issues for a lot of licensed premises is not what happens on the premises but what happens outside or a short distance away from those premises. There are often situations in which people are frustrated because they cannot gain entry to some premises. I cannot understand why anybody would line up outside a nightclub, as young people do, and wait to get entry. It seems that doing so is a bit of a meat parade. With some people being picked to go in and others not, I suppose it is a bit like a preselection. It can lead to a lot of frustration.

Obviously people being told to leave clubs because of inappropriate behaviour or intoxication solves a club's problem, but it does not necessarily solve a community's problem. Cameras operating within a venue are one thing, but in my view the opportunity to ensure the safety and amenity of an area in and around a particular premises is not guaranteed by the provisions that are laid out in this legislation. I note the success of lockouts in a number of areas, and the fact that there is some enthusiasm for them. Presumably in many ways this is part of an approach to try to address the problem of people loitering outside, but again I am not sure how effective that will be going forward.

I do not have a major problem with the minister and the director of liquor licensing being able to grant permits to certain businesses that ordinarily would not be able to have liquor licences. As we know, the provision has largely been used in the past in areas that are likely to be frequented by tourists and where licensed premises are at some distance. There is the matter of convenience for people who might be visiting a particular area.

I do not have a problem with that, but this is another responsibility that needs to be used judiciously by the director and indeed, on information from the minister. We need to ensure that we do not continue to create anomalies. We need to ensure fairness across our liquor licensing laws and that we address some of the issues that have been raised in this debate about the continued responsible behaviour of people who attend and who drink in public venues. By and large most people are very responsible in their drinking and appreciate the diversity of entertainment opportunities available in this state; however, there are a few who obviously do not handle their alcohol so well, who cause us considerable concern and who upset other patrons of particular venues.

The definition of intoxication introduced in this legislation may help in the handling of these people. However, the advice given to the Liberal Party — particularly the Honourable Wendy Lovell, who discussed this bill with the appropriate organisations, including the Australian Hotels Association — is that the definition adopted by the government is going to be fairly impractical in a hotel or club setting or in a similar venue. From that point of view we stand to be convinced that there is going to be any real benefit from the definition that has been adopted by the government in this legislation. The industry certainly tells us that it will not work.

The government might well have got that message itself had it bothered to undertake an effective consultation process with some of the stakeholders in this particular legislation. As the Honourable Wendy Lovell discussed the implications of this legislation with various groups she found that the level of consultation undertaken by the government on this legislation, as on previous legislation, was inadequate.

The Liberal Party's position on this bill has been enunciated. In effect we will support the bill because we think that, going forward, it is obviously designed to achieve a number of commendable objectives. However, I will watch with interest the issue of the rights of existing businesses. I certainly do not want to see a trend developing in Victoria where people take short cuts to the Victorian Civil and Administrative Tribunal rather than use the provisions established under liquor control legislation to initiate court proceedings where those instances might well deny people some of their rights and might well not afford them an adequate review of their licence responsibilities and rights.

Mr SCHEFFER (Monash) — The Liquor Control Reform (Amendment) Bill will provide the director of liquor licensing with more specific powers to vary the times when patrons can be prohibited from entering licensed premises, usually late at night. This is popularly referred to as a lockout. Patrons who are already inside licensed premises can stay on, but once outside a patron cannot come back in.

The bill also defines intoxication and provides for the publication of guidelines on how to determine whether a person is intoxicated.

The bill also requires ministerial approval before alcohol licences can be granted to premises that normally would not be able to have a licence, such as drive-in cinemas, petrol stations, milk bars, convenience stores or mixed businesses. Finally the bill ensures that security cameras installed by owners of licensed premises must conform to a prescribed standard so that they produce good-quality images.

Each of these measures is sensible and will further protect the community against the effects of the misuse of alcohol. The recently tabled final report of the Parliament's Drugs and Crime Prevention Committee's inquiry into strategies to reduce the harmful effects of alcohol consumption devotes considerable space to the examination of the effects of greater alcohol availability. The report argues that just as access to consumer goods has been made possible because they are cheaper and more people can afford them, alcohol too is a consumer good and is more available through more types of outlets. One result is that many people are drinking in hazardous ways. The controlled retailing of the past has given way to a deregulated, freer trade model that has included extended trading hours.

In its submission to the inquiry Victoria Police said:

> … for each incremental increase in hours there is a quantum jump in misery created in the community …

The submission lists the types of harm that impact on the community. These include assaults that affect the victims and draw in a wide circle of professionals, such as responding paramedics, hospital staff, police and venue security staff, counsellors, court and rehabilitation staff. Besides assaults, the police drew attention to sexual offences; fatal and other motor vehicle collisions; local residents who cannot get any sleep because of yelling, brawling and urinating and even sex taking place on their lawns. Victoria Police said that all this goes on for approximately 1½ hours after closing time. If licensed premises close at 3.00 a.m., the disturbance could go on until between 4.00 a.m. and 5.00 a.m.

One approach that the final report describes is the lockout, which has been trialled in regional Victoria with some success. A lockout is a strategy intended to avoid some of the problems to which I have just referred. Lockouts are being trialled in Ballarat, Warrnambool, Traralgon, Echuca, Geelong, Barwon Heads and Narre Warren. They are mostly the result of voluntary arrangements, but they can also be imposed by the Victorian Civil and Administrative Tribunal on specific licensed premises as a condition of the licence. This usually happens because the police ask that it happen because a venue is associated with the type of disturbances previously referred to.

In its submission Victoria Police also said that an application for a licence variation to the director of liquor licensing can be a difficult and lengthy process, as separate applications have to be made for each licence, and each application has to be evidence based. Victoria Police also said that in the past, applications of this type have been heavily contested, both by licensees and their representative organisation. Victoria Police stated that it is difficult to see how a locality-based model of a lockout could operate in Melbourne or its environs as patrons would simply migrate to an adjoining locality where there is no lockout.

Nonetheless some evidence starting to come through suggests that lockouts can work. A Ballarat project, Operation Link: Be Safe Late, has been operating since 2003 and focuses on the licensed late-night venues in the central business district. A recent evaluation showed an overall decrease of just under 40 per cent in violent assaults, a 47 per cent decrease in the number of assaults in licensed premises, a 33 per cent reduction in assaults in public places, and an overall decrease of about 17 per cent in property offences.

The amendment to the act to allow the director of liquor licensing to use her existing powers in a more efficient manner to reduce the amount of time it takes to put a late-hour entry declaration in place is a positive move. The Drugs and Crime Prevention Committee report on the inquiry into strategies to reduce harmful alcohol consumption also examines issues relating to the responsible serving of alcohol and the liability of licensees who serve alcohol to intoxicated patrons.

The final report presents a detailed account of the legal debate that has surrounded the issue of licensee liability and considers several cases that have given rise to different legal and policy positions. The strong view that emerges from these cases that licensees potentially carry a serious duty of care for their patrons. It is a responsibility of licensees to prevent intoxication of their patrons because intoxication leads to alcohol-related harm.

The report quotes from an article by Solomon and Payne entitled 'Alcohol liability in Canada and Australia: sell, serve and be sued'. It states, in part:

> Premises that cater to young males, have no or poor entertainment, do not encourage the consumption of food, do not offer low strength and non-alcoholic beverages, and are overcrowded, uncomfortable and understaffed are associated with greater problems. Happy hours, free drinks, extra strong drinks, double rounds, price discounts, irresponsible advertising and promotions and drinking contests … all have

> a similar impact on these risks. Untrained staff, aggressive bouncers and house policies that permit continued sales to visibly intoxicated patrons have also been found to increase the likelihood of problems.

