PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 5 December 2007

(Extract from book 17)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Council committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

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

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Mr PHILIP DAVIS

Deputy Leader of the Opposition:
Mrs ANDREA COOTE

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

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

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WEDNESDAY, 5 DECEMBER 2007

Wednesday, 5 December 2007

The DEPUTY PRESIDENT (Mr Atkinson) took the chair at 9.33 a.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 4 December to:

Electricity Safety Amendment Act
Melbourne and Olympic Parks Amendment Act
Port Services Amendment Act.

MOTOR CAR TRADERS AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Planning).

AUDITOR-GENERAL

Response by Minister for Finance, WorkCover and the Transport Accident Commission

For Mr LENDERS (Treasurer), Mr Jennings, by leave, presented response to Auditor-General's reports for 2006–07.

Laid on table.

EDUCATION AND TRAINING COMMITTEE

Dress codes and school uniforms in Victorian schools

Mr ELASMAR (Northern Metropolitan) presented report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Mr ELASMAR (Northern Metropolitan) — I move:

That the Council take note of the report

The committee heard a wide range of views on the subject of school uniforms in the course of this inquiry. The vast majority of schools spoke of the many benefits for their students of wearing a school uniform. They spoke of the sense of pride and the feeling of belonging to the school community that putting on a uniform gives to their students. They also wrote about the atmosphere of discipline that a school uniform can create by keeping students focused on their learning and not on their clothing. Furthermore, many schools told the committee that their school uniform helps to create an atmosphere of equality by removing the outward differences between students and letting what is inside shine through.

On the other hand the small number of Victorian schools that do not currently have uniforms were equally passionate in their opinions. The report's key recommendation is therefore that the decision as to whether to have a school uniform should remain with the school community.

The committee also believes there is a need for greater clarity and consistency in dress codes and school uniform policies in Victorian schools. The committee found that the issues around dress codes and school uniform policies can be deceptively complex — for example, developing a dress code or school uniform policy requires a school to consider its legal obligations to support student health and safety and to comply with relevant antidiscrimination legislation. For schools that choose to have uniforms, it also requires consideration of complex commercial issues, such as arranging procurement. The committee found that while many Victorian schools make considerable efforts to consider these issues in their dress codes and school uniform policies, they are often not addressed to a consistent standard.

I will not keep talking about the report, but I am pleased to have been involved in its development. It is my first report as a member of this committee. In particular I have enjoyed some of the innovative research methods the committee has employed in the course of the inquiry. Members may be aware that on 6 September the committee conducted a public hearing in the parliamentary chambers for 125 students from 30 different Victorian schools. The school uniform bill 2007 was prepared by the committee especially for the event. Mr Hall and I presided over the primary students in the Legislative Council chamber, and three members from the other place — the member for Ballarat East, the member for Bulleen and the member for Eltham — presided over secondary students in the Legislative Assembly. We were equally impressed.

The committee has also received positive feedback from schools about the value of the event as a learning opportunity for their students. Many students had not been to Parliament before, and the chance to participate directly in a real parliamentary process was an experience that they will remember for a long time.

It is my privilege to thank and acknowledge the efforts of the members of the committee in investigating and considering the issues associated with this report. I also commend the work of the committee's executive officer, Karen Ellingford; the research officer, Jennifer Hope; and the administrative officer, Natalie Tyler. They were of great assistance to the committee in bringing this inquiry to completion ahead of schedule. I commend this report to the Parliament, and I trust that it will support the Victorian educational community in addressing the issues associated with dress codes and school uniforms.

Mr FINN (Western Metropolitan) — I rise to support the comments made by my friend Mr Elasmar about the report on the inquiry into school uniforms and dress codes in Victorian schools. I was a member of the Education and Training Committee for a fair portion of the time — almost all the time — during which this report was under consideration and investigation.

I have to say it surprised me a little to find that this matter invoked a degree of emotion among certain people. I recall one particular instance when I visited Princes Hill Secondary College for a public hearing. The young students of that school made it very clear in many and varied ways that under no circumstances would they tolerate uniforms at their school. I must admit I found that a little challenging. When I was at school, the principal actually made the rules; the kids did not. However, obviously things have changed in the world we live in today.

Uniform is an issue which obviously raises great interest among a good number of people. I also recall one particular trip we took to Darwin. A number of witnesses appeared before the committee; the hearings were usually held at Parliament House in Darwin. There was one witness who sticks in my memory, who pointed out that in his view the need for uniforms was very much in line with discipline. He believed that if a school has a uniform, then that increases discipline within the school body. I thought that that was a point that was well worth making; I certainly took that on board. I am sure that members of the committee took that on board as well.

It is also worth mentioning that the committee, whilst in Darwin, met with the then Northern Territory education minister, Paul Henderson, who now is the Chief Minister of the Northern Territory. I am not sure whether that is any coincidence — —

Mr D. Davis interjected.

Mr FINN — I am not suggesting anything of that sort, Mr Davis! It is just certainly worth mentioning.

I would like to offer my thanks and gratitude to the executive officer and to the staff of the committee who put together a pretty professional show. I would also like to thank the members of the committee who were mostly cooperative, friendly and easy to get along with. I commend this report to the house.

Mr HALL (Eastern Victoria) — I too am pleased to be a member of the Education and Training Committee which conducted an inquiry into dress codes and school uniforms in Victorian schools. When the reference was given to the committee, I think I said the issue was probably not the most pressing in terms of education at that time. The recommendations of the report verified that view. Those recommendations are not greatly dissimilar to the current dress codes standards that apply in Victorian schools, but the recommendations suggest some strengthening of and improvement to the standards.

I thought the highlight of this particular inquiry, however, was the level of student engagement that was achieved by the work of the committee. I think Mr Elasmar highlighted the fact that on 6 September we had 125 students participating directly in both houses of this Parliament in what to them was a real debate. Due to the clever work of the committee staff, which I will mention in a minute, they developed a particular piece of legislation — a mock bill, if you like — surrounding the issues of school dress codes. Students from schools across Victoria were actually in this chamber debating — and, I might add, debating very well — the merits of particular clauses of that bill. I think it reflected very well on the ability of the committee staff to engage students at that level and to draw up a bill for debate in which the students could most usefully participate, and indeed I thought that was a highlight of the inquiry.

Equally I thought another great initiative that ought to be highlighted was the fact that the committee staff themselves developed an online survey that went out to Victorian schools. To my knowledge such an online survey is usually the sort of thing that a committee or a department might contract to an outside source to develop to the tune of tens of thousands of dollars, but that was done through the ability of the committee staff.

I pay great tribute to the abilities of Karen Ellingford, Jennifer Hope and Natalie Tyler and to the guidance they provided to the committee during the course of this inquiry. The results of the inquiry were well worth documenting, and again, like my colleagues, I recommend a reading of the report to other members of this chamber.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Audit Act 1994 — Report on the Performance Audit of the Auditor-General and the Auditor-General's Office, November 2007.

Auditor-General —

Report on Funding and Delivery of Two Freeway Upgrade Projects, December 2007.

Results of Financial Statement Audit for Agencies with 30 June 2007 Balance Dates, December 2007.

Disability Act 2006 — Report of Community Visitors for 2006–07.

Health Services Act 1988 — Report of Community Visitors for 2006–07.

Mental Health Act 1986 — Report of Community Visitors for 2006–07.

Mildura Cemetery Trust —

Minister's report of failure to submit report for 2006–07 to the Minister within the prescribed period and the reasons therefor.

Report, 2006–07.

Ombudsman — Report on Investigation into VicRoads driver licensing arrangements, December 2007.

MEMBERS STATEMENTS

Housing: waiting list

Ms LOVELL (Northern Victoria) — Labor's secret state continues. This time it is the Minister for Housing who is refusing to release the public housing waiting lists. They are now more than eight weeks late, and I believe the government is not releasing them because Labor is ashamed of the number of families who are languishing on its waiting lists. Why the secrecy? Why the delay? Given that the figures are eight weeks overdue, we can only assume that the reason is that the government has something to hide. The government normally releases lists on a quarterly basis. They are due at the end of March, June, September and December. But the latest figures for waiting lists that we can get from the Office of Housing are for June. These recent figures are more than two months overdue and the figures that are available are five months old.

In June there were 34 150 families waiting for public housing on Labor's waiting list and, worse than that, there were 6768 of the most vulnerable families on the early housing waiting list, just languishing there. These are families who are at risk of recurring homelessness, coping with a disability or who have special housing needs. Perhaps the Labor government cannot even be bothered keeping the lists up to date any more. So much for its promise of accountability and transparency. The housing minister must immediately release the latest figures so that we can see how many people are languishing on Labor's waiting lists.

Camperdown community house: volunteer small grant program

Ms TIERNEY (Western Victoria) — On Friday, l6 November, I had the great pleasure of presenting yet another Brumby government Victorian volunteer small grant to the Camperdown community house. As I arrived the community house was full of excited volunteers overjoyed that the community house had been recognised and indeed was granted $3000 to help recruit further volunteers to the community house. The house coordinator, Mary Brown, and the president, Marilyn Rippon, are quite rightly proud of their organisation, its efforts and its achievements. It was with great pride that we had photos taken behind the newly designed crest for the community house as a backdrop. It was also an absolute pleasure to present such deserved acknowledgements to those true heroes, those volunteers in the local community for their tireless work.

The sense of community was strong on the day and many people had taken time off from other commitments to be there for the announcement. The $3 million Victorian volunteer small grants program has already helped some 850 local community organisations, and it is true that there is growing evidence that supportive communities with lots of volunteers have better health, more community safety, lower crime rates, more school completions and a great ability to cope with personal crisis.

International Volunteer Day

Ms TIERNEY — I also take this opportunity — today being 5 December, which is International

Volunteer Day — to thank all volunteers for their commitment and hard work in their local communities.

Youth Parliament

Mrs PEULICH (South Eastern Metropolitan) — I would like to commend the continuing conduct of the Victorian Youth Parliament, the 21st event having been held on 2 and 4 October.

I would like to commend the members of Parliament who acted as acting presidents here and acting speakers in the other chamber, who presided over the debates. I also commend the organising body — the YMCA — for doing a lot of the legwork, the many schools and individual teams who participated, and the young people who were involved and who believe that political engagement is important to their communities.

Having been an Acting President for some of those debates, I was subsequently contacted by a couple of participants. I do not know how they vote or whether they are involved with any political parties, but they thanked me for my participation and support. However, they also inquired about what had happened to the bills that had been debated, amended or passed in both chambers.

I understand there have been some delays, but I call on the Minister for Sport, Recreation and Youth Affairs in the other place to make sure those bills are not ignored, and that the concerns of people like Nathan Goode and Martin Ireland — Martin is a year 12 student who has completed his studies this year and finds politics fascinating; I am not sure whether he is typical of people of that age — who believe that the voice of youth should not be ignored and that all members of Parliament should be aware of the views of the youth who debated those issues in the Youth Parliament forum.

I look forward to receiving information from the Minister for Sport, Recreation and Youth Affairs on this very important activity supported by the Parliament.

Agriculture: genetically modified crops

Mr BARBER (Northern Metropolitan) — Just a few weeks ago I met with Japanese delegates from the No! GMO Campaign. They brought with them a petition representing 2.9 million Japanese consumers from co-ops and cooking oil producers opposed to genetically modified organisms, or GMOs. They wanted to remind us that Australia is an important source of non-GM (genetically modified) rapeseed for Japan. The group's activities have put a stop to GM food crop development and cultivation within Japan; however, the export of GM seed from the US and Canada for cooking oil has not been prevented.

Surveys conducted by the Japanese government and individual citizens have confirmed that spilled GM seeds from trucks during loading, unloading and transport on and around the docks in Japan have led to seed sprouting creating fertile offspring on transport routes and even near animal feed factories associated with those areas. The findings by this Japanese group support the argument that GM crops impose hazards and additional costs to GM-free growers, not just in Australia but also in Japan as a result of our activity here in Australia and decisions that we have made.

Crime: Melton

Mr EIDEH (Western Metropolitan) — Recently the media have again shown how they are quick to judge and quick to condemn a community before they check the facts.

In this case they have portrayed the great shire of Melton within my electorate, the Western Metropolitan Region, as a haven for violent assault. The truth is far towards the other end of the scale. Led by its dedicated mayor, Cr Justin Mammarella, the Melton Shire Council in partnership with Victoria Police has worked tirelessly to reduce the incidence of crime and has achieved outstanding results. Neighbourhood Watch and the Police Community Consultative Committee are just two of the municipal-police-community partnerships working together against crime.

But with the Metropolitan Remand Centre being located within their municipality, crime figures are grossly inflated. This is unfair to that great community where the municipality and the police work so well together, and I call upon the media to be more responsible in their coverage of such issues. Crime is a concern to each and every one of us, whether we are affected directly or not. I do not wish anyone to become a victim of crime.

Melton is a safe and secure community and one that is growing rapidly due to the great administration of its council. I commend the mayor, his council and Victoria Police for achieving so much for their community.

Pakenham bypass: opening

Mr O'DONOHUE (Eastern Victoria) — Last Sunday marked the opening of the much anticipated Pakenham bypass. Its opening will be great for the townships of Pakenham, Officer and Beaconsfield. It will take a lot of traffic, particularly truck traffic, out of

the commercial and residential centres of these towns. In particular for the schools that abut the now bypassed Princes Highway it will be much safer. It will be much safer for children attending schools such as Pakenham Secondary College, Pakenham Consolidated School, Officer Primary School and the Lakeside Lutheran School.

The new bypass will also greatly assist commuters from West Gippsland, of whom there are more and more every week, and it will allow quicker access for tourists and holidaymakers to Phillip Island, the Bass Coast, the Gippsland Lakes and Gippsland more generally. This is critically important given the increasing access and affordability that holidaymakers in Melbourne have to interstate holidays via cheap airfares to a growing range of destinations on Virgin Blue, Jetstar and now Tiger. I congratulate Russell Broadbent, the federal member for McMillan, not only on his re-election but also for his advocacy in securing federal government funding for this critical project.

Unfortunately the state government has failed to realise the flow-on effects of opening the Pakenham bypass. In particular it has failed the township of Koo Wee Rup by not planning a Koo Wee Rup bypass. It must separate the bypass of this town from the broader upgrade of the Healesville-Koo Wee Rup Road between Koo Wee Rup and Pakenham. It has also failed to plan for increased traffic flows from Cardinia Road and McGregor Road in Pakenham. The government must act to fix these terrible new traffic bottlenecks it has created.

Beulah Memorial Park

Ms DARVENIZA (Northern Victoria) — I want to take this opportunity to congratulate everyone who was involved with the development of the Beulah Memorial Park. I had the pleasure of officially opening it last Sunday. This project was a partnership involving the Victorian government, which contributed over $193 000 through the Small Towns Development Fund. Also it did not happen without the support of the Yarriambiack Shire Council and, of course, the community, which was very involved in it as well, not only in supplying in-kind support but also with fundraising. I congratulate the mayor of Yarriambiack, Cr Andrew McLean, Mr Ray Campling, the chief executive officer of Yarriambiack council, and Mr John Hallam, the president of the Beulah Memorial Park Trustees.

It is a great development. It has seen the construction of a new ecofriendly amenities block that will provide facilities not only for the swimming pool but also for the new camping ground. It has seen the installation of a reticulation system that will provide water for the football field, the netball and tennis court surrounds as well as the pool surrounds. It is a very beautiful development. It is one that will see people using the new camping facilities there, and I congratulate everyone involved.

Australian Labor Party: western suburbs

Mr FINN (Western Metropolitan) — Elections come and elections go, but some things stay forever. Of course the area I am talking about is the shysterism of the ALP in the western suburbs. I have had come into my possession a document, a memorandum to Mr Brendan O'Connor, the federal member for Gorton — the new minister responsible for employment participation or something, I think it is — from an official of one of his branches in which this official asks for:

> … a clear undertaking and a signed agreement that you —

as in Mr O'Connor —

> will use your office to enforce that your full-time staff do not interfere with the running of the branch nor do they attend the branch meetings and harass and tell everybody how the branch should be run and what they should do.

This particular official says to Mr O'Connor:

> … if you are continuing to stack the branch with members from the Keilor electorate and therefore working effectively against George Seitz who gave you the seat and supported you for the seat of Burke and the seat of Gorton it will be interpreted as gross disloyalty and that you are trying to out George Seitz from his seat.

We have heard many stories over many years of the bullying, the harassment, the branch stacking, the bullets in letterboxes, and a whole range of things from the ALP in the western suburbs, but obviously this indicates that that is continuing. That is a part of the life of the ALP in the western suburbs. All I can say is God help anybody who would want to be a part of that.

Wantirna Health: facility

Mr LEANE (Eastern Metropolitan) — Those grapes are sour! It was a great pleasure last Wednesday to attend the official opening of the $30 million Wantirna Health facility. This facility will include 30 palliative care beds, 30 geriatric rehabilitation beds and a community rehabilitation centre. It will also house the Eastern Palliative Care Service, which does great work in people's homes. A number of volunteers will also work from that centre. The opening of the centre means that these services and facilities are much

closer to people of the eastern suburbs, who until now have had to travel to Box Hill or further to access these services.

Australian Labor Party: federal candidates

Mr LEANE — On another matter, I would like to congratulate a personal friend of mine, Mike Symon, who two Saturdays ago became the new federal member for Deakin. Mike Symon is an electrician and a unionist, and I suppose the Liberal members of the Council will be relieved to hear me state that he has not been a union boss — unlike Brendan Nelson. I would also like to congratulate the candidate for Casey, Dympna Beard; the candidate for La Trobe, Rodney Cocks, for his great work; the candidate for Menzies, Andrew Campbell; and the candidate for Aston, Gerry Raleigh for the great work and effort they put into achieving last Saturday's great result.

VICTORIAN WATER SUBSTITUTION TARGET BILL

Introduction and first reading

Mr HALL (Eastern Victoria) introduced a bill for an act to supplement Melbourne's water supplies by establishing targets for promoting the use of alternative water sources including recycled water, stormwater run-off and rainwater to replace potable water used for non-potable purposes and the establishment of a scheme that provides for the creation and acquisition of water substitution certificates and the surrender of water substitution certificates, and to amend the Essential Services Commission Act 2001 to confer functions on the Essential Services Commission and other purposes.

Read first time.

TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL

Introduction and first reading

Mr DRUM (Northern Victoria) introduced a bill for an act to amend the Tobacco Act 1987 to further control the effects of tobacco products on minors by making it an offence to smoke in motor vehicles in the presence of minors and for minors to possess tobacco products and for other purposes.

Read first time.

POLICE: CORRUPTION

Mr DALLA-RIVA (Eastern Metropolitan) — I am pleased to rise and move:

> That this house expresses its serious concern at the recent allegations of police corruption in Victoria.

However, as a former police officer I am not pleased that I have to move this motion given recent events. In particular I refer to investigations of the Office of Police Integrity (OPI) and the recordings of conversations between police officers that have come to light. Today I seek the indulgence of the house to allow me to explain why this motion has been moved and why it must be supported by members of this chamber.

The motion does not condemn any persons or individuals, although I am sure that members in their contributions may make reference to certain matters that were raised in the hearings. This is not a motion which refers to the activities of individuals; it is really meant to examine some of the issues that came out of the OPI investigation.

There is no doubt that issues of police corruption exist in Victoria Police, as they exist in every other law enforcement jurisdiction around the world. We are not exempt from that disease infiltrating our police service. Many members will attest to the fact, and I am sure most will agree, that the vast majority of police officers working in Victoria and every other state and territory around this great country are working diligently to uphold the law for the benefit of the communities they serve. There are, however, elements that we know exist within Victoria Police that have a propensity to engage in activities that may be considered illegal. I have some concerns after reviewing the transcript of the OPI investigation public hearings, which is on the record in the public domain at the website. My concerns really go more to the internal factional fight within the police force rather than to issues of corruption per se.

To say that Victoria Police members use expletives in communications is an understatement. I have been criticised before for elucidating that police members develop the use of colourful language, especially after serving 13 years in the police force. It is in the nature of the job of a police member — certainly in some divisions I worked in — that you are required to adopt the language of the people you are working with and amongst whom you are enforcing the law, and sometimes you adopt the behaviours of those in that community. Having worked in Broadmeadows and West Heidelberg, I can say more colourful language is used in those areas than in some of the other areas I worked in, such as Portland, the fraud squad, the asset

recovery squad and the computer crime squad. When I was located at the St Kilda Road offices, I can tell members that the language one floor down was very colourful. I will not say which squad it was, but one morning I went downstairs to get a coffee and the expletives coming from a lady there were absolutely mind blowing. I thought — —

Ms Mikakos — This sounds like a personal explanation to me.

Mr DALLA-RIVA — I am putting it on the record to put it into some context. I thought they were probably the strongest expletives I had ever heard from a woman. I thought the person was either a suspect or a police officer at work, but I was wrong on both counts. In fact it was the receptionist of one of the squads! It was just amazing to hear the expletives. I am talking not just about the common ones we all know but about those that extend beyond the norm. To suggest that police officers are corrupt because they use colourful or more-than-exuberant language is really drawing a long bow. Yes, some issues raised in the OPI investigation go to the heart of the support which exists for the hierarchy, and that is an accepted aspect of the investigations, but private discussions relating to matters that are not of particular relevance to what the OPI was investigating are really not matters which justify the end result. I take from that that there are situations that raise concerns.

This motion talks specifically about the issue of police corruption in Victoria, and in a roundabout way the recent allegations of police corruption in Victoria are related to the investigations of the OPI. We need to delve into the OPI inquiry because it is the crux of the motion before the house. It is interesting that in the recordings Mr Ashby, a former assistant commissioner, could be heard secretly bragging about his close relationship with Labor political heavyweight, Colin Radford. He claimed that Mr Radford was one of his sources.

Mr D. Davis — A former adviser to the Premier.

Mr DALLA-RIVA — Mr Radford is a close confidante of the Premier and is chief of staff to the finance minister in the other place, Tim Holding. What are those relationships and how were those relationships established with Mr Ashby? We know those conversations that occurred between Mr Ashby and Mr Mullett are on the public record. We know there were discussions that occurred between Mr Ashby and Mr Radford. What did those discussions relate to? Did they involve issues of a criminal element that may have stepped over the line?

What I will be getting to is the fact that whilst we have allegations of police corruption, the Office of Police Integrity can only investigate police; it cannot extend its tentacles into other areas. It cannot force individuals, it cannot force MPs, it cannot force public servants and it cannot force ministerial advisers to give evidence unless it relates directly to the terms of reference of the OPI's investigation.

It goes to the very heart of the matter we on this side of the chamber have for a long time been arguing for — that is, the establishment of an independent crime commission. They have been established in Western Australia, in Queensland and New South Wales. The new Prime Minister of Australia, Kevin Rudd, is on the record as saying that in Queensland the Crime and Justice Commission was to act not only as a watchdog on police corruption but would also place the broader public sector on notice.

Mr Lenders interjected.

Mr DALLA-RIVA — The Leader of the Government interjects and tries to defend the way things are operating. We have no doubt that this government is scared to put up a commission modelled on the Independent Commission Against Corruption (ICAC).

If ever you want to see a classic example of what is wrong, you need only look at the transcripts of the recent OPI hearings. Those hearings extended beyond the norm of police investigations. They were not just about the police force itself. The OPI investigators had evidence about other persons, which I will get to. Before I get to that, the Leader of the Government seems to be at odds with the New South Wales Premier, Morris Iemma, who has made an issue of Victoria not having a body such as an ICAC. He has argued that any jurisdiction that does not have — —

Mr D. Davis interjected.

Mr DALLA-RIVA — Kevin Rudd, that is right. I indicated that the Prime Minister supports an ICAC-type body. Even the New South Wales Premier — and we seem to follow a lot of New South Wales legislation, if I understand the way things are going here; we do not have any original thoughts in Victoria; we seem to follow whatever New South Wales has done — has had a whack at Victoria and its Premier. He has said that any jurisdiction that does not have its own ICAC-type body is crazy. He said:

> If you don't have one, you have either discovered a secret in human nature that has eluded the rest of us, or, as is more likely to be the case, you are kidding yourself.

This government is kidding itself if it thinks that police corruption involves only corruption within the police and that it does not extend beyond the force.

Monash University Associate Professor Colleen Lewis has complained that:

> The OPI is consigned to looking at police misconduct … The assumption that it stops with police is naive.

Evidence has been led at the OPI hearings time and again. I will read, for example, from a transcript of the hearings of 15 November 2007. As I said earlier, this is on the public record. I refer to a transcript of a recording of 19 September that forms part of the transcript of the hearings. It states:

> MR ASHBY: Have you heard the new announcement is about to be made?
>
> MR MULLETT: No.
>
> MR ASHBY: For who is going to be Bob Cameron's chief of staff?

It further states:

> MR ASHBY: It's going to be announced, there's a function tonight to send off Martin, and the new person will be introduced.

Who is the 'Martin' he referred to? In fact that happens to be the member for Albert Park in the other place, Martin Foley. We know that Martin Foley was the chief of staff for the then Minister for Police and Emergency Services and that he has been heavily involved in the Labor Party. The transcript goes on:

> MR MULLETT: What, so he's resigning or is he getting a secondment?

Mr Lenders — What transcript is that? Read the transcript about Mr McIntosh!

Mr DALLA-RIVA — This is a transcript that is on the public record, Mr Lenders. It goes on:

> MR ASHBY: I'm not sure. It's being supported heavily by Christine's office.

I gather 'Christine' is the Chief Commissioner of Police, Christine Nixon. So we have the chief commissioner heavily supporting someone going into the minister's office as chief of staff. I know my colleague Mr Finn will have further to say on this, but I thought it was important to touch on what Mr Ashby said. At line 20 on page 21 the transcript of 15 November 2007 it states:

> MR ASHBY: But in any event, that's life. But it's going to be announced today, and Martin Foley has had a bit to do with it, and he's persuaded that someone who was an informer — in André's office who now works for the Premier's office whose name just escapes me at the minute, said he's a good operator, and that's what eventually got him across the line.

Who was the good operator who worked in André's office — I gather that is André Haermeyer, the member for Kororoit in the other place — but who now works in the Premier's office? Who is that person? Is it Mr Radford, and what involvement did he have in this issue? We have slammed Mr Ashby, we have slammed Mr Mullett and we have this OPI investigation about — which is part of the motion here — allegations of police corruption, yet we have the toes, the fingerprints, the DNA and every bit of evidence that they have their foot in the door in a big way in the chief commissioner's office, in the Premier's office and in the police minister's office. If that is not the tentacles expanding beyond police corruption, I do not know what is.

It gets worse, as we know. I will read into *Hansard* another excerpt from the public inquiry on 15 November 2007 where on page 24 Mr Mullett is reported as saying:

> Oh, they haven't thought — thought it — thought through. It's like a lot of the appointments, mate, to, you know, it's under that umbrella of administrative corruption.

I am not here to defend Mr Mullett, but I am here to defend the Victoria Police in terms of some of the issues that have been raised. It is interesting to note that yesterday the Police Association moved a motion for the establishment of an independent crime commission. It has been fighting it for ages, but the reality is that it realises that its members are getting hung out to dry while all the Labor apparatchiks who have their fingerprints on the chief commissioner's office, the Premier's office and the police minister's office in a very corrupt environment are dealing in such a way that it is now saying, 'Hang on, our police officers are getting hung, drawn and quartered out there'. There is clear involvement of chiefs of staff, clear involvement of the commissioner's office, clear involvement of the police minister's office and clear involvement of the Premier's office — and I think it is naive to suggest there is no evidence of that being the case.

I refer to one example regarding the Minister for Police and Emergency Services in the other place, Mr Cameron, who was asked in Parliament about the phone intercept warrants that were established. Mr Cameron was asked about these warrants but he refused to say anything. He was asked if the former chief of staff, Martin Foley, whom I have mentioned, had seen the warrants, and he said that no other person knew the details.

It is interesting to note that the Premier himself found out about the public hearings when the OPI chief, George Brouwer, told the Department of Premier and Cabinet secretary, Terry Moran, who passed it on to Mr Brumby the week before the public hearings started. So we have a corrupt connection between the OPI and the government — the chief of staff and the Premier. We have a direct link in that corrupt activity — and it is corrupt. We now have Mr Ashby, Mr Linnell and Mr Mullet all being slammed against the wall because they leaked issues about the secret OPI investigation, yet Mr Brumby, the Premier of the state, knew about this before the public hearings. Why has he not been prosecuted for knowing that information? What was the connection between the chief of staff and the Premier?

Clear evidence has come out of this inquiry that demonstrates the government is corrupt. This government has a stench of corruption about it. There is no doubt that is why government members are fighting tooth and nail to avoid the establishment of an independent crime commission. Government members do not want that, because they know that its tentacles would go right into their area. We know that that they would be summonsed and compelled to give evidence. At the moment there is nothing in this state that allows an MP or any other person to be compelled to give evidence as part of a corruption inquiry. There is no power whatsoever.

I will put the facts on the table. Through the OPI we have heard testimony and taped telephone conversations about a number of people, including Sharon McCrohan. There is a new addition — the Premier's media director — —

Mr Lenders — And Andrew McIntosh.

Mr DALLA-RIVA — But Andrew McIntosh, and this is important, was mentioned in terms of attacking you guys, attacking Labor.

Mr Lenders — He was mentioned.

Mr DALLA-RIVA — Read the transcript. Do not make a statement if you have not read the transcript. I read every transcript before I came into this chamber. Mr Lenders should not make that allegation, because it is not true. Mr McIntosh, the great shadow minister for police in the other place, was mentioned in the context that if he found out about the secret, grubby, corrupt deals that were going on he would be slamming this government. That was the context of that, and I will read some of the transcripts later that show that Ms McCrohan indeed had some involvement.

We now have Ms McCrohan, the Premier's media director and a very powerful person; Colin Radford, now the chief of staff to the finance and water minister; and a former police minister, André Haermeyer, the member for Kororoit in the other place. Let us turn to talk about André Haermeyer. The other week there were allegations that André Haermeyer had some involvement with Mr Ashby, and Mr Finn may expand on that a bit further. However, there are connections between Mr Radford and others, and there are allegations concerning Mr Haermeyer and Mr Ashby getting somebody off a charge, about which there was some internal concern in the rape squad. Why are we not investigating that? It is because we cannot. Why are we not investigating the allegations against the former police minister? It is because we cannot. Why are we not investigating the allegations of involvement of the Premier? It is because we cannot. Why are we not investigating the activities of Mr Radford? It is because we cannot.

It has been stated that the OPI has very wide powers to investigate corruption, but the fact is they are very narrow in this context. Government members are fighting tooth and nail to avoid the establishment of an independent commission against corruption or similar investigative body. It is important to put on the record that the problem as far as the OPI is concerned is that its present powers limit the scope of its investigation.

Politicians and senior public servants such as Mr Moran have been named. What was Mr Moran's involvement with Mr Overland? What was the promise given to Mr Overland regarding the trip overseas that raised concerns? What was the concern there? What was the inducement and what opportunities were provided to Mr Overland so that he would then be involved? We do not know. We cannot call Mr Moran. Senior public servants cannot be called. Members of the public can be interrogated as witnesses only as part of an investigation of police corruption. They cannot be made to appear nor can they be sanctioned if they refuse to give evidence.

The current system represents a very myopic view. It fails to acknowledge that corruption can work both ways and can occur anywhere within the public sector. It is not a one-way street. Police are not the only people who are corrupt in this state. We have a corrupt government continuing this whole process of hiding and hoping the whole thing will go away. When the OPI hearings were on the Premier was quoted as saying:

> … there is more than adequate steps in place to properly safeguard and protect Victorians from corruption …(and) if

> you do more than that, you are stifling the free speech and liberties which Victorians value.

It sounds good, but it seems to go against what the New South Wales, Queensland and Western Australian Labor counterparts of the government have done. It also goes against the view of somebody whom I would have thought was more on the Labor side of the ledger than ours — Brian Walters, SC, the immediate past president of Liberty Victoria. Having been a member of the Law Reform Committee, I have to say that Liberty Victoria would probably not be considered to be on my side of politics.

However, Mr Walters made a very compelling argument in the *Age* of 17 November, when he dealt with the issue of the 1989 Fitzgerald royal commission on corruption in Queensland. It is interesting to note that the Fitzgerald commission emphasised that curbing police corruption required avoiding any direct link between the government and the police union. Mr Walters used the secret deal between the Police Association and the government before the last state election as a classic example of those types of corrupt activities that are occurring. The motion about police corruption in Victoria is valid. We have to express very serious concerns about it, because if we do not, we are allowing the values of our community to say that it is all right to be corrupt.