It is already an offence under the Liquor Control Reform Act for a licensee to supply alcohol to an intoxicated person. It makes sense to define 'intoxication' and to publish guidelines on how to determine whether someone is intoxicated. It will help licensees comply with the law whose purpose is to promote community safety and public health. The definition inserted into the bill is straightforward. A person is intoxicated:

> if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

This definition will be supported by guidelines to be developed by the director of liquor licensing, and I understand those will take into consideration certain medical conditions and disabilities that may manifest as similar to alcoholic intoxication.

The final point I would like to touch on is the provision in the bill that introduces an exemption to the present restriction that prevents licensed premises such as drive-in cinemas, petrol stations, milk bars, convenience or mixed businesses — in fact, any business that is mainly used by people under 18 years — from selling alcohol. Under the present amendment any exemption to the general restriction will be subject to the approval of the minister. This will allow the minister to finally determine the appropriateness of an exemption. The amendments contained in this bill will improve the capacity to strengthen community safety and public health. I commend it to the house.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — There were a number of questions during the debate by the opposition spokesperson Ms Lovell which I undertook to respond to. I hope I will cover all of them; if there are any further questions, I will be happy to deal with them directly with Ms Lovell.

The first of the questions was in relation to the minimum prescribed standards for security cameras used at licensed premises, as to whether or not that may include liquor stores and whether they will be exempted from these requirements. The proposed amendments are intended to apply to those licensed premises which trade after 1.00 a.m. and provide live or amplified music. Such licensed premises are already required to install security cameras as part of a suite of high-risk conditions which also include the provision of crowd controllers. This is about setting a standard for those cameras.

The second question was in relation to the granting of licences to premises that would otherwise be prohibited from obtaining a liquor licence and the lack of criteria in relation to that. There have been no criteria placed in the bill to allow flexibility for changing retail circumstances. Certainly we have seen those rapid changes in recent years. We want to allow in the bill for that flexibility.

However, this does not mean that criteria will not be developed for the regulation. In fact the regulation itself may stipulate criteria in relation to that, but it is to allow for a very rapidly changing retail sector.

In relation to dry area polls, the government always picked up the bill in relation to dry areas. The Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004 changed that to put the burden onto the businesses applying for a licence. It also allowed for the provision of postal votes rather than a turn-up-and-vote principle. We are maintaining and retaining the provisions within that act for postal votes, but we do not believe that it is a justifiable burden on small businesses to pay the cost of a postal ballot.

Hon. W. A. Lovell interjected.

Hon. M. R. THOMSON — The government pays it. The councils do not pay it.

Hon. D. McL. Davis interjected.

Hon. M. R. THOMSON — The state government pays it. That has always been the case and will continue to be the case.

There was also an issue raised — which I must admit we misinterpreted at first but we now have it right — in relation to lockouts not applying to hospitality staff who may want to enjoy a drink after they finish a late shift; that is how I understood the question. The lockouts allow for conditions and they are done flexibly to meet the needs and demands within those areas where the lockout provisions apply. That would continue to be the case, so that can be accounted for and dealt with within those conditions for each of those areas, and it is already the case in some locations.

In relation to the definition of intoxication, I want to make it very clear that Victoria Police was consulted and approved that definition. It was in agreement on that. I think the reasons have been canvassed in the debate, but there was some confusion between licensees and the police about the definition of intoxication and a

notion that there needed to be a modernisation of the definition. We believe the guidelines that are being produced to help licensees and police identify intoxication will go a long way to taking away any conflict over definitions. People will be able to more readily identify and work with the new definition of intoxication with the guidelines in place. There is a great deal of consultation occurring over the preparation of those guidelines.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 8 agreed to.

Clause 9

Hon. W. A. LOVELL (North Eastern) — During the debate I raised, from an article entitled 'Closing time', an issue about young women who leave a venue — for example, they may go out to have a cigarette and find themselves locked out. Unfortunately overnight we heard of a rather unfortunate incident of an athlete thinking their drink may have been spiked, which started a whole debate in the media.

While watching the *Today* show this morning, I saw an interview with a young woman who had had her drink spiked at a nightclub in Sydney. They talked about the type of drugs that are used to spike drinks. One of them was GHB, or gamma hydroxybutyrate, which lifts the level of your body temperature. She said that was her symptom — that because of the increase in body temperature she needed to get outside to get some fresh air. Fortunately her friend went with her, and she was fine. I just wonder if any provisions are to be put in place for young women who may find themselves outside a venue after 3.00 a.m. They may now find that they are separated from their friends or their dedicated driver, and it may put them in danger. Is there going to be any thought given to provisions to protect young women who might find themselves locked out of a venue?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In relation to the security of young women, we are very conscious of the need to protect patrons as best we can. Certainly in relation to the external provision of security cameras at licensed premises, looking at the visibility standards of those cameras becomes crucially important.

In relation to the conditions relating to lockouts, all of that can be addressed on a needs basis as we go through that process. I am sure that in developing the conditions the director of liquor licensing has the very clear intent of ensuring that women are kept as safe as possible.

We all know the reason for having the provisions is to stop the violence and bad behaviour that occurs outside licensed premises, and I am sure, from every indication that I have received from the director of liquor licensing, it is to ensure greater safety and not to put people at risk. I am sure they will be the circumstances taken into account in developing conditions into the future. It is certainly not an issue that has been raised as being a problem in those areas where we already have lockout provisions.

Clause agreed to; clauses 10 to 12 agreed to.

Clause 13

Hon. D. McL. DAVIS (East Yarra) — I flagged in my second-reading contribution my need for some reassurance on this clause and I note that the minister has attempted to provide some of that. As I understand it, this clause repeals section 37(b) of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004. That section requires applicants for new licences in dry areas to bear the costs of conducting the poll. As I understand it, the section had not been proclaimed, and the government has now decided that it is not necessary or appropriate for the applicant to bear that cost.

I accept that that is the immediate situation. But my question relates to the long-term issue. Certainly it has been put to me by a number of liquor industry consultants and others that the long-term arrangement was that whilst the poll itself may have been paid for by the government, the cost was recouped by the Liquor Control Commission, which had the capacity to recover the costs associated with the granting of a licence. I want to put at rest what has been put to me by certain constituents who have approached me on this matter and be very clear that that is absolutely not the case.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — That certainly to my knowledge is not the case. In fact in relation to this provision, as a previous Minister for Small Business I asked for a costing of a poll. I decided, after getting those costings, that it was an unfair burden on a small business and asked that we repeal it. The costs have considerably come down with the move to a postal ballot away from a face-to-face ballot, where you must turn up to vote. The costs will drop, and so there will be less cost to government under

a postal ballot system. But I felt, after talking to people and getting the advice of the director of liquor licensing and others, that the burden was best left with government rather than with the individual, because it would be a hefty cost for a small business and was something that government could wear.

Hon. D. McL. DAVIS (East Yarra) — I thank the minister for those comments and ask her if she can outline some of the costs of the polls that have been conducted recently.

Hon. M. R. THOMSON (Minister for Consumer Affairs) — Can I say from the outset that there are very few requests for licences in the dry areas. Probably, smartly, they realise that they are in a dry area and think, 'Why bother?'. There are very few of them. Most recently — this is before postal ballots — the cost was roughly $15 000, but it does depend on the area that is being considered for the vote and all those sorts of things. We do see a considerable drop in those costs.