We are living in a corrupt state under a corrupt government. The problem is nobody has the stamina or the wherewithal to get up and say, 'We have a real concern'. The problem I see is that the corruption has permeated very heavily into the Labor movement — it is very similar to what happened in the drug squad. Once the cancer grabs hold, it spreads.

What we have here is a government that has its head so deep in the sand that it will not do anything. Every other Premier says you should have an independent commission, but the Premier of Victoria argues about it. With even the Police Association joining in yesterday, I do not think there is one body in Victoria that says there should not be an independent crime commission. It is important to understand that. Police are not the only corrupt people in the state, if there are elements of corruption. That is the sad truth of it.

I put on the record some of the issues in relation to Ms McCrohan. The issue about the former police minister, Mr Haermeyer, will be further explained. It is interesting that the investigation of that particular matter was handled by the then Ombudsman (Police Complaints) in 2002, and I do not think it went any further. I know Mr Finn will expand on that later.

It is important to put on the record some further connections that really worry me in terms of what the government knew prior to the public hearings. Some evidence has been provided, and I do not see Sharon McCrohan, the former media adviser, being suspended. She should be, because if the evidence as presented indicates she had some involvement in the leaking of the OPI investigation into the Briars operation — I think that is its name — then we are in a very parlous state.

I refer to some of the evidence that was presented on that day following the discussion that was held. I will put on the record what was said. On the night of Saturday, 22 September, Noel Ashby and Steve Linnell had a long phone conversation. They were obviously a bit toey about where things were going. Linnell told Ashby that he was at the footy the previous night, the Friday night, and so were the Premier and Sharon McCrohan — —

Mr D. Davis — The Premier's media director.

Mr DALLA-RIVA — The Premier's media director, yes, Mr Davis. I read from Linnell's conversation with Ashby, as quoted in the *Age.* The report states:

> Linnell … And anyway, I saw Shazz and I said …
>
> Ashby: What's going, baby?
>
> Linnell: Yeah. 'What's going on?'. She came over to have a drink.
>
> …
>
> Linnell: She came over to my table, you know.
>
> …
>
> Linnell: We were sitting there and I said, 'I'm just a bit worried, Shazz'. She goes, 'Oh, what about?' … she goes, 'Are there any more corruption things to come out?'.

That is what she said during this discussion in September. The public hearings had not yet been held, but she knew. Who told her about the corruption?

The report goes on. There is a bit more discussion, which I will leave out, but members can look at the public record, if they want. Linnell said McCrohan asked:

> What's that about?

Linnell said:

> I can't tell ya.

McCrohan asked:

> And you have been called up?

Linnell replied:

> Yeah, and I'm not happy about it.

So Sharon McCrohan — —

Mr D. Davis — Is confirming.

Mr DALLA-RIVA — She confirmed that she knew about the corruption inquiry, that she knew that Linnell had been called up. Who else did she know was called up? We know, and I supplied evidence of this earlier, that the Premier knew about the hearings. Who else knew about the private hearings of the OPI?

The assistant commissioner has been vilified in the public arena for his disclosure of those private hearings, and has resigned. Mr Linnell was publicly humiliated and suspended by the chief commissioner before he resigned. Police Association secretary Paul Mullett has been suspended from Victoria Police. What about Sharon McCrohan? Why is she not suspended? What was her involvement? What did she know about it? How could she ask the question, 'Are there any more corruption things to come out?' What 'corruption things'?

How would she know that there was a police inquiry unless she was called up to give evidence — and there is no indication that she was? She was not called up to give evidence at the private hearings, but she knew about them, and this was revealed in a discussion held on the night of Saturday, 22 September. On the night before, 21 September, well before the hearings became public knowledge, she knew, and she said, 'And you have been called up?', and, 'Are there any more corruption things to come out?'. What on earth was she doing, knowing about those issues? I continue to quote from the *Age*. Linnell said:

> No, and she freaked …

And he said she said:

> You've f … ing ruined my night.

Linnell replied:

> Hello, join the club.

Hang on — she swore! If she swore, she should be suspended, because police officers have been suspended for swearing, but that seems to be all right. I continue to quote:

> Ashby: Yeah, yes …
>
> Linnell: … So she, she …

He said McCrohan said:

> We need to have — we need to have coffee.

Linnell then said to Ashby:

> But anyway, I just left it hanging … because they need to know where it's going to go.

They knew fully where it was going. What did Sharon McCrohan, the chief media adviser to the Premier, know? She knew who leaked the information to her. Was it Simon Overland? Was it the Chief Commissioner of Police? Was it Terry Moran? Was it the Premier; if so, who leaked the information to him? We certainly know that it was not Mr Mullett or Mr Ashby, because in their words, their phones were off. They were being recorded.

What did Ms McCrohan leak? Did she talk to Mr Radford? Did she talk to the office of the Minister for Police and Emergency Services? Did she talk to Bob Cameron, the Minister for Police and Emergency Services in the other place? What did he know about this issue? Why does the OPI not investigate them?

The OPI does not investigate them because it has no power to investigate. The government says, 'We will not have an ICAC because if we do that, we are gone; we will be summonsed to appear'. Sharon McCrohan would be called and compelled to give evidence. If she did not give evidence, she would be put in jail. She probably should be put in jail. She seems to be corrupt, like the rest of this government demonstrates it is. If you are going to slot Mr Ashby, Mr Mullett and Mr Linnell into jail, there will be a few politicians on the other side of the chamber who will go down as well — and there will be a few advisers who will go down as well.

Mr Leane — Spare us!

Mr DALLA-RIVA — A government member has said, 'Spare us'. I say to him: put up ICAC instead of hiding in a corrupt environment.

We know that this is a very secretive government. The recent hearings and activities have proven that exactly. I have read into *Hansard* the evidence of some of the discussions that occurred. It worries me.

This motion says:

> That this house expresses its serious concern at the recent allegations of police corruption in Victoria.

It is a valid motion. We should, as members of this chamber, express our serious concern about this issue. It would be absolutely abhorrent for this chamber not to support this motion which has been drafted in a way to ensure the full support of the chamber. The motion does not name individuals; we can talk about the people during our discussion and debate. The motion is very clear about where this house should stand in relation to this issue. The government should strongly support this motion, because if it does not, that will be a further example of the government's corrupt activities.

I did not think that I would ever say this but I will: we are living in a corrupt state. What is happening here is no different to what happened in Queensland, New South Wales and Western Australia. It is only a matter of time before we and the people of Victoria wake up to the fact that this government has been allowed to get away with grubby dealings for a long time. It is important for members to support this motion. In a broader context it is important that we stamp out corruption, even when it occurs at the highest level of this government's administration.

Mr HALL (Eastern Victoria) — Corruption in government departments and corruption in non-government organisations are of equal concern. I do not think there is anybody in this chamber who would not support this motion. The Nationals will support it, because it simply expresses concern about the recent allegations of police corruption in Victoria.

Policing must be the toughest gig in town. Generally speaking I think 99 per cent of Victoria's police officers serve us well while they undertake tough tasks. They are charged with responsible and, at times, onerous professional duties. Police carry those duties out in a balanced, responsible and reasonable way. I pay credit to and have the utmost respect for members of our police force. Unfortunately there are invariably going to be one or two bad apples in the barrel — as there are in all professions — that taint the rest of an organisation.

That is the case, as Mr Dalla-Riva said when he moved this motion, regarding our police force; there is evidence of some signs of corruption in our police force. I am not going to delve into individual circumstances which have been quite evident in media reports of recent months. Mr Dalla-Riva has repeated some of those details and put them on the record today. I must admit that I and the general public share some of those concerns over reports about and allegations of corruption within our police force.

I repeat the point that corruption is not at all unique to the Victorian police force. I am sure there is equally evidence and signs of corruption in a whole range of government and non-government organisations. The weight of the law should apply equally to corruption wherever it occurs. Because policing is such a high-profile job and because police deal on a day-to-day basis with criminals, the police need to set the highest standard. They are under the highest levels of scrutiny. Thus any whiff of corruption within Victoria Police attracts a lot of public attention. Therefore corruption issues are more highlighted in the policing profession more than in others.

I want to put on record the long-standing view of The Nationals about how to deal with corruption generally. As far as The Nationals are concerned, the important factor in this issue is how we deal with allegations of corruption in Victoria Police, other government organisations and in the private sector. The Nationals have had a long-held view on this issue, and we expanded on it in our policy document *Police and Emergency Services — Policy Directions Paper*, which was an election policy document of 12 months ago. That document says, in part:

> The Nationals have consistently called for the establishment of a standing commission on crime and corruption, a structure similar to that operating in other states of Australia.

As I said, that has been a long-term view of The Nationals; we have consistently expressed that view during debates in both houses of Parliament. We have argued over a number of successive years that there is a need for an independent commission to investigate crime and corruption.

I agree with some of the comments that Mr Dalla-Riva has made in suggesting that such an independent commission would have wider powers than the Office of Police Integrity to investigate corruption beyond just that which may be occurring within the Victorian police force. We believe it is appropriate to establish an independent commission to broadly look at corruption in government and also non-government departments. Of course in its role Victoria Police can itself investigate corruption if there is sufficient evidence for such charges in the private sector. That is welcome, but we believe that that independent commission against crime and corruption should be established, and we have held that view for many a long year.

I noted in an article in this morning's *Age* newspaper that the Police Association now shares that view. I think that is a healthy sign and is a positive turnaround, because there is no doubt, as I said before, that the vast majority of police officers do not want to be tainted with the whiff of corruption. They want to see these matters dealt with very efficiently, effectively and

promptly, and so they now share a view that there should be an independent commission for investigating crime and corruption. I welcome that. I think this now provides an opportunity for government to rethink the effectiveness of the Office of Police Integrity and whether that is sufficient to counter those claims and allegations of corruption existing in the Victorian police force.

I think now is an opportune time for the government to reassess its constant opposition to the establishment of such a commission and to reappraise that view now, in the light of a lot of the recent events that have been outlined by Mr Dalla-Riva and outlined in the media to a large extent in recent months. It is an opportunity for the government to take that step backwards, reappraise its position and look to establishing such a commission. As Mr Dalla-Riva says, such a commission or such a structure exists in Western Australia, in Queensland and in New South Wales. Already the majority of states of Australia have taken a lead in this regard, and I think it is about time Victoria got on board.

The Nationals share the views expressed in the motion. We think there are some very serious public concerns about the recent allegations of corruption within the Victorian police force. We believe some of those concerns about corruption extend beyond the police force and that the establishment of an independent commission would therefore be a timely step and a step welcomed by the public of Victoria to deal with those concerns. I am pleased that such a commission is now supported by the police themselves, because that is surely a significant step in advancing all that we can do to eliminate corruption in the Victorian police force and in other areas, such as government departments, as well. With those few words, I advise the house that The Nationals will be supporting this motion.

Ms PENNICUIK (Southern Metropolitan) — The motion before us raises a very important public issue. Allegations of police corruption undermine public confidence not only in the police but in public administration generally. The Greens are concerned about recent events in which a very senior police officer and the police media coordinator resigned due to evidence presented to the Office of Police Integrity inquiry. I echo the sentiments of Mr Hall that the vast majority of police officers serve the public well, are hard working and are not corrupt. However, the Greens, like the public, are unable to ascertain the nature or the extent of police corruption in Victoria in the absence of a definitive report on the issue or on the current proceedings before the Office of Police Integrity.

The word 'recent' in the motion is interesting, because I would say that there has been public disquiet over some years now about possible police corruption in light of the so-called gangland killings, and the Office of Police Integrity was established in the wake of these very worrying events. Like the public, the Greens have only the public reports of the Office of Police Integrity to rely on in judging the extent of any police corruption in Victoria.

I would like to refer to the most recent annual report of the Office of Police Integrity in which the director, police integrity, who is also the Ombudsman, writes about, among other things, corruption in Victoria Police. On page 13, in a chapter headed 'Corruption in Victoria Police — A status report', he says that community concerns about corruption within the ranks of Victoria Police or about links between current serving members and organised crime were, or are, not without foundation. The report refers to the OPI's inquiries and states:

> As a result, a clear picture of the extent and nature of corruption within Victoria Police has emerged.

I am not sure if a clear picture has emerged. The report further states:

> Corrupt police in Victoria appear to be operating in small cells or syndicates. Each group varies in size and, whilst there are overlaps, they seem to operate in isolation from the others. While group activities may vary, they do share a number of common features. In each case, members are prepared to work in concert with others to act outside the law, to abuse their powers, to abuse the public trust vested in them and to undertake activities aimed at promoting self-interest or personal profit.

It further states:

> Most of the syndicates have also joined forces with people who have significant criminal histories, including some individuals with extensive links to organised crime. Many of these relationships between police members and criminals are also longstanding.

I make the point that the Office of Police Integrity has no power to investigate any of those other individuals. I think Mr Dalla-Riva made the point — and I do, too — that the police cannot be corrupt just within themselves. Corruption would involve interaction with individuals and/or groups outside the police, and the Office of Police Integrity has no jurisdiction to investigate anyone other than serving sworn or unsworn police officers.

The report of the director, police integrity, goes on to say:

> It is not yet possible to determine the precise numbers of police involved …
>
> … Early evidence indicates that the syndicates have a corrosive influence on the ethical health of Victoria Police, and that some actively thwart attempts to build a corruption-resistant culture within Victoria Police.

That is to be expected.

It is concerning that even in the OPI report of 2006–07 these statements are being made by the director, police integrity. The report goes on to talk about the office's approach. It says that additional resources granted to the OPI this year have been allocated to a dedicated corruption prevention and education unit. It states:

> In addition to working closely with the investigations and complaints units within OPI, this unit is working with Victoria Police to tackle the negative cultural influences pervasive amongst some of the rank and file.

The report says this is yielding positive results:

> An increasing number of police are coming forward to the OPI with concerns about the serious misconduct of those they work with. This reflects an increasing intolerance of unethical conduct amongst these police …

Obviously this is of concern to the community and it is of concern to the Greens. But in addition to our concerns about potential, possible or alleged police corruption, the Greens are also concerned that Victoria does not have a complete set of tools in its toolbox to address and prevent corruption in Victoria.

On 22 August in this house the Greens moved a motion that was supported by the house to send a reference to the Victorian Law Reform Commission to examine the most appropriate legal model for an anticorruption commission for Victoria. That motion was supported by the house, and it stands as a supported motion that we believe the Attorney-General should act on. We also believe that as time goes on the need for a wide-ranging anticorruption commission will become more and more apparent, if it is not already apparent. The government should be proactive. It should take the lead and establish an anticorruption commission in Victoria. As previous speakers have already said, such commissions already exist in Queensland, New South Wales and Western Australia. In a little while I will briefly touch on the models in those states to show why Victoria's model is wanting.

Mr Dalla-Riva and Mr Hall mentioned that the Police Association today called for the establishment of an anticorruption commission to replace the Office of Police Integrity. That is one view, and that is not the model in other states. That is why on 22 August this house resolved, following debate on our motion, to send a reference to the Victorian Law Reform Commission — to have it take public submissions and to run a public process of examining what the best model for Victoria would be.

We believe the Attorney-General should send that reference to the Victorian Law Reform Commission without delay and have it examine what the most appropriate model would be for Victoria. That is the way to go, and the Attorney-General should get the ball rolling.

Without visiting the comprehensive and detailed arguments put forward in that debate by Mr Barber in support of the Greens motion, I wish to restate a couple of the most important points he made. He referred to the New South Wales legislation that set up the Independent Commission Against Corruption (ICAC) there, as an example, and said that in order to prove corruption, there needs to be a finding that behaviour is corrupt, and there must be a link to a criminal offence or an offence which would lead to a disciplinary action or dismissal.

In the case of a finding against MPs and ministers or local government officials, there would have to be a breach of a code of conduct. That goes on to some of the essential underpinnings that we need not only in setting up an independent commission on corruption but because we need some essential underpinnings. One of those is a code of conduct for MPs and ministers as an essential precursor, which we do not have in Victoria.

The Greens document that we have referred to in the Parliament before, *Making Parliament Work — Ideas from the Greens*, and with which we went to the election, has five parts. Part 3 talks about 'accountable' and has three parts to it, including a code of conduct for parliamentarians. There is no code of conduct for parliamentarians other than a rudimentary outline in the Members of Parliament (Register of Interests) Act 1978. We need a comprehensive regime to articulate and uphold the ethical standards expected of ministers, ministerial staff and parliamentarians, both in the performance of their public duties and in their transition to private life.

We recommend the adoption of a comprehensive code of conduct setting out the standards expected of parliamentarians, including specifically a two-year cooling-off period before ministers or their advisers, upon leaving Parliament, can work in industries they previously regulated. Also underpinning the establishment of an anticorruption commission are things like public appointments on merit; that we

should be legislating to establish a commissioner for public appointments to ensure that such appointments are made at arm's length from government and are made on merit; and the UK model of an Office of the Commissioner for Public Appointments, to ensure that appointments are made at arm's length from the government. We believe Victoria should follow suit with that.

Also under that accountability — and this is very important — is continuous disclosure of donations. We believe we should adopt the UK model of continuous disclosure of public donations with three-monthly reports by the parties, rising to weekly disclosure, during elections, of donations over $1500 and corresponding requirements on third parties whose political expenditure during the election exceeds a threshold.

Not only do we need to set up an independent commission against corruption or look at a model for that in Victoria but the Transparency International group also states that we need core integrity bodies backed up by distributive mechanisms. What is meant by that are things such as training for senior public servants in ethical and integrity issues, FOI legislation and political donation disclosures that work.

It is important that an anticorruption commission must include investigative, preventive and educational activities. Other points that were made in the debate on that motion referred to the Australian Institute of Criminology's 2006 report entitled *Review of Anticorruption Strategies*. Some of the factors it believes led to corruption are the norms and values in politics and public service which are key determinants; the lack of control, supervision or auditing; interrelationships between business, politics and the state, which is very important; values and norms concerning the government and the state; the public sector culture; a lack of commitment at the leadership level; perceptions of disorganisation and mismanagement; the increasing strength of organised crime; norms and values in public and private life; and the increasing significance of lobbying.

Others include interrelationships between the political and administrative arms of government; social inequality; low salaries in the public sector; and other economic problems. We have discussed all of these things, and all of these things exist to some extent or another in the state of Victoria.

During that debate on 22 August four government speakers defended the model that we have in Victoria of an ombudsperson who deals with public administration and an Office of Police Integrity which can only deal with police officers. Those government speakers defended that as being the appropriate model, but it is not. There is a gap.

There is no place to which allegations of corruption against public officials, members of Parliament and members of local councils can be directed. They cannot be dealt with by the Office of Police Integrity, and they cannot be dealt with by the Ombudsman because that is not the Ombudsman's brief. His is a different brief, and the office of the Ombudsman cannot really morph into an ICAC.

I am going to briefly go on to the models that exist in the other states and put those on the record as what exists around Australia in the other large states that Victoria should be looking at. I am sure the Victorian Law Reform Commission, when it finally receives its reference from the Attorney-General — as I believe it inevitably will — will have regard to what Frank Costigan, QC, said in his transferring role, that there are:

> … cycles of integrity failure, scandals, inquiries and reforms —

and these cycles keep coming around.

In the end there will have to be a move towards that model in Victoria because we have a gap, and the gap needs to be filled. Western Australia has an Auditor-General; its office scrutinises the public sector to see whether or not there has been a waste of taxpayers resources, similar to the task of Victoria's Auditor-General. Western Australia has an ombudsman who reviews the administrative decision making of the public sector, the same as does our Ombudsman, and it has a corruption and crime commission established in 2004 under the state's Crime and Corruption Act.

I probably do not need to remind members that the lead-up to that was a whole series of incidents in Western Australia that not only brought many people's reputations down but also brought down its government. I am not suggesting that that is going to happen here, but that is why I am suggesting the government — in fact any government — should be proactive and not leave itself open to being forced into a position by events.

That is not fanciful thinking; that is what actually happened in Western Australia. It is also what happened in Queensland, as we know, with the Fitzgerald inquiry. The Queensland model includes an Auditor-General, as Victoria has, an ombudsman with functions similar to those of our Auditor-General, and a

Crime and Misconduct Commission which came into existence in 2002. It has four major roles: fighting major crime, raising public sector integrity, dealing with the complaints of misconduct from members of the public or official sources, and undertaking research.

It has a very strong preventive function, and this is spelt out in part 1 of the act which establishes it. It is interesting that one of the issues it is investigating is public-private partnerships — identifying governance risks, which is dear to the heart of the Greens.

New South Wales has a slightly different model. It has an Auditor-General similar to other auditor-generals. It has an ombudsman, who again helps the public authorities, except for courts and politicians, to address problems with their performance. Looking at the administration, it is the same as other ombudsmen and is based on the usual ombudsman model. It has the Police Integrity Commission, which came out of the Wood royal commission, which members may remember. It actually has a Police Integrity Commission similar to the Office of Police Integrity here, and it has the Independent Commission Against Corruption. So it has the Police Integrity Commission and the commission against corruption.

The New South Wales independent commission has the broadest jurisdiction of any anticorruption commission, encompassing public authorities and all public office-holders, including the judiciary and elected officials such as members of Parliament and local councillors. Public authorities include government-owned corporations, government trading enterprises and local government councils. It deals with corruption as defined in the act, which I mentioned earlier. It also has a very strong prevention and education aspect. It helps New South Wales public sector agencies and individuals to prevent corruption by providing advice and building agencies' resistance to corruption through training and resources.

We have before us a very serious issue of public concern, and we should be concerned that there appears to be corruption in the police force. But, as I mentioned, you cannot have corruption in the police force without involving persons outside the police force, and that is where we have the yawning gap in Victoria. I would urge the Attorney-General to act on the motion that was supported by this house and send a reference to the Law Reform Commission to examine and make recommendations as to the appropriate anticorruption body for Victoria.

Mr TEE (Eastern Metropolitan) — It is important that justice be done and that it is seen to be done. In so doing it is important that justice be open and transparent and, where appropriate, that people have an opportunity to see the transcript and see and hear what happens in the Office of Police Integrity (OPI) proceedings. This is a fundamental and indeed important principle, but the problem is that a number of allegations made in the transcript are untested and unfounded and often the people named do not have an opportunity to respond to those allegations. What is worse is that often these hearings attract the conspiracy theorists: those who trawl through the transcript, making connections which do not exist in fact or reality; those who make mischief with the material that is there; and those who act irresponsibly in their interpretation of the material that is there. That is an unfortunate by-product of the system that we have.

The OPI was aware of this risk in making the transcript and the hearings public and available. It took the opportunity to make a comment in relation to this situation. It is worth putting on record the views of the OPI in relation to the people named and any allegations or assertions made in the transcript about those people. I will read the statement made on 15 November by the delegate for the OPI, Mr Wilcox. He said:

> During the course of the hearing there have been references to various people who are not people who have been called to give evidence and some of the references have been unflattering to them or critical or adverse in various ways. There is no person who is under scrutiny in this hearing, in the sense of there being any possibility of adverse findings or comments or recommendation, who has not given evidence. There's two negatives there. In other words, everybody against whom that might occur has been called to give evidence so that their position could be thoroughly investigated and they could have the opportunity of dealing with any matters that might be thought adverse to them.
>
> So it follows that anybody who has not gone into the witness box will not be subject of any adverse comment, and that's important because they haven't had the opportunity to deal with any reflections on their actions or their character that might have fallen from one or more witnesses. I ask people to bear that in mind when they're thinking about the evidence, and there's been a lot of things said. They should not be taken as gospel, particularly against people who haven't had the opportunity of dealing with them. It's just a matter of basic fairness.

I think it is important that we record the views of the OPI in relation to the witnesses that have given evidence, and it is important to note that witnesses, some of whom have been referred to today unfairly, had not been called to give evidence and will not be the subject of any adverse comment by the OPI. Members opposite ought to afford them the same courtesy and respect.

I am concerned about any allegations of police corruption. One of the fundamental pillars of our society is that those with the power to enforce the law must themselves comply with the law. Corrupt police undermine the integrity of the justice system. They cast an unfair shadow over the activities of their fellow hardworking police officers. It is critical that we have an ongoing capacity to expose corruption. It is critical that we prosecute corrupt police officers and government must be seen to have the tools and the commitment to effectively weed out corruption. Only ongoing vigilance will give the community continued confidence in the integrity of Victoria's police force. But weeding out corruption is not something that happens by chance or by accident; it is not something that falls into your lap or something that is about good fortune or good luck. What it needs is a well-resourced, competent and dedicated body to be vigilant, a body that is independent of government and a body that is independent of the police that it seeks to investigate.

To deliver such an independent body you need a government that is single-minded in its determination to rid police of corruption, and I am pleased — indeed proud — that in Victoria we have a government that has the determination needed, and in the Office of Police Integrity we have the tool that we need to expose corruption.

The Office of Police Integrity, which we established in November 2004, is all of those things and more. It is independent and impartial, and the director reports to the Victorian Parliament. The powers of the OPI are extensive. It is able to respond to complaints of corruption, or it can conduct its own-motion investigations. It can investigate the conduct of a member of the police, or it can investigate more generally police corruption or misconduct.

To do its work effectively the OPI has been given extensive powers by this government: to summons witnesses and examine them under oath; to conduct public and private hearings; and to enter public and private premises with a warrant. The OPI also has the power to take possession of documents or things and to demand answers, regardless of any claim against self-incrimination. The OPI can also use surveillance devices including, as we have seen, phone taps. The government realises that police corruption does not necessarily stop at the doors of the police station, so the OPI has powers to investigate police corruption more generally — past the gates of police stations.

The OPI has also been incredibly well resourced. It has around 97 staff, and its 2007–08 budget was $20.9 million. In 2006–07 it received additional funding of $31 million to conduct investigations, including in particular the use of telephone intercepts. As you would expect with a well-resourced and very dedicated body, there have been exceptional results. The 2006–07 report shows that in the last 12 months 20 police and civilians have faced criminal charges; 2 police officers have pleaded guilty; 6 police officers have resigned whilst under investigation; 152 criminal charges have been laid against police; 44 investigations have commenced; 106 summonses have been issued; 608 reviews of Victoria Police investigations or action have been completed; and 1339 inquiries have been undertaken. These results are important for those of us who are genuinely concerned about police corruption, and they send a clear message to the community and to the police that corrupt behaviour will be exposed and will be prosecuted. This house can be assured that the OPI is effectively dealing with allegations of police corruption in Victoria.

But, of course, what happens if you are successful, as the OPI has been, is that you find a number of people jump on board the OPI supporters bus. I noticed that the member for Kew in the other place, Mr McIntosh, is indeed an unabashed fan of the OPI. *Hansard* of 21 November in the other place reports Mr McIntosh as having said:

> When you look at the operation of the OPI comparatively you see that yes, it has strong and draconian powers that compare equally with … other bodies around this country.

Indeed Mr McIntosh was more effusive when talking about the director, police integrity. He said:

> I have only admiration for the way he has gone about that job.

There is admiration from the member for Kew in the other place for the OPI, and I am assuming, by inference, admiration for the government that set up the OPI!

The OPI has supporters extending to the federal Parliament. The current — and I use that word deliberately — federal member for Higgins, Mr Costello, is also a supporter of the OPI, and I hope that his successor, whoever that may be, shares Mr Costello's enthusiasm for the OPI. For the record, I will read Mr Costello's views, which were reported by AAP on 15 November:

> I think it's very important that the OPI get to the bottom of these matters …
>
> The police do a great job in our community and we respect them very much, but it's important that if there has been any collusion at all in the doing of a crime, that the OPI gets to the bottom of that, and I wish the OPI well and the commissioner well in their inquiries.

and —

> I think the overwhelming majority of Victoria Police are fine men and women, they're people who put themselves in the line of fire, put themselves in danger every day, serving us as a community and they would want to know and the community would want to know that the senior command and those that direct them are above reproach …
>
> That's why an OPI investigation is appropriate.

Thank you, Mr Costello.

So today we see the product, and much-acclaimed product, of the government's hard work on police corruption: an OPI that has the resources, power and dedication and that is delivering results. The success of the OPI shows some clear lessons for all in this house — that is, that you do not achieve these sorts of results by cutting corners or by cutting resources. You certainly cannot be changing your mind about which model will work. If you are committed to fighting corruption and have a clear vision, then you work towards implementing that vision. You need to work hard on the right model, deliver that model and make sure that the model is implemented.

I note that some in this house have tried to catch up with the debate, and I think it is appropriate that they finally realise what the government has done. Those opposite have made a number of unsuccessful attempts to emulate the success of the OPI by coming up with their own models. I think they have made about four or five attempts to do so. What the community sees from those opposite is a confused muddle of pale imitations of the OPI — models which are in favour one day and out of favour the next. I note that the model that is in favour today is the independent police anticorruption commission model, but let us wait and see what will be in favour tomorrow.

Over the last 12 months the first model favoured by the opposition was a royal commission. As we know, a royal commission is a pale imitation of an OPI. It does not have powers to prosecute and has fewer powers. It is not an ongoing investigation; it is a one-off, short-lived investigation which generally has a track record of delivering few prosecutions and even fewer convictions.

It was not a surprise that by the last election the opposition had ditched the idea of the royal commission; its election commitment, set out in its election policy, was the next model that it tested. But I think the election commitment speaks volumes for the concern of those opposite about police corruption because what that model involved was the gutting of some $34 million from the budget, which would be for the body that it wanted to set up to fight corruption. For the state election the opposition proposed an independent police conduct auditor, albeit a pale imitation without the resources, without the funding needed to do the job properly. It was a very unsuccessful attempt to emulate the OPI.

Again, this position did not last beyond a number of months. The shadow Minister for Police and Emergency Services, the member for Kew in the other place, Mr McIntosh, who is an unabashed fan of the OPI as we have already seen, in January this year was again calling for a royal commission, as he was quoted in the *Australian*. Two months later, again in the *Australian*, the Leader of the Opposition in the other place, Mr Baillieu, called for a crime commission. By September Mr Baillieu was quoted in the *Herald Sun* as calling for an independent broadbased anticorruption commission.

This is an opposition which has at various times sought to deal with police corruption in a multitude of confusing and ineffective ways. In the last 12 months it has been many, many things. It has been supportive of the OPI; it has been opposed to the OPI; it has been supportive of a royal commission; it has been supportive of an anticorruption commission; it has been supportive of an independent police conduct audit to replace the OPI; and it has sought to cut the capacity of the regime to weed out police corruption by slashing its budget. The Liberal Party now appears to all to have done nothing over the 12 months but scramble around in the dark, desperately trying to cobble together an approach. Of course its five or six models in the last 12 months have done nothing to capture its own imagination, let alone that of the electorate.

If parties in this house are serious about police corruption, and they should be, then you cannot have a flip-flop approach, you cannot have ad hoc, arbitrary policy and ideas. Today's idea of having an ICAC (independent commission against corruption) is just the latest manifestation of that. For those of us who are serious about police corruption, for those of us who are concerned about police corruption, we are confident and the community is confident that there is an effective, well-resourced body in place that is delivering results. We can be comforted, and the house can be comforted, that we have a government in place that has delivered on its vision to provide a body that is exposing and prosecuting police corruption.

Mr FINN (Western Metropolitan) — Gilbert and Sullivan tell us that a policeman's lot is not a happy one. I think that is almost a given, but does it really have to be so hard? In Victoria in 2007, to be a police

officer is one of the hardest tasks of all. Before we dive into accusations of corruption, of who did what to whom and how many times, let us look at the facts — —

Mr Viney interjected.

Mr FINN — Mr Viney might get very excited now, but all I can say is: give him a little while and he will have plenty of reason to get very excited. Before we dive headlong into these accusations of corruption, and who did what to whom and how many times, let us face the facts of what we have in Victoria, here in December 2007. Victoria Police is in crisis; morale is at rock bottom; the public perception of what used to be regarded as the finest police force in Australia has plummeted.

The police force in this state is a mess, yet one decade ago it was regarded as the best in Australia, it was the envy of the nation. Indeed the health of Victoria's police, its efficiency, its work ethic and its culture was a legacy that I had passed down to me from my parents. It was a legacy that had been passed down to them from their parents, but it is not a legacy at this current time that I can pass down to my children, and I regard that as a tragedy.

Well may we ask, 'What has gone wrong?'. Why is Victoria Police haemorrhaging? Accusations of corruption, perhaps unfounded accusations of corruption in certain quarters, is one factor, but there can be no doubt that the downward spiral began when the then Premier, Mr Bracks, appointed a little operationally experienced academic from the most corrupt police force in Australia as Chief Commissioner of Police.