Clause agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. M. R. THOMSON — I move:

That the bill be now read a third time.

In so doing I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CRIMES (DOCUMENT DESTRUCTION) BILL

Second reading

Debate resumed from 2 March; motion of Hon. J. M. Madden (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Crimes (Document Destruction) Bill 2005 I would like to put on record that the opposition will be supporting this particular bill. In essence it sets out to ensure that evidence which may need to be used in a trial is in fact preserved, so it is a bill about the preservation of evidence. It has its genesis in the case of Rolah McCabe, who took civil action against various cigarette companies for the very severe lung cancer she had. It was alleged as part of the trial that the cigarette companies had tidied up their archives and in the process had lost or destroyed various documents that would have or may have been relevant to that particular case.

In essence this bill seeks to make an offence the process of getting rid of archival or stored material that may be of relevance to a particular case. That is spelled out under clause 1, the purpose of the bill, which states:

> The purpose of this Act is to amend the Crimes Act 1958 to create a new offence in relation to the destruction of a document or other thing that is, or is reasonably likely to be, required as evidence in a legal proceeding.

I must say it seems to me that it will not be particularly easy to get a conviction for this particular offence, because when is the destruction of archival documents simply a question of good housekeeping and good document control and when is it an attempt to remove evidence for some future or hypothetical court action, particularly in the ever-increasingly litigious world in which we live? Where is the line between good document housekeeping and the deliberate destruction of evidence?

I will briefly touch on a few measures in what is a fairly short bill. There are various definitions, and there is a new definition, which is interesting — a definition for so-called 'corporate culture', which is that it:

> … means an attitude, policy, rule, course of conduct or practice existing within the body corporate generally or in the part of the body corporate —

et cetera. A new term 'corporate culture' has been defined, but interestingly I cannot see where in the bill there is any reference to corporate culture, a breach of corporate culture or inappropriate corporate culture being cause for an offence. Nevertheless it is obviously intended by the draft that somehow that will come into play.

The purpose of the bill states that the destruction of such documents is an offence. The main provision in the bill is proposed section 254 in clause 3, which states in subclause (1)(b) that a person has committed an offence who knowingly destroys a document:

> … or conceals it or renders it illegible … or

(ii) expressly, tacitly or impliedly authorises or permits another person to destroy or conceal it or render it illegible …

The offence carries a fairly reasonable fine: a level 6 imprisonment, which is a maximum of five years of potential imprisonment for a person who deliberately destroys such evidence.

Proposed section 255(3) contains some interesting issues. It states in a proceeding against a body corporate for an offence it is a defence to the charge if the body corporate is able to prove that due diligence was carried out in the process of records management and destruction. In other words, it is up to a corporation to establish that it exercised due diligence in the destruction of a document or documents which may have been of use in a case.

Furthermore, the bill has a very wide description of what a document is: it can be a written document, a computer document, music, pictures or almost anything that can be reproduced. Under the Interpretation of Legislation Act the 'document' can also be photographs, labels, discs or other devices in which sounds or other data are embodied so as to be capable of being reproduced, films and so on. That contains a very wide definition of 'document'. In essence, that is what the bill is about.

The bill seeks to make it an offence to deliberately destroy documents which may be used in a case which is afoot or can be prospective or may in fact happen. This is where the problem with the bill will be — it will be a matter of judgment by corporations and individuals as to whether they should keep or destroy a particular document. It is going to be a fine matter of judgment whether that document may be used or will be capable of being used as evidence in a particular case sometime in the future. That is essentially what the bill is about.

It seems to me that this bill is a bit like much of this government's so-called justice legislation. It may well prove to be counterproductive, because in essence companies — inevitably such corporations will be risk averse — will set in place practices which will ensure they are never going to get caught. Companies will err on the side of caution, and if in doubt, will shred.

They will set in place corporate procedures and structures which will ensure that anything that could possibly be used for future litigation will be well and truly got rid of as soon as humanly possible because, as I have said, such corporations and management would inevitably be risk averse. They would be negligent to their shareholders if they were not risk averse and did not ensure that they got rid of anything that may be a problem in the future.

As part of that process of being risk averse and removing all these historic documents, much corporate history and information which may be used for research and for lessons to be learnt will be lost because it will be subject to the philosophy of 'if in doubt, shred' which I am sure will become the norm. It may be that this bill will be counterproductive in its effect, but the opposition believes all care should be taken to preserve evidence that may be used. We will be supporting the bill, and I urge the house to support it.

Hon. P. R. HALL (Gippsland) — This afternoon I am pleased to indicate that The Nationals will be supporting this legislation. As the Honourable Chris Strong has just outlined, the bill is not a complicated one. It has a fairly simple concept — it makes it illegal to destroy documents which are or are reasonably likely to be required as evidence in a court case. I do not think there would be too many people in our communities who would oppose that principle.

The background to the bill is given in the second-reading speech, as the Honourable Chris Strong mentioned. This issue was highlighted in the case of *McCabe v. British American Tobacco Australia Services Ltd*. I will not recount the particulars of the case, but people would be well aware that British American Tobacco was accused of destroying important documentation that would have helped Rolah McCabe in her case; everybody suggested it was inappropriate for that company to do that. Consequently, the house has before it a bill to establish a new criminal offence governing the destruction of documents in Victoria and which will come into place with the passage of this bill. As I said, we are happy to support that principle.

It is an important principle in our justice system. It is illegal for anybody now to pervert the course of justice, and one way of doing that is to destroy documents or render them illegible.

The bill defines documents in its broadest possible form. It is not only written documents but also audio-visual documents. The new law will have application to both individuals and corporations, which is certainly appropriate. I agree with the comment made by the Honourable Chris Strong that this will certainly be of interest in future court cases, because it may be difficult to prove that somebody is intending to destroy documents for the purposes of getting rid of evidence. Under the heading 'Destruction of evidence' proposed

section 254, which is inserted by clause 3 of the bill, states:

> (1) A person who —
>
> (a) knows that a document or other thing of any kind is, or is reasonably likely to be, required in evidence in a legal proceeding —

and it goes on. What is reasonably likely to be included in legal proceedings is an unknown and something that one would find difficult to anticipate. I am sure there will be many legal battles over whether one should have reasonably known that a document would be important for a future court case. As a layperson I believe that will be difficult to predict.

Subsection (2) of proposed section 254 states:

> This section applies with respect to a legal proceeding, whether the proceeding is one that is in progress or is to be, or may be, commenced in the future.

Again we are applying the principle of anticipation. It will be very difficult to anticipate whether a particular document has any relevance to a potential future legal proceeding, and in that regard the application of this law in some instances will be difficult. However, the lawyer in my party has convinced me that this is not a bad measure and is something we should be supporting, which we will be doing.

The Honourable Chris Strong mentioned the definition of corporate culture. When I looked at the bill I found that terminology new and interesting. I found a reference to the words 'corporate culture' in proposed section 255(1)(c)(iii), so there is a definition. My layman's interpretation of that provision is that if a body corporate has a history or culture of hiding or destroying documents, that may bring it within the parameters of this legislation we are talking about this afternoon. The Nationals are prepared to support the legislation. It is a small bill that deals with a simple but important concept, and we wish it well.

Ms MIKAKOS (Jika Jika) — I am pleased to make a short contribution in support of the bill, and at the outset I thank the opposition parties for supporting it. Although it is a short bill, it is an important one, and I am proud that the Bracks government is seeking to put it in place.

This bill touches on the issue of fairness and the importance of the rule of law in our justice system. Members have already touched upon the basis for the bill, which was the recent McCabe case. In that case documents central to that case were alleged to have been destroyed to prevent their use in court. Removing or destroying relevant evidence seriously undermines the fairness of our system of criminal and civil justice, and fairness and access have always been the central themes of the Bracks government's approach to the system of justice since coming to office. This bill seeks to make it a criminal offence to destroy or conceal documents that would prevent their use in subsequent legal cases. It impresses upon all of us the importance of honesty and fairness in our justice system, and in particular the importance of upholding the rule of law, which is absolutely integral to a fair trial. Of course corporations should not be above the rule of law — they must also live not only by the letter of the law but also by the spirit of the law. The behaviour of British American Tobacco in this particular instance was deplorable.

It became evident during the trial that the actions of Clayton Utz and British American Tobacco, while not technically unlawful, were definitely not fair or equitable to the parties involved in that case. The destruction of the documents in the McCabe case led to Justice Eames, who presided over the case, saying in his judgment:

> British American Tobacco and its solicitors, Clayton Utz, had 'subverted' the process of discovery … with the deliberate intention of denying a fair trial to the plaintiff'.

While Justice Eames's judgment was subsequently overturned by the Victorian Court of Appeal and a retrial was ordered, the case and the findings of Justice Eames made it apparent that changes were required to the law as it currently stands, particularly given there was technically no breach of the law. However, the court of public opinion would say that the companies acted in a deplorable way.

That brings us to the bill before the house and the reforms that were supported not only by the parliamentary Law Reform Committee but also by Crown Counsel, Professor Sallmann, in a report he was asked to undertake. They looked at these issues and recommendations were made that a new law be implemented to cover the issue of document destruction or evidence concealment. This legislation will not only hold individuals to account for their actions but also the corporations or companies they may work for. The seriousness with which the government treats these offences is reflected in the penalties, such as $314 430 for corporations engaged in these practices and up to five years imprisonment, or over $62 000 for individuals. This legislation will also hold to account corporations that not only direct such activities but through their corporate culture encourage or condone such activities. The passage of this bill will bring Victoria into line with other jurisdictions that already

possess similar document destruction laws. This is an important bill, and I commend it to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I wish to make a contribution to the debate on the Crimes (Document Destruction) Bill. I do so with some level of understanding of the issues surrounding matters of perverting the course of justice by the destroying of evidence. I was a member of the Law Reform Committee when it reviewed the application of laws on perverting the course of justice not only in Victoria but throughout Australia. In particular the committee made a number of recommendations to be consistent with the federal Model Criminal Code Officers Committee (MCCOC) model code on the administration of justice offences. In Victoria most of those types of offences are dealt with under common law, and there is no defined statutory framework for them.

Following its deliberations the Law Reform Committee made 31 recommendations. While I am pleased that the bill has been introduced, and while I can say that the Liberal Party supports it, I am disappointed that although the report is mentioned in the second-reading speech we have not gone further than to introduce a bill that covers only one recommendation — that is, recommendation 5. For those who wish to see recommendation 5, it is listed on page 111 of the administration of justice offences report. It is in the chapter entitled 'Specific offences relating to evidence and witnesses'.

The committee looked at a range of particular codified laws in New South Wales, Queensland and other parts of Australia, including federal laws, and recommended the creation of statutory offences in Victoria for the misuse of evidence. I do not wish to take too much time, but recommendation 5 states:

> That statutory offences be created in Victoria for the misuse of evidence, making it an offence to:
>
> (a) fabricate or alter evidence;
>
> (b) destroy, conceal or suppress evidence; and
>
> (c) knowingly use fabricated or altered evidence.
>
> where the intention is to:
>
> (a) prevent the bringing of judicial proceedings; or
>
> (b) influence the outcome of current or future judicial proceedings; or
>
> (c) improperly use the judicial proceedings for the purpose of impugning or vilifying the accused person or other witnesses.
>
> That the maximum sentence for this offence be seven years imprisonment.

This is based on the MCCOC model. The MCCOC model has provisions where it uses the words 'making or using false evidence', whereas the committee in this state recommended 'fabricate or alter'. We did this for a range of reasons which I will not go to in detail, but they are outlined at pages 109 and 110. I bring that into the debate because, whilst we still have this piece of legislation before us, in all reality it barely deals with 'fabrication' or 'alteration'. The model recommended by the parliamentary Law Reform Committee, in my view, has been not well looked at by the constructors of this legislation. It is good that they have something there, but again it is a reaction by this government to an issue that has made significant press. We know that — it has been outlined by previous speakers — but the Labor government has failed to understand some of the more complex issues that should have been brought forward.

There are a lot of misgivings about and shortcomings in the bill before the house. Those who would like to compare the bill with what we have recommended, including recommendation 5, which I have read out, will quite clearly see that this government has again failed to understand the shortcomings and has failed to deliver fully its commitment to proper law and order in this state. Having said that, the Liberal Party supports the bill before the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 2 March; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. DAVID KOCH (Western) — I look forward to making my contribution by leading the debate on the Gambling Regulation (Miscellaneous Amendments) Bill 2005. The main purpose of this bill is to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the

Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation.

The gaming and gambling industry, as we in Victoria know, is a very large industry which has an annual turnover exceeding $4.25 billion and also generates over $1.3 billion to our state revenue across the 27 000 machines that are employed both across the metropolitan area and in regional Victoria. As we all appreciate, those machines are distributed on an 80:20 basis across the metropolitan area and regional Victoria.

The industry is extremely well run by the commission, which was established in 2003. I might also add that from gambling regulation, especially nationally in Australia, the Victorian Commission for Gambling Regulation is recognised as the best performer — and I might say with some envy — by other state agencies and territories for the way it manages its business. In saying this I think it is also important that we recognise that there is a serious downside to our industry. That is in the area of problem gambling which consumes, unfortunately, something of the order of 15 per cent of all participants who enjoy the activities and the environment of gambling in our casino, and obviously other venues. Although we recognise that that is not part of the bill for discussion today, we would be remiss not to recognise the problem gambling situation within the state.

There is no doubt that the government has made little endeavour to get in front of problem gambling. Quite obviously it is tax driven and the government does not want to lose the river of gold that it continues to enjoy from these venues. When we speak of the downside of problem gambling it is also important to note the contribution to the debate on this bill by my colleague Mr Cooper, the member for Mornington in the other place. He referred to Productivity Commission reports that stated that in Victoria poker machines have caused 550 suicide attempts annually, of which regrettably 9 resulted in death. It also causes some 300 divorces annually, and about 400 or more people annually are convicted of committing crimes to obtain money to play poker machines.

I refer to the main provisions of the bill before us this afternoon — and there are six or seven. It will allow the commission to attach further conditions to venue operators licences — for example, it will give the commission the opportunity to vary the numbers of machines under a licence and to vary the gaming machine area under the same licence. Quite obviously this may be done for reasons of venue viability or to gain a better balance of machines in any one community. It may also give some communities greater access to returns for various organisations within those communities. It will also assist with the passage, as I mentioned earlier, of correcting, where it is possible, some of the concerns in relation to problem gambling.

Currently, from a viability point of view, we know that the minimum number of machines to be held at any one venue is 15, with our larger venues holding a maximum of up to 105 machines. It is clearly recognised now that venues struggle to be viable with anything less than about 30 machines at those complexes.