That is when it all started. That is when the slide began. The government appointed someone with a very poor view of Victorian policing; somebody who came to this state with a view, and publicly expressed this view, that Victorian Police was as corrupt as the forces in Queensland and New South Wales. That is quite clearly ludicrous. For somebody — anybody, for that matter — to come into this state and make that sort of accusation is absolutely ludicrous. For the Chief Commissioner of Police to attack her own force in that way is, dare I say it, almost criminal.

It is interesting to note the defence that members of the government put up for the chief commissioner. I see Ms Mikakos getting ready over there. That should not be at all surprising because Christine Nixon is one of their own; let us face facts. The appointment of this Chief Commissioner of Police was a blatant political appointment. She has set about a pre-determined plan to destroy the culture of Victoria Police. Her plan is to build a new police 'service'; 'force' is an old word now. But first she has to destroy the old one, and, sadly, that is being successfully achieved. In the process the chief commissioner has gone out of her way to vilify respected, hardworking police officers. She has seen fit to use her position to declare war on the Police Association. She has instilled political correctness as the order of the day. One has only to go back 12 months ago when we saw rioters on the streets of Melbourne — —

Mr Dalla-Riva interjected.

Mr FINN — I will get to that in a second, Mr Dalla-Riva. One year ago we saw professional political demonstrators taking over the streets of Melbourne. The police were instructed to stand back. Those police who did not stand back and went in to defend those people who had the right to use those streets are now still under investigation. They are now still being penalised for the doing the job they are paid to do. What the hell is going on in our police force?

As Mr Dalla-Riva reminded me, just a few weeks ago we had a situation where outside the Liberal Party headquarters in Exhibition Street there were a couple of — —

Mr Guy — Ratbags.

Mr FINN — Ratbags; indeed, Mr Guy, they were ratbags. They chained themselves to a very large lump of concrete. Why? One cannot begin to imagine, but they were obviously trying to make some sort of point. The police were called in. What did the police do? Did they remove them? No, they closed the street. They forced people to get off the footpath and walk on the roadway, around the ratbags outside Liberal Party headquarters. I understand this went on for some two days. What is happening with law and order in this state when people can block a footpath? I am told that an individual in a wheelchair had to bypass these people by going onto the roadway, putting himself at considerable personal risk, I would suggest. When that sort of thing goes on you have to wonder whether police corruption is the only thing that we have to concern ourselves with, because that to me means that law and order in this state is unravelling. The actions of the chief commissioner have undermined law and order in this state.

I turn to my area of Western Metropolitan Region. We have heard the spin from the government. We have heard the spin from the spin doctors from Victoria

Police and the minister's office. Now let us have a listen to the official figures. Let us see what is going on in the real world. Let us look at the city of Hume. The official Victoria Police crime statistics for 2006–07 show an increase of 29.1 per cent in violent crimes against the person. There was a 37.4 per cent increase in assaults, a 51.6 per cent increase in the incidence of rape, and a 75.3 per cent increase in weapons offences. That is just in the city of Hume.

Let me turn to the city of Brimbank. This is staggering. Between 2004 and 2006 in Brimbank there was a 73.8 per cent increase in violent crimes against the person and an 87.6 per cent increase in assaults. This is just breathtaking — there has been a 116.7 per cent increase in sexual assaults in Brimbank since 2004. If the government thinks law and order is working in the state, it should think again. In the city of Maribyrnong there was a 10.4 per cent increase in violent crimes against the person, a 10 per cent increase in assaults, and a 32.4 per cent increase in sexual assaults. In the shire of Melton there was a 26 per cent increase in violent crimes against the person, a 34.6 per cent increase in assaults, and a quadrupling of homicides since 2004. In the city of Moonee Valley there was an 11.4 per cent increase in violent crimes against the person, a 26.3 per cent increase in assaults, and a 19.3 per cent increase in robberies since 2004. Finally, in the city of Wyndham there was a 16.5 per cent increase in violent crimes against the person, a 20.8 per cent increase in assaults, and a 24.1 per cent increase in rape since 2004.

That is what is happening in the real world. While we are sitting up here discussing the finer points of the Office of Police Integrity, a possible independent commission against corruption and accusations of corruption, this is what is happening on the streets of Melbourne. There has been an increase in assault, an increase in robbery, an increase in rape, and an increase in weapons offences. That is what is happening every day in Melbourne. That is something that this chief commissioner has failed to address. With those sorts of figures one can only suggest that Victoria Police is not doing what it should. We have much to concern ourselves with. It is not just about corruption.

We have seen — and I can vouch for this certainly in the western suburbs — police stations that are undermanned and underresourced. Out in the west, in Werribee, where they desperately need more police, they got more police. Where did they come from? Footscray! The government closed the Williamstown police station overnight and sent the police up to Werribee. We do not want shuffled police; we need new police.

Mrs Kronberg — More police!

Mr FINN — We need more police, as Mrs Kronberg said. This is an issue that the chief commissioner and the minister just refuse to address. There are in this state a good many police officers who are stretched to breaking point and beyond, and I have spoken to many of them. All this is happening while the chief commissioner continues a public campaign against her own police force. It is little wonder that so many experienced police officers are voting with their feet and walking out the door. In one week earlier this year over 1000 years of police experience left the force. If anybody can say that is good for law enforcement in this state, I cannot understand where they are coming from.

Under normal circumstances this would be bad enough, but we have a situation where the Chief Commissioner of Police, it would seem, is much more interested in her new role of de facto police minister. The chief commissioner has usurped the role of the minister. The chief commissioner is not a police officer; the chief commissioner is a politician. She is as much a politician as any member of this chamber. Looking across at the other side of the house, I would say probably more than some.

Hon. J. M. Madden — What does that mean?

Mr FINN — You would not understand, would you. Thick as a brick! Even poor old Bob Cameron, the minister in name only, has been given the heave-ho by the chief commissioner, which is entirely appropriate given that his predecessor thought he was chief commissioner. We have seen that.

Mr Dalla-Riva — Which one?

Mr FINN — Mr Haermeyer.

Mr Dalla-Riva — There was one in between.

Mr FINN — Was there one in between?

Mr Dalla-Riva — Twinkle, twinkle!

Mr FINN — I forgot about him, I was talking about Mr Haermeyer; I had completely forgotten about him. He had made a huge impression, hadn't he! We had the extraordinary situation where a former minister for police thought it was entirely appropriate that he should access police files of individuals in this state and use them for political purposes in this Parliament. Indeed I am sure Mr Guy could give us chapter and verse on how that particular situation developed. I do not know how Mr Haermeyer got away with that. Perhaps he may

not get away with it. Certainly if we were to adopt an independent commission against corruption type of body I am sure Mr Haermeyer would not have got away with it.

Mr Guy — He has got a lot to answer for.

Mr FINN — Indeed he does have a lot to answer for. The huge concern that we have, and certainly I have, was expanded significantly on Saturday of last week when I picked up the *Herald Sun* and saw that Mr Haermeyer had been involved in more than just accessing police files. I saw that Mr Haermeyer had been involved in influencing police officers in their investigations. The *Herald Sun* carried a report last Saturday entitled 'Charges dropped as a favour — claim'. It states:

> Labor MP André Haermeyer allegedly used his influence over former top cop Noel Ashby to stop criminal charges being laid against a woman they both knew.
>
> The *Herald Sun* has been told the former police minister inappropriately sought a favour from Mr Ashby to influence the outcome of a rape investigation.
>
> Detectives from a suburban station were considering charging the woman known to Mr Haermeyer and Mr Ashby with making a false report over rape allegations she made.
>
> …
>
> Several other police recently told the *Herald Sun* they believed Mr Haermeyer asked Mr Ashby to intervene to try to stop his female friend being charged and claimed it was improper for any politician to have any role in a criminal investigation.

That is something I do not think anyone in this chamber or outside could argue with. When a politician seeks to use their position, particularly somebody with the track record in the police area that André Haermeyer had, to influence a current police investigation, that is surely something that needs investigating.

Mr Guy — It is called the Fitzgerald inquiry!

Mr FINN — Mr Guy raises the Fitzgerald inquiry. I am sure that if we had in Victoria a similar body to the Fitzgerald inquiry that matter would be something it would most certainly take up. The Office of Police Integrity cannot touch Mr Haermeyer and can only investigate police. The police are an easy target, are they not? The chief commissioner sets them on their path, and basically they do as they are told. But you cannot investigate Mr Haermeyer — and that is something we have to do. We have to find out exactly what is going on. That is where the real problem of police corruption exists, not among the lower ranks of the police force. If there are a few bad eggs, we sort them out, as we always have, and we get rid of them, as we always have.

There is a real stench of corruption about the upper echelons of this government and the upper echelons of the police force. Never in the history of policing in this state has a chief commissioner spent so much time in bed with the government of the day. The line separating the government and police command has not just been blurred, it has disappeared. Can anybody tell me where one stops and the other begins? They have become one. Accusations of corruption in the lower areas of the force ring hollow compared with some of the concerns that we have about what is going on upstairs.

We have seen show trials and star chambers but little proof of corruption at the lower levels. We have seen that a senior police officer and, most importantly for the chief commissioner and presumably for the government, a senior spin doctor have gone for what appears to be disloyalty and bad language. If they were going to sack every police officer who had a bad word to say about Christine Nixon there would not be too many left before long, because she is not very highly regarded at any police station in this state. If they are concerned about bad language, while I am not sure exactly where their heads are on this, I dearly wish they had been at a polling booth with me the Saturday before last when one of their voters came through and gave me the sort of language that Noel Ashby and Stephen Linnell would blush at, absolutely blush at.

We need to look beyond the police ranks to see if real corruption exists. We need to know if forms of corruption have permeated the highest office in this state. We need to know if the former police minister, André Haermeyer, was in effect dismissed by the chief commissioner because he was interfering in her job. We know the chief commissioner is a total control freak. The then police minister wanted a say in how the force was being run. Did the commissioner get rid of him? Did she pull strings within the government? Did she go over his head? These are the links we need investigated.

Another question that desperately needs attention is whether the stacking of the judiciary by the Attorney-General, with his mates and fellow travellers, can be classified as corruption. The OPI is not going to find out, because the OPI does not have the authority or power to investigate that. That is something that is going to be living with us for many years to come. The tentacles of ministerial offices and police command are intertwined so tightly it is hard to tell one from the other. As I said, the OPI cannot investigate these

connections. It cannot follow the trail that is clearly there.

The Police Association has come out in support of an independent corruption inquiry. Why? Because it too suspects that a trail leads somewhere else. Why does the government oppose such a body? Because the government also knows where the trail leads. Does it lead right into the Premier's office? We have people like Sharon McCrohan in that office. We all know Sharon McCrohan, probably one of the most powerful people in this state.

Mrs Peulich — Shazz!

Mr FINN — Shazz indeed. Steve Bracks would not get out of bed in the morning until Shazz had rung him and told him he could. She effectively has been running the Victorian government for the past eight years. Why then did she freak at the prospect of facing the OPI? What did she have to hide? Is she a crook? We do not know, and we will not know until such time as that matter can be investigated — and the OPI cannot do it. Colin Radford, another Labor heavyweight — is he a crook? What can he tell us? We do not know. We cannot investigate it. Martin Foley, the member for Albert Park in the other place — is he a crook? These are questions that need answering. Every Victorian deserves an answer. André Haermeyer — is he a crook? We do not know.

Mr Guy — Yes, he is.

Mr FINN — We might have suspicions, Mr Guy, but we do not know.

Steve Bracks and John Brumby — are they crooks? What involvement have they had in controlling the operational standards of the Victoria Police? What control have they had over the chief commissioner? We need to investigate the role the chief commissioner has had over all these years. The question that must be answered is: what does the government have to hide? Clearly it has something to hide.

Mrs Peulich — It has been hiding its talents.

Mr FINN — It does not have a lot of talent indeed; Mrs Peulich is spot on there.

Government members are running from an independent anticorruption body, because they know they would be in big trouble if such a body were set up.

I support the police. I support those men and women who go out there every day and put themselves on the line for us. I feel for them, and I wonder how they must feel to see all this going on — to see their credibility in the eyes of the public being undermined by all the carry-on in the upper echelons. This is a tragedy for Victoria, and it is a tragedy for Victoria Police. We must find out where the real — and I emphasise that word — corruption is. Only an independent anticrime and anticorruption body can find that out. It is a necessity for Victoria. Only once we have set that up can we let the police get on with the job that they want to do and give them the authority to get on with the job that they want to do. I support the motion.

Ms MIKAKOS (Northern Metropolitan) — I welcome any debate in this house about the issue of police corruption. I have participated over the last few years in many debates on this issue. I am always happy to debate the issue if we can have a measured and sensible debate, but what we have heard this morning from members of the opposition does the opposition no credit at all. All we have heard is a cowardly attack on innocent individuals who have no ability to respond to having their reputations tarnished and attacked with absolutely no evidence whatsoever being produced.

Mr Dalla-Riva came into this chamber and referred to a whole series of people — I am not going to repeat their names — who may have been referred to by other individuals in transcripts of police taps and other conversations. The fact that those individuals may have been mentioned — and I should point out that the shadow police minister from the other place was also mentioned in one of those conversations — does not provide any evidence whatsoever of their having done anything wrong at all. Mr Dalla-Riva has come into this house and put to us a presumption of guilt — a presumption that these people in some way have to prove their innocence, because some other individuals happened to refer to them in conversation. Murray Wilcox, who is the OPI delegate at the hearings, made the point that no-one who had been mentioned during those hearings but had not yet appeared was under investigation by the OPI.

I make the point for Mr Dalla-Riva that when Steve Linnell, the former Victoria Police media adviser, was called to give evidence, he was not a sworn officer of the Victoria Police. I grant that he was an employee, but he was not a sworn officer, and he was still able to be called by the OPI and investigated. On other occasions the OPI has recommended charges against civilians.

Look at the Ceja task force — and I am sure Mr Dalla-Riva remembers it well, because we have had these debates many times. The third and final report of the task force into drug-related corruption was published and tabled in this house in July. It talked

about five years of work by the OPI into allegations that former members of the police drug squad had been involved in corruption. I note that the report talks about the achievements of the Ceja task force, including the fact that six civilians were charged and convicted of drug-related offences. I draw the attention of members to page 1 of the report, where that reference is made. It is possible for civilians to be charged and prosecuted where the OPI finds that it is warranted.

What we have heard today is a very cowardly attack on a number of individuals, an attempt to besmirch their reputations in a very unfair manner without giving them the ability to respond. We heard Mr Finn's usual spray against the Chief Commissioner of Police, Christine Nixon. I remember very well that when Mr Finn came to this place and made his inaugural speech he made a number of outrageous statements about the chief commissioner. I was contacted by members of Victoria Police, who wanted to assure me that they were very offended by the comments he made. If he thinks this strategy is working, I assure him he is wrong.

Members of the Liberal Party should take note: Christine Nixon is highly regarded within Victoria Police. She has led that police force to record high levels of staff morale. In addition to that, she has a tremendous record of achievement for our state in terms of community safety.

Mr Finn interjected.

The ACTING PRESIDENT (Mr Leane) — Order! Mr Finn!

Ms MIKAKOS — We are the safest state in Australia. As a government we have seen a significant boost to police resources, bringing the total to $1.6 billion; we have put an extra 1400 police onto the streets; and we have promised another 350 police during this term of government. This is in comparison to the Kennett government, which cut 800 from the police force — and Mr Finn should remember that very well, because he was part of that government.

We have constructed or refurbished 148 police stations, and we have increased technological and operational support. These resources are producing results. They have led to a reduction in the crime rate of over 23.5 per cent since 2000–01.

The Victorian public has responded to that. It is confident in the work that the chief commissioner and Victoria Police as a whole are doing. The Productivity Commission report into government services shows that Victorians have the highest level of confidence in the nation in their policing service.

I agree with one thing that Mr Finn said — that is, his expression of support for the hard work that Victoria's policemen and policewomen are doing. I too certainly appreciate that. They risk their lives every day in the very difficult work that they do. However, it does our community no credit that we have corrupt members of the police force. There are clearly some rotten apples that need to be weeded out.

The OPI has identified that in a systemic way. I particularly congratulate it for the groundbreaking report tabled in this house in February, *Past Patterns — Future Directions: Victoria Police and the Problem of Corruption and Serious Misconduct*. The report looked at Victoria Police's 150 year history and identified the systemic reasons why police corruption can occur and the ways in which it can be identified and weeded out. The report shows the very important work the OPI is doing to eradicate corruption in the police force.

In his opening comments in that report the director of the Office of Police Integrity, Mr Brouwer, talked about the experiences of fighting corruption in the past. I particularly want to put one quote on the record. He said:

> Attempts to address misconduct or corruption on an ad hoc basis made little or no contribution to building a corruption-resistant culture within Victoria Police.
>
> Inquiries into police corruption in other local and international jurisdictions demonstrate that in addition to a strong, well-supported management, a further element is required to maintain a modern ethical force, resilient to corruption and misconduct. It is a permanent body, independent of the force and at arms length from government with inquiry powers and resources to apply continuing pressure to maintain and improve standards of police conduct and performance. Victoria is now equipped with such a body.

This is exactly what we have done: we have created and resourced the Office of Police Integrity to perform this task — to seek to achieve the highest ethical and professional standards amongst Victoria Police members. We have provided an independent and impartial organisation that reports directly to the Victorian Parliament.

The 2006–07 annual report of the Office of Police Integrity, tabled in this house in October, talks about the objectives and values of the OPI. The OPI's values are listed on page 9 as integrity, excellence, fairness and courage. The report says there is some basis for concern about police corruption in our state.

On page 13 the report says:

> Corrupt police in Victoria appear to be operating in small cells or syndicates.

The report also identifies other concerning issues and strategies that the OPI has in place for weeding out corruption.

Apart from referrals and complaints which can be made to the OPI, the body is also able to conduct own-motion investigations into matters of concern. In the past it has conducted serious investigations and has produced important reports about a whole range of issues, including witnesses and their treatment, the conditions for persons in custody, fatal shootings, the witness protection program, the law enforcement assistance program database — the LEAP database — and, as I indicated before, the Ceja task force investigations of drug-related corruption. The OPI has conducted a number of very important investigations. Most importantly, the OPI is producing results. A number of key achievements are referred to in the annual report. They include that 20 civilians and police are currently facing criminal charges, that 2 police members have pleaded guilty to crimes, that 6 police members have resigned while under investigation and that 152 criminal charges have been laid against police.

But — surprisingly! — what have we seen? The Police Association has said that the OPI should be dismantled. Should anyone be surprised that the police union and its new spokespeople, the Liberal Party, are now saying that an effective body should be dismantled and scrapped and that we should start again? That may take a few years to get off the ground, and some people in the Police Association who are facing a lot of heat at the moment would be given a bit of reprieve for a while. It is interesting that the Liberal Party has come into this chamber and said, like its new federal leader, Mr Nelson, who is a former union official — —

Honourable members interjecting.

Mr Guy — Doctor!

Ms MIKAKOS — He is Dr Nelson. I am sorry that I forgot about his title, just as I forgot about his earring! Dr Nelson is a former union official. Now the Liberal Party is the advocate for the police union. The fact that the OPI is and has been successful in weeding out police corruption is a very strong argument for retaining it.

It is interesting that Liberal Party members have said in this chamber that we should dismantle the OPI when the Liberal Party's recent election policy was to retain such a body. The Liberal Party election policy of 2006 says:

> Matters involving allegations of serious criminal misconduct and corruption by public officers and local government will remain the responsibility of the state Ombudsman working with Victoria Police.
>
> …
>
> A Liberal government will establish an independent police conduct auditor to effectively deal with police misconduct and corruption in Victoria.
>
> The auditor will replace the Office of Police Integrity, the commissioner for law enforcement data security and the special investigations monitor.

The Liberal Party position at the last state election was to retain an OPI-type body. But it also wanted to gut the OPI by taking away $34.3 million. That amount was also referred to in its election document entitled *A Liberal Government Plan for Victoria Police — Our Streets, Our Homes, Our Force* dated November 2006. The Liberal Party is not sure what its policy is. We all know, as Mr Tee explained during his contribution, that the Liberal Party has more positions regarding police corruption than there are positions in the *Kama Sutra*. In the last 12 months the Liberal Party has had seven positions. It has called for a royal commission, an independent commission against corruption and police auditors. We can clearly see that the Liberal Party is not quite sure what its policy is, but given that the Police Association has made a statement today, the Liberal Party has jumped on the bandwagon and supported its mate Paul Mullett. The Liberal Party was not able to recruit him as a candidate at the last election, but it came out and showed a bit of support for him today.

We have been resourcing the OPI. In 2007–08 the OPI annual budget was $16.488 million and it was allocated $20.9 million in the state budget. The OPI annual report shows that at 30 June 2007 it had 97 staff. In the 2006–07 budget the government also provided the office with an extra $31 million in new funding. We have provided the OPI with many powers. It has more powers than a royal commission. The OPI can tap phones and issue search warrants; it has a whole range of powers that anticorruption bodies in other jurisdictions have. The fact that the OPI had these powers is clearly producing results.

In conclusion, as I said, I welcome any debate in this house on police corruption. As a government we have taken this matter very seriously. That is why since we have been in government we have resourced the Office of Police Integrity to the extent that I have all ready indicated. That is why we have given it additional powers, and that is why we are happy to have debates about this issue. But we should have reasonable and sensible debates. They should not be used as an opportunity to come in here and cast aspersions on individuals in the way that has been done. It gives no

credibility whatsoever to members of the opposition when they conduct themselves in this way, and I hope that in future they will think more carefully about how they participate in these debates and about the contribution they make.

Mr DALLA-RIVA (Eastern Metropolitan) — In a brief right of reply I wish to thank members for their contributions. I did not quite know whether the Labor members Mr Tee and Ms Mikakos were supporting the motion before the house. They spoke continuously about the Office of Police Integrity and its powers. The OPI has very narrow powers, and those members fail to understand that in fact it is very limited in the way that it can actually deal with corruption outside of Victoria Police, although the motion goes towards that.

I thank Ms Pennicuik for her contribution. I understand that the Greens have a very strong view on this issue, as do the Liberals. I thank Mr Hall from The Nationals for his contribution, and I thank the irrepressible Mr Finn for his erudite and straightforward contribution.

Mrs Peulich — And his passion.

Mr DALLA-RIVA — And I thank him for his passion. I think the facts that he presented evidenced the extent of crime in his region, which really stands in stark contrast to the government's mantra and rantings about the reduction in the crime rates.

We have a crisis facing Victoria. In the terms of the motion before the house, we have a crisis because of the recent allegations of police corruption in Victoria, and I take the point made by Ms Pennicuik about previous matters, including the gangland killings and the like. This motion is very straightforward. It is about the house expressing its serious concern at the recent allegations of police corruption in Victoria. As parliamentarians we need to be strong in our support of the Victorian police, but we also need to be strong in our support by expressing serious concern when these issues come into the public domain, as they have recently. I urge all members in this chamber to support the motion.

Motion agreed to.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from 22 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Ms LOVELL (Northern Victoria) — I rise to speak on the Liquor Control Reform Amendment Bill 2007. The Liberal Party generally supports measures to improve the responsible consumption of alcohol and also supports measures that will address antisocial behaviour caused by the overconsumption of alcohol in our community. So although it has some concerns about sections of this bill, the Liberal Party's position is that it will not oppose it but will move some amendments to improve the provisions that it believes may be overly bureaucratic or may not address those concerns. I ask that those amendments be circulated now.

Opposition amendments circulated by Ms LOVELL (Northern Victoria) pursuant to standing orders.

Ms LOVELL — This bill amends the Liquor Control Reform Act 1998. It introduces exclusion orders for individuals on licensed premises in designated areas, extends the operation of lockout provisions in the state, increases enforcement powers and penalties and also bans inappropriate liquor advertising or promotion.

As I have said, the overconsumption of alcohol is a problem in our community, and there is certainly a need for us to do something to encourage the responsible consumption of alcohol. Unfortunately alcohol has become the no. 1 drug in our community, and there are many people who suffer because of the inappropriate consumption of alcohol, whether that be on a personal level because of health or because they are the victims of the antisocial behaviour that comes with the overconsumption of alcohol.

In fact when I was recently at a Liberal Party function I was talking to a very refined gentleman who appeared to have been involved in a car accident or something else quite dreadful. His face was battered and bruised, his eyes were black and his arm was in a sling. I said to him, 'What happened to you? Have you been in a car accident or something?', and he said no. He had attended a function in the city and was dressed in full military uniform while in Swanston Street. A group of intoxicated youths set upon him, belted him, pushed him to the ground and kicked him. Generally he was a victim of the antisocial behaviour that comes from the overconsumption of alcohol, and these are the things in our community that we need to address.

This bill inserts a new part 8A into the act to deal with banning notices and exclusion orders. Before banning notices and exclusion orders can be dealt with, though, first the director of liquor licensing must declare an area to be a designated area. The director can do that if she

believes that alcohol-related violence has occurred in a public place in the immediate vicinity of licensed premises or because it will be an effective means of reducing or preventing alcohol-related violence and disorder in the area.

Before she actually does declare an area to be a designated area, the director must consult with the Chief Commissioner of Police. The order will be reviewable by a court, but any banning notice or exclusion order that is made prior to that review taking place remains valid until the time of the court's finding. The director may also revoke that order at any time.

We do have a small concern about designated areas, because there is no limit in the bill to the area that it is possible to declare as a designated area, so we could be looking at entire cities. We all know that in cities there are problem areas or hot spots because of their concentration of licensed venues — areas like Chapel Street in Prahran or King Street and Queen Street in the city — but in other areas of the state antisocial behaviour also goes on. In my own home town of Shepparton we have had many, many incidents related to a concentration of nightclubs in an area. Bendigo has also had an area with significant problems.

People tend to talk about country communities in this context just as Shepparton or Bendigo, for example, rather than referring to a strip in the main street or a nightclub area, so we need to ensure that when the director is issuing these designated area orders, she declares just the area that is the problem spot and not the entire town. We do not want our whole town of Shepparton, for example, declared a designated area because of an oversight, so we hope the director will be careful in defining what is a designated area.

The provisions relating to banning notices will allow a relevant police force member to issue a banning notice to a person he or she suspects on reasonable grounds to have committed a specified offence within a designated area. These banning notices can ban such a person from the entire designated area or from a licensed premises in that designated area. The banning notices must not exceed 24 hours. I think that, in general, these notices are a good thing. If somebody is causing problems on a particular evening, they can be banned from the area and not be allowed to return for 24 hours.

There are a couple of concerns, and we will be moving an amendment to this bill because in the briefing we were notified that if you were issued with a banning notice, that would be recorded on the LEAP (law enforcement assistance program) database. Therefore it is quasi-criminal in nature. But the only avenue of appeal is to appeal to a police officer of the rank of sergeant or above who could revoke the notice. There is a concern that, because the notice has been issued by a police officer, another police officer may be reluctant to revoke that notice. And, because it will be recorded a person's file on the LEAP database, we believe it should be reviewable by a court. We will moving an amendment to allow people who believe they have been issued with a banning notice that was not appropriate to go to court and have that reviewed and removed from the LEAP database.

Anyone caught contravening a banning notice will be subject to a penalty of 20 penalty units. Concerns have been raised with us about how banning notices will be enforced and how, after they have issued a banning notice, the police will know without following people around exactly whether they are returning to that area or not.

That brings us to the underresourcing of police in this state. Certainly the police will not have time to follow around someone who they have issued with a banning notice to ensure that they do not return to the designated area on that evening. We had an incident in my home town of Shepparton in June. I was at a service club changeover when the parents of one of our local police officers informed me that before the changeover on the Friday night there had only been four police officers on duty to cover Shepparton, Tatura and Murchison. The Tatura and Murchison stations were both closed and the Shepparton station had only four police officers on duty.

The son had been one of those police officers, and they were most concerned that on a Friday night — a night when the nightclubs in Shepparton are often full — there were only four police officers to cover not only the city of Shepparton but also the district that includes Tatura and Murchison. They felt that if there had been an incident in the nightclub area, there would not have been enough resources for the police to have covered that and also to have provided adequate police services to the rest of the area. One motor car accident may have required the entire four officers to see it, and that would have left the rest of the town unprotected by police. So the underresourcing of police is a major issue in this state that needs to be addressed.

The exclusion orders are slightly more serious than the banning notices. They are orders made by a court and they exclude an offender from a designated area for up to 12 months. They can exclude them from all licensed premises in that area or from just specified licensed premises within the designated area. They can also specify whether the person is excluded at all times or

just at specified times, and they may also allow them to enter that area for specified purposes. Anyone caught contravening an exclusion order will be subject to a fine of 60 penalty units, and a court may rule on a variation to an exclusion order. It can do that at the request of the person to whom it applies, the Director of Public Prosecutions or a member of the police force.

It will also be an offence for a licensee or their employees to permit a person to contravene an exclusion order or banning notice. Those people will be subject also to a fine of 60 penalty units if they knowingly allow someone who has an exclusion order against them to enter their premises. As I said, we believe this is a good provision. The order is made by the court, which means it is subject to appeal, and anyone who believes they have been inappropriately issued an exclusion order is able to have their day in court in order to clear their name.

Part of the bill requires the Chief Commissioner of Police to submit a report to the minister. The details to be included in this report include the number of banning notices that have been issued for the year, the number of persons who have been issued with a banning notice and also the number of persons who receive more than one banning notice. So you may find that an area has 20 banning notices on it, but there may be three or four people who are obviously serial offenders and they will be identified by this.

The report also needs to include the suspected offences for which the notices were issued, the designated areas in which they were issued, the ages of the recipients and a whole range of other details. The information is contained in this report will give the opportunity for a review of areas considered to be hot spots. I think both the minister and the director may be surprised by some of the results in these reports. I think they will be an absolutely eye-opening insight into the problems of antisocial behaviour in areas where we have concentrated venues are operating for extended periods.

Much of the information will be very useful to establish, as I said, whether a small number of patrons are the bulk of the problem or if there is a correlation between age and antisocial behaviour et cetera, but we have to be careful that we do not single out particular groups through this report. There is a requirement that one of the measurements in the report will be of the number of Koori people who are issued with banning notices. It makes me wonder why we have specifically singled out Koori people. There are problems with a whole range of people in other areas, whether it be by nationality or by their association with a particular gang. It does seem unusual that we would particularly single out one group to be recorded in that report.

Other amendments made by the bill include the definition of an associate for the purpose of liquor licensing. It also placed a restriction on bars and restaurants that limits the level of music played outside their ordinary trading hours to a background level of music. This will address the concerns that some bars and restaurants are operating as pseudo nightclubs after regular eating hours and are causing excessive noise and antisocial behaviour in various areas.

I have a small concern that this may affect Victoria's, and particularly Melbourne's, cafe lifestyle. We need to be careful not to overregulate and punish those who drink responsibly and enjoy the cafe lifestyle that Victoria has to offer. Most people who visit from Sydney comment on the availability of venues in Melbourne where you are able to get a glass of wine relatively late at night. It would be a shame for those who drink responsibly and enjoy the cafe lifestyle that we have here in Melbourne and Victoria, if we were to overregulate and punish those who act responsibly.

Clause 15 of the bill introduces new temporary late-hour-entry declarations or, as we better know these, lockouts. Lockouts have operated with varying levels of success in many areas throughout the state. They operate best where there is a commitment by the venues to participate in the lockout. Ballarat has had spectacular success. In 2003 the city of Ballarat won a crime prevention award. I quote from a *Herald Sun* article that appeared on Friday, 26 November 2004. The article talks about the lockout in Ballarat — it actually refers to it as a curfew — and states:

> Since the curfew was adopted assaults have dropped by 39.85 per cent in central Ballarat in a year.
>
> There was a 47.54 per cent fall in assaults in licensed premises and assaults in public places were down 33.33 per cent. Property damage offences also fell.

As you can see, the lockout in Ballarat has been an absolutely spectacular success. Another area of the state that has been highly successful with its lockout has been Warrnambool. Others have not been so successful. An initial trial in Echuca failed because not all the venues were willing to participate. As I said earlier, it takes the cooperation of all the venues to participate to make sure that a lockout is successful.

Bendigo has also recently introduced a lockout and signed a new liquor accord; the strengthening of liquor accords is also part of the bill. An article in the *Bendigo Advertiser* of 20 November reports:

> Acting Sergeant Davies said that taken individually, the lockout, the liquor accord and the NightRider bus would probably not have a great effect.
>
> But he said the three initiatives combined to make Bendigo a safer place:
>
> > 'A place that people want to visit'.
>
> Acting Sergeant Davies said police were pleased with the effect of the lockout so far:
>
> > 'Assaults and antisocial behaviour is starting to drop off', he said.
> >
> > 'Anecdotal evidence suggests we're on the right track'.
>
> But he said there needed to be a minimum of six months before the lockout could be properly appraised.

But it looks as though Bendigo is on the right track. It disappoints us, as members, when we read articles in our local papers about antisocial behaviour, and Bendigo has been one of those areas in my electorate. As I said, my home town of Shepparton has also been one of those areas. It pleases me greatly to read that article and to read that the problems in Bendigo are on the way to being solved. I wish the Bendigo police and the liquor accord all the success in the world with their lockout, their accord and their NightRider bus. I hope that for the people of the city of Bendigo it makes Bendigo a safer and nicer place to be, to live and to visit.

In March last year the opposition moved amendments to the Liquor Control Reform Act that provided the director of liquor licensing the power to impose lockouts on areas, but this still needed to be done in consultation with the licensees in those areas. As I said, the lockouts work best when there is cooperative participation. The imposed lockouts may not necessarily be such a success. At least that provision provided the need for lockouts to be done in consultation with licensees.

The concern we have with temporary lockouts is that the director is able to impose a temporary lockout in a designated area for up to three months without any consultation with the licensees. The Liberal Party believes that power is too broad and that the director should have to consult with the chief commissioner prior to imposing that three-month temporary lockout. Under the requirement to declare an area a designated area, she must consult with the chief commissioner. We feel that it would be appropriate before she imposes the temporary lockout to also consult with the chief commissioner.

Mr Drum — Or 'he'.

Ms LOVELL — I keep saying 'she' or 'her' when referring to the director of liquor licensing, because at the moment Sue Maclellan holds that position. In the future maybe a 'he' will do that consulting. I apologise for my use of the female gender in this context.

Clause 18 of the bill provides that in certain circumstances a senior police officer of the rank of chief commissioner, deputy commissioner or assistant commissioner can suspend a licence for up to 24 hours. This is a very broad power. It could do a lot of damage to a business. It could do tremendous damage to their reputation if they have to say they have been shut down by the police. I am sure people would see that as a stigma on the actual premises and on the business. Whilst we are happy for this power to be given to the police, the Liberal Party believes that it should be subject to review. The Liberal Party will be proposing an amendment to allow the decision to be reviewed by a tribunal.

Clause 19 allows for breach notices and the suspension or variation of a liquor licence by the director for a period of up to seven days. The bill provides for no compensation under this clause to be paid for any loss or damage arising from the suspension of the licence. We believe this is unfair. The decision to suspend a licence lies solely with the director, and if she issues a breach notice but is unhappy with the response she receives from the licensee to that breach notice and therefore issues a suspension, it may not be in accordance with the act. We believe the person should be able to have that decision amended or reviewed; then if it is proved not to be in accordance with the act, they should be able to claim some form of compensation. We will be moving an amendment to that effect during the committee stage.

Clauses 20 to 21 of the bill double the penalties for various offences under the Liquor Control Reform Act, specifically the unlicensed selling of liquor, the supply of liquor to intoxicated persons or permitting intoxicated persons on to licensed premises. It also introduces a defence for a licensee if they did not know the intoxicated person was on the premises or they had taken reasonable steps to ensure that the intoxicated person was not on the premises. The industry certainly welcomes that defence, although it is concerned about the doubling of the penalties. However, we believe that there is little evidence that the maximum penalties have been imposed in the past and that most reasonable citizens would welcome stronger penalties for anyone who is blatantly ignoring their responsible service of alcohol laws.

Two other matters that I wish to refer to in the bill are the provisions in clause 22 and clause 23 which deal with the prohibited advertising and promotion of alcohol and the consumption of liquor on buses. Clause 23 of the bill inserts new section 115A into the principal act to deal with prohibited advertising or promotion. It says:

> (1) The Director may give a notice to a licensee banning the licensee from advertising or promoting —
>
> (a) the supply of liquor by the licensee; or
>
> (b) the conduct of licensed premises by the licensee —
>
> if, in the opinion of the Director, the advertising or promotion, or the proposed advertising or promotion, is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest.

We have a concern about this. The example that was given in the second-reading speech was of a flyer that was sent around by a nightclub that promoted that girls who were prepared to turn up dressed in their bikinis would be served free alcohol all night. The emphasis that seemed to be placed on concerns with that particular promotion was that it was inappropriate that girls were turning up in their bikinis, but that is actually not the issue. The inappropriate thing was the serving of free alcohol all night. That is the only thing the director of liquor licensing should actually be concerned with. Her responsibility is to ensure there is responsible consumption of alcohol in this state; it is not her responsibility to become a pseudo censor.

My point is that it is not in the public interest to allow the director too much latitude and for her to become a pseudo censor in this state. We believe the director's responsibility should be restricted to dealing with just the consumption of alcohol, and that perhaps the phrase 'or is otherwise not in the public interest', which is a very broad statement, should be removed from that provision. The Liberal Party will be moving an amendment to remove it, because we believe it allows the director too much latitude.

The last point I would like to make is about clause 22, which inserts new section 113A in the principal act to deal with the consumption or supply of liquor on buses. The second-reading speech indicates that this clause was clearly about the regulation of the party bus industry. We believe that is good. Party buses are a commercial enterprise. They are virtually mobile hotels, and they should be regulated and licensed. However, that is not what this legislation does. This provision ropes in all buses, and it will actually wind up punishing people for acting responsibly.

We in country Victoria use buses particularly to travel to many of our sporting events, to attend the theatre in Melbourne, to attend the Melbourne Cup, to attend the Australian Open and for a whole range of other social reasons. If the local Numurkah bowling club has been to Swan Hill for a bowls tournament and stops in Kerang on the way home to pick up a couple of light beers for the journey home, it will be breaking the law unless it has a liquor licence. The penalty under this provision is 50 penalty units. Penalty units are currently $110.12, which means the fine would be $5506 for consuming an alcoholic drink on a private bus. Of course that fine would rise each year because, as we know, this government has indexed all fees, fines and charges in this state.

That provision will impact harshly on all Victorians, because people will be required to have a liquor licence in place for every private bus trip before they can consume any alcohol on the bus during that trip. As I said, those of us in country Victoria who travel long distances use buses. That is responsible. We encourage people to do that so they can travel in groups with a designated bus driver who is not able to drink and so are able to enjoy their night without having to worry about committing any drink-driving offences. The buses are usually very well controlled, because the bus companies will not rent out their buses and allow the consumption of alcohol on the buses unless they are absolutely satisfied that the group will act responsibly.

This provision could affect Probus clubs, elderly citizens groups, lawn bowlers, tennis clubs, Rotary and Lions clubs and all sorts of social clubs — even, dare I say it, political parties. My own branch has undertaken trips for which we have hired a bus and have enjoyed a small glass of wine or beer while on our way to or returning from the function. Last summer this provision would have prevented our Country Fire Authority firefighters from having a beer on their way home from fighting fires. The firefighters were picked up from the area they had been firefighting in to be returned to the central point. They were picked up in buses, and one of the things they enjoyed on the bus on the way back to the central point was a well-earned beer. Of course they would not have had 35 days notice that the bushfire was going to occur in order to enable them to get their liquor licence so they could enjoy the beer that was so well earned at the end of the day after fighting fires that were the responsibility of the state government.

Another question that needs to be raised about the need for a liquor licence on a bus is who the responsible person will be. Who will be fined if, say, the Numurkah lawn bowls club is pulled up after having picked up some light beer in Kerang? Will it be the person

consuming the alcohol? Will it be the owner or the driver of the bus? Will it be the president or the social coordinator of the club? There is nothing in the bill to say who is responsible for obtaining the liquor licence.

We also need to look at the types of liquor licences that are available in this state. I have already spoken about the time factor — the 35 days notice that anyone would need to give in applying for a temporary limited licence. If you were to apply for a temporary limited licence you would need to give the 35 days notice and you would need to have a floor plan of the premises. If you had a floor plan of your bus and you said the esky was going to be in the front seat on the left-hand side and someone moved it to the right-hand side, would you be acting outside the law?

These temporary limited licences cost $56.80, and there is a limit of six per year, which may not suit many groups that may require more than six per year. Also, you can apply for only three on any one application. Whilst it is $56.80 for the year, you would be looking at $113.60 if you wanted to access a licence for six events. Again a BYO permit would cost a club $124.90, and again you would have to submit a plan of the licensed premises, so the esky issue would again raise its head. If someone moved the esky, would they be in breach of their licence? And if a club were to conduct trips on a regular basis and wanted a full liquor licence, that would cost them $567.50.

I think most people I have spoken to about this clause feel it is overly bureaucratic. We all support the responsible consumption of alcohol, and we all believe any commercial enterprise acting as a roving hotel should be licensed. However, we do not believe responsible citizens who are consuming alcohol responsibly in limited amounts on a social club private bus should have to have a liquor licence. I have had a conversation with a member of the government who said, 'But the guidelines will allow for this not to be imposed on social groups'. That is not good enough. The letter of the law actually says it captures all buses, and it should be clear in the legislation that this captures only the commercial enterprises and not social groups. The Liberal Party will be moving an amendment to that effect in the committee stage to specifically capture the party buses, which the second-reading speech says was the government's intention, and to leave in place the arrangements that exist now for private bus trips — that is, with the permission of the owner and driver of the bus, you are allowed to responsibly consume limited amounts of alcohol on a social club trip.

In summary I would like to say that the Liberal Party supports measures in the bill that will encourage responsible consumption and service of alcohol and that discourage antisocial behaviour. I believe some of the bill is overly bureaucratic, and we will move amendments to some of the clauses in order to improve the bill.

Ms HARTLAND (Western Metropolitan) — I give credit to government members for introducing this bill, because I think they are trying to address the issues of alcohol-fuelled violence. However, I do not believe the bill goes to the absolute cause of alcohol-fuelled violence, and I do not think that it has touched many of the issues around alcohol consumption. As many people would be aware, alcohol is one of the most commonly used recreational drugs in Australia. The hazardous consumption of alcohol has become socially acceptable and is deeply embedded in Australian culture. The Australian Medical Association states:

> … excess alcohol consumption is an issue of public health significance, leading to an unacceptably high level of sickness and social disruption. It is associated with diseases of the nervous system, heart, liver and other organs and contributes to many common medical problems, accidents … family breakdowns, unemployment, violence … and other alcohol-related offences.

Other drugs which have those effects are illegal. The National Health and Medical Research Council tells us:

> In Australia, alcohol is second only to tobacco as a preventable cause of drug-related death and hospitalisation; between 1992 and 2001, more than 31 000 deaths were attributed to risky or high-risk alcohol consumption as defined by the 2001 NHMRC guideline limits …

Having actually worked with chronic alcoholics, I have seen the damage that alcohol causes. Many of them started binge drinking as teenagers. People would sometimes ask, 'Do you work with elderly men who are alcoholics?', but they were not elderly; some of them were in their mid-40s and already the damage was so extreme that they were no longer able to function socially and very rarely able to look after themselves. Many of them had to be moved on into supported accommodation. I am talking about exceptionally young people.

In Australia we are expected to drink. There is a certain amount of cultural suspicion about people who do not drink alcohol, such as religious Muslims. Alcohol is consumed at parties, at picnics, at restaurants and is available at the supermarket. Alcohol is at nearly every social function I attend. In most workplaces it is not acceptable to drink while you are at work. I find it quite extraordinary that, although this is a workplace, during dinner breaks in Parliament House politicians drink alcohol and then come back into the chamber and legislate.

Being a non-drinker or a moderate drinker is almost un-Australian, and I think that is one of the great problems. It is well documented that young people are consuming alcohol at risky levels in increasing numbers. In 2005 the Australian Institute of Health and Welfare published a report which showed that among people aged 18 and over 48 per cent of males and 30 per cent of females consumed alcohol at high-risk levels in the short term. There is not just a risk to their health; there is also risk of sexual and physical attack. This report also found that alcohol is the most commonly used drug for which people seek drug treatment.

The support group arbias (Alcohol Related Brain Injury Australian Services), an organisation that I was associated with when I was working with alcoholics and which does a fantastic job, released a study in August 2007 which found that almost 70 per cent of men and close to 60 per cent of women had little idea of the level at which their risky alcohol consumption set in. Demand on our already struggling health system in the next 10 to 20 years will be unprecedented as a direct result of a whole generation of young people drinking excessively. An article in the *Herald Sun* last week entitled 'Battling booze' documented the enormous cost to the health system of excessive alcohol consumption. It says:

> There has been a 132 per cent increase in the number of 20-to-29-year-olds who turn up drunk to hospital emergency departments since 1999.

The same article claimed to leak information about a government proposal to tackle the problem of treating alcohol abuse as a health issue, decriminalising public drunkenness and spending $20 million on a range of initiatives. All of these things sound like common sense to me. I look forward to seeing this plan and being able to respond to it. I wish it were already on the table, because I think it would be a measure that we could look at with this bill.

The Greens acknowledge that the Premier, Mr Brumby, has recognised that alcohol is one of Victoria's greatest social problems. Also, we recognise and congratulate the Attorney-General, Mr Hulls, for indicating that he is working towards getting rid of the offence of public drunkenness. We want to support the government in its efforts to create an environment that does not support a culture of dangerous drinking.

There are a number of good things about this bill, and we agree with many of them. The bill introduces new measures. Clause 9 alters the definition of 'associate' contained in section 3(1) of the Liquor Control Reform Act in relation to applications for liquor licences. Clause 14 also provides that an associate's date of birth be included on an application for a liquor licence so that people with financial or other control over the person applying for a licence can also be checked. Clause 13 brings in sensible requirements for restaurants that play music and become drinking venues after meals have finished. Clause 15 provides for temporary late-entry declaration where there has been alcohol-related violence. This is the lockout provision and, as Ms Lovell has said, it has been very successful in other areas.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Government: accountability

Mr D. DAVIS (Southern Metropolitan) — My question is to the Treasurer, representing the Premier. Will the Treasurer assure the house that all Legislative Council ministers are in compliance with their obligations to disclose sources of income, including payments from foreign governments?

Mr LENDERS (Treasurer) — I never cease to be amazed at what I am meant to know and what the Premier is meant to know. What I would say to David Davis is that each of us as ministers is aware — we have a cabinet handbook — of what we are required to do and that to my knowledge, that would be the case. Clearly Mr Davis has a sting in the tail in store with a supplementary question or he would not be doing this. Presumably he has got a little bucket of dirt under there that he has got his hand in, ready to throw. I would be confident that would be the case.

Mr P. Davis — That is very crude.

Mr LENDERS — I wholly endorse the comment of the Leader of the Opposition that it is very crude on the part of David Davis.

I would be confident that is the case, but if David Davis has an issue, I suggest he ask the individual minister he has clearly got in his sights.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am disappointed with the Treasurer's response. My supplementary question is: the annual financial report of the World Hellenic Interparliamentary Association shows that board members, of which the Minister for

Industry and Trade is one, were paid in excess of €93 000 in fees, none of which has been declared in the minister's register of interests.

Hon. T. C. Theophanous — On a point of order, Deputy President, the issue that the member has raised, I consider to be first of all a slight, because it is completely inaccurate, but secondly, if the member has a substantive issue to raise which is in relation to the behaviour of another member in this house, you, Deputy President, know perfectly well and the member knows perfectly well that he is required to do that by way of a substantive motion.

The DEPUTY PRESIDENT — Order! I understand the minister, and I have got his points — we do not need to argue them. In the first instance I think the question should be finished, because I do not know what the question is, and the minister is anticipating the question that I do not know about.

In regard to the matters the minister has raised, particularly in terms of an accusation against a member, I concur that it must be done by way of substantive motion and that therefore the member would have an opportunity to respond.

I will allow the rest of the question. We will listen intently to determine whether or not the question is moving in a direction which is valid for an answer by the Treasurer and government business or whether indeed it is a matter that is outside government business.

Hon. T. C. Theophanous — On a further point of order, Deputy President, I put it to you that already the member has made comment in relation to a document which he has. I am not aware of the document, but the he has already provided information about the operations of the World Hellenic Interparliamentary Association, which funds and has funded a number of trips, including by the member for Bulleen in the other place, Mr Kotsiras, on his side of the house — —

The DEPUTY PRESIDENT — Order! As the minister has given me some advice, I might also give some to him and say that the minister has also been here for quite some time and the minister knows that points of order are not an opportunity to debate a matter. They are a basis upon which to raise a procedural issue.

I have already said that I intend to listen to the remainder of the question to decide whether or not it is outside. If the minister has a procedural point of order, I will entertain it, but I will not entertain debate on a point of order.

Hon. T. C. Theophanous — On a point of order, Deputy President, the procedural point of order is that every member of this house would have got the clear understanding from what David Davis has already said that it is an allegation. He has made an allegation.

Mrs Peulich — He has asked a question.

Hon. T. C. Theophanous — No, he is raising an issue which goes to behaviour. He named me specifically in his question and then proceeded to refer to a document. It includes me as part of that in asking about propriety, because bear in mind that his initial question asked about the propriety of members of Parliament. I put it to you, Deputy President, that, based on the initial question and the follow-up question in which the member named me specifically, this line of questioning is out of order and ought to be put up by way of substantive motion, if that is the direction the member wants to take.

Mr P. Davis — On the point of order, Deputy President, it seems to me that the difficulty for the house is that we have not heard the question. Therefore, what I am suggesting to you, Deputy President, is that no material ruling on this point of order can be made until the house has heard the complete question.

Hon. T. C. Theophanous — On the point of order, Deputy President, the problem I have with this, as you are fully aware, is that whatever is said in this house can be published. Enough has already been said by the member to suggest that he is making some allegation. He has named me personally, and he is making some sort of allegation. I put it to you, Deputy President, that allowing him to finish the question, which would simply mean finishing an allegation, is not in accordance with the rulings of this house.

The DEPUTY PRESIDENT — Order! Would Mr Davis be prepared to give me a copy of his question to look at?

Mr D. DAVIS — Yes.

The DEPUTY PRESIDENT — Order! I appreciate the context in which the point of order has been raised by Mr Theophanous, and I do uphold very strongly the point that question time is not a time to make attacks on other members but in fact is a time to elicit information on government activity and government administration.

I have perused the question, which I was not party to prior to taking the chair. In other words, I had no knowledge of what the question was or where it was going. I have now had a look at the question, and I have asked the Clerk to have a look at the question. We are

of the view that the question does not specifically make an allegation in the way it is phrased and directed to the Treasurer. I will allow the question to proceed.

I will ask that the house desist from any interjections, because I accept that Mr Theophanous is concerned about this matter. I suggest that there should be no elaboration on what the Clerk and I have seen. If there are to be any further questions in regard to this matter, perhaps it might be better to ask the member directly rather than through another party. More importantly, if there are allegations to be made, then they ought to be made by substantive motion, as the member rightly said.

I will give Mr Theophanous the opportunity to ask that the specific reference to him be withdrawn and that the member put the question more generically.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — On advice from the Clerk to you, Deputy President, I am certainly happy to make that request.

The DEPUTY PRESIDENT — Order! Is Mr Davis prepared to delete the specific reference to the minister?

Mr D. DAVIS (Southern Metropolitan) — I withdraw.

The DEPUTY PRESIDENT — Mr Davis, to continue with his supplementary question.

Mr D. DAVIS — My supplementary question therefore is: what action will the Treasurer take to ensure that any of these fees are appropriately disclosed?

Mr LENDERS (Treasurer) — I seek leave to have the Minister for Industry and Trade answer the supplementary question on my behalf.

The DEPUTY PRESIDENT — Order! This is not a handball competition, as much as one of the members of the frontbench might like that. The reality is that the question was asked to the Treasurer. I take it that the Treasurer declines to elaborate on his first answer?

Mr LENDERS — Yes.

The DEPUTY PRESIDENT — Order! I advise that if the member wants to elicit an answer, then it should be done by either rephrasing the question to the Treasurer, if he feels he is the appropriate minister to ask, or indeed directing the question to the minister, as the Treasurer has suggested in his response. There is no opportunity for the Treasurer to pass on the question to another member.

For the sake of the house's edification, it needs to be understood that the first question was obviously directed to the Treasurer and the supplementary question follows as a response to the minister's answer, so it would be inappropriate to then handball that to another member.

Goulburn Valley Water: corporate licence

Ms DARVENIZA (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister inform the house how the Brumby government is cutting red tape in regional Victoria to deliver savings to businesses and also to help protect the environment?

Mr JENNINGS (Minister for Environment and Climate Change) — Thank you, Deputy President, for finding me and providing me with the opportunity to answer the question from Ms Darveniza. I thank her for her question and her participation in the great community event that took place last Thursday in Shepparton, which brought together Goulburn Valley Water, which holds a number of Environment Protection Authority (EPA) licences, and a number of the major users of Goulburn Valley Water services to announce a fantastic breakthrough in relation to — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The minister will continue without the background hubbub.

Mr JENNINGS — Thank you, Deputy President. It was a great opportunity to give some prominence and recognition to the consolidation of 26 EPA licences into one licensing arrangement.

Goulburn Valley Water is a very significant organisation that provides water services to approximately 120 000 people in 54 towns across north-eastern Victoria. In fact part of its responsibility sees it providing waste treatment services to more than 1100 companies, some of which are extremely large, within the Goulburn Valley region. Indeed those waste treatment services are provided through 26 separate facilities. And there is the rub, because up until now each and every one of those waste treatment facilities has had a separate licensing arrangement. There have been many duplicated licensing arrangements that have now been reduced to one template licensing arrangement, which applies across all of those 26 treatment facilities.

What this means in terms of all the performance targets for pollution mitigation is that the levels of water quality will be standardised across those treatment facilities. Indeed the drive to reduce water use and resource use across the services provided by Goulburn Valley Water will be standardised and reduced over time. The administrative overlay of combining these licences will be profound to Goulburn Valley Water because it will save in the order of $50 000 directly from the reduction in the administrative load of complying with these licensing arrangements. Beyond that it provides greater certainty for all those in the Goulburn Valley region about the way in which the quality can be assured across those services.

I think it was well received in the community, despite the atmosphere in the chamber. It brought together a great cross-section of the major employers in the Goulburn Valley Water region that were very pleased and proud to be the first cab off the rank of companies across Victoria to consolidate their licences. Goulburn Valley Water was the first of 100 companies to hold more than one Environment Protection Authority licence. Hats off to Goulburn Valley Water for being a corporate citizen that recognises the value of providing a better service and better quality outcomes in terms of environmental performance, reducing water and resource use across the Goulburn Valley community and being the first partner with the EPA to provide that better quality service in the future.

I reminded people at this event that this does not mean that the EPA, while reducing the regulatory responsibilities of companies, will actually loosen the load in terms of compliance, because there are still $5000 fines for the lack of delivery of the various performance elements within those licensing arrangements. In fact it can escalate up to a $240 000 fine being imposed at the Magistrates Court, so the licensing arrangement still has teeth.

The EPA will expect the highest standard of environmental performance, but Goulburn Valley Water and other companies such as that throughout Victoria will derive great benefits from combining their licensing arrangements to provide very transparent environmental performance and to reduce water and resource use across Victoria. It is a great achievement for the regulatory burden to be reduced — and the Treasurer will be happy to hear that — in a way that will deliver great outcomes for the people of north-eastern Victoria.

Housing: accessibility

Ms HARTLAND (Western Metropolitan) — I address my question to the Minister for Planning, Mr Madden. I will read from an Australian Labor Party election policy, *Addressing Disadvantage — Investing in a Fairer Victoria*, which states:

> Taking account of the recommendations of the accessible housing task force, where local governments propose amendments to their local planning schemes in relation to housing accessibility, Labor will ensure that a consistent approach is achieved by specifying … standard 'low-cost/no cost' measures are included in the amendments.

I ask the minister whether this work has actually begun?

Hon. J. M. MADDEN (Minister for Planning) — I thank Ms Hartland for her question in relation to this matter. It is an issue of great significance. It was one of those matters that had been difficult to progress on a national and uniform front with the previous federal government. I am very enthusiastic about the opportunities that now present themselves nationally so that we can work together in a uniform and coordinated approach through the Building Code of Australia to make sure that we introduce measures for accessibility and acknowledge what needs to be done.

There will always be those who are not eager to see the reforms take place because they think they will be costly or will affect that end of the market. I believe there are opportunities to pursue the low-cost approach and that would predominately need to take place, from the advice I have, through the building mechanism rather than through the planning mechanism. Some issues can be dealt with in the public realm through the planning mechanism, but these measures are predominately technical, whether they refer to door widths or ramps, and we will need to have construction methods considered.

A significant component of the issue has to be worked through the building code or regulations. The planning stream may be a way of introducing some of these measures, but I suspect the more technical issues will have to be delivered through the building stream. We are working cooperatively, and it is a work in progress, but I am particularly enthusiastic about the prospects of a new Rudd Labor government and the opportunity that will provide to see this work brought to completion sooner rather than later.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Does that mean, as this was a planning policy and there was a

commitment for accessible housing, that the planning policy has now been dumped?

Hon. J. M. MADDEN (Minister for Planning) — I think Ms Hartland is a little confused in relation to this. There can be planning policies, but planning policies do not necessarily have to be implemented through the planning stream. They can be the responsibility of the planning minister, but they do not have to be delivered through the planning stream. They can be implemented through the building stream.

My answer to the previous question highlighted that the best location for accessibility issues is predominantly through the building stream. I will get a little technical in terms of the planning system. When someone provides you with drawings and highlights door widths, that has to be followed up not at a planning level but at the end of the construction cycle. If some of the minor technical issues are worth realising, they have to be inspected at the end of the building process and not the planning process.

Some of the public realm issues, such as accessibility to shops and retail outlets — many of those issues — may be located in the planning stream, but predominantly these issues will have to be dealt with in the building stream. I await further technical advice in relation to that. Let me say that one of the great hold-ups to this has been the reluctance of the previous federal Liberal government to progress the work — —

Mr Barber — No way! It was you, it was your department.

Hon. J. M. MADDEN — Mr Barber may wish to interject, but I think Ms Hartland in her initial question — —

Mr P. Davis — Eight years.

Hon. J. M. MADDEN — Eight years! I take up Mr Davis's interjection.

The DEPUTY PRESIDENT — Order! I ask the minister not to take up the interjection, because he will only be inviting more. I ask him to complete his answer.

Hon. J. M. MADDEN — I am always happy to take up interjections from the other side, whether from the Greens or the Liberal Party, because they give me more material to work with every time they do so.

I will respond to both inquiries from members opposite. I think Ms Hartland's initial question was in relation to a uniform approach. You cannot have disadvantage in terms of population and business addressed in one location. You have to have it uniform across the state, and you have to have it uniform across the country. There are a whole lot of implications — if you do it on a piecemeal basis, you get consistent inconsistency.

To Mr Davis I make the other point that 11 long years of no action and the inability of the federal government to allow state governments to act on this front have ended. That gives not only this minister and many people on this side a lot of heart, it gives an enormous amount of heart to the disadvantaged in the community, who have been ignored so long by the federal government in relation to these matters.

Mr P. Davis — What have you done? What have you done in eight years?

Hon. J. M. MADDEN — I will tell you what I have done — —

The DEPUTY PRESIDENT — Order! Mr Davis's interjection is most unhelpful to the proceedings of the Parliament. I think the minister's provocation is not all that helpful either. The minister should conclude his answer.

Mrs Peulich interjected.

The DEPUTY PRESIDENT — Order! Mrs Peulich!

Hon. J. M. MADDEN — The tone of the opposition is replicated not only in its style but in action.

Mrs Peulich — On a point of order, Deputy President, the reason the opposition benches are being disorderly in places is because the minister is debating the question. He should be brought to order.

The DEPUTY PRESIDENT — Order! The minister has taken some licence, and frankly some of that licence has been in reaction to the interjections. I often think, with this minister, that if there were no interjections, his answers would be considerably shorter. The minister should conclude.

Hon. J. M. MADDEN — Thank you very much, Deputy President.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Finn!

Hon. J. M. MADDEN — Thank you, Deputy President, and I compliment you on your ability to perceive the way I react to interjections.

The DEPUTY PRESIDENT — The minister should just get on with his answer.

Hon. J. M. MADDEN — One of the key aspects in terms of making progress on this issue has been at a national level, as I said, through the Building Code of Australia. For over 11 years we have been unable to get the federal government, to respond to this in a proactive way. Now we will be able to engage with the Rudd Labor government and see significant action taking place. We were not able to get that action on a uniform front across all states across the country from what was the Howard Liberal government. I am very pleased that not only has the member asked a question but that we will see a lot more work in this space, because the barriers have come down that have been there so long over the 11 dark years.

Minister for Industry and Trade: Greece trade mission

Mr VINEY (Eastern Victoria) — My question is to the Minister for Industry and Trade, the Honourable Theo Theophanous. Given the question David Davis asked of the Treasurer in cowards castle, could the minister advise on the outcome of his recent trip to Greece and his ongoing contribution to building strong relationships between Greece and Victoria?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. I am of course answering this both as minister for industry and as minister for trade. In appointing me as minister for trade, among of the things the Premier was very keen for me to pursue were additional export performance from Victoria and trade relations with a number of countries.

As some members would already know, I have returned from a recent trip which included Germany, Spain and Greece. In the Greek leg of that trip I also accompanied a trade mission. For those members who are interested in trade relations, this is the first such trade mission that has occurred with respect to Greece. It involved us taking a number of important companies over there that could potentially assist Greece in a range of areas, including reforestation after the devastating fires and ICT (information and communications technology), with particular expertise being available for the management of Greece's very significant shipping businesses.

We were received enthusiastically by the Greek government. I have an ethnic Greek background, and as the Premier has correctly identified, those of us with an ethnic background can either use it to help in building relations with countries like Greece — and I have chosen to do that and to help to build stronger relationships — or be shy about that relationship and not employ it.

Let me tell you, Deputy President, some of the outcomes. Greece's finance minister, Georgios Alogoskoufis, came to Australia earlier this year, and brought with him a significant trade delegation. My department assisted that trade delegation with meetings and so forth, and during that time he invited me to take a trade delegation — the first one out of Victoria — to Greece. He said that if we did, that the delegation would be looked after; so I took this trade delegation to Greece, and it was looked after. Minister Alogoskoufis met us and the trade delegation personally. I also met the foreign affairs minister, Dora Bakogiannis, who is a dynamic minister who is making a real contribution to resolving some of the major issues in that region of the world. I also met the deputy foreign affairs minister, Theodoros Kassimis.

I met the new speaker of the Greek Parliament, Mr Sioufas, and two or three other ministers. Importantly, I was honoured to have an audience with the President of Greece, Mr Papoulias. That would not have occurred under normal circumstances, and it occurred partly because of my background. He told me that one of his lifelong ambitions is to visit Australia. Specifically, he wants to visit Victoria. We are very much looking forward to organising that. This is part of building a relationship with Greece.

As part of that, along with all the other members of Parliament of Greek background, I am a member of the World Hellenic Interparliamentary Association. My understanding is that there are about 150 members worldwide — that is, all of the members of Parliament of Greek background outside Greece. This is seen by the Greek government as nothing different from, for example, the Commonwealth Parliamentary Association, which deals with members of Parliament from the commonwealth around the world. The organisation has an annual budget. It was recently made into a not-for-profit incorporated body, which is why it produces a financial report. Its financial report was agreed to and tabled at the last meeting of the World Hellenic Interparliamentary Association, which was attended by all four members of this Parliament of Greek background. They would all have access to the particular document that David Davis has in his possession. I leave it to members to work out who would have given Mr Davis that document, since it was publicly made available at the last meeting of the World Hellenic Interparliamentary Association. It is simply a document which lists expenses.

In relation to the expenses that might be there for the executive, because there is an executive and it has a set of expenses, the executive meets from time to time in Greece. The two previous members of the executive from Australia were Petro Georgiou from the Liberal Party and me from the Labor Party. Those two members participated in the meetings of the executive in Greece. From my point of view, Deputy President, you need only to look at the register of members interests to see that this year I, along with all the other four members, have listed the World Hellenic Interparliamentary Association as one of the organisations that I am a member of. All four members have also listed that they accepted a trip to Greece that was paid for by the Greek government, including travel and accommodation. If you go back to previous years, Deputy President, you will find, at least in my own case, a listing in relation to any travel which I have accepted, whether it be for meetings of the executive in Greece or for full meetings of the whole of the World Hellenic Interparliamentary Association, as is listed today.