These amendments will also allow the commission to refuse applications for trade promotion lotteries where they may be seen to be offensive or not in the public interest. Although the provision seems only a small matter, it is one of those things that, once the legislation is passed, will give the commissioner the opportunity to tie up one of those little loose ends that continue to cause concern.

Winnings in excess of $2000 will be taken as a cheque, to be paid to a player's account. It is important that players take something home from larger wins. We should all recognise we should not encourage players to play on and exhaust any large winnings they have been able to accumulate on the one day. It is not unrealistic to think that there are many wins at Crown Casino that exceed $5000, $10 000 or $15 000. Although some of those proceeds will be given back to the player in cash, thereby allowing participants to play on with some of their winnings, this provision offers the opportunity for not negotiable cheques to be written and later placed in a player's account.

Another concern is with lesser amounts — of the order of $3000 or $4000 — the legislation does not remove the opportunity for someone to buy written cheques at a discounted figure and allow the participants to play on. I am sure the commission will take that into account and continue to monitor that situation.

The bill also allows the commission to more closely monitor and investigate community and charitable organisations to ensure they are fair and reasonable in the handling of their affairs and that the patrons of their fundraising and raffle activities are not dudded. In other words, it allows them to make sure in the monitoring that what is being promoted by the charitable organisations in fact does take place. We are aware that on too many occasions in the past, regrettably some promoters of charitable raffles have been fortunate enough to win their own raffles. These provisions will allow the commission to remove that ability from the people who have gone down that track in the past.

Although this is a small amending bill, it is important, because it will ensure the gambling activities are honest. I hope it will give the commissioners the opportunity to confront and draft out the rogues and cheats in some of the charitable organisations which have been recognised as being guilty of involvement in the promotion of their charities.

The bill also protects bingo centre operators by allowing extra time for licence renewals where applications have not been attended to prior to the expiry date. Although this is a machinery issue and relates to timing and principally process, it is important that provision is being picked up, because on some occasions the failure to renew has not always been the fault of operators, and it then becomes very hard to continue operations without undue interference and interruption to business.

We recognise that that part of the legislation is a plus. Any concession given to bingo centre operators in respect of their licensing goes a fair way to support the industry and the people who operate in it. The situation with bingo centre operators licences is not unlike that of commercial raffle organisation licences, which remain in force while applications are being determined by the commission. These amendments might seem small, but recent history demonstrates the importance of allowing such opportunities so there is minimum confusion in the running of these events.

The last area reflected in these amendments is the streamlining of Crown Casino's responsibility to publish particulars of new games and new rules. It is important players are given every opportunity to access proposed rules of games that may be played not only at the casino but at other venues. I am not a regular player or attendee at the casino, and I am not sure how many games are available or how often they change. However, it stands to reason and is commonsense that anyone interested in participating should be given the opportunity to acquaint themselves with the rules prior to their playing.

This is a commonsense position, and I think it should be recognised that anyone should know the rules, what the outcomes could be and the amount of prize money involved before they play certain gambling games. This is a recognition that no longer will players of those games be denied the opportunity to learn the rules. For this reason, the casino will have to display its games' rules on its web site, making sure that participants have access to any new games and rules.

In the knowledge that some 40 000 people daily, or nearly 50 million people annually, frequent Crown Casino it is important that these changes in the bill are put in place so that the already high standards of gambling operations in this state are maintained.

There is absolutely no doubt that the conduct of gambling activities in Victoria under the commission are the envy of similar agencies across the country. There is little doubt that we should recognise and amend shortfalls in any legislation.

The Liberal Party has consulted with the Victorian Commission for Gambling Regulation, Crown Casino and the bingo operators association. They all indicated their support for the amendments in the bill. I hope these amendments do not get hijacked as did the recent amendments to the gaming and racing legislation, when royal assent was withheld while the Tasmanian government resolved the Betfair fiasco.

With those few words it is important to note the opposition supports the amendments in the bill before the house and wishes it a speedy passage through this place.

Hon. D. K. DRUM (North Western) — I take great pleasure in rising to contribute to the debate on the Gambling Regulation (Miscellaneous Amendments) Bill which is before the house at the moment. Certainly the gambling industry is an important aspect of our community and one that needs to be viewed with quite a balanced mind. The expenditure by Victorians on gambling is well over $4.2 billion per annum. Victorians are prepared to wager an enormous amount of money in one form or another. In total it is second in Australia only to New South Wales, which has a gambling expenditure of well over $6.5 billion. Certainly Victorians are happy to partake of gaming and we need to be very clear about the benefits that are derived from the gaming industry. Gaming machines make up a large portion of the total in Victoria — some 54 per cent or over $2.3 billion is spent on gaming. Crown Casino makes up 23 per cent or just around the $1 billion mark.

The contribution the gaming industry makes to the Victorian government's general revenue is also quite significant. It needs to be viewed in a positive light. We know that the Victorian government has $35.6 billion to spend this year, and that is nearly double the budget of six years ago. Of that $35.6 billion, $1.3 billion jumps into the Victorian government's coffers by way of gaming revenue and taxes. This government now has an enormous amount of money at its disposal.

As we all in this chamber know, the Bracks Labor government is the highest taxing government this state

has ever had. It is not just the total amount of money, because that in itself is quite a lame claim. Every subsequent government in all states and at the national level will be taxing at a higher rate than the previous government. It is as plain as day or as sure as the fact that day follows night.

This government has introduced a whole range of new taxes, and that is why it will be remembered as one of the highest spending, highest taxing governments. It is not because of the amount of tax but simply because of the number of different taxes it has introduced. The game plan very clearly is to tax hard, tax often, to hide taxes whenever possible so that people do not realise they are actually paying them, and to index taxes to make sure they go up on an annual basis each and every year.

It is against that backdrop of huge incomes, high taxes and high spending that we must look at what the Bracks government is doing in relation to the gaming industry. Its performance and how it is regulating, monitoring, controlling and encouraging an industry that generates hundreds of thousands of jobs within this state needs to be viewed very carefully. I will talk a little bit about problem gambling later in my contribution.

I refer to the powers in this bill that have been given to the Victorian Commission for Gambling Regulation. The commission is doing a fine job in this state at the moment. Effectively the gambling industry operates in a non-confrontational way; there are no headlines associated with it. The industry operates well within its regulatory bounds and it is non-contentious in nearly every aspect. One aspect that is clear is that we are still not doing nearly enough about the issue of problem gambling right across the state in the gaming sector.

This new bill will in fact give more power to the Victorian Commission for Gambling Regulation. It will have the power to refuse or accept licences and to renew them. It will have the power to vary the number of gaming machines that will be in the respective venues across the state. It will use a set of criteria that is yet to be announced or formulated to make those decisions. The commission will make those decisions at a later date.

This bill addresses another issue in relation to the payment of cheques at respective agencies, whether it be the TAB, the casino or large windfalls around the gaming venues. Currently winners have been able to receive a cheque for an amount of $2000 or more made out to cash, which they have been able to cash at the venues; then gamblers have been able to continue gambling their winnings. That will no longer be the case under this legislation. People will have to have the cheque made out to themselves. The cheque will have to be deposited into a bank account, and the money will be able to be withdrawn after a few days. That aspect has the intention of trying to stop problem gamblers blowing their winnings.