I take great exception to the suggestion that there is any kind of impropriety here. This is an organisation that is comparable to the Commonwealth Parliamentary Association. It puts out a financial statement, and part of that financial statement includes the expenses of the executive. It is a conglomerate figure of what the expenses were, but obviously in an individual case of a member of the executive taking a trip which was paid for by the Greek government, they would be required to put in the register of members interests that that is exactly what they did. You will find in my case that that has always been shown in the register of members interests.

I suggest that the relationship with Greece, given the size of the Greek population that we have here in Victoria, is an important one. It is important not just for trade reasons; it is an important cultural relationship that we have. I find it disturbing that a member of this place would come into the house and bring in a document that sought to undermine that relationship without having raised it either with the President or with me, so that he could get the explanation which I am now forced to give publicly. I have to defend publicly an action that is clearly part of the normal operations of the World Hellenic Interparliamentary Association. I might say I do not believe that any of the Labor members who went to the conference would have spoken to David Davis and offered up documents. Mr Davis should tell his colleague to get over the fact that he could not get his candidate up at the last election of the — —

Mr P. Davis — On a point of order, Deputy President — —

The DEPUTY PRESIDENT — Order! I do not think I need the point of order. The minister's last comment was obviously totally out of order.

Hon. T. C. THEOPHANOUS — I did not name anyone.

The DEPUTY PRESIDENT — Order! Is the minister's answer complete? He is certainly entitled to complete it, if it is not.

Hon. T. C. THEOPHANOUS — Unfortunately I think what happens in this house is when you have a question like that, and where David Davis, who has a tendency to put up this type of — —

The DEPUTY PRESIDENT — Order! A point of order — —

Mrs Peulich — You expect protection from the Chair, but you are happy to dish it out.

The DEPUTY PRESIDENT — Order! I did indicate to the minister that I really — —

Hon. T. C. THEOPHANOUS — No, I am happy to do both — —

Questions interrupted.

SUSPENSION OF MEMBER

The DEPUTY PRESIDENT — Order! Unfortunately I have to ask the minister to leave the chamber for 5 minutes. The minister was talking while I was on my feet discussing a matter which was raised in the question and which would have been subject to a point of order, if I had accepted it. I did not take it because I felt I could handle it myself from the chair. He continued to talk while I was on my feet — —

Hon. T. C. Theophanous — So did Mrs Peulich. She spoke to me first. If you are going to be fair, then be fair to both.

The DEPUTY PRESIDENT — Order! The minister's time out of the chamber is doubled to 10 minutes.

Hon. T. C. Theophanous withdrew from chamber.

Questions resumed.

Tullamarine–Calder freeways: interchange financing

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. Why did the government fail to consider alternative funding options to cashing in the Transurban concession notes when funding the Tullamarine–Calder interchange?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question. I direct Mr Rich-Phillips to the Auditor-General's report on this matter if he wishes to investigate this issue further. The Auditor-General commented on the concession notes — —

Mr D. Davis — He certainly did.

Mr LENDERS — David Davis said, 'He certainly did'. The Auditor-General certainly commented on the concession notes. He commented on the value for money that the government received from the concession notes. He commented positively on what it does to commuters on CityLink in regard to the Calder interchange and the benefits that come from that. He noted in his report some of the uncertainties about the values of concession notes over a period of time, how the government had maximised its financial advantage from that and had seen infrastructure brought forward. In his report the Auditor-General also commented on the number of options that the government had looked at or not looked at.

I say to Mr Rich-Phillips that this government is focused, firstly, on making sure that we get the best value possible out of all of the assets available to us to deal with the significant issue of congestion on our roads. The Calder interchange is something that I would imagine everybody in Mr Finn's electorate would be delighted about because of the reduced fatalities and accidents on the road and because they spend less time caught up in congestion. Certainly Mr Eideh, Mr Pakula and Mr Madden would acknowledge that.

Secondly, as to whether there are other options, the Auditor-General correctly made comments on the operation of government, as we expect an Auditor-General to do. He raised a question about whether options had been considered. I suggest that the other option of accumulating more debt for the state of Victoria is one that Mr Rich-Phillips is not advocating. Because if he is, he is going totally contra to the mantra of his side of the house for the past 130 years. Maybe not 130 years because Henry Bolte had debt equal to 90 per cent of gross state product, but perhaps since Mr Rich-Phillips's hero, Alan Stockdale, started that mantra in 1992.

The Auditor-General commented that there were options. One option is: do you actually deal with the concession notes and bring almost a billion dollars of revenue forward for the government — not quite, but in that order — to deal with the Calder interchange and the significant infrastructure bottleneck, or should we have considered more debt? They are the issues in the Auditor-General's report. I welcome that report because we on this side of the house are not averse to an Auditor-General commenting on how government works. We believe that is what good government is about. The Auditor-General is the watchdog on government. We did not nobble him. We did not pass legislation to make him a poodle of the Premier. We made him an independent officer of the Parliament.

I welcome the Auditor-General's report. I heed it. But I say to Mr Rich-Phillips that if he is advocating higher government debt, I will hold him to that for the next three years of my term as Treasurer, but I do not think he is. By bringing forward the concession notes and actually bringing forward the work on the Calder interchange, this government has made Victoria a better place to live, work, commute and raise a family.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Auditor-General notes in his report that there was no substantial comparative analysis done of the options. Can the Treasurer assure the house that the concession note deal will produce a substantial and superior financial result for Victorian taxpayers over the long term compared with alternative procurement methods?

Mr LENDERS (Treasurer) — I know Mr Rich-Phillips is the disciple of Mr Stockdale, who signed a deal that would give these concession notes potentially back to the government in the year 2034. Perhaps in 2034 the value is going to come back from Mr Stockdale's work on that particular project.

The government has negotiated with Transurban so that both parties are satisfied on this particular issue. Most significantly, the commuters of the northern and western suburbs and those going out to Bendigo are benefiting by the Calder interchange having been built. We have all used it, and we have all seen it. This government believes in value for money. We are not going to idly sit by and not look at what are the best options and what is the best value for money regarding this asset. We, as a government, believe through this

arrangement we have brought forward the Calder interchange.

The Auditor-General in his report comments positively that this is a value-for-money proposition. He comments positively on the advantages and benefits for people in the northern and western suburbs of Melbourne and those who travel to Bendigo and along the Calder Highway. This government has acted; this government has made the best of a situation it inherited from Alan Stockdale. We believe we have a good outcome regarding this arrangement which means that we have a better use of roads, a reduction in congestion, and all of the economic, social and environmental advantages — the triple bottom line — that come from it. I stand by the decision, as does the Auditor-General.

Energy: Tatura project

Ms BROAD (Northern Victoria) — My question is to the Minister for Environment and Climate Change. In light of the momentous action this week by the Rudd Labor federal government to ratify the Kyoto protocol, I ask him to — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Mr Viney! Ms Broad is to continue without assistance from members of the house.

Mr Somyurek — Mr Rudd listens and acts.

The DEPUTY PRESIDENT — Order! Mr Somyurek's interjection is not helpful. If Mr Somyurek wants to up the ante, we will play games, because I am quite happy to do what the President does. I ask Ms Broad to start her question again.

Ms BROAD — In the light of the momentous action this week by the Rudd Labor federal government to ratify the Kyoto protocol, I ask the minister to inform the house what action the Brumby Labor government is taking to support the development of renewable energy projects, especially in regional Victoria.

Mr JENNINGS (Minister for Environment and Climate Change) — Just like the Rudd government, I will be very direct, clear and precise in my answer. In responding to climate change issues, just as the Rudd government was right on the mark in relation to responding to the climate change challenge, the Brumby government has responded by providing support to a great new initiative in relation to renewable energy in the state of Victoria at Tatura.

Last week I was joined by the Minister for Energy and Resources in the other place, Peter Batchelor, and by Goulburn Valley Water at the great facility that it has in Tatura. It has created the opportunity for Diamond Energy to turn 2500 tonnes annually of greenhouse gases, which would otherwise be released, into energy that will actually be fed into the grid. The equivalent of 4800 megawatts of electricity — the equivalent of running 900 homes during the course of the year — will now be harnessed through Diamond Energy's investment at this facility.

There is a bigger number involved here than the 2500 tonnes of greenhouse gases that would otherwise be released, because the 2500 tonnes were made up of 750 tonnes of CO_2 — carbon dioxide — and 1750 tonnes of methane, which were processed through this treatment facility. That is the equivalent in total of 36 000 tonnes of CO_2, because methane is 21 times more potent than CO_2. In terms of the benefit of this initiative, we have reduced greenhouse gas emissions significantly by harnessing this methane and harnessing this CO_2 and turning them into a renewable energy source.

If the equivalent 4800 megawatts had been generated by a conventional coal-powered power station, it would have released a further 24 000 tonnes of CO_2 into the environment on an annual basis. So we get the double-barrelled effect of reducing the emissions from the treatment facility and, its being an alternative energy source to what otherwise would be coal-fired power stations in the state of Victoria, of receiving the net benefit to the state of Victoria of a significant reduction in greenhouse gas emissions. An additional energy resource that would otherwise completely go to waste is being put to its best ultimate use both in terms of providing a community benefit and reducing the environmental load of CO_2 emissions and their equivalent into the environment.

It is a great undertaking by Diamond Energy, which has identified a number of other opportunities with Goulburn Valley Water and other wastewater facilities throughout the state of Victoria. It is interested in using this technology further. The project — $2.1 million of investment — was supported by a very strategic, timely and significant investment through Sustainability Victoria of $431 580 to underwrite it.

The Brumby government and Sustainability Victoria are very pleased to support this type of development. It adds to the capacity of the grid, and it adds to our capacity to deliver on the Victorian renewable energy targets, which are a hallmark of our government's commitment to reducing our environmental load and

reducing greenhouse gas emissions in a sustainable way. We are determined to achieve this. Congratulations to Goulburn Valley Water and Diamond Energy for making it happen.

Electricity: supply contract

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Treasurer. I refer the Treasurer to the recently let whole-of-government contract for electricity supply to sites consuming greater than 750 megawatt hours. The arrangement under which the contract will operate is set out in the Victorian Government Purchasing Board's website, but there is no information about the contract on the government's tenders website.

I point to the anomaly that the existing $65.5 million contract to supply smaller usage sites, which the new contract will replace from October next year, is listed on the tenders site. I therefore ask: what is the projected cost of the new contract from the beginning of operation on 1 October this year to its initial expiration date of 30 September 2010?

Mr LENDERS (Treasurer) — It brings joy to my heart to hear questions from the Leader of the Opposition. This one, again, should be directed to the Minister for Finance, WorkCover and the Transport Accident Commission in the other place.

Mr Viney — That is a bit over the top!

Mr LENDERS — No. I advise Mr Viney that it does bring joy to my heart, because if we look at what Philip Davis has asked, the first thing is that he has looked at the Victorian government website where we have actually published government contracts. He has looked at one contract in which, from what he said, there is a lot of detail, and he has looked at another where there is less detail.

I will take the substance of that question on notice for the finance minister. But why it gives me joy is that, if we think it through, it highlights the transparency of this government. In the previous Kennett era a member of Parliament would have had to put in an FOI request to the government to obtain that information. He would have had to wait for days upon days, he would have had to pay a fee to lodge that request and then go to the administrative appeals tribunal to fight the Kennett government, which would have stopped him.

I am actually delighted to get this type of question, because it just goes to show the transparency of this government. In John Brumby's Victoria and in Steve Bracks's Victoria a member of Parliament or the public can go to a government website to look at a government contract, and if they find there is something about it they want more information on, the member of Parliament can actually come into Parliament and ask a question about it, because this Parliament actually sits for more than 50 days a year — unlike in the last year of the Kennett government when, from memory, it sat for 17 days.

I will take the substantive part of Mr Davis's question on notice, as it contains issues for the finance minister. But it genuinely gives me joy to hear this sort of question, because it just shows how open, transparent and accountable this government is.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — It always gives me great joy to hear the Treasurer respond to my questions.

Mr Viney interjected.

Mr P. DAVIS — Indeed, let us get into the spirit of it! I am looking forward to it. Indeed I am so looking forward to it, I was thinking about felicitations.

In any event, what I wish to further ask the Treasurer, therefore, is: what will be the impact on the budget and on the existing and new electricity supply contracts of the government's subsequent decision to approve a substantial increase in electricity prices?

Mr LENDERS (Treasurer) — For the edification of Mr Davis and the house, I advise that the Essential Services Commission (ESC), which is an independent statutory body, makes those determinations on tariffs. I would also say to Mr Davis that the Liberal Party is confusing me somewhat, because I would have thought that the market had the mantra for setting prices, and if what I am hearing is correct — that the Leader of the Opposition is actually suggesting that governments start setting prices in response to political pressure — then that is placing a whole new leaf in the book that not even Sir Henry Bolte would have done. Dare I say it, it smacks of Moscow on the Molonglo one more time. Viktor Chernenko was the last person who regulated prices in such a fashion on this planet, to my knowledge.

Mr Guy — Konstantin!

Mr LENDERS — Konstantin Chernenko. I take up Mr Guy's sound advice and his wise interjection. This government set up the Essential Services Commission as one of the six key pledges on the pledge card in the 1999 election. The Essential Services Commission is

the independent regulator that sets these prices. I am sure Mr Davis truly knows — he pretends he does not — that issues like the drought, climate change, the lack of water and the cost of electricity coming from gas-fired generators, which is a tad higher than the cost of what used to come from the Snowy scheme and other water schemes when there was more water around, have been reflected by the ESC in the prices it has put in place.

I welcome Mr Davis's question once again, because it truly gives me joy. He is referring to the Essential Services Commission — another creation of this Labor government, and an independent regulator of these prices — which was required to be put into place after the sale of the energy utilities by the previous government. The Essential Services Commission looks at these factors. It is an open, transparent and accountable process under which these tariffs are set. I welcome the question, but I do fear that Mr Davis needs to go down to the registry of births, deaths and marriages to change his name to Konstantin Chernenko — and that worries me!

Automotive industry: achievements

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Industry and Trade, Mr Theophanous. Can the minister advise the house on recent achievements of the Victorian automotive industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The Victorian automotive industry is the leading player in Australia in the automotive sector. It is a major part of our industrial capability in this state, and under both the Brumby and Bracks governments it has increased its output in terms of exports from $1.2 billion in 1996 to $2.8 billion in 2006. Over the last 10 years there has been more than a doubling — from $1.2 billion to $2.8 billion, as I said — in export earnings out of this industry.

This kind of growth has seen the industry expand. It currently employs 35 000 Victorians. I can remember years ago when it was said that the automotive industry would not survive in Australia. I can say that, as a result of significant effort from the industry itself but also from successive actions that have been taken certainly at a state level, we have been able to ensure not only that the industry has survived but also that its level of exports has increased dramatically. In 2007 production in Victoria is expected to reach 217 000 cars.

Victoria is the engine room for the automotive industry. This was further emphasised last month with Victorian companies dominating at the federal Chamber of Automotive Industries supplier of the year award ceremony. I want to report to the house the outcome of those awards. Each year five companies are selected by the panel as finalists. This year — and this is the first occasion on which this has happened — all five finalists were Victorian-based companies. The five finalists included Australian Arrow, Autoliv Australia, Plexicor Australia, Siemens VDO Automotive and the eventual winner, Denso International Australia Pty Ltd, a company located in Croydon in Melbourne's east. Over the years since this award has been in place, six Victorian companies have won the award, and Autoliv, one of the finalists this year, has won it four times.

This year the Victorian government, through the Department of Innovation, Industry and Regional Development, sponsored the awards, providing another opportunity to strengthen the ties with the automotive industry leaders. The Brumby government is also supporting the automotive sector through programs such as the Automotive Supplier Excellence Australia, or the ASEA program, and the Team Australia Automotive program for suppliers. ASEA is a unique partnership funded by all of the providers, including Ford, Holden, Mitsubishi and Toyota, the automotive cooperative research centre and the state governments of Victoria and South Australia. It is another initiative to try to build increased capacity in this important sector.

The award again shows that Victoria is at the cutting edge of Australia's automotive industry, providing additional jobs for Victorians and providing valuable export earnings.

Business: electricity charges

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Industry and Trade. I refer the minister to the foreshadowed 17 per cent increase in electricity charges. What assessments of the impact on business, especially small business, has the minister seen? If he has seen such assessments, will he release a copy of those documents he may have seen for Victorian business to examine?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The member asked me a question I think about small business and the impact of the electricity — —

Mr D. Davis — Business in general.

Hon. T. C. THEOPHANOUS — I think *Hansard* will show that the member asked about small business,

but in any case I might point out to the member that I am no longer the Minister for Small Business. However, I have an interest, obviously, in the impact of any increases in inputs to business. Those inputs to business include inputs that business has on a wide range of fronts. They include energy, but they also include taxes and charges, and inputs in terms of raw materials. They include a range of costs that business has in relation to doing business in this state.

Might I say that I am happy for this government to be judged on outcomes in relation to the business environment we have created, because that business environment has allowed us to have the sort of growth that is unprecedented in terms of our export earnings. We are now very close to the $30 billion mark in terms of export earnings. We have had a massive increase in service exports. In recent times we have turned around the goods export area, and in the last quarter we had an increase of around 7 per cent in goods exports. We are exporting more because we are producing more because we are more competitive.

Just consider the context for a minute. The context is that we have had a drought and we have an Australian dollar which is increasing in strength all the time and despite those impacts — I can tell members they impact a lot more on business, particularly the increase in the Australian dollar, which has had a devastating effect on the farming sector in particular but also on other sectors that are involved in export; it has had a significant effect — we have dramatically increased the amount of goods exports and service exports out of Victoria.

Not only that but we have more people coming into the state than ever before — and people are coming here as a vote of confidence. We had 70 000 people come into the state last year. The state is growing at an exponential rate, and based on those increases in Melbourne's population some projections have suggested that Melbourne will overtake Sydney as the largest city in the country at some time in the middle of the next decade. Yes, we are mindful — —

Mr D. Davis — On a point of order, Deputy President, the minister has now been proceeding for 3½ minutes but has not mentioned the word 'assessments' once. That was the main subject of my question. I ask you to bring him back to answering the question relevantly.

The DEPUTY PRESIDENT — Order! As Mr Davis will be aware, the Chair is not in a position to direct a minister on exactly what his answer will be. Under our standing orders you have an opportunity on a supplementary question to admonish the minister, if he has not addressed the actual subject matter that you were seeking to gain information on. The minister also has not concluded his answer, so I am not to know that he does not intend to embrace your issue of assessments in the remaining moments of his answer.

Hon. T. C. THEOPHANOUS — What my department does, in answer to the member's question, is look at all of the input costs that business might bear, including the energy costs it might bear.

However, the fundamental responsibility for the electricity pricing structure rests with the energy minister. The Minister for Energy and Resources, I am sure, as I did when I was minister for energy, does involve himself in negotiations and discussions with the various retailers, of which there are many, to try to ascertain from them what their likely price increases will be to business as well as to consumers. Obviously the amount of increase for individual businesses will vary. There are many government programs in place to help businesses to also reduce the amount of power they use in their businesses. I suggest that whilst any increase is regrettable, given the fact that we have a solid industrial and business base built by the Bracks and Brumby governments, we will be able to continue to look forward to growth occurring in this state.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am disappointed that the minister did not fully respond on the matter of the assessments he may or may not have seen. My concern is — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The Minister for Planning! Mr Davis, to continue.

Mr D. DAVIS — In light of the minister's failure to address the issue of assessments, will the minister concede that the impact of these massive electricity hikes may cripple many businesses and make them deeply uncompetitive with interstate and overseas competitors?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — There is very little that I would concede to in what David Davis says about anything, let alone the statement he has just made. David Davis gets most of what he says in this house wrong. He comes in with half-truths, and he comes in with things which are obviously not properly researched. This is another example of his coming into the house wanting to bag the industry, wanting to bag business — —

Mr D. Davis — On a point of order, Deputy President — —

The DEPUTY PRESIDENT — Order! Mr Davis, I trust this is a point of order.

Mr D. Davis — The minister knows the rulings that have been made from the Chair about simply attacking the opposition rather than responding to questions with relevant points.

The DEPUTY PRESIDENT — Order! I ask the minister to come back to the substance of the question rather than add his political commentary. Time is getting on; it is a late question time. I suggest that if we keep to the matters at hand, we might complete it relatively shortly.

Hon. T. C. THEOPHANOUS — Thank you, Deputy President. I will certainly abide by your ruling. In response I would like also to ask you if you — —

Mr Pakula interjected.

The DEPUTY PRESIDENT — Order! The Chair does not need Mr Pakula's advice by way of interjection, nor does it need his conversation across the chamber. The minister is trying to comply with the previous ruling. I hear him, and I want to hear the completion of his answer.

Hon. T. C. THEOPHANOUS — In response to your request to me, Deputy President, I request that you pronounce my name as I prefer it to be pronounced — that is, with the emphasis on the second syllable, not on the third syllable.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Actually, Minister, after the earlier question, I am thinking of changing my name to Atkinopoulos — if there's a trip in it!

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I beg the house's pardon. I recognise it was my fault. The minister, to continue.

Hon. T. C. THEOPHANOUS — I can assure you, Deputy President, there will never be a Davisopoulos!

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! The minister, to continue without assistance.

Hon. T. C. THEOPHANOUS — I am trying to bring my answer to conclusion by saying I reject the suggestion made on false information by the member in relation to the impact this will have on business. As usual, the member has not done his research. He comes into the house with half-truths and uses the house to put around whatever half-truth come his way.

VicForests: performance

Mr HALL (Eastern Victoria) — I would like to conclude this rather lengthy question time with a question to the Treasurer. Given that VicForests has seen an unprecedented period of uncertainty, job losses and economic decline in Victoria's native hardwood timber industry, will the minister now abolish VicForests and replace it with an organisation with clear objectives to advance the industry, having regard to social and environmental outcomes and not just economic ones?

Mr Jennings interjected.

Mr LENDERS (Treasurer) — As Mr Jennings said by interjection, the Nats-Greens alliance is in full flight! In answer to the first part of Mr Hall's question, no, we will not abolish VicForests.

Mr Drum interjected.

Mr LENDERS — Mr Drum says, 'A straight answer'. I thought that was about as straight as you could get. In answer to the question of whether we will abolish VicForests, no, we will not abolish VicForests. But I do contest the second part of Mr Hall's assertion that VicForests does not do the things that he says it does not do. VicForests has been designed essentially to bring that balance into place where both sustainable yield from forests is used and jobs in regional communities are protected and sustained in an environment where we need access to sawlogs for some of the hardwood that is such an important part of our building industry. If we do not do that the option is clearly to import more hardwood from overseas, which again I do not think the Greens part of the alliance would be welcoming all that much. The simple answer to Mr Hall's question is no.

Supplementary question

Mr HALL (Eastern Victoria) — I am disappointed that the minister is not prepared to look into the performance of VicForests, particularly as the orders in council establishing VicForests are based purely on economics and have no regard to social or environmental outcomes. I ask the minister by way of a supplementary question: if he is not prepared to abolish

VicForests, will he be prepared at least to direct VicForests to abandon all plans to tender out harvest and haulage operations, particularly as this action was not part of the government's Our Forests Our Future policy and nor was it part of the orders in council that established VicForests in the first place?

Mr LENDERS (Treasurer) — These forestry issues are never easy, as everybody in this chamber who has had any dealings with them knows, but the substantive part of the harvest and haulage issue that Mr Hall talks about is that these issues are made commercial. It is surprising — perhaps it is a trifecta: Philip Davis is Mr Chernenko, David Davis is Mr Andropov and perhaps Mr Hall actually wants a Mr Brezhnev — because what we are seeking to do is have the market applying within government policies in these areas. There are adjustment packages that clearly deal with the difficult issues in local communities where people have existing harvest and haulage contracts. The adjustment packages have been put in place to ease those communities into a negotiated outcome.

Our fundamental premise is that tendering for options for the work is a way of giving a fair opportunity to people in communities to bid for this work, and of achieving a good commercial outcome for government in doing so. We will always have an open mind and a view to discuss such issues with affected communities. As I said to the house yesterday — I think it was in response to a question from Mr Barber — I visited the Ovens site of VicForests. I mentioned that as an example of how, as ministers, we go out into the community to get insights from people on the ground.

We will always have open minds and engage in discussion, but the fundamentals are that this industry requires a balance between maintaining the sustainability of the harvest from forests and supporting people in rural communities who work in those forests. It is also an area where the government requires a commercial return, and it has been one where a structural adjustment package has been put in place to try and ease some of those small rural communities through this transition. I think it has met all those objectives of government.

In answer to Mr Hall, we will always engage with the timber industry, the environment movement and local communities on whether there are ways we can do it better, but I think the balance we have at the moment is right.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 574–95, 600, 602–13, 622, 632, 634, 636–8, 640–64, 720–4, 734, 760, 761, 787, 789, 867, 881, 892, 893, 895–8, 926, 953, 1068, 1097, 1098, 1100, 1101.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed.

Ms HARTLAND (Western Metropolitan) — Before the suspension of the sitting and question time I had started to speak about the aspects of the bill with which the Greens agree. One of those aspects related to the issuing of liquor licences for party buses. We believe it is good that party buses will be required to have liquor licences. Having encountered hens and bucks night party buses in the city, I know that the behaviour of passengers on those buses is not always good. I take the point Ms Lovell made in regard to sporting and bowls clubs, and I will await the committee stage of the bill to ask questions about how the government intends to deal with those issues.

The liquor accords have been highly successful, one of the reasons being that the accords have brought together the stakeholders — publicans, local councils, police and local residents. At the start of my speech I spoke of matters about which the Greens have grave concerns. In particular we believe that access to alcohol is too easy. While the bill does not specify King and Queen streets in Melbourne and Chapel Street in Prahran, these are the areas that, as I understand it from the second-reading speech, the government wishes to begin with.

Along Chapel Street, for example, there are 13 premises with general licences, for pubs and takeaways; 43 on-premise licences, which are mainly restaurants and some cafes; 31 other licences and several venues that close at 7.00 a.m. I am not quite sure why people need to drink until 7.00 a.m., but that is probably because I have a different lifestyle.

In Queen Street there are 8 premises with general licences; 10 with on-premises restaurant licences; 10 bar and cafe licences; and 12 other licences, including takeaway. There is one designated 24-hour venue in Queen Street that closes at 5.00 a.m. and

another at 3.00 a.m. In King Street there are 8 premises with general licences; 15 with on-premises restaurant licences; 7 with bar and cafe licences, and 12 with other licences, including takeaway.

There are also several venues in King Street that close at 7.00 a.m. and, as I understand it, if the St Kilda Triangle development happens, there will be a number of late-night venues there and ones that will be operating 24 hours a day. Could the problem with alcohol-related violence be that there is just too much access to too many venues that operate late at night?

The Greens support the sections of the bill that help the police and the Liquor Licensing Commission crack down on venues that not only cause trouble but also allow it to occur. We support the sections in the bill that help the director to refuse licences to people who should not have a licence in the first place.

This bill would be better if it included a way of preventing new licences being handed out in areas that already have enough. When your read the lists, you would think that on King Street, Chapel Street and Queen Street there is an abundance of venues, and that we do not need any more licences.

In terms of the Liberals' amendments, we will be supporting amendments 1 through to 9, which we believe relate to natural justice and proper process. Regarding alcohol on buses, we will wait until the committee stage of the bill to ask questions. We will not be supporting the opposition's amendment 14, because we approve of the government's proposal to prevent inappropriate and sexist advertising and promotion in relation to alcohol.

On the subject of banning notices and exclusion orders, while the government has indicated that the first exclusion areas will be King and Queen streets in Melbourne and Chapel Street in Prahran, we believe the measure has a far wider implication. While it is not stated, where will the next areas be? Could one be Smith Street in Collingwood, which has had an ongoing problem with alcohol? When talking about Smith Street, obviously we have to talk about problems of drinking in the indigenous Australian community.

The Victorian Aboriginal Legal Service prepared a 20-page response to the Inner City Entertainment Precincts Task force discussion paper *A Good Night for All — Options for Improving Safety Amenity in Inner City Entertainment Precincts*. I strongly recommend that every member of Parliament considering this legislation read that response, and the responses given by the Victorian Aboriginal Legal Service, the Youth Affairs Council of Victoria and the Council to Homeless Persons. All of these are available on the parliamentary library's web site.

I particularly recommend these responses because, as I understand it, the government did not consult with the Victorian Aboriginal Legal Service or the Victorian Aboriginal Community Services Association about this bill. As I have said before on the issue of consultation, the Greens take these matters very seriously, and we always seek out the community groups that will be affected by these laws.

Rather than continuing on my opinion on this, I read from the VALS (Victorian Aboriginal Legal Service) report, which states:

> The task force has not consulted widely enough and it has overlooked the need to consult with stakeholders such as indigenous Australians, youth and youth services. VALS is particularly concerned by option 6 — dispersal legislation — as it will have a disproportionate impact on indigenous Australians who often use public space as —

their gathering places.

Later in its submission, VALS comments on the supposed safeguards to protect vulnerable groups. No detail is provided about the safeguards, and arguably it is because vulnerable groups have not been consulted.

We have to face up to having a history of indigenous Australians being treated differently to other people in public spaces. Indigenous Australians often use public spaces as social spaces. A number of submissions that I have read in regard to this legislation make that quite clear. Also, indigenous Australians are arrested more often than other people for quite minor offences, and they are more likely to end up in jail following a minor offence. This bill gives the police the power to make subjective judgements about a person — that is, that the person is drunk and disorderly or has been drunk and disorderly.

The VALS report also talks about criminology research, which shows that once an indigenous Australian is arrested, there is an overwhelming likelihood that that person will end up being arrested a second and third time. This will mean that more indigenous Australians will be imprisoned, and there will be more deaths in custody. This has been quite clear from a number of reports over a number of years, and I find it difficult to understand why, again, the government has chosen not to consult with the stakeholders who have most at risk.

Once again, we are guided by the VALS submission. I would suggest that people go back and look at the

Royal Commission on Aboriginal Deaths in Custody report which makes a number of recommendations. Indigenous self-determination is contained in recommendation 188; community policing is in recommendations 88, 214, 215 and 220; arrest as a last resort is in recommendation 87; alternatives to arrest for juveniles is in recommendations 62, 239, 240, 241 and 242. In relation to the first two recommendations, the national policy of the Greens is quite clear: Aboriginal and Torres Strait Islander people have the right to self-determination and political representation, and must be partners in development and implementation of public policies, programs and services that affect them. Unfortunately our policy does not seem to have worked here.

One of the things that I think really needs to be recorded in the Chief Commissioner of Police's report — and we will propose amendments to strengthen the report and so that we know what is happening — is that it is indigenous people, young people or homeless people who are the ones being moved on. That information needs to be clearly recorded in the report.

Clause 5 of the bill inserts a new section 148R in the Liquor Control Reform Act which requires the chief commissioner to submit an annual report to the minister which must address various topics, and one of those topics is whether any persons to whom the banning notices are given during that year were of Koori origin. The same goes for the exclusion orders. This is an attempt — and I think it is a good start — to make sure that any adverse effect on vulnerable sections of the community is recorded, but I am not quite sure how it is actually going to work in practice. I will circulate amendments that might assist with the information that the chief commissioner needs to write her report, requiring that an officer note whether a person is of Aboriginal and Torres Strait Islander origin. There is currently no requirement in the bill, and I do not see how the chief commissioner can actually write up her statistics well without this information.

I will also be circulating an amendment to change the word 'Koori' to 'Aboriginal and Torres Strait Islander'. We have done this on advice from a number of indigenous groups in Victoria, as the word 'Koori' in relation to origin means people from indigenous nations in Victoria and parts of New South Wales. It would be better to bring this legislation into line with other police provisions and avoid confusion by referring to Aboriginal and Torres Strait Islander people.

I will also circulate amendments to strengthen the chief commissioner's report by giving a time frame in which it should be completed, and for the minister to present the report to Parliament. I will also circulate an amendment to trigger a review of the banning and exclusion orders if any disadvantaged group is shown to be adversely affected by the bans and the exclusions.

I think it is worthwhile to have a look at the New South Wales ombudsman's report which reviewed the issue of reasonable-directions powers in the New South Wales act, which enables the police to give a direction to move on. In the 1999 report *Policing Public Safety* it indicated that young people and Aboriginal and Torres Strait Islander people were more likely to be moved on under these powers. Of the people given directions, 22 per cent were Aboriginals or Torres Strait Islanders. Just over half of the Aboriginal and Torres Strait Islander people given directions were aged under 17. The New South Wales situation is slightly different because the police can direct people to move on when a person's conduct is serious enough to warrant charging them with an offence. The bill provides for Victoria Police to disperse people only when the person is suspected of committing an alcohol-related crime, and only from an area that has been designated because of problems with alcohol-related violence.