This legislation also regulates lotteries and trade promotions, which sometimes claim to be offering prizes that are absolutely ludicrous. They can effectively make themselves out to be seen to be something they are not. The commission will have the power to investigate those trade promotions and see if they are the genuine article and are in fact offering what appears in their advertising.

An area of significance in the bill is the investigations that can be undertaken into the various charitable organisations that use the lottery system to raise highly needed money for the respective charities around the state. It is unfortunate that because of the rorting of the system that goes on in this and other states we are forced to investigate charities, but we will be giving the Victorian Commission for Gambling Regulation the opportunity to go in and investigate the authenticity of charitable organisations that are using the lottery system to raise much-needed funds.

This bill will also make small amendments, restrictions and regulations to the bingo industry. Even though there is a whole range of other gaming facilities and options now available in Victoria, bingo is nevertheless very popular with a certain cross-section of the community. A number of not-for-profit organisations rely on income derived from bingo nights to deliver community benefits through their respective organisations. These changes will not affect the bingo industry in any great way.

There are going to be some licence renewal provisions that have to do with commercial organisations which use raffles as more of a commercial venture. In order to meet the rules they will also have to abide by the provisions that are laid down by this legislation.

Another aspect of the legislation affects people who partake of gaming at the casino. The rules of the respective games will need to be more clearly defined by the casino. I certainly hope the people who sit down next to me at the blackjack tables learn how to read the rules so they do not make ridiculous calls, because they have a responsibility to make the right call for all the people who are sitting at the table and not just for their own card.

In a nutshell they are the provisions that are laid down in this legislation. We think they are positive steps for the gaming industry. We support the bill. We do, however, wish that the Victorian government would start to honour many of the pledges it announced when it was in opposition and make significant inroads into problem gambling. The government is now receiving more than $1.3 billion every year in gaming revenue, yet in effect it is doing nothing for problem gamblers. The Nationals have looked very closely at this group and tried to identify who they are. It is very difficult for the industry to label problem gamblers. Those people go to the casino and to gaming venues, and they lose enormous amounts of money, but many of them are wealthy businesspeople who do not mind losing a bit because they win a bit on the way back. There are other groups which we know are out there, but it is much harder to identify them.

We need to commend the Crown Casino group for the work it is doing not only in identifying problem gaming and in counselling problem gamblers but in leading the world in addressing problem gaming. Crown staff at Southbank took us through their program: they identify the problem gamblers and then take them away; there are counsellors on the floor during every shift at Crown Casino. Whilst every other casino in the world has an area where problem gamblers can go if they need help, Crown has gone one step further.

Crown staff intervene in the gaming habits of its clients. They identify and engage with people who seem to be under stress or duress at the gaming tables and on the machines. Counsellors engage them in conversation to see if they are under control. If it is determined that they would like to have a talk somewhere, then the counsellors can take them to a separate area, away from the gaming hall, and have a conversation with them.

Counsellors can put these people in touch with the correct and appropriate authorities and services — counsellors, financial advisers and the people who look after respective addictions. There is now a very strong network at Crown. If gamblers need help, then Crown Casino staff are able to put them in touch with the respective services, and they are achieving significant outcomes. What is being done at Crown is being done off its own back and without any prompting. Crown is doing this simply because it believes that is its responsibility, and I think the gaming industry can learn a lot from Crown. The gaming industry needs to take a leaf from what Crown is doing and continue to build on it.

Problem gambling is an issue in society. Whenever you go to gaming houses you can see people spending enormous sums of money. You have to make up your own mind as to whether or not those individuals can afford to lose their money. Certainly enormous amounts of money are being spent at the gaming halls.

The gaming industry is strong. The Nationals also understand that of the 27 500 machines across Victoria, half are in social clubs while the other half are in hotels; half are run by Tattersalls, the other half by Tabcorp. There is an 80:20 split in machines between the city and the country. We understand all of that, but what needs to be identified is the fact that of all of the nearly $140 million that is paid into the Community Support Fund by communities right around Victoria, we are not seeing anywhere near an appropriate portion of that money being returned specifically to country Victoria.

Country Victorians in major centres like Geelong and Bendigo but also in Shepparton and Wangaratta are pouring enormous amounts of money into the Community Support Fund. The question has to be asked: why is that money not being returned to those communities through the various Community Support Fund programs that are available?

Whilst The Nationals support what is in the bill, the government needs to be judged on what it is not doing in relation to problem gambling. The government is not returning funds to the respective communities that are contributing to the Community Support Fund. We want the government to get on its bike and start acting in the way it said it would when it came to government some six or seven years ago.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — By leave, I move:

That the bill be now read a third time.

In so doing I thank honourable members for their respective contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I move:

That the house do now adjourn.

Glen Eira: swimming pool upgrades

Hon. ANDREA COOTE (Monash) — I raise a matter for the attention of the Minister for Sport and Recreation. I refer to an issue in East Bentleigh and Caulfield, which are in my electorate. The Bentleigh East and Caulfield swimming pools are both 40 years old and are obviously tired. They have been integral parts of our community for a significant time, but they need to be upgraded, and the government needs to have a much closer look at doing just that.

Some suggestions have been made about what to do with these pools. I commend the City of Glen Eira, in particular its mayor, Dave Feldman, for commissioning a huge consultation process. They decided the best thing to do was to ask members of the local community what they think should happen to these facilities. They embarked on a huge initiative which has turned out to be the biggest public consultation process the council has ever undertaken. The council is asking people what they want. Numerous meetings are being held, notices are being placed in local newspapers and the local area has been letterboxed to ask members of the local community how they would like to see these facilities functioning in the 21st century.

The council has not said what it will do with the pools; first and foremost it is simply asking people in the local community for their opinions on the issue. Residents will use the pools and facilities, and support council actions, and the consultation process is actually happening. The council is gathering the local community's opinions and ideas, and the fact that this is happening shows an enormous amount of leadership.

The council has some concerns about the Better Pools program and is interested to know whether that is the only avenue for funding. They also want to know if grants are limited to $2.5 million. The member for Bentleigh in another place, Rob Hudson, has had a very disappointing approach to this whole matter. He has been in office for four years and has had plenty of opportunity to have a local pool established, yet he has failed to talk about it until now — during an election year.

I ask the minister if he will fully fund the upgrade of the East Bentleigh and Caulfield swimming pools with funds from the 2006 Better Pools program.

Mirboo North Golf Club: rent

Hon. P. R. HALL (Gippsland) — I raise a matter for the attention of the Minister for Environment in another place, John Thwaites. The matter concerns the land rental of the Mirboo North Golf Club, so the issue will also be of interest to the Minister for Sport and Recreation, who is at the table.

In 1970 the Mirboo North Golf Club leased 25 hectares of Crown land to supplement land it already owned so it could construct an 18-hole golf course, which the club has done very successfully. In 1997 the club tried to purchase the land, then valued at $70 000, but because there was an unused government road and a couple of issues associated with native vegetation the club was prevented from purchasing it.

The club is very environmentally responsible. The Minister for Sport and Recreation would remember that in late 2005 he visited the club and launched a watering system which uses wastewater from the local water board. I am sure he would also verify the fact that a great deal of native vegetation is being preserved around the course — and I can assure members it is easy to lose a golf ball on Mirboo North golf course!