It seems more likely that the police in Victoria will use the provisions as an alternative to laying charges, or as an alternative to charging someone, holding them in the cells to dry out, and to keep the person away from a volatile situation. Homeless people are obviously also in a vulnerable situation as, by necessity, they often use public space. Homeless people often gravitate into city areas because that is where the services are. It would be a very bad thing if inadvertently this legislation put people in situations where they were unable to access vital services or their support community. It is also a bad idea to move people away from the area they know best when affected by alcohol, especially if they have nowhere to go and no safe way of getting there.

The *Herald Sun* article I referred to earlier purported to leak information about the government's plan to create temporary sobering-up centres. If these plans were made public, I would be reassured that this legislation has a broader set of measures that will actually deal with these issues and is not just a means of shifting drunk and disorderly people from one street to another. We obviously need centres where people can sleep it off, where they can go until they are in a state where they can actually get home safely. This is needed especially for young people, because we know that the rates of assault and sexual assault are much higher when someone is intoxicated.

I will be circulating an amendment which will ensure that the police consider whether a homeless person has a place to go and a safe way of getting there and that that will be part of the decision-making process when they are considering a 24-hour ban. I will also circulate amendments to add a requirement for the chief commissioner to report on homeless persons being given bans and exclusion orders under this section.

Greens amendments circulated by Ms HARTLAND (Western Metropolitan) pursuant to standing orders.

Ms HARTLAND — I will talk again about Smith Street because I think it is quite an important issue. So far we have been talking about Queen, King and Chapel streets, but what happens when these orders move to Smith Street? A lot of people hang out on Smith Street, and it is quite common to see people, including Aboriginal people, drinking there.

Our office spoke to Alf Bamblett from the Victorian Aboriginal Community Service Association. He said Aboriginal people used to gather on Gertrude Street. There was a park where people could hang out but for a number of reasons people have been moved on to Smith Street. They are not just locals; people come from elsewhere. It is a place to gather. He said there had been programs in the past which provided somewhere for people to go and which incorporated art, craft, soup kitchens, somewhere to talk and sit and be safe. That is no longer available, and they need something like that again.

My experience in Footscray is very similar. We have had massive gentrification, and a number of what you could only call old and grotty pubs, where a number of elderly men could gather each day and drink safely, no longer exist. What has happened in Footscray is that a number of these older men are now drinking in the mall. I come back to the *Herald Sun* article of 29 November, which, again, purports to leak information about the government's proposal. It says the problem in Smith Street is partly due to cheap liquor licensing fees, and it proposes that they be increased for venues that have had problems with alcohol-related violence. I understand this very well from the problems we have had in Footscray, because there is a very cheap alcohol outlet in the middle of the mall where people buy alcohol and then sit in the mall and drink.

The ALP has to be commended for its 2006 election policy, which states that it will work to reduce the incidence of violence in the community by giving the police the power to ban troublemakers from entertainment precincts. The Greens will support this bill because the government has a clear mandate for this reform. However, the public has also voted for the Greens to review government policy, and that is why I have put forward a number of amendments which make this bill fairer and more equitable.

In conclusion I have to go back to what I said at the start. We have an incredibly blinkered view on alcohol. We are spending millions of dollars to fight illicit drugs, but we are not providing enough services for those people who have substance abuse problems. We are also failing to adequately address the even greater public health needs of people who have alcohol-related problems, such as alcohol-related health problems and alcohol-related violence at home, which is a hidden problem that is a much bigger problem than what is seen on the street. The government has brought in this bill because alcohol-related violence in some areas has become so bad that special police powers have needed to be created to deal with violent or disorderly drunk people, so why are we still allowing new alcohol venues to be set up in such zones? We should be aiming to create an urban environment that does not support the abuse of alcohol and a culture where alternatives to alcohol are available.

Mr DRUM (Northern Victoria) — There is much of Ms Hartland's contribution that I wholeheartedly agree with, and certainly her conclusion that we need to be doing more to stem the current trends in alcohol consumption. Something has gone horribly amiss in our society when we have so many social problems associated with alcohol. We have always had individuals who have not been able to control themselves in relation to alcohol and have developed individual problems, but it seems that as a society we are now beset not only with the problems of individuals but also with whole-of-community problems caused by groups of individuals. Largely this bill is putting in place limits to try to minimise the damage done in different communities throughout our state. I commend the Minister for Consumer Affairs in the other place, Tony Robinson, for making himself available on a range of issues that I have had some concerns with. It is good to have somebody who has made himself available, along with his staff, to work through some of the issues that have caused us some concern.

I want to go through some of the issues in relation to the legislation. Hopefully the bill will reduce the incidence of violence in the community by giving police additional powers to ban troublemakers from entertainment precincts. These bans will last for up to 24 hours, and they will take place in what are going to be called 'designated areas'. The bill will also strengthen liquor licensing enforcement by giving the

director of liquor licensing exceptional powers. Penalties relating to the possession of prohibited and controlled weapons will be doubled and the existing liquor licensing regime will be strengthened to deal with the minority of licensees who do not act in a responsible manner.

There is going to be a review of the licence conditions of licensed premises, including restaurants, to address the increasingly disturbing trend of restaurants being open as bars and nightclubs outside the ordinary restaurant trading hours. That has become a common occurrence. This bill will also allow authorities to make late-hour-entry declarations by way of written notice to each of the licensees within the area or locality to which the declaration is proposed to apply, and there will be a 21-day notice of objection period. That the director of liquor licensing is able to come in and do that has caused some concern for some establishments.

I will now go back through some of the issues more specifically, particularly in relation to the director of liquor licensing being able to impose a three-month temporary lockout on a given venue. This happened in the Bendigo region where I live and have my electorate office. There is a history surrounding this that needs to be related to the Parliament. Firstly, there were social issues that created the need for a lockout in the first instance. A lot of shopkeepers, stallholders and businesspeople within the Bendigo central business district (CBD) were at a loss as to how they were going to deal with having to continually clean the vomit from the pavement outside their stores in the mall when they came to work every Saturday and Sunday morning, or Monday morning, if they did not open on Sundays. All of those functions that would normally be done in the toilet were finding their way to the shopfronts.

These issues are becoming the norm after big nights out in the Bendigo CBD. As Ms Lovell said, sometimes the whole community can be tarnished because of the actions of a few. I know that at the moment Geelong is going through some serious problems with antisocial behaviour by late-night patrons as they make their way home or wait for taxis. This antisocial behaviour has given all the partygoers and other late-night revellers a bad reputation. It is forcing the government's hand to try to reform the control of liquor in this state.

This bill will give the director of liquor licensing exceptional powers. She has the ability to make a decision to impose a three-month lockout at a time of her choosing, and there is no right of review. When the director of liquor licensing made a decision to support the local police and institute a 1.00 a.m. lockout, the economic impact of that decision could have been exceptionally devastating for the nightclub industry in Bendigo. It was then that the licensees banded together and all of a sudden it became an issue that was heading to court.

When you talk this issue through and realise that if you all of a sudden institute a 1.00 a.m. lockout across the board on licences that go to, say, 3.00 a.m. or 5.00 a.m., you realise that lockout will have serious financial implications on an entire industry, which will cost jobs. It might fix some of the antisocial behaviour but it may also cripple a legitimate industry and may mean the loss of jobs, loss of wages and the loss of revenue throughout the entire industry.

After a protracted three to four month battle through the Victorian Civil and Administrative Tribunal and between lawyers, the director of liquor licensing in conjunction with the police, and after conversations with licensees, was able to agree to a 2.00 a. m. lockout provision. Everyone is now pushing ahead with that in Bendigo. It is also worth noting that even a 2.00 a.m. lockout of new entrants is causing some jobs to be lost in the industry. It will mean a loss of turnover and revenue, and therefore jobs will be lost.

It is at least better than the previous 1.00 a.m. lockout, but it should make us all realise that these decisions should not be left to an individual who does not need to have substantial reasons for making her decisions and does not have to have the checks and balances that will be put in place if we adopt the amendments put forward by the Liberal Party. Those amendments will give us better balanced options than the current legislation. We need to be very aware how that will be played out in reality. The fact is that we need to clean up our nightlife in a very balanced manner, taking costs into account.

I am staggered these days at the different types of drinks some of our young people consume: some drink sleepy beer, which causes patrons to go to sleep; some drink happy beer, so all they do is laugh and have a good time. But it is really a shame that so many people drink angry beer, so all they want to do is fight. That has always bewildered me. I have enjoyed going out late at night — certainly during my younger days but seldom now — and I was always very careful to stay clear of people who turn angry every time they have a few drinks. Even with these increased trends of antisocial and violent behaviour, we still think we need to have checks and balances put in place to monitor the powers that the director of liquor licensing has been given.

It is hoped that the additional powers given to the police to create designated areas will be effective. Those

powers are inserted into the legislation by clause 5 of the bill, so that in conjunction with the director of liquor licensing, certain areas and precincts identified as trouble spots will be declared designated areas. The whole idea is to put banning notices in place. In effect it means that individuals who are banned will be ejected from the designated area for up to 24 hours and repeat offenders will be ejected or banned from these areas for up to 12 months. We think that provision is worthwhile, and I expect that the police will be sufficiently qualified to identify troublemakers who pose a threat as opposed to the great majority of people who are simply there to have a good night out. The Nationals believe that is reasonably fair.

We have discussed the issues involved in temporary lockouts. The Liberal Party's proposed amendments mean that the temporary lockouts will not be put in place unless the director of liquor licensing has the permission of the chief commissioner, because it is a serious step for the director to take. We believe the permission of the chief commissioner puts in place some serious checks and balances that will lead to a better outcome.

Clause 14 refers to the fact that not only will the director of liquor licensing have control over the way liquor is consumed on premises but also will be in control of what is termed 'or as otherwise not in the community interest'. We believe that is stretching the powers of the director a bit too far, and I believe those types of issues are best handled by people other than the director of liquor licensing.

One of the really tough aspects of the bill is proposed new section 96A, which provides that with the approval of the chief commissioner or the deputy commissioner, a licensed premises can be closed. I believe that should be done not just by the chief commissioner or the deputy commissioner but that the decision should be referred to and reviewed by the Victorian Civil and Administrative Tribunal. I think that VCAT reference would offer some checks and balances.

Such a decision is a very critical one for a licensee. Sure enough, when there are goings-on within a licensed venue that would cause police to make such a drastic decision, police need to have that ability to do so. However, for the police to have hanging over their heads the knowledge that such decisions are reviewable by VCAT will ensure that such decisions are decisions of last resort. It may make sure police go through checks and balances to ensure that the decisions they make and actions they take are the right ones, because the police will know that those decisions and actions will have to stand up to the scrutiny of VCAT. This is something we really need to be careful about.

I turn to the issue in clause 22, which concerns the banning of alcohol from buses. This again is an area where I think the government, and the minister in control of this bill, are happy to have a series of words read out to give us a little bit of comfort about the clause. The bill does have unambiguous language. Clause 22 will insert new section 113A, headed 'Consumption or supply of liquor on buses' which says:

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

that is, a bring-your-own —

> permit is in force in respect of the bus.

I know the government never intended the members of community organisations such as community groups or sporting clubs who might be on their way to and from a competition, Rotary club or community project — and who might have been hoping to have a couple of beers on the way there or back — to be caught up in this legislation. The legislation is clearly aimed at the party buses, which host events such as hens or bucks nights, when people hire buses and have as their primary aim on the journey to consume a lot of alcohol and have a roaring night. The government intends that those types of evenings — that type of activity — would in fact require a liquor licence and the organisers would therefore need to meet all the relevant responsibilities, such as responsible serving of alcohol, that go along with that licence.

However, when you read that part of the legislation, it is in black and white. The government intends to carry out its intent for the bill through the enforcement guidelines, but I find that a complicated way of getting what you want in legislation. The government has an opportunity to accept that maybe the wording is going to create too many unintended consequences and capture areas of the community and social groups that were never in the intent of the bill. Maybe we might be better off having a good look at that and going away and agreeing to amend the legislation, so that we do not have to worry about law-enforcement authorities having to look back through the enforcement guidelines.

In this way they would simply have to look at the way the act is written. I think we need to be mindful of that, because there are many opportunities for all of us to occasionally have a beer on the way to some event when there is not one skerrick of threat to anybody else — it is just a matter of a few quiet drinks. I

understand that when the minister is wrapping up the debate he may refer to some areas of comfort in the enforcement guidelines, but I would certainly much prefer the government to just accept the Liberals amendments to clause 22. The director of liquor licensing obviously feels she needs these additional powers. They are quite wide, exceptional powers — the ability to ban people from different areas, to close down venues and to put in place interim lockouts for up to three months at a time and in areas of her choosing, with those areas having no limit.

Obviously the director of liquor licensing deals with these issues all the time. She would feel as though she is more than suitably able to make these tough decisions in order to try to curb some of the antisocial behaviour and violent instances we are getting throughout Victoria. However, my personal experience has been that the director of liquor licensing has made mistakes in the past, as we all do, and will be making mistakes into the future. I think it is sensible for us as legislators to put a protective framework around those decisions so that we can protect this industry a bit better and give the licensees more security than they currently have. The checks and balances are so important when people make these decisions. I think we need to make sure that we listen to and give due consideration to all sides of the argument.

I would like to talk a little about alcohol as an individual issue. Alcohol really has created some enormous problems. I would like to back up what Ms Hartland said, referring to my discussions with Victorian Alcohol and Drug Association. When I talked to VAADA representatives about the issues they are faced with, they spoke about a lack of resources they were given to work with. They work on the smell of an oily rag. VAADA, our peak alcohol and drug association, is trying to do research and put in place programs to raise awareness of the problems. They will tell you time and again that even given all the problems we hear about with illicit drugs, and even given the profile that illicit drug problems have throughout Victoria, alcohol is by far our biggest problem.

Alcohol is ruining more lives and posing a far greater threat to the welfare of our children than any of the illicit drugs. Because of the social acceptance of alcohol, we do not tend to realise just how damaging and dangerous it is. We need to take stock. We need to ask some serious questions about why youth alcohol consumption and binge drinking are becoming such big issues. Kids down through the ages have always snuck a drink here and a drink there, maybe getting drunk before their time, in isolated instances. But we need to now take stock of the fact that the rate of binge drinking amongst our youth is trending upwards at an unacceptable rate. We need to put in place very stringent guidelines and policies to at least give us the comfort that we are meeting this challenge head on.

There has been the advent of the sweet drinks that our young people find so attractive. In days gone by, if 15 and 16-year-olds did not drink beer, then they probably did not drink. Now there are so many different options available. They can drink coolers and cordial types of drinks. These can get young people seriously drunk in a manner they may not be able to handle. We need to look very carefully at that. Young people seem to be able to get hold of alcohol very easily. We need to ask more questions. Where do young kids get the alcohol from? If they are bingeing at an unacceptable rate, and a rate we have never had before, how are they able to access alcohol so easily? Is alcohol becoming so readily available and accepted in our society today that older siblings just give it to their younger brothers and sisters without realising the damage they are potentially causing? We will have to look at that carefully.

The Nationals will not oppose this legislation, because amongst the issues we have spoken about there are some fine liquor control measures in this bill. We will support the bill, but we will also support amendments to fix it up. I would also like to point out that stakeholders have been very clear in telling me that they were not consulted in relation to many of the issues I have raised today. The Australian Hotels Association was not consulted at all in relation to the preparation of this bill. Had it been, many of the concerns that have been raised by the opposition parties — The Nationals, the Liberals and the Greens — would have been raised in the early stages of the preparation of the bill, and I am sure we would be looking at a bill that would pass through the house without amendment and without too much debate. The government should be wary of bringing in legislation without completing industry and stakeholder consultation. I would like to think the government will accept some of the amendments that will be moved today.

Mr SCHEFFER (Eastern Victoria) — I rise to support the Liquor Control Reform Amendment Bill. The bill amends the Liquor Control Reform Act to strengthen community wellbeing to ensure that places where people gather are safe and friendly and that violence is prevented and checked in entertainment precincts.

These amendments will enable troublemakers to be excluded from entertainment areas where there is an alcohol-related problem. The amendments will

strengthen liquor licensing penalties and enforcement powers, facilitate and strengthen voluntary liquor accords and ban inappropriate advertising and promotion of liquor sales in licensed premises. These amendments are introduced against a background of a significant number of alcohol-related assaults that occur in or around licensed premises. During the 2006 Victorian election campaign Labor announced in its policy statement *Community Safety — Labor's Plan for Keeping Crime Rates Low*, which states that it:

> … will work to reduce the incidence of violence in the community by giving police the power to ban troublemakers from entertainment precincts —

and —

> We will further combat alcohol-related violence and disorder by introducing 24-hour bans for individuals from licensed premises in designated areas and exclusion orders for repeat offenders. This will give the police the power to ban troublemakers from entertainment precincts.

Labor comes to this legislation with a significant background in policy reform around alcohol. Very recently — in fact last month — the Premier was reported in the *Herald Sun* as coming out very strongly, highlighting the seriousness of alcohol-related problems in Victoria. That is a good thing. Alcohol policy is being dealt with by a high-powered ministerial committee that looks at the very complex range of issues involved in alcohol policy.

The Victorian government is very clear that policies and legislation aimed at resolving some of the worst effects of harmful alcohol consumption need to take a universal approach to managing the health of populations in regard to the misuse of alcohol. What is also required is the introduction of particular and focused targeted interventions that address the particular patterns of harmful alcohol consumption within specific populations.

The *Victorian Alcohol Strategy — Stage One Report*, an important document, was developed by the state government in 2002. If you look at the strategy, you will see that it involves both strands of initiatives — for example, the youth and tertiary alcohol campaigns strategically targeted the drinking patterns of young people. We need to look at the marketing and advertising of beverages and the implications that has, not only on the wider community but on youth in particular.

The amendments in the bill enable the police to issue a banning notice that will exclude a person for up to 24 hours from a licensed premises within a designated area, or from an entire designated area if the police reasonably suspect the person has committed an offence in the area. The amendments also enable police or prosecutors to apply to a court for an order that an individual can be excluded for up to 12 months from a designated area or a licensed premises in a designated area where the person has committed an offence in that area.

Victoria Police statistics show that during 2005–06, there were approximately 29 000 assaults reported to police, a significant number of which were contributed to by excessive alcohol consumption and occurred in or around licensed premises. Those statistics also show that during the same period, there were high crime levels in licensed premises including something like 1500 crimes against people, nearly 4000 crimes against property and 145 drug offences. Similarly, there were high numbers of offences in open spaces or areas near licensed premises.

It is clear that the inappropriate provision of liquor by licensees to patrons significantly contributes to the commission of offences in and around licensed premises. Serving alcohol to intoxicated individuals also detrimentally affects the safety and amenity of community members around licensed premises. The enforcement measures in this bill aim to target the appropriate provision of liquor to patrons by licensees.

During the term of the 55th Parliament — that is, the last Parliament — the Drugs and Crime Prevention Committee tabled its final report on its inquiry into strategies to reduce harmful alcohol consumption. That report of some 1400 pages threw considerable light on the causes of the behaviours which are reflected in the Victoria Police statistics that I referred to previously. That report goes a good way to answering, exploring and examining some of the questions that Mr Drum raised during his contribution.

The final report had a lot to say about the pervasiveness of alcohol in Australian life. Alcohol consumption needs to be understood culturally. Individuals do not drink in an atomised away. Drinking alcohol takes place in a physical, social and emotional environment. Drinking is a social act which has a whole range of symbolic meanings and values. The advertising industry is sharply aware of this; government policy, right across Australia and globally, is way behind the alcohol industry in its very specific understanding of drinking cultures and the patterns of alcohol consumption.

The advertising industry knows precisely how to target a particular market. We can learn a lot from that kind of analysis; that is what should be informing a lot of our

policy. That is what the final report of the Drugs and Crime Prevention Committee points to; it is really worth reading.

Studies have found that young people especially participate in binge drinking. They drink to get drunk. In many drinking cultures, drunkenness is accepted as a normal part of drinking. Getting drunk is seen amongst many young men, and increasingly young women, as the right of passage; it is regarded as a mark of adulthood. Getting drunk is an important element of male bonding. To get drunk and make an ass of yourself, then to celebrate the kudos of a hangover, are important for many young people.

An important contributor to the debate on alcohol consumption spoke to the Drugs and Crime Prevention Committee (DCPC). Daryl Smeaton is the chief executive officer of the Alcohol Education and Rehabilitation Foundation. He told the committee:

> What was most disturbing about that research —

the research his organisation undertook —

> was that we asked our researchers to test a range of statements, one of which was, 'Getting drunk is an acceptable part of the Australian way of life', and more than 50 per cent of respondents agreed. [A second statement was] 'It's okay to drink as much as you like, as long as you don't drive'. Thirty-five per cent of people said that is okay. [And another statement was] 'It's okay to drink as much as you like as long as you don't harm somebody else', and again about 33 per cent of people said that is okay. That highlighted to us some of what I describe as the cultural link in Australia between alcohol and having a good time or celebrating. We wet the baby's head; we drink at his wake; and on every occasion in between, the Australian approach is to have a drink, whether we are celebrating or commiserating.

Drinking environments play a critical role in shaping the behaviour of patrons. The statistics show that many victims of assaults report that their most recent assault occurred at a club or pub. For example, as the Australian Bureau of Statistics says, in the report of the DCPC:

> Evidence from the most recent Australian survey of victims of crime (the Australian Bureau of Statistics Crime and Safety survey) shows that 12 per cent of all assault victims (approximately 80 000 persons) reported that their most recent assault occurred at a pub or a club. For males alone, 18 per cent of assault victims reported being assaulted at pubs or clubs (approximately 60 000 persons; Australian Bureau of Statistics 1999). While these data comprise the location of assault for assault victims, victimisation at licensed venues increases considerably when only alcohol-related violence is considered. For example, a secondary analysis of the 1998 Australian National Drug Strategy Household Survey (NDSH) data found that more persons report being assaulted by an intoxicated person in pubs and clubs than in any other location with 37 per cent of victims of alcohol-related violence having been assaulted at a pub or club …

The responsible serving of alcohol programs play in important role in improving the safety of drinking environments. This should occur within a regulatory structure which strengthens security through clear legal obligations, enforcement through a police presence, clear penalties and the promotion of positive practices. The report gave some attention to the importance of a visible police presence around licensed venues, especially around entertainment precincts, and the value of licensee accords.

The report found that:

> As well as appropriate training, the enforcement must also have 'teeth'. In other words, there must be penalties available for licensees of others who flaunt the law. Such penalties ideally should be used as a last resort and preferably be graded sanctions.

The amendments in this bill address a cluster of real and serious issues which have been exhaustively researched. The amendments give the police and the courts the power to expel troublemakers from entertainment precincts to deal with alcohol-related violence and disturbance. Police will be permitted to shut down licensed premises for 24 hours if there has been violence or if public safety is threatened. The courts will be able to ban repeat offenders from the areas for no more than 12 hours.

When looking at the scope of the bill, we can see that it will enable the director of liquor licensing, in consultation with the Chief Commissioner of Police, to declare an entertainment area to be a designated area. It enables an assistant police commissioner to respond to immediate threats to public safety by suspending a liquor licence for up to 24 hours. It enables the director to vary trading hours or to suspend a licence. It gives the director greater powers to put in place lockouts from a licensed premises. It doubles the penalty for serving alcohol to intoxicated individuals and doubles the penalty for serving alcohol without a licence.

The final report of the Drugs and Crime Prevention Committee inquiry also examined lockouts. The report said that lockouts were being trialled in an attempt to reduce violence and aggressive behaviour in and around licensed premises and to reduce antisocial behaviour such as urinating in public places and damaging letterboxes. The evidence is that where there is cooperation between the venue and local government with police support, then lockouts can work very well, and Wendy Lovell spoke to that earlier today in her contribution to the debate. Victoria Police told the inquiry that police could apply to the Victorian Civil

and Administrative Tribunal to impose a lockout on a licensed venue as a condition of the licence and that this 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. In the past, the police said, applications of this type have been heavily contested by both the licensees and their industry representative organisation.

Clause 15 of the bill inserts a new section into the act to empower the director to make late-hour-entry declarations or impose lockouts without giving written notice if the director believes that alcohol-related violence or disorder has occurred in the locality and that the order is likely to be effective in reducing or preventing alcohol-related violence. The director, in our view, needs this additional power to give her the capacity to act quickly to impose a temporary order where there is a threat to public safety.

Clause 23 inserts a new section into the act concerning prohibited advertising or promotion. The proposed section states that the director can prevent the licensee from advertising or promoting the supply of liquor or the conduct of licensed premises by the licensee if the director believes that the advertising or promotion would encourage irresponsible drinking or behaviours that are not in the public interest. The kinds of promotions that we are talking about were also mentioned in the committee's report on its inquiry into strategies to reduce harmful alcohol consumption. One of them that was brought to the committee's attention was Toss the Boss. I will read from the footnote of that particular section of the report. It states:

> 'Toss the Boss' is a popular and relatively common game played in pubs, hotels and clubs whereby bar staff flip coins for patrons to guess the fall — that is, heads or tails. If the patrons guess correctly, the beverage will usually be served free. If the patron guesses incorrectly, they pay for the drink either at standard or above-standard prices. Some licensed venues have designated 'Toss the Boss' nights at which such promotions feature prominently …

Some contributors to the debate have had some difficulty with this issue, saying that there is not enough separation and that the director should only be able to prevent these sorts of promotional activities where they impact on the alcohol consumption. What we are saying in this bill is that the director should also be able to prevent these activities if it is in the public interest or in the interests of public safety to do so. The actual events have a continuum, and it is difficult to separate them out, which is why both of those provisions need to obtain here. I will wrap up at that point. There are of course a number of amendments which it would be too time consuming to go into here. They will be dealt with in the committee of the whole. It is good legislation, and it will be good to see it in place. I commend it to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! I call on Ms Hartland to formally move her amendment 1, which I understand is a test for further amendments 2, 3, 5 and 7. Ms Hartland might wish to direct some remarks to those further amendments in moving amendment 1.

Ms HARTLAND (Western Metropolitan) — I move:

1. Clause 4, after line 11 insert—

> "***homeless person*** has the same meaning as in the **Magistrates' Court Act 1989**;";

Amendment 1 just seeks to put a definition into the act in regard to homeless persons, and we have used the meaning that is in the Magistrates' Court Act 1989 to clarify that.

The DEPUTY PRESIDENT — Order! The Liberal Party has concerns about the application of amendment 1 to two of the further amendments that are to be tested. I call on Ms Lovell to explain the Liberal Party's position, and then we will determine the way voting will go to allow the Liberal Party to express its position on those amendments individually.

Ms LOVELL (Northern Victoria) — The Liberal Party will be supporting the Greens amendment 1, which is to insert the definition of 'homeless person' as it appears in the Magistrates' Court Act. We support that because we support the words 'or were homeless persons' being inserted into clause 5 by the Greens amendments 5 and 7. However, we do not support the Greens amendments 2 and 3, which insert into clause 5 a provision that a homeless person will not be able to be moved on unless the police are satisfied that there is somewhere else for them to go. We believe that the bill already covers that, because the bill provides that a police officer cannot give a banning notice if the officer believes or has reasonable grounds for believing that the person lives or works in the designated area. The

definition of 'homeless person' that we are inserting has the meaning that you could still be homeless, as defined, but still live in the designated area, so we do not believe that that needs to be inserted by the Greens proposed amendments 2 and 3.

The DEPUTY PRESIDENT — Order! Amendment 1 is supported as a test for amendments 5 and 7 but not for amendments 2 and 3?

Ms LOVELL — Yes.

The DEPUTY PRESIDENT — Order! Does the minister wish to comment on the amendment?

Hon. J. M. MADDEN (Minister for Planning) — No.

The DEPUTY PRESIDENT — What I propose to put then is — —

Mr BARBER (Northern Metropolitan) — Perhaps you are about to clarify it, Chair, but does that mean you will change the way in which we will vote on these amendments? You previously said one would be a test for the others?

The DEPUTY PRESIDENT — Correct. What I am proposing now is that I put amendment 1 as a test for amendments 2 and 3 initially.

Ms Lovell — For amendments 5 and 7.

The DEPUTY PRESIDENT — Order! I am giving members the chance to vote against them, and then I will put amendment 1 as a test for amendments 5 and 7 to give the Liberal Party an opportunity to vote in favour of it. We will effectively be voting on amendment 1 twice, but in the first instance in respect of its implications for amendments 2 and 3. The committee understands that the question is:

> That amendment 1 be agreed to and that it apply to amendments 2 and 3.

Those of that opinion say aye; to the contrary no. I think the ayes have it. A division is called for. Ring the bells.

Bells rung.

The DEPUTY PRESIDENT — Order! The committee has an interesting dilemma. The situation is that we are dealing with clause 4 and an amendment by Ms Hartland, which is amendment 1, which it was understood by the clerks would be a test for amendments 2, 3, 5 and 7, also standing in Ms Hartland's name. The situation is that amendment 1 actually defines a homeless person, and I am not sure that that is the issue that is in dispute. The Liberal Party has indicated that it is opposing amendments 2 and 3, and the government, I understand, is opposing the lot. The Liberal Party has indicated that it is opposing amendments 2 and 3, which, as I have indicated we believe are tested by amendment 1, but it is prepared to support amendments 5 and 7, which are also tested by amendment 1, and all relate to homeless persons. This has created a bit of a dilemma for us administratively.

What I would propose to do as the cleanest way of doing this, with the committee's leave, is to simply deal with amendment 1 by itself, then we proceed to amendments 2 and 3, which the Liberal Party plans to oppose, and deal with them directly. Then we will deal with amendments 5 and 7, which I understand the Liberal Party proposes to support. Whether or not this has any bearing on the overall result of any of the amendments, we are to determine. But I suggest to the committee, by leave, that I am to put amendment 1 standing in Ms Hartland's name. So the question is that amendment 1 by itself stand part of the bill.

Ms Lovell — On a point of order, Chair, and for clarification, this was not the way it was put before the bells were rung and the doors were closed.

The DEPUTY PRESIDENT — Order! Exactly; that is why I am going through it. I am now going to let members recast their vote and we will then determine on the voices the response to this question. The question is:

> That amendment 1 moved by Ms Hartland stand part of the bill.

Committee divided on amendment:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr (*Teller*)
Barber, Mr	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr (*Teller*)	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr (*Teller*)	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr (*Teller*)	Tierney, Ms

Mikakos, Ms	Viney, Mr

Pair

Coote, Mrs	Smith, Mr

Amendment agreed to.

Amended clause agreed to.

Clause 5

Ms HARTLAND (Western Metropolitan) — I move:

2. Clause 5, page 6, line 16, omit "area." and insert "area; and";

The DEPUTY PRESIDENT — Order! This amendment will test Ms Hartland's amendment 3. Does the minister have any further comment?

Hon. J. M. MADDEN (Minister for Planning) — No.

Committee divided on amendment:

Ayes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Noes, 36

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Madden, Mr
Dalla-Riva, Mr	Mikakos, Ms (*Teller*)
Darveniza, Ms	O'Donohue, Mr
Davis, Mr D.	Pakula, Mr (*Teller*)
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr
Guy, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Kavanagh, Mr	Thornley, Mr
Koch, Mr	Tierney, Ms
Kronberg, Mrs	Viney, Mr
Leane, Mr	Vogels, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! Amendment 2 is therefore lost, and as it was a test for Ms Hartland's amendment 3, that too is lost.

The DEPUTY PRESIDENT — Order! I call on Ms Lovell to move her amendment 1, which will test her amendments 2 and 3.

Ms LOVELL (Northern Victoria) — I move:

1. Clause 5, page 9, lines 30 and 31, omit all words and expressions on these lines and insert—

"(j) that, under section 148E—

(i) the notice may be varied or revoked; or

(ii) the person may appeal to the Magistrates' Court against the decision to give the notice.".

The amendment deals with banning orders and the ability for someone to appeal in the Magistrates Court a decision of a police officer to issue a banning order.

As I said in my contribution to the second-reading debate, the Liberal Party was advised during the briefing on this bill that a banning notice will appear on a person's record in the LEAP database, so technically it becomes a quasi-criminal offence. The only avenue for a person to appeal against that banning notice currently is to appeal to a police officer above the rank of sergeant; and in effect that person would have to appeal to a police officer against a banning order that has been issued by a police officer.