The lease of the 25 hectares is causing the golf club some problems. The leasing costs have increased dramatically in recent years. In 1993 the club was paying $3916 per annum. A recent rental review meant that the 2006 rental is $11 000 per annum. I admit that the Department of Sustainability and Environment has allowed a three-year phased step-up to this amount, but the club now has to plan for an annual rental in the future of at least $11 000 per year. No doubt it will be increased beyond that with the next rental review. The golf club has only 220 members. It cannot afford $11 000 per year in lease costs and may have to relinquish its leased land and go back to a 9-hole golf course. That would be particularly tragic and galling for the members, because they have improved that land. Their efforts to improve the land have led to an increased valuation and therefore increased rent.

The club wants, and I seek from minister, either assistance in purchasing the land outright or some subsidy or rearrangement of the rental agreement. I have written to the Minister for Environment twice on this matter — on 12 December 2005 and again on 25 January of this year — but have had no response to either of those letters nor even any acknowledgment that I have written to the minister. I think that is pretty appalling. Tonight I am raising this in the adjournment debate as a matter of priority. I call for the urgent intervention of the Minister for Environment to fix this

important and pressing financial problem of the Mirboo North Golf Club.

Domestic violence: prevention programs

Hon. B. N. ATKINSON (Koonung) — I wish to raise a matter with the minister responsible for funding domestic violence prevention programs. It might be Ms Broad, but my problem is that responsibility for the particular program concerned these programs is spread across a number of ministers. The responsible minister is probably the Minister for Community Services in another place. My concern is with a funding round that is designed to provide funding for family violence programs. As I understand it, the closing date for that round of funding was 24 March.

It has come to my attention that a very successful, effective program run by the Mitcham community house is in danger of losing its funding because of criteria that the government has adopted. This is one of the programs I spoke about when we discussed a domestic violence bill on the last occasion that Parliament sat. It simply does not seem to meet the criteria that have been set by the government to deal with domestic violence, yet the program has been very successful. It has operated for about 14 years and has delivered a very significant support program. It seems that the government is intent on trying to develop programs that have an integrated approach to domestic violence issues and combine a range of separate services in one, including support services, emergency accommodation and so forth.

I can vouch for the Mitcham program, having had extensive experience of it. I understand that it has provided outstanding value for money for the government in the past in the level of self-esteem it has developed in the women who have gone through it and the level of support they have received. I would hate to think this program would not continue to be supported by the government and would miss out on funding in this round because of some strange approach to criteria for grants.

I am most concerned about the way this funding is described. As I understand it, the new funding arrangement is target costed — in other words, $1404 is allocated to each 'target'. Given that we are talking about domestic violence, I find the terminology adopted by public servants in this matter to be almost obscene. It is really ought to be addressed.

Rosanna Road, Heidelberg: crash barrier

Hon. BILL FORWOOD (Templestowe) — I wish to raise an issue with the Minister for Transport in the other place, Peter Batchelor. I have been contacted by a number of people concerning the construction of bollards on Rosanna Road near the ABC child-care centre. Local residents and parents of children at the centre have grave concerns about the prospect of a vehicle crashing through its front fence. The correspondence that has come to me is supported by a petition to the Banyule City Council signed by over 100 people requesting that the council install bollards. The petition states:

> Due to recent note of minor accidents in the area, it would be advantageous to have bollards installed — as per the photo above. This would create a safer entrance/exit area. The proposed bollards will create a barrier between the traffic on Rosanna Road and the child-care centre.

The road in question is a designated main road and therefore is the responsibility of VicRoads. Julie Jenson took this matter to VicRoads, but unfortunately the response seems to be highly inadequate. It just says that it is a low-ranking issue and therefore nothing will happen. I suggest and request that the Minister for Transport look again at this issue. I will quote from a letter I have received from David and Lea Campbell who, along with Ms Jensen and Frank Molinaro, have contacted me specifically about this issue. They wrote:

> I am writing to make you aware of a serious danger of cars crashing into the local child-care centre …

The letter goes on to say that they are parents and have signed the petition to urge VicRoads to protect the child-care centre with a crash barrier to stop stray cars running off Rosanna Road and into the playground. They have urged me to raise this matter with the Minister for Transport because they say a simple installation can prevent a terrible tragedy. Their letter says:

> A single vehicle ran off the road when travelling north along Rosanna Road (towards Greensborough) at around 5.00 p.m. —

on 23 February 2006 —

> The four-wheel drive vehicle mounted the curb, missed traffic lights and signal equipment, entered the front garden of the house on the corner and had enough momentum to climb halfway up a rock retaining wall before coming to a stop … the vehicle in question was a Ford Territory, which weighs over 2.2 tonnes.

The letter says that if the vehicle had been going in the other direction, they would have been in real trouble. I ask the Minister for Transport in the other place to have

another look at this issue and to get these bollards installed.

WorldSkills Australia: student travel

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Education and Training in the other place regarding funding to enable rural and regional students and apprentices to participate in or attend the 2006 WorldSkills Australia national competition.

The WorldSkills Australia national competition is to be held at the Melbourne Exhibition Centre from 5 to 7 May this year. WorldSkills Australia is a national competition for students and apprentices in skill-based careers. This year's event will host more than 450 competitors, who will compete for national medals in over 40 skill categories.

WorldSkills Australia is a wonderful opportunity for students, apprentices and trade-based youth to showcase and build on their skills and to compete against each other whilst adding to their knowledge through networking opportunities. It also encourages young people to achieve excellence in their chosen skill or trade-based career.

Successful participants in the WorldSkills Australia national competition will have the opportunity to represent Australia overseas at the WorldSkills international competition. During the WorldSkills Australia national competition, Melbourne will also host the WorldSkills general assembly and the WorldSkills leaders forum, which will see more than 250 international delegates and training experts visiting this year's national competition.

For students and apprentices based in country Victoria, this year's WorldSkills competition provides an opportunity to observe the best show of skills Australia has to offer and also to benchmark their skills amongst their peers. However, many students and apprentices based in rural and regional Victoria will be unable to participate in or attend the WorldSkills Australia national competition due to the high cost of travel to and from Melbourne and the need for accommodation. Whilst I recognise that the state government is contributing funding to the WorldSkills Australia national competition, it should be ensuring that students and apprentices based in rural and regional Victoria have access to this important event.

I ask the minister to provide assistance to rural and regional students, apprentices and trade-based youth, to enable them to participate in or observe the WorldSkills Australia national competition to be held in Melbourne from 5 to 7 May this year.

Willow trees: control

Hon. E. G. STONEY (Central Highlands) — I raise an issue for the Minister for Environment in the other place regarding the of removal of willows along rivers in Victoria. As I have said before, it is not the principle of removing the willows I am concerned about, it is the rate of removal of large areas of them.

I now have new information, and I feel I must raise the issue again in a slightly different context. The *Weekly Times* ran an article, I think last week, by Steve Cooper, headed 'The good, bad and ugly'. It states:

> It never ceases to amaze me how one arm of government is hell-bent on caring for our fisheries and the environment, while other arms seem intent on destroying all the good work.
>
> Worse still, recreational fishing licence money is funding some of the desecration.

The article goes on to talk about the column he ran in April about what is happening along the Mitta Mitta River near Eskdale. It states:

> Trees were being lopped and, in some stretches of river banks, look like a tornado has gone through, leaving a line of clean-cut stumps.

It goes on to say that the same thing is happening around Eildon and the Delatite, Jamieson and Goulburn rivers. He highlights the fish kills that have happened in the Jamieson River. He quotes Mick Hall from the Australian Trout Foundation (ATF) as saying that the program affected not only trout but water rats, spiny crayfish, birds and platypuses. He also points out that more than $400 000 of the angling licence funds have been used to subsidise the project.