Because the order would appear on a person's record in the LEAP database, they should have an opportunity for a hearing in court, and our amendments 1, 2 and 3 provide the opportunity for someone who feels they have been inappropriately issued a banning order to appeal that decision in the Magistrates Court.

Committee divided on amendment:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr (*Teller*)
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr (*Teller*)

Noes, 18

Broad, Ms	Pakula, Mr
Darveniza, Ms (*Teller*)	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr (*Teller*)	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

Coote, Mrs	Smith, Mr

Amendment agreed to.

The DEPUTY PRESIDENT — Order! I ask Ms Lovell to formally move amendments 2 and 3.

Ms LOVELL (Northern Victoria) — I move:

2. Clause 5, page 11, line 20, after **"notice"** insert **"and appeal to Magistrates' Court"**.

3. Clause 5, page 11, after line 28 insert —

"(3) A person to whom a banning notice applies may appeal to the Magistrates' Court against the decision to give the notice.

(4) A person may appeal under subsection (3), and the Magistrates' Court may hear and determine an appeal under that subsection, whether or not the period for which the notice applies has expired.

(5) On an appeal under subsection (3), the Magistrates' Court must—

(a) redetermine the decision to give the notice; and

(b) hear any relevant evidence tendered by the appellant or the relevant police member who gave the notice; and

(c) without limiting its discretion, take into consideration anything that the relevant police member ought to have considered.".

These are consequential amendments that were to be tested by the passing of our amendment 1.

Committee divided on amendment 2:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D. (*Teller*)	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr (*Teller*)
Drum, Mr	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms	Pakula, Mr (*Teller*)
Darveniza, Ms	Pulford, Ms (*Teller*)
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

Coote, Mrs	Smith, Mr

Amendment agreed to.

Amendment 3 agreed to.

The DEPUTY PRESIDENT — Order! I call on Ms Hartland to formally move her amendment 4, which is a test of her amendment 6.

Ms HARTLAND (Western Metropolitan) — I move:

4. Clause 5, page 22, line 9, omit "Koori" and insert "Aboriginal or Torres Strait Islander".

This is a very straightforward amendment. I have had discussions with a number of indigenous groups, and they have indicated they would prefer the words 'Aboriginal or Torres Strait Island' rather than 'Koori', because the term 'Koori' applies only to indigenous people living or born in Victoria and parts of New South Wales.

Ms LOVELL (Northern Victoria) — The Liberal Party supports this change from the word 'Koori' to 'Aboriginal or Torres Strait Islander', which is a far more appropriate description of indigenous people to be inserted into the act. As Ms Hartland said, the word 'Koori' refers to indigenous people from Victoria and parts of southern New South Wales, and there are many Aboriginals and Torres Strait Islanders residing in Victoria who may be described as Murris, if they come from Queensland, or by other terminology. The phrase 'Aboriginal or Torres Strait Islander' is far more appropriate.

The DEPUTY PRESIDENT — Order! Is there any comment from the minister?

Hon. J. M. MADDEN (Minister for Planning) — No.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs (*Teller*)
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs (*Teller*)
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Hartland, Ms	

Noes, 19

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr (*Teller*)	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr

Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms (*Teller*)
Madden, Mr	Viney, Mr
Mikakos, Ms	

Pair

Coote, Mrs	Smith, Mr

Amendment negatived.

Ms HARTLAND (Western Metropolitan) — I move:

5. Clause 5, page 22, line 10, after "origin" insert "or were homeless persons".

This amendment adds a requirement for the chief commissioner's annual report to note the statistics on homeless persons. The reason for doing this is to make sure that we are getting a clear picture of who is actually being involved in exclusions or banning orders.

The DEPUTY PRESIDENT — Order! Is there any comment from the minister?

Hon. J. M. MADDEN (Minister for Planning) — No.

The DEPUTY PRESIDENT — Order! The lack of comment from the minister is one of the problems in progressing this committee stage, because it is confusing members, who do not know exactly what is happening.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Koch, Mr (*Teller*)
Barber, Mr	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs (*Teller*)
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr
Hartland, Ms	

Noes, 19

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr (*Teller*)
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr (*Teller*)	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Pair

Coote, Mrs	Smith, Mr

Amendment negatived.

Ms HARTLAND (Western Metropolitan) — I move:

7. Clause 5, page 23, line 17, after "origin" insert "or were homeless persons".

This adds a requirement for the chief commissioner's annual report to include statistics on homeless persons, so it also captures other vulnerable groups that may be moved on.

Hon. J. M. MADDEN (Minister for Planning) — The only comment is to assist you, Deputy President. The government opposes the amendment.

Committee divided on amendment:

Ayes, 20

Atkinson, Mr	Kavanagh, Mr (*Teller*)
Barber, Mr	Koch, Mr
Dalla-Riva, Mr	Kronberg, Mrs
Davis, Mr D.	Lovell, Ms
Davis, Mr P.	O'Donohue, Mr
Drum, Mr	Pennicuik, Ms
Finn, Mr	Petrovich, Mrs
Guy, Mr	Peulich, Mrs
Hall, Mr (*Teller*)	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Noes, 18

Broad, Ms (*Teller*)	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr (*Teller*)
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr	Tierney, Ms
Mikakos, Ms	Viney, Mr

Pair

Coote, Mrs	Smith, Mr

Amendment agreed to.

Ms HARTLAND (Western Metropolitan) — I move:

8. Clause 5, page 23, after line 29 insert—

"(2) The Chief Commissioner must cause the information to be collected that is necessary to enable reports to be prepared under this section.

(3) The Chief Commissioner must submit a report under this section to the Minister within 2 months after the end of the financial year to which the report relates.

(4) The Minister must cause a report under this section to be presented to each House of Parliament within 7 sitting days of that House after the report is received by the Minister.".

The reason I move this amendment is that the chief commissioner is presently required to report statistics on Kooris, but there is no provision for the statistics to be recorded. I think that gap means we will not be getting an accurate picture of what is happening. Our amendment will make sure that young people, Aboriginal people and homeless people are not being targeted, and that there is a comprehensive picture of what is going on.

Amendment agreed to.

Ms HARTLAND (Western Metropolitan) — I move:

9. Clause 5, page 23, line 30, omit "(2)" and insert "(5)".

Amendment agreed to.

Ms HARTLAND (Western Metropolitan) — I move:

10. Clause 5, page 23, after line 32 insert—

"**148S Review of Part**

(1) This section applies if a report under section 148R reveals that the operation of this Part has had a disproportionate effect on persons of a particular age or age group, persons of Aboriginal or Torres Strait Islander origin, homeless persons or any other sector of the community.

(2) If this section applies, the Minister must review the operation of this Part and cause a report of the review to be presented to each House of Parliament within 6 months after the Minister received the report under section 148R.

(3) If a House of Parliament is not sitting within the period specified in subsection (2), the Minister must give the report of the review to the Clerk of each House.

(4) If a report is received by the Clerk of a House under subsection (3), the Clerk must—

(a) as soon as practicable after the report is received, notify each member of the House of the receipt of the report and advise that the report is available upon request; and

(b) give a copy of the report to any member of the House upon request to the Clerk; and

(c) cause the report to be presented to the House on the next sitting day of the House.

(5) A response that is given to the Clerks under subsection (3) is taken to have been published by order, or under the authority, of the Houses of Parliament.

(6) In this section—

Minister has the same meaning as in section 148R.".

This amendment will trigger a review of the banning exclusion provisions in the annual report to show whether there is a disproportionate effect on young people, homeless people and Aboriginal people. I ask the minister whether there was any reason for this not being included in the bill?

Hon. J. M. MADDEN (Minister for Planning) — As with most of the amendments moved by Ms Hartland, these are basically operational issues and were not considered as priorities in terms of the operation of this legislation.

Ms HARTLAND (Western Metropolitan) — I do not understand that answer. If the government is going to introduce a bill that has these kind of exclusions for people and may target homeless people, Aboriginal people or young people, why would it not consider that this was not an important aspect of the legislation?

Ms LOVELL (Northern Victoria) — I indicate that the Liberal Party will oppose the Greens amendment 10. We are concerned that the amendment is unnecessary; the wording is too loose and the words 'disproportionate effect' could mean numerically, culturally or economically. Any of the figures in the report indicating that particular groups are the subject of banning or exclusion orders should be the subject of public debate rather than subject to ministerial review.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr (*Teller*)
Hartland, Ms (*Teller*)	Pennicuik, Ms

Noes, 34

Atkinson, Mr	Lovell, Ms
Broad, Ms	Madden, Mr
Dalla-Riva, Mr	Mikakos, Ms
Darveniza, Ms	O'Donohue, Mr
Davis, Mr D.	Pakula, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Rich-Phillips, Mr
Finn, Mr	Scheffer, Mr

Guy, Mr (*Teller*)	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr (*Teller*)
Koch, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Amendment negatived.

Amended clause agreed to; clauses 6 to 14 agreed to.

Clause 15

Ms LOVELL (Northern Victoria) — I move:

4. Clause 15, after line 28 insert— "(2) Before making a late hour entry declaration referred to in subsection (1), the Director must consult the Chief Commissioner.".

This amendment will test amendments 5, 6 and 7, because they are amendments subsequent to this one. This amendment deals with the ability of the director to impose a temporary late hour declaration on an area without any consultation. The Liberal Party believes this should be done in consultation with the Chief Commissioner of Police — the same requirement that applies to the director's declaring an area designated area. As temporary late hour declarations could have impact on businesses in the area, we believe it should not be the decision of the director alone.

Amendment agreed to.

Ms LOVELL (Northern Victoria) — I move:

5. Clause 15, line 29, omit "(2)" and insert "(3)".

6. Clause 15, page 31, line 1, omit "(3)" and insert "(4)".

7. Clause 15, page 31, line 13, omit "(4)" and insert "(5)".

These are consequential amendments for the renumbering of subclauses.

The DEPUTY PRESIDENT — Order! The amendments have also already been tested by the vote on amendment 4.

Ms LOVELL — Yes.

Amendments agreed to; amended clause agreed to.

Clause 16

Ms LOVELL (Northern Victoria) — I move:

8. Clause 16, after line 24 **insert**—

"( ) At the end of section 87 of the Principal Act insert—

"(4) A licensee may apply to the Tribunal for review of a decision of a senior police member to suspend a licence under section 96A.

(5) A licensee may apply under subsection (4), and the Tribunal may hear and determine an application under that subsection, whether or not the period of suspension has expired.".".

This deals with the ability of a licensee whose licence has been suspended by a senior police officer to have that decision reviewed by the tribunal. We feel this is only fair. The suspending of a licence could have a severe impact on a business. If its licence has been suspended by the police, the stigma would remain on the business. The business should have the opportunity to have a review by the tribunal in order to establish whether the suspension was done in accordance with the act and whether the name of the business can be cleared.

Amendment agreed to; amended clause agreed to; clauses 17 and 18 agreed to.

Clause 19

Ms LOVELL (Northern Victoria) — I move:

9. Clause 19, page 35, line 18, omit "under" and insert "in accordance with".

This amendment deals with the ability of a business that has been issued with a breach notice that was not in accordance with the act to claim compensation. At the moment this clause does not provide for any compensation to be paid under the act. A breach notice can be imposed by the director of liquor licensing. Once a breach notice is issued, the licensee has the opportunity to respond to the director. If the director is not happy with that response, it can be appealed, but there is no avenue for compensation. We believe that if a suspension notice is issued that is not in accordance with the act, the business should be able to claim some compensation. This clause will allow for that.

Amendment agreed to; amended clause agreed to; clauses 20 and 21 agreed to.

Clause 22

Ms LOVELL (Northern Victoria) — I move:

10. Clause 22, line 27, after **"on"** insert **"party"**.

This tests amendments 11 to 13. This amendment deals with the definition of 'bus' or 'party bus' in the bill. The second-reading speech makes it clear that the government's intention is to regulate the party bus industry by requiring party buses to be licensed. As I said in my formal speech, the Liberal Party supports

that. They are virtually roving hotels, and they should be licensed. However, the way that the bill has been worded goes much further. It defines 'bus' as having the same meaning as given in the Public Transport Competition Act 1995 — that is, any vehicle which carries 12 or more people. This will include any social club or community group which decides to do the responsible thing on its outing and travel by bus to its destination and whose members want to have a glass of champagne on the way to the theatre or a light beer on the way home from a bowling tournament or something like that.

The Liberal Party's amendment to clause 13 will insert a definition of 'party bus'. We believe the legislation should reflect the government's intention. We have heard from various people that the government intends to have guidelines for the enforcement of this provision that would stipulate that it applies to party buses and not to social buses, but that is not good enough. The intent of the law should be reflected in the legislation. We should not have guidelines that do not reflect the letter of the law. We feel that this needs to be tightened up. The clause needs to reflect the intention of the government's legislation, which is to license the party bus industry.

Ms HARTLAND (Western Metropolitan) — I have a question for the minister with regard to this. We do not have any problem at all with the regulation of party buses — we think they should be licensed — but we do have some concerns with regard to buses used by pensioner groups or bowling clubs that might be travelling long distances. How will the bill affect bowling clubs and pensioner groups? If members of those groups drink alcohol while on their buses, what are the requirements under this clause?

Hon. J. M. MADDEN (Minister for Planning) — I am advised that when a club has a club licence, that licence can be used, in a sense, for a bus, but that when the club does not have a club licence, then that club is not able to use a bus under those conditions.

Mr P. DAVIS (Eastern Victoria) — I seek clarification. I would be grateful if the minister could explain the implications of these provisions on what I would describe as socially responsible people who collect together to go to an event of any description. For example, there could be a group of people going to a country race meeting, such as a local committee of management of a hospital that has a social day out. It could be the Country Women's Association of Australia. It could be one of a whole range of community groups or a collection of individuals could simply want to behave responsibly, want to avoid having too many cars on the road and alcohol may be involved.

As I see it, the problem with this provision is that it will impose a real constraint on social activity in rural areas in particular, and importantly it will have implications for road safety by increasing the number of people driving themselves to social events where alcohol is involved. Frankly, I think this provision will be quite contrary to best practice in relation to road safety. It would be very helpful if the minister could clarify this issue.

Hon. J. M. MADDEN (Minister for Planning) — I acknowledge the member's concerns. I stand by the comments I made previously. I have been advised that when a club has a licence, it is able to apply that licence to a bus. If the club has a restricted licence, it might seek to extend its licence to the bus. But a collection of individuals who do not have an association with a particular group or organisation — the case the Leader of the Opposition commented on — would need to apply to get a licence in relation to any event or circumstances involving a bus and the provision of alcohol on that bus.

Mr P. DAVIS (Eastern Victoria) — In respect of each of the cases I described, none of those examples would involve groups who would have a licence relating to alcohol use. They are all groups of people who come together for other than what I would describe as entertainment. They come together as members of organised bodies who are working towards a particular objective or entirely social reasons. In that case, the minister is suggesting that in every situation they would be regulated and caught under these provisions.

The DEPUTY PRESIDENT — Order! The group could be attendees of the Young Labor conference.

Hon. J. M. MADDEN (Minister for Planning) — As I previously mentioned, if there is a collection of people on the bus and alcohol will be served or provided, that group would need to seek a licence for that to occur — —

An honourable member interjected.

Hon. J. M. MADDEN — Yes, for that to occur. As I previously mentioned, and I can understand the member's frustration in relation to this issue, this will mean there is an accountability mechanism in relation to whomever endeavours to seek that licence, whether it be through clubs, associations or groups which have the right to seek that licence.

Mr P. DAVIS (Eastern Victoria) — I will further pursue this matter. The minister suggested in his response a situation where alcohol is provided on a bus, and I presume he meant provided by the organiser of the bus. If the individuals who are associated with that bus — that is the passengers — bring their own alcohol onto the bus, what is the situation?

Hon. J. M. MADDEN (Minister for Planning) — I will try to clarify these matters as much as I possibly can, but I cannot guarantee that I will satisfy the member. I will refer to some notes. The advice I have received is that the government's intention is to ensure that sporting clubs are treated fairly by changes to Victoria's liquor laws. The changes proposed for party buses are intended to capture commercial party bus operators. Should a sporting or social club seek to hire and operate a bus for the same purpose, it will be required to comply with the amended licensing laws. However, to provide clear guidance about where and when a licence is required for community groups and sporting clubs, guidelines will be prepared for clubs operating buses themselves for the primary purpose of transporting members to and from sporting events or social outings. Enforcement guidelines will also be drafted ahead of the provisions coming into effect in mid-2008. This may not allay Mr Davis's fears, but it should give him some comfort: the government will consult with clubs ahead of the provisions and guidelines coming into effect.

To add my comments to that and in acknowledging Ms Hartland's concerns about some of those community groups and the fact that the changes may concern those groups and provide some difficulty if they are interpreted absolutely, there will be guidelines and an opportunity for those groups to have input into the guidelines and to express concerns about their operation. We seek to ensure that sporting clubs, social clubs and community groups do not suffer any great disadvantage in relation to this matter.

Mr P. DAVIS (Eastern Victoria) — I want to put on the record, so that it is absolutely clear, that I am really concerned about the social and road safety impacts of this proposal. This proposal is a manifest abuse of a regulatory power which has been sought by the government and it will have incredibly deleterious impacts in regard to social connectivity, particularly in rural communities. It will especially have impacts in regard to road safety. I do not want to see an increase in the number of motor cars on the road containing people who are imbibing alcoholic beverages.

The fact is that people have tended to start to put buses on the road for social events for the express purpose of complying with the road safety message to which we and successive parliaments over the years have committed more and more resources in order to get people away from drink driving and into a habitual pattern of behaving responsibly with alcohol.

What the government is proposing to do here runs contrary to the whole concept of drink-driving road safety practice. What is more — and what I think is equally as critically alarming — the government's legislation will absolutely impact on the way that rural communities in particular operate, because they have no other choice. They have no mode of transport other than road travel for their social activity, and I think that this is a very serious problem for this legislation.

Hon. J. M. MADDEN (Minister for Planning) — I am not sure that Mr Davis appreciates what I did say. I understand his concerns in relation to the extreme interpretation that he has, and can I just say — —

Honourable members interjecting.

Hon. J. M. MADDEN — I am trying to assist. I am not trying to create any provocative circumstances here. I am trying to assist members with their concerns, and I think I am showing some goodwill in trying to respond to those concerns. I understand the member's concern about the extreme interpretation he has in relation to this, but, as I have mentioned, we will consult with clubs and establish some guidelines around and off the back of that consultation. I think those community groups, those social clubs and those sporting clubs can feel a degree of comfort that those guidelines will be established on the basis of their direct input, and all those issues that Mr Davis has raised would, I suspect, form part of the input into establishing those guidelines.

I know that Mr Davis is very exercised about this, but I would expect, and the government would expect, that in the establishment of these guidelines those matters as well as the road safety messages will be taken into consideration to ensure that the best road safety practices occur. At the same time those alcohol-related incidents in and around events will be considered and balanced in the establishment and drawing up of those guidelines.

Mr BARBER (Northern Metropolitan) — Just for a bit of further clarification to check that our view of things is correct, when the Greens want to organise a wine tasting at our offices — —

Honourable members interjecting.

Mr BARBER — How are we going for time, folks?

The DEPUTY PRESIDENT — Order!

Mr BARBER — When we want to organise a wine tasting, we have to jump on the internet and organise ourselves a sort of temporary licence that costs a few dollars, which is literally for the purpose of that mini event where we will be serving alcohol in our offices. Is this the same sort of licence that one of these clubs will now have to apply for if they want to serve alcohol on their bus?

Hon. J. M. MADDEN (Minister for Planning) — In terms of the process from here on in, as I have mentioned, we as a government will consult with clubs and organisations in relation to the establishment of the guidelines for what is and what is not required and for how and when it is required. So in relation to the extension of the technical matters and the regulations and the guidelines which are an extension of that, there will be broad — —

Mr Drum interjected.

Hon. J. M. MADDEN — I ask Mr Drum to keep quiet for a minute. We will ensure that there is widespread community consultation in relation to these matters, and there will also be the application of common sense in relation to the operation of those guidelines, particularly in relation to the matters that Mr Davis raised.

Mr BARBER (Northern Metropolitan) — If I could just suggest that the minister check with the advisers, because all we want is a simple reassurance that the process of the obtaining of a necessary licence to consume or serve alcohol on this bus is going to be as simple, as easy and as relatively low in cost as it would be in the example I gave.

Hon. J. M. MADDEN (Minister for Planning) — I will put it this way: we will make it as simple as practically possible, because, of course, we are a government that is committed to reducing red tape and not increasing it. I would expect that after the guidelines are established, the mechanism, over and above the guidelines themselves, for acquiring any licence under any circumstance will require the minimum amount of fuss and also take into account all those matters that I have previously mentioned in my other answers.

Ms LOVELL (Northern Victoria) — Saying 'Trust me, I am from the government. Pass this legislation, and then we will develop the guidelines later' really does not convince us. I was just wondering if the minister could address a couple of direct examples. If the local Shepparton or Bendigo branch of the Labor Party were to organise a bus for its members to come down to Melbourne for state council, and if its members wanted to have a couple of beers on the way home, would it be required to have a licence for that bus? If a group of trade unionists were to get together on a bus to travel to and from a rally, would they be able to have a beer on the way home from the rally or would they need a licence for that bus?

Hon. J. M. MADDEN (Minister for Planning) — I am certainly interested in the groups that Ms Lovell mentioned, but whether it be a busload of Young Liberals, a busload of Young Nationals, a busload of Young Greens or a busload of Country Women's Association members or Victorian Farmers Federation members — you can name any organisation — that will not make a difference to the methodology of these guidelines or the way in which these licences will be managed and organised. There will not be that sort of onus or discretion in relation to one group or another. What I can say to you, as I have said in previous answers, is that there will be a mechanism, and that mechanism will be as simple as practically possible. It will also bear in mind — —

Ms Lovell interjected.

Hon. J. M. MADDEN — I know that in opposition Ms Lovell's job is to be sceptical, but can I say that, given that I am answering on behalf of the minister in the other chamber, I am undertaking to give her as much clarity as I can on this matter and also to give this chamber and all members in relation to their questions the assurance that I will undertake to reflect their concerns to the appropriate minister and to make sure that those matters that they have expressed concern about will be echoed to the minister, so that in the establishment of these guidelines the concerns expressed in relation to community groups, in particular those isolated or more remote communities in country Victoria that are heavily reliant on road transport, which is part of the social mechanism for groups coming together, will be taken into account. I will undertake to reinforce to the minister whose bill I am representing in this chamber that in the establishment of the guidelines the concerns of members and the concerns of the community certainly need to be strongly taken into account, in particular the concerns about the social mechanisms that operate in those isolated and remote communities.

Ms LOVELL (Northern Victoria) — As I understand it, the minister has said that clubs that actually have a licence already in place will not need to apply for additional licences, but that social groups that would very rarely require a licence and would only

require one for a bus trip would have to apply for one. I particularly did not want to talk about football clubs or this particular incident, because I do not want to brand all football clubs with an isolated incident. But it is likely that football clubs would have a licence in place and therefore, as I understand it from the way the minister has put it, would not need to apply for an additional licence for their bus trips.

The only incident that comes to my mind of trouble with alcohol on a bus was a very unfortunate incident in Caulfield, where a young Jewish man was assaulted by a group of people who were on a bus. I believe that club would probably be in the class of people who would not need to apply for an additional licence because the club would already have a licence in place. Therefore is the government not really penalising those people who are not a problem in the community and perhaps making it a little bit easier on those people who potentially may be a problem? As I said, I particularly did not want to mention this. I do not want to talk about football clubs, and I do not want to brand every football club in the state by referring to this particular incident.

I know that most football clubs are very strict about their bus trips and the consumption of alcohol on those buses, but I think it is worth exploring the fact that this particular group where the problem did occur would not be required to have an additional licence, and yet a Country Women's Association group or the elderly citizens — —

Mr Koch — A church group.

Ms LOVELL — A church group, a school council, a hospital board or the lawn bowling groups throughout Victoria would be required to get additional licences.

Hon. J. M. MADDEN (Minister for Planning) — I certainly appreciate Ms Lovell's concerns in relation to this matter, as I am trying to do justice to the concerns of all members in relation to this matter. I certainly recognise the role of buses, and I am not trying to inhibit social opportunities and recreational opportunities for people across rural Victoria in particular but also for people in outer suburban areas and other suburbs as well.

I think the critical issue here — and I know there are some discussions occurring between members on both sides of the chamber in relation to this — is more about the accountability, and I know there are questions about regulatory mechanisms and those licensing procedures. But in the incident referred to I think there was the ability to make the link back to the club that had the members who had misbehaved. Whilst I appreciate that members are indicating they do not believe it is the appropriate mechanism, what this mechanism seeks to do is provide a degree of accountability on the part of any club or organisation that has a bus on which any alcohol is provided or served. I return to Philip Davis's point about a collection of individuals who jump on a bus where there is a whole lot of alcohol and say that this is the single accountability mechanism that will apply to a group of individuals collectively.

The intention of this legislation is to ensure that there is a mechanism for accountability applying to any unfortunate incidents that may occur when there is a presence of alcohol on a bus in a social circumstance and where things go astray. So this is really an accountability mechanism. It does not seek to inhibit or undermine the ability of people to enjoy that social activity. I pick up the point from members opposite that they do not want recreational or social opportunities to be inhibited. It is really a matter of making those collective individuals who are on a bus a point of reference for accountability.

The question of whether the opposition believes that is the appropriate mechanism or not is, I suppose, why we are debating the bill as we are currently. But having someone who can be accountable for that group, an individual who seeks to be accountable for that group by that licensing mechanism, is really the priority here. Whether or not that mechanism does justice to some of the concerns of members opposite, I think we will seek to clarify through mechanisms beyond this current opportunity to answer questions and the debate that goes with it.

Progress reported.

Legislation Committee

Mr P. DAVIS (Eastern Victoria) — I move:

That the remaining clauses 22 to 28 inclusive of the Liquor Control Reform Amendment Bill 2007 be referred to the Legislation Committee.

Mr VINEY (Eastern Victoria) — I want to indicate on behalf of the government that it will be supporting the motion of Mr Davis. We believe in the Legislation Committee process, having initiated it, and we think this will be an opportunity for the house to get some further advice and assurances on some issues of concern that some members have raised and will enable the house to consider the bill in a manner that comprehends those assurances. We are happy to support it.

Motion agreed to.

POLICE REGULATION AMENDMENT BILL

Second reading

Debate resumed from 22 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr DALLA-RIVA (Eastern Metropolitan) — This is a fairly straightforward bill. The Liberal Party will be proposing a reasoned amendment later. We are proposing the reasoned amendment, which I understand is still in the process of being printed, so that we can have some clarification. The previous bill being referred to the Legislation Committee has thrown a few of us out of sequence, which is the normal course of events in the upper house nowadays, but the reasoned amendment will assist the house by elaborating on some of the criteria under which police officers, members, protective service officers (PSOs), reservists and recruits can be tested for drugs or alcohol.

Before moving on to discussing the bill I will refer to my reasoned amendment, which has two components. As copies of the amendment are now available, I formally move:

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

What we are seeing in this bill before the chamber, and I ask that copies of it be circulated, which I think is happening — —

Hon. J. M. Madden — Are you prepared to have that? Are you prepared to be tested? Are all your people prepared to be tested? Will all the parliamentarians have to be tested as well?

Mr DALLA-RIVA — The minister asks if all parliamentarians are prepared to be tested. He is in government. Maybe he could put the legislation before the chamber and we will look at it. If that is what he is proposing as a policy announcement we look forward to that suggestion. It is an interesting policy announcement the minister has just made, and I think it is important to put on the record that the minister has just suggested members of Parliament be drug and alcohol tested.

Hon. J. M. Madden — No, I am asking you the question, Mr Dalla-Riva: do you want everybody in the community tested as well?

Mr DALLA-RIVA — You are in government. You have raised it. This is your legislation.

Hon. J. M. Madden — Do you want everybody tested as well?

Mr DALLA-RIVA — The minister can bark at me all he likes. He has actually introduced the legislation in this chamber and then he says, 'Are you saying all MPs should be tested?'. This is about testing for drugs and alcohol.

The reasoned amendment we have put forward is for random drug and alcohol testing for all Victoria Police. There are restricted criteria in this area of the bill before the chamber.

There are a number of criteria. The first is where a police member has been involved in a critical incident — that is, an incident involving death or serious injury and another prescribed circumstance, being either the use of force, injury to or death of a person while in police custody, use of a firearm or use of a police vehicle. The second is where a police member is not fit for duty. The third is where the Chief Commissioner of Police determines that a police member be tested for the good order and discipline of the force.

What we are saying in the reasoned amendment is that we ought to be fair dinkum about drug and alcohol testing for Victoria Police and so we want to provide for random testing in the circumstances. This will enable the community to have a fair and clear understanding about where alcohol and drug use is occurring. It is a applicable to the police because clearly it seems ludicrous that a police officer could be declared not fit for duty without it being obvious that that person is affected by alcohol or drugs. But there may be occasions, and we see that all the time — we have seen it with footballers — where they do not obviously have a drug problem until it becomes a noticeable problem for various reasons.

This reasoned amendment is about a random process and how it is done. We are suggesting through the reasoned amendment that the bill be redrafted to provide for the immediate introduction of random drug and alcohol testing. It is quite a simple reasoned amendment and is indeed a support for the process.

We have called for drug and alcohol tests for Victoria Police. The Office of Police Integrity (OPI), which is referred to in the first part of the reasoned amendment, supports the idea of random drug and alcohol testing. We believe this would be an effective manner of doing it. While the bill may permit random drug testing, the Chief Commissioner of Police says the good order powers are sufficiently broad to enable random drug and alcohol testing. The minister and the chief commissioner have said it will not be implemented yet, that the chief commissioner may implement it in the future, but that for the moment testing will be on the basis of those other two criteria — that is, fitness for duty or following a critical incident.

It is interesting to note that most other Australian states have some form of drug and alcohol testing, including New South Wales, which has full random blood drug and alcohol testing of police officers and those associated in some form in the operational area of policing. We can draw the connection here that the criteria for testing the PSOs who work in the vicinity of these buildings, and who do an excellent job of providing the security that is necessary for us, would apply only where there has been a critical incident. So, for example, it might be where they have to draw or use their firearm whilst in a vehicle, or perhaps where they are not fit for duty. I ask the question: how would you know a PSO is not fit for duty by just looking at them? They might look all right but may actually be on some form of drug. We have to be realistic in this world and recognise that people who take drugs do not look like druggies, and that applies to everyone in the community. As I said before, we have had some very talented footballers who in recent times have been found to be wanting in that area.

It is interesting to note the government seems to be a bit concerned by this random drug and alcohol testing. It sort of falls into an area that has been mentioned before. What is it? Is it something somebody has said? Is this part of some negotiation or deal that has been set up before? Was there some relationship between the police, the chief commissioner and individuals in government? Was it part of a deal? Was it part of the enterprise bargaining agreement negotiations that occurred before the last election? Was there an agreement with the Police Association to not allow random drug and alcohol testing? We do not know. But we would question, given that the government has gone to the extent of laying down the criteria, why it would not include the random aspects of the regime.

The government should either do it properly or not at all. Just as it is not possible for someone to be half pregnant, in this game the government cannot be half-hearted. It has to be fair dinkum about putting in place a proper process to allow for the drug and alcohol testing. No pun intended, but I do not think I need to labour over this particular part of the reasoned amendment too much. I think it is fair. It actually supports, encourages and assists this bill before the chamber. It actually makes the bill whole by enabling it to be effectively used for operational police officers, so they may be assured their colleagues are not involved in some form of alcohol or drug abuse. It is aimed not only at testing those who might have a problem but also those who do not have a dependency, therefore giving those who work with other police officers or PSOs some form of assurance that their colleagues are not in any way affected before they go out on operational duties during the day.

The second purpose of the bill is to amend the Police Regulation Act in respect of the Office of Police Integrity. The intention is that the offices of director, police integrity, and the state Ombudsman will be finally separated. The director, police integrity, will need to be either a retired judge or someone capable of being appointed as a judge. I know we are not meant to be critical of the judiciary, but that makes you wonder just whom the government will appoint to that position. We will watch with much interest to see where that goes.

The terms of the appointment of the director, police integrity, are specified in clause 9 of the bill. As I said, I look forward to the appointee being a person who has an incredible reputation. But I will not hold my breath waiting, given the history of this government and its appointment of some people in recent years.