The article states:

> The state government spends millions of dollars promoting trout fishing, and yet here we have catchment authorities carrying out works that kill the fish.
>
> …
>
> We believe it is time someone from the government stepped in and called a halt.

This is supported by a letter in yesterday's *Herald Sun* today from Mr Geoff Lacey of Tawonga, whom I know. The letter states:

> A conservation strategy to remove exotic trees along Victorian rivers is actually ruining our waterways.

It talks about how the trees are removed — their roots are poisoned. It says that young trees are supposed to

replace them, but it does not happen and therefore the banks are left bare. The letter goes on to say:

> The upper Kiewa River was treated in this manner a few years ago and we're still suffering the consequences. This summer the water was much warmer and flowed lower than ever before and tourism … trout fishing was affected.
>
> Also, before the trees were removed we didn't have a problem with mosquitoes, as bats that nestled in the trees controlled them. That has all changed now the bats are gone.
>
> One can only wonder how much water is being lost to evaporation through these conservation operations.

Mick Hall from the ATF tells me that down on the Barwon River there is a lot of ill-feeling because of the willows being replaced. He also tells me that the catchment authorities have been bringing large machinery across paddocks without farmers' permission. This is not good enough.

I pay tribute to the Liberal candidate for Seymour, Mike Dalmau, who has been very involved in the issue along the Goulburn River. Mike is very aware of the anger this has caused among fishermen and conservationists. It is a very important issue.

I ask the minister to ensure that catchment management authorities obtain permission from farmers and slow down the program, especially along key trout streams, before the trout streams are ruined and the trout and many native species are lost.

Duyfken: sponsorship

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for the Arts in the other place. The visit to Victoria in June of the replica ship *Duyfken* is a great coup, as it will commemorate the 400th anniversary of contact between Australia and the Netherlands. The voyage of the original *Duyfken*, captained by Willem Janszoon, marks the first mapping of the Australian coastline. The replica *Duyfken* will give Victorians a once-in-a-lifetime opportunity to experience a 16th century vessel and a re-enactment of the ship's adventure to Australian shores.

On its 12 000-kilometre voyage around Australia the *Duyfken* will visit three ports in Victoria — Port Fairy, Geelong and Melbourne. There is no doubt that this voyage will capture the imagination of Victorians interested in Australia's culture and history, but in particular it will capture the interest of 100 000 Victorians of Dutch descent.

The Bracks government needs to paly a part in the sponsorship needed to ensure that this ship has a smooth passage around Victoria. The Australian government is the major sponsor and has provided $495 000 for the journey. The governments of Western Australia, New South Wales and Tasmania have respectively provided $100 000, $30 000 and $15 000. Many other sponsors have also contributed.

The action and commitment I seek is for the Bracks government to provide some sponsorship to enable the three Victorian ports to commemorate this historic voyage and stage the re-enactments. Most of the festivities at the three ports in Victoria will be organised by volunteers, who would be very grateful for any support the Victorian government may give. Many Victorians are looking forward to this visit with great anticipation, as am I.

Mildura: horticultural sustainability

Hon. B. W. BISHOP (North Western) — My adjournment issue tonight is directed to the Premier. The action I require from the Premier is to bring together the relevant departments to address the issues raised in a report entitled *Economic Sustainability Study of Mildura Horticultural Region.* I congratulate the Mildura Rural City Council (MRCC) and the Wentworth shire for making this report possible in responding to a real need to have someone coordinate the tasks of, firstly, providing base data on the severe downturn in the region's horticultural industries, and secondly, putting forward a plan to address the issues.

The end result of that process is a 7-point plan that recommends a blueprint for immediate action driven by a regional task force of industry leaders designed to get our people through the immediate crisis and then to provide medium and long-term security for their industries. The seven points address leadership of the crisis, property restructuring, future safeguards against overproduction, how to develop and adopt technology, opportunities for value adding, how to diversify, and how to develop a coordinated regional supply chain and improve trade and regulation. By its sheer nature, this report takes a broad average look at horticulture, so there will be a need to have some finetuning by the various industries to achieve a more definitive picture by industry.

It is estimated that there are 3000 growers in the region, and I believe the view expressed in the report that 20 per cent or 600 are at high risk is most likely conservative, particularly when the value of production is estimated to be down by $117 million at least. Individual industries, such as the wine grape industry, will generate different results, and for some who have no contract, income could be down by as much as 90 per cent. There is a raft of initiatives to be

investigated and considered by the regional task force. They include short-term financial assistance, with the rural counselling service to be appropriately resourced to work with horticultural industry groups to draw up an assistance package specifically designed for horticulture and based on the assistance given to the sugar industry in its time of crisis.

The proposed initiatives will benefit all, including smaller farms working together on how to develop viable property options in a coordinated way and on many other issues. There is a real and meaningful role for all levels of government — commonwealth, state and local. I call on the Premier to respond positively to this initiative from the MRCC and the Wentworth shire and appoint a senior person to draw the departments together to ensure that the interface between the commonwealth, state and local levels of government are structured in a way that will ensure there is no overlapping of responsibilities and that a coordinated program is adhered to as we work our way through the short, medium and long-term issues.

Responses

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Andrea Coote raised the matter of the East Bentleigh and Caulfield pools and a possible application by the City of Glen Eira to the Better Pools program. I am always conscious of how important pools are in local communities, and I encourage Glen Eira to make an application to the Better Pools program so that we can look at some way of assisting in funding the pool program in that community.

The Honourable Peter Hall raised a matter concerning the Mirboo North Golf Club — and what a great club it is! I met a number of representatives of the club some time ago. They are wonderful people, and they have a wonderful club. One of the great things about the club, interestingly enough, is that in the lead-up to and some years out from the Commonwealth Games, when I was just discovering the background to the south-eastern red-tailed black cockatoo, I found that it is the emblem for the golf club. The club was very excited about the prospect of the south-eastern red-tailed black cockatoo being the mascot for the games.

Honourable members interjecting.

Hon. J. M. MADDEN — That is right. Maybe there are some opportunities for some legacies to come out of the games for the Mirboo North Golf Club.

Hon. B. N. Atkinson — They want land; they don't want Karaks!

Hon. J. M. MADDEN — Maybe you could use the outfit as a hazard out there on one of the fairways.

I am happy to refer this to the Minister for Environment in the other place to try to sort out some of the complexities with the leasing arrangements.

The Honourable Bruce Atkinson raised a matter of domestic violence services, particularly those associated with the Mitcham community house. I am happy to refer that to the Minister for Community Services in the other place.

The Honourable Bill Forwood raised the matter of the Rosanna ABC child-care centre and issues around bollards and road safety. I am happy to refer that to the Minister for Transport in the other place.

The Honourable Wendy Lovell raised the matter of the WorldSkills Australia national competition. I will refer that to the Minister for Education and Training in the other place.

The Honourable Graeme Stoney raised the issue of the removal of willows on river banks in Victoria. I am happy to refer that to the Minister for Environment in the other place.

The Honourable John Vogels raised the matter of the replica ship *Duyfken.* I am sure the spelling will be checked by Hansard. I am happy to refer that to the Minister for the Arts in the other place.

The Honourable Barry Bishop raised the matter of horticulture in general and wine grape growers and the complexities associated with that industry. I am happy to refer that to the Premier.

Motion agreed to.

House adjourned 5.56 p.m.