It is interesting that opposition members have been calling for the separation of the roles of director, police integrity and the state Ombudsman for some time. It seemed quite unusual that George Brouwer could make a report, walk down the road to the Office of Police Integrity and receive his report in some manner that was supposed to be separate from the initial complaint he raised as the Ombudsman. The establishment and formation of the Office of Police Integrity involved passing seven pieces of legislation. It has taken quite some time for the government to realise that the arguments raised in this chamber by opposition members were valid. At the time it seemed totally rational to opposition members that the roles of Ombudsman and director, police integrity should be separate.

Perhaps I should have gone back and looked at the Labor members' speeches to see why the second part of the amendment bill is justified, and why it is so great

and proper! It would be interesting to hear the government's argument for why it is now appropriate to take this measure. Why is it that the separation can now occur? What have government members found out about the separation of the roles? Have there been some internal issues that they need to qualify? Have there been some issues that we are not aware of? We do not know. The OPI reports to no-one; it reports to itself in a roundabout way, but now we are going to have a process that does not involve going down the corridor but probably going across the street.

There is still no separate overarching review of the operation of the office of the director, police integrity. Effectively the office will still be operating in isolation. It again raises the issue, as we raised in a motion earlier today, about establishing an independent crime commission. Whilst we are not in a position to do that by way of a reasoned amendment, the first part of our reasoned amendment is an attempt to gain clarity as to where things are going. That is why the first part of our reasoned amendment is:

> That all the words after 'That' be omitted with the view of inserting in their place 'this house refuses to read this bill a second time until —
>
> (1) the Office of Police Integrity has reported on the November 2007 public hearings …

We all know about the public hearings — they have been reported in the media — but they have been sensationalised. We would like to see some form of report as to what the outcomes have been. We can only surmise what the outcomes have been from a reading of the media statements and transcripts of the proceedings.

It was interesting today to note the arguments of government backbenchers regarding some of the statements made about certain individuals — for example, Sharon McCrohan, Mr Radford and a few others. How do we know whether there should be more investigations? That is why this reasoned amendment is before the chamber. We need to see that the Parliament has the opportunity — —

Mr Viney — On a point of order, Deputy President, on the relevance of Mr Dalla-Riva raising the matters he has raised: in his contribution to the debate he is again casting slurs and aspersions on people who are not members of this house, and by doing so he is stretching the limit of the purpose of the bill.

The DEPUTY PRESIDENT — Order! Mr Dalla-Riva is the lead speaker in the debate, and the convention of this house is that some latitude is allowed for a lead speaker. From what I have heard of Mr Dalla-Riva's contribution, I do not believe he has actually gone back over a debate that was held earlier in the day. I think he has made some reference to that debate, but I would have thought that it was in passing, and I had the impression that he did not intend to dwell on those matters and to recontest them. I think he was tying that matter to the relevance of this bill, and it was a matter he has raised in passing. I will continue to listen, but at this point I am ruling the point of order out of order.

Mr DALLA-RIVA — Thank you, Deputy President. As I indicated, my contribution has been about the reasoned amendment moved by the opposition. Perhaps Mr Viney ought to read the reasoned amendment, because that is at the heart of what I am getting at. It specifically talks about the 2007 public hearings. Whilst the house discussed that matter earlier today, the context of my contribution to the debate on this bill is that we should refuse to read it until the Office of Police Integrity has reported on the November public hearings, because Parliament needs to have an opportunity to ascertain the operational effectiveness of the OPI. We do not know how effective the OPI has been as an anticorruption body.

Bodies similar to the OPI work in conjunction with independent commissions against corruption (ICACs) in other states, but they work separately and independently and relate in some way to those ICACs and to other agencies. However, in Victoria we have a stand-alone OPI that reports to no-one. We are saying that we should not move forward on this bill until we know fully the circumstances of those particular public hearings. For example, we do not know about the involvement of government ministers, ministerial advisers and certain individuals outside Victoria Police and the OPI who knew about the secret hearings.

This reasoned amendment goes very much to the crux of what I am saying. It is fair to say that there are some elements in this government that are corrupt, and I think we need to be fair dinkum about it. We need to stand in front of a mirror and say, 'This government is corrupt, and it continues to behave in a corrupt manner'. Until such time as we have some sort of powerful body that oversees the way this government is operating, Victoria will forever be on the slippery slide.

For some unknown reason every other state that has an ICAC seems to have found some connections with politicians. It seems that this government wants to fight us at every point, whether they be through points of order on relevance or on issues about establishing an ICAC. We are saying quite clearly that the house should refuse to read this bill a second time until our amendments are agreed to. We believe the amendments

are balanced and fair. We are calling for the OPI to report on what has occurred. Why can it not report on what has occurred? Why does it not do so? We should let the Parliament determine the success of the OPI in terms of fighting corruption.

The other component of our reasoned amendment, which I outlined earlier, concerns the issue of the random drug and alcohol testing for all Victoria Police members. Similar testing is applied in New South Wales, and it works effectively. The measure should be applied in Victoria. It seems that we are about to introduce a regime in which protective service officers, reservists and recruits will be tested for drugs and alcohol. We believe that this is a reasonable additional amendment in terms of random drug and alcohol testing. It would bring surety and honesty to the Victoria Police, and people in the wider community will know that their officers are working in a drug and alcohol-free environment. I support the reasoned amendment before the chamber.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr HALL (Eastern Victoria) — I am happy to make a contribution this evening on the Police Regulation Amendment Bill 2007. It is not a large bill, but it is a bill which deals with two very important issues and I am sure they will attract a bit of commentary in the contributions we will have this evening. The first of those provisions relates to the drug and alcohol testing of members of the police force, protective service officers, police reservists and also police recruits. The second major provision of this bill relates to the separation of the offices of the Ombudsman and the director, police integrity. I will comment in turn on each of those measures.

The first is the drug and alcohol testing provisions contained in clause 5 of this amendment bill. Essentially clause 5 empowers the Chief Commissioner of Police to direct members of Victoria Police and the associated identities which I have just mentioned to be subjected to drug and alcohol testing. Clause 5 sets out the procedures and the circumstances under which testing for alcohol and drug presence can take place.

Clause 5 inserts a new division 4A into the Police Regulation Act, and particularly new provisions after section 85. Firstly, in proposed section 85B, it sets out the circumstances in which the chief commissioner can request that such testing take place. It is important to note that it can only take place if the chief commissioner has a reasonable belief about members under certain circumstances which are listed, and about which the chief commissioner can legitimately claim to reasonably believe that a member is:

> … incapable of performing his or her duties, or is inefficient in performing his or her duties —

secondly —

> … has been involved in a critical incident …

A critical incident is defined in new section 85A. The third circumstance is when a member:

> … ought to be tested for alcohol or a drug of dependence for the good order or discipline of the force.

I am not actually sure what the terminology ‘good order or discipline of the force’ means. Perhaps in response government members might like to enlighten us as to exactly what that terminology means.

Proposed section 85B(2) details the procedure and the way in which such testing for drug dependence or alcohol can take place by supplying a sample of breath or urine, or having a registered medical practitioner taking a sample of the member’s blood from the member.

In the event of taking a sample of the member’s blood there are particular provisions outlined in proposed section 85D as to how that might occur. It is interesting to note that it could occur in a particular instance if a police officer or one of the other associated entities I mentioned before are incapable of giving consent because they may be unconscious or seriously injured and therefore not able to consent to undertake such a test. That attracted some comment from some police officers in Benalla, with whom contact and consultation was made by The Nationals in relation to this bill.

I refer to an email to my colleague the member for Benalla in the other place, Dr Sykes, from a police officer in Benalla, Alan Haslam. Mr Haslam made comments about proposed section 85D in which he said:

> If a member is involved in a critical incident (other than a motor vehicle accident) and he receives a life-threatening injury in that incident requiring emergency medical treatment, a direction could be made by the chief commissioner to the treating medical practitioner to obtain a blood sample. Such action could be prejudicial to the proper care and treatment of the member, and there appears no allowance for the medical practitioner to refuse or decline. The bill is silent on the foremost consideration of the medical practitioner, that being the welfare of his patient.

He went on to say:

> I believe that the legislators in this bill have overlooked consideration for the welfare of a seriously injured member of

> the police force by not including a clause allowing a medical practitioner to make an informed professional decision as to the effect that the taking of a blood sample would have on his patient. If I am injured in a critical incident and my life is in the balance and relying on preserving all available blood in my body to survive, I do not want the chief commissioner to direct the medical practitioner to remove more blood.

That goes without saying. The point made by that constituent is that he believes the medical practitioner should be able to make an informed professional decision without an absolute requirement for the taking of blood. I guess that would be addressed in the code of practice that doctors need to employ to put the welfare of their patients first. If the minister is able to confirm my view on that, I would think that would help ease the concerns of that constituent.

As I said, new division 4A contains critical provisions in regard to the circumstances under which the chief commissioner can require the testing of members for drugs of dependence or alcohol. One of those circumstances is where a member is involved in a critical incident. New section 85A defines the term 'critical incident' to mean:

> … an incident involving a member of the force while that member was on duty which —
>
> (a) resulted in the death of, or serious injury to, a person; and
>
> (b) also involved any one or more of the following —
>
> (i) the discharge of a firearm by the member;
>
> (ii) the use of force by the member;
>
> (iii) the use of a motor vehicle by the member (including as a passenger) in the course of the member's duties;
>
> (iv) the death of, or serious injury to, the person while the person was in the custody of the member …

Each of those is a fairly serious issue, and most people would agree it is more than reasonable to require either breath testing or testing for a drug of dependence in those circumstances.

I should at this point make a comment, because I heard the minister at the table suggest by way of interjection to a member speaking previously, 'Would you be willing to be subjected to breath testing for alcohol or drug dependencies?'. That throws open the whole issue of who and who should not be reasonably expected to be undertaking such testing and in what circumstances, whether in a workplace or otherwise. That is a debate the community needs to have.

I say by way of a general comment that there is a broad range of factors that can impair a person's ability to perform at their peak in their particular profession. It may relate not only to a person having consumed alcohol or having ingested an illegal drug but can depend, for example, on what the person was doing the day before or how well they slept that night, their level of fitness or what they had for breakfast. All of those sorts of things can impact on the quality of the work that might be required of that person during the course of the next day. Certainly while you cannot test for all of those factors, you can test for the presence of alcohol in the system and for many illicit drugs.

There is a fair argument that people engaged in occupations that can impact on public safety should be subjected to such testing. I think we all agree totally that it is appropriate that we have random breath testing and drug testing of people when they are involved in driving a motor vehicle, which can be hazardous. Indeed you can certainly have an impact on the livelihood of other people. I guess the nature of the role of a police officer is that their work can impact on issues of public safety as well. I am not sure whether we as members of Parliament impact on the public safety of people. I do not think it is a sound argument to suggest that people in our profession should be subjected to random breath testing, but I have no hesitation in supporting a provision that there are professions for which I think random breath testing is probably appropriate.

If we are going to have what I will loosely call incident-based testing of members of the police force, the logical next step is random breath testing for such people as well. Most of our police officers would be comfortable with the fact that random breath testing is a thing of the future. I note the Liberals reasoned amendment goes to the issue of the inclusion of random breath testing of police officers. The Nationals are prepared to support that, because it is the logical next step following the incident-based breath testing and drug testing proposed in this legislation.

The other main provision in the bill concerns the separation of the offices of the Ombudsman and the director, police integrity. I have always believed it would be difficult to do both jobs. I admire George Brouwer and his team for having achieved what they achieved in performing both functions. It would be difficult to do both effectively. Mr Brouwer has worked to the best of his capabilities in performing both functions. However, I have never believed that that was the best solution. It has been the view of The Nationals for many years now that there needs to be something other than the Office of Police Integrity to undertake

investigations into organised crime and corruption in this state. We have long proposed that there should be established a standing commission against crime and corruption in Victoria. We had that discussion in the debate on the general business motion this morning. I do not want to go through all of that argument again. At least the separation of those functions is a step forward, but in our view it is only a half measure. It does not go as far as we believe it should go. However, it is an advance to some extent.

In relation to the Office of Police Integrity, it would be beneficial for the Parliament if the recent work the office has been undertaking were reviewed and evaluated by the Parliament. I note that is the subject of the first part of the Liberals reasoned amendment. We agree with the sentiment of that, and therefore we will be supporting that amendment. As I said, it would have been helpful if a full evaluation of the effectiveness of the Office of Police Integrity had been undertaken before we debated this bill. Given that and given our belief that this is not the best possible structure for investigating crime and corruption in this state, we are prepared to support the reasoned amendment, which seeks in general terms a closer examination of the effective structure that we need in Victoria.

Those are the views of The Nationals with respect to this piece of legislation. Although we do not oppose the legislation per se, we think the reasoned amendment moved by the Liberals is worthy of acceptance by the house because it provides for a thorough examination of at least that latter component I spoke about before the house finally decides on whether it should fully and totally endorse the recommendations contained in the amendment bill before the chamber.

Ms PENNICUIK (Southern Metropolitan) — The Police Regulation Amendment Bill that we have before us now, as Mr Dalla-Riva and Mr Hall have outlined, has two main purposes. One is to amend the Police Regulation Act in relation to the testing of members of the force's protective service officers, police reservists and police recruits for alcohol and drugs of dependence in certain circumstances, and the other is the separation of the Office of Police Integrity and the Ombudsman.

I will speak about the issue of alcohol and drug testing. I preface my remarks by saying that I have had quite a long association with this issue both in my work in occupational health and safety with the Australian Council of Trade Unions and during the couple of years before I came to this place, when I worked for the Australian Drug Foundation. Indeed I worked on the issue of alcohol and work and prepared a website for that organisation on that subject. I undertook quite a lot of research and consultation with unions, employer groups and alcohol and drug services about the best way to deal with alcohol at work. To a certain extent that work was also applicable to the issue of drugs at work.

The clause that goes to the introduction of testing allows the Chief Commissioner of Police to direct a police officer to undergo drug and alcohol testing if the chief commissioner reasonably believes the member, because of the consumption of alcohol or a drug of dependence, is incapable of performing his or her duties or is inefficient in performing his or her duties.

I asked the department for a briefing on why it used those words. You may be concerned about a person in a workplace and worried whether they are impaired, but as Mr Hall said, people can be impaired for a lot of reasons. For example, people can be impaired through fatigue as a result of shift work, long hours of work, arduous work, lack of sleep from a poor working environment, the exposure to chemicals at work, working in heat or cold, stress, illness, a combination of these factors or the consumption of alcohol or drugs, including prescription drugs, or the after effects thereof.

In the work I did in preparing information for workplaces about how to deal with these issues I said the first thing I believed one needs to be sure about is what the person is impaired by and whether you need to introduce testing. I will talk about testing and how you find out if someone is impaired — for example, you may suspect someone is impaired by alcohol. Members should remember that we are talking about alcohol or a drug of dependence, but the most important issue is alcohol, because that is the drug that is most used in this country and is by far and away the issue we should be concentrating on in any workplace, if there is a problem in the workplace.

You can tell if someone is impaired by alcohol without doing a breath test. For example, do they have the smell of alcohol on their breath? Are they speaking too loudly or too softly? Is their speech slurred? Do they have bloodshot eyes? Are they not alert and are they responding slowly? Do they have poor motor control or are they drowsy or exhibiting rude or aggressive behaviour, or a combination of those things? I do not think I need to draw a diagram for members to work that out. It is not necessary to breath-test someone to find out if they are impaired by alcohol.

The problem with testing can be that in testing for a drug of dependence you may be testing not for impairment but for use. That introduces a number of issues, including the privacy issue. If the issue is about

whether they are impaired, then very few of the tests actually test for impairment. An alcohol breath or blood test is about the only real test you can apply to ascertain whether someone is impaired. The claim made about other drugs is arguable on the evidence that I have seen in looking at this issue over many years.

I tried to speak to the Police Association about this issue, because I was interested in its views. I looked at its website, and I noted that the secretary of the association put a statement on the website in which he said the association has long been committed to a welfare-based and non-punitive drug and alcohol testing regime for police and that that includes critical incident testing. As Mr Hall said, critical incident testing is probably seen by the community as being reasonable. We do that on the roads when a person is involved in a vehicle accident, and WorkSafe will do that if there is a death or serious injury on a work site.

In a letter dated 30 October 2002 the secretary goes on to say:

> The association received a commitment from the chief commissioner, Ms Nixon, that the Victoria Police would support a welfare-based drug-and-alcohol-testing regime that includes testing after critical incidents.

I asked the department if it would send me the police drug and alcohol policy, because from my work I know that the evidence around the world and in Australia is that any introduction of alcohol or drug testing in the workplace should be done in the context of a comprehensive occupational health and safety policy and as part of the department's policy. I was sent two small documents from the Victoria Police manual, one headed 'Drug and alcohol consumption by employees', which basically lays out that police employees rostered for duty must have a zero blood alcohol content and talks about the consumption of alcohol within the workplace, where that is allowed or not allowed; traffic offences involving blood and alcohol — and that is it.

I made further inquiries as to whether there is any rehabilitative or other policy to underpin what we have in this legislation. I was sent a two-page document from the Victoria Police manual which talks about alcohol and drug rehabilitation leave. That is about leave for public service employees in relation to drug or alcohol rehabilitation being granted in accordance with the employment agreement, which is a fine thing, but it is not a comprehensive policy.

I was told in the briefing that there may be a comprehensive policy being drafted to go along with the provision for testing. I know the chief commissioner is a progressive person and that she looks at the evidence around the world about how to put in place a comprehensive, welfare-based policy for drug and alcohol use in the police workforce. That is not what I have seen; all I have seen is a direction that police should have a zero blood alcohol level, which I do not have an argument with, but my inquiry was about how the issue is dealt with in the workplace.

Proposed section 85B, 'Testing of members in certain circumstances', talks about whether the chief commissioner reasonably believes that the member:

> … ought to be tested for alcohol or a drug of dependence for the good order or discipline of the force.

Mr Hall asked what those words meant, and I also asked in the briefing what those words meant, and I do not think either of us have been enlightened as to what those words mean. If we cannot tell what they mean, I am not sure that anyone else will be able to.

In contrast to what Mr Dalla-Riva obviously thinks, I agree with what the Police Association secretary says — that this proposed legislation paves the way for random testing of members down the track, though the association expects, based on an agreement with the chief commissioner, that this would only be considered once all parties have had a chance to make a proper assessment of welfare-based critical incident testing. I have to take it on face value that paragraphs (a), (b) and (c) of proposed section 85B(1) are about critical incident testing, are about a welfare-based regime and are not about random testing, because that was the agreement. The agreement was that the welfare-based critical incident testing would be evaluated before the introduction of random testing.

I say that because there is an awful lot of enthusiasm for random alcohol and drug testing. It can be seen as a way to make the workplace safer and to increase confidence in the workplace, yet it is not necessarily so. There are other ways — in fact more important ways: they are about the culture of a workplace. The culture of the police force will have a big influence on alcohol and drug testing, just as it does in other workplaces. There are a lot of workplace factors such as stress, work overload and shift hours — many things that police are exposed to — that can affect alcohol and drug taking. That is why I say a comprehensive policy is needed, and I have not seen that. I urge the Police Association and the chief commissioner to work together as employer and employee to develop such a policy, as should happen with every sort of occupational health and safety policy.

I want to quickly back up what I am saying. The National Centre for Education on Training and

Addiction has done a lot of work on the issue of alcohol and the workplace. I worked closely with the centre during my time at the Australian Drug Foundation. A report on alcohol in the workplace released by the centre in 2006 reached the following conclusions after reviewing studies from around the world:

> Despite the growing interest in workplace testing, testing is at best a limited response to alcohol-related harm in the workplace for several reasons. First, the target of many testing programs in the workplace is illicit drug use. However, as alcohol is the most commonly used drug in Australia … much of the drug-related risk in the workplace is likely to be associated with alcohol use.

I said that before, and I think most people would agree.

> Second, the types of drug tests available to employers are limited in their ability to detect impairment. This is especially the case for the most common type of drug test utilised in workplace testing (i.e. urinalysis). While breath testing is a more reliable method of detecting alcohol impairment, it is also limited in that it cannot detect other alcohol-related problems (e.g. hangover affects) that are also likely to impact on workplace safety and productivity. Finally, the individualistic focus of testing limits its usefulness as a primary prevention strategy.

That should be addressed by having a comprehensive policy. The report finds:

> … overall, scientific evidence for the effectiveness of workplace testing is weak.

In 2002 a definitive report was released in the United Kingdom — the report of the independent inquiry into drug testing at work. That inquiry concluded, according to an inquiry website summary:

> … that there is no justification for drug testing in the workplace as a means of policing the private behaviour of employees, or of improving performance and productivity. It —

that is, the report —

> suggests that although drug testing does have a role to play, particularly where safety is a concern, investment in management training and systems is likely to have a more positive impact and to be less costly, divisive and invasive.

The summary says the report finds:

> The evidence on the links between drug use and accidents at work, absenteeism, low productivity and poor performance was inconclusive.

In fact the evidence I reviewed found that the most common workplace issue, the one which has the most evidence to link it with alcohol use, is absenteeism, and that people are very unlikely to present at work if they are impaired by alcohol or drugs. They do not go to work; they have a sickie. That is why the incidence is not as high as people believe, because most people just absent themselves from the workplace. The website summary of the United Kingdom report goes on to say:

> There is a lack of evidence for a strong link between drug use and accidents in safety-critical industries, such as transport, engineering, quarrying and mining.

However, it says it is clear that drug and alcohol induced intoxication is a risk in such environments.

The report of this independent inquiry also made the finding that alcohol is probably a greater cause for concern in the workplace than illicit drugs. It also talked about positive tests not testing for impairment. The other issue with testing is that tests, apart from alcohol tests, have a level of reliability that is not 100 per cent. Somebody could test positive for a drug of dependence, for example, and that could be a false positive. There is nothing in this bill that gives a member of the police force any appeal mechanism against a false positive — and false positives are common. So we could have a situation where a member of the police force had a false positive test result but had to go through the whole disciplinary procedure without any recourse. Again, I am making the point that when Victoria Police and the Police Association work together to develop a comprehensive policy for alcohol and drugs at work, they should consider all these issues in the development of the policy.

People often think that consumption of alcohol is highly related to injuries and deaths at work, but that has not been proven to be the case at all. In fact an international review of studies found that those injured at work had the lowest incidence of all alcohol-related emergency admissions to hospital but that there were proportionately more serious injuries among those injured at work who had a blood alcohol concentration of more than 0.22 per cent. However, people injured at work had the lowest rates of alcohol-related admissions.

A study of fatal injuries in the United States of America for the period 1993–94 found that overall about one-fifth of the toxicology reports showed positive readings for alcohol or one or more other drugs. That is about 5 per cent of total fatal work injuries. That corresponds with an study done in Australia, the second work-related traumatic fatalities study, which found that raised blood alcohol levels appear to contribute to at least 4 per cent of the cases of people who were fatally injured while working or commuting to work in Australia between 1989 and 1992. That is contrary to what might be the public view. Alcohol and drugs do not cause injury and deaths in the workplace to anywhere near the extent that people think they do. In fact 95 per cent of accidents and injuries at work have

nothing to do with alcohol or drugs, mainly because people tend to absent themselves from work while impaired by these substances.

I tend to agree with the secretary of the Police Association that the wording of the bill probably paves the way for random testing. However, I urge Victoria Police and the Police Association to think carefully before such testing is introduced and to think more carefully about other strategies for dealing with alcohol and drug problems in the police force, including cultural change and a truly non-punitive and welfare-based approach, which is the most successful approach in any other workplace.

The Scrutiny of Acts and Regulations Committee raised some issues regarding the rules of evidence concerning clauses 11 and 13, which bar the disclosure of test results other than to the person involved, the Office of Police Integrity, the Ombudsman or in a compensation, health, discipline or critical incident proceeding. That may infringe the rights of some criminal defendants to a fair hearing. This was said in the second-reading speech to be necessary to prevent fishing expeditions by criminal defence teams, but the view of the committee was that existing rules of evidence are sufficient to prevent such fishing expeditions. It is worth noting that the committee has questioned the minister as to whether new section 85E is needed.

The other part of this bill goes to the separation of the Ombudsman and the director, police integrity. The Greens support this, because it appears that the combination of the roles was not a very good idea in the first place. Mr Hall made the comment that it is rather a large workload for one person to be expected to fulfil, and I agree. I note that in the Office of Police Integrity report, the director said that the statutory link between the office of the Ombudsman and that of the director, police integrity, should be severed and that he had recommended accordingly to the government. We will be supporting that. Notwithstanding the fact that that is a good move, it is still not enough for Victoria to just have an Office of Police Integrity that can investigate only the activities of sworn police, and an Ombudsman who looks at administrative issues in the public sector, with no standing commission or body to look at potential, possible or alleged corruption amongst elected officials, public servants, members of Parliament or local councillors.

Today we have talked about that yawning gap in the Victorian system — it seems that today we have talked a lot about the police and alcohol in one way or another — which needs to be filled with a standing commission of some sort or another. Again, we urge the Attorney-General in the other place to take up the resolution of this house to send a reference to the Victorian Law Reform Commission as soon as possible to look into an appropriate model for Victoria. Earlier today I made some comments about how other governments have been forced into doing that. I would not like to see that happen here, so I think it would be good for this government to be proactive. I urge it to take that up.

I will finish on the topic of the reasoned amendment moved by Mr Dalla-Riva. I do not believe the first part of the reasoned amendment has very much to do with whether or not the office of the Ombudsman and the Office of Police Integrity are separated. I think they should be separated, and I do not see what the production of the report has to do with that. In relation to the second part of the reasoned amendment, as members have heard, the Greens do not support random testing. We believe there are better ways to deal with alcohol and drug issues in the workplace, so that does not convince us either. We will therefore not be able to support the reasoned amendment.

Debate adjourned on motion of Mr TEE (Eastern Metropolitan).

Debate adjourned until next day.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

The ACTING PRESIDENT (Mrs Peulich) — Order! A message has been received from the Legislative Assembly informing the Council that they have agreed to the following resolution:

> That the following sessional order be inserted after sessional order 3:
>
> ‘ 4 ANNUAL STATEMENT OF GOVERNMENT INTENTIONS
>
> So much of standing orders be suspended so as to allow:
>
> (1) The Premier to make a statement of government intentions immediately after the prayer on the first sitting day of each year.
>
> (2) No time limit to apply to the length of the Premier’s statement.
>
> (3) Council members be permitted to attend the Legislative Assembly chamber to hear the statement.
>
> (4) Prior to each day on which a statement is to be made, the Speaker to confirm to the President the date and approximate timing of the statement.

(5) The lower public gallery on the opposition side of the house be deemed to be part of the Legislative Assembly chamber for the duration of the statement to provide additional accommodation for members of the Legislative Council.

(6) At the conclusion of the statement the members of the Legislative Council will retire to their chamber.

(7) Responses to the statement to be listed under government business for the next sitting day.

(8) Responses may be made by:

(a) the Leader of the Opposition for a time limited to the time taken by the Premier in making the statement;

(b) the Leader of The Nationals for 20 minutes;

(c) any other member for 10 minutes.

(9) Condolences under standing order 42 will not take place on the first sitting day of each year but may, at the discretion of the government, be given precedence on any other sitting day of that week.'.

FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.

STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL

Second reading

Debate resumed from 22 November; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased this evening to rise to make a few remarks on the State Taxation and Accident Compensation Acts Amendment Bill. However, I must say that after having listened to the first message from the Legislative Assembly of this evening, I can say that the only thing left out of the motion that was agreed to is the requirement that the Victoria Police band play *Hail to the Chief* as the Premier walks into the chamber. That is an extraordinary turn of events; we now have a state of the state address by the Premier at the start of every session. The media and many people in this place have remarked on the Premier's ego. I am sure that the — —

Mrs Coote — What about the photograph? They had a second photograph taken.

Mr RICH-PHILLIPS — Thank you, Mrs Coote. Of course there was a second photograph taken in the Legislative Assembly so that the Premier could indulge in his new position.

The bill before the house essentially makes three changes to various taxation laws and, interestingly, the Accident Compensation Act. The changes are not significant in character. They are changes that the opposition does not oppose.

The first set of changes that the bill makes is to the Congestion Levy Act 2005. This is the act that introduced the congestion levy to the CBD (central business district) and greater environs. The levy was implemented in some of the Yarra River precinct as well. The bill inserts an exemption for parking spaces which would otherwise be covered under the Congestion Levy Act when those parking spaces are the property of or are controlled by foreign diplomatic missions, including consulates, consulate staff and consulate-generals' residences. This is consistent with international practice when dealing with diplomatic posts under — what I am informed is — *The Vienna Convention on Consular Relations and Optional Protocols*, which was agreed to in 1963.

Mr Lenders — It is an important convention.

Mr RICH-PHILLIPS — The Treasurer has noted that it is an important convention. Article 32 states:

Exemption from taxation of consular premises

1. Consular premises and the residence of the career head of consular post of which the sending state or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

It has been a longstanding convention that diplomatic posts are not subject to local taxation. The first provision of the bill is to clarify that issue with respect to the Congestion Levy Act. It will be interesting to hear from the Treasurer during his third-reading speech as to whether the State Revenue Office has been levying the congestion levy on consular premises to date and whether this has given rise to complaints from the diplomatic corps in Victoria leading to the need for this clarification.

The second provision with respect to the congestion levy relates to providing an indemnity from the levy for those car park owners and operators who cannot set the fees with respect to the provision of parking facilities. The third provision clarifies that a car park owner or operator can pass on the congestion levy inclusive of GST, whereas the act as it stands is silent on the issue of GST.

The Liberal Party did not support the adoption of the Congestion Levy Act in 2005. We saw it as simply another tax on business in this state, and our position has not changed. I have to say it is in my view an example of gross hypocrisy for the government to come into the Parliament and introduce what it calls a congestion levy by putting this tax on parking spaces in the CBD (central business district) while at the same time building those ridiculous tram stops in Collins Street, Bourke Street and the other major east–west roads; those stops have substantially reduced the capacity of the city to handle vehicular traffic.

Mr Lenders — So people with a disability should not have access to public transport?

Mr RICH-PHILLIPS — I cannot resist taking up the Treasurer's interjection — as he knew I would. Of course accommodation should be made for people with disabilities who wish to use public transport in this state. Of course they should, and I am sure the Treasurer is not suggesting otherwise.

Mr Lenders — No. I am saying we have done it.

Mr RICH-PHILLIPS — They have indeed done it, but at what cost? At the cost of bringing the east–west traffic flow in the city to a standstill. When Melbourne was laid out, the vision and foresight that went into establishing the CBD grid — as opposed to the mess that exists in Sydney — was extraordinary. The width of the streets that were provided in Melbourne, which have allowed for parking on either side of the main east–west roads, two lanes of traffic and, as we have had in Melbourne, two tramlines as well was extraordinary vision.

You could visit any number of major cities around the world, and they would kill to have the sort of layout that Melbourne has enjoyed. Yet this government has come along and, under the cover of providing tram stops for disabled people, choked the city with vehicular traffic. There are clearly other ways that disabled people who wish to use public transport can be accommodated without choking the city in the way that this government has. It is gross hypocrisy for the government on the one hand to build these ridiculous tram stops that effectively choke east–west traffic in the city while at the same time imposing the congestion levy under the 2005 act.

The second raft of changes in this bill relate to the Land Tax Act. The Liberal Party has been critical of the way in which land tax has been levied by this government over the last five years in particular. The rapid escalation in land prices has not been allowed for through adjustments in the land tax scales. I am waiting for the Treasurer to interject at any second and say that adjustments have been made.

Mr Lenders interjected.

Mr RICH-PHILLIPS — Thank you, Treasurer, but of course the percentage growth in land tax revenue in this state — sadly I do not have the figure to hand, but we have heard the Treasurer talk about the increase in commonwealth company tax receipts — has far exceeded the growth in the value of the land portfolio in this state, because the Treasurer or the government has not made appropriate adjustments to the land tax rates. We will continue to be critical of the government until those adjustments are made.

What the bill does is clarify certain provisions with respect to the application of land tax. Firstly, it clarifies the right of the SRO (State Revenue Office) to use the municipal-council-assessed unimproved site valuations with respect to applying land tax where a property is a multistorey or divided property. There was an interesting Supreme Court case of *Lamanna v. Commissioner of State Revenue* in which, as I understand the basics of the case, the proposition was put that in a multistorey development, land tax should be levied only on the ground floor, because that is what has been developed on the land on which land tax is levied. By extension, the argument was put that floors above the ground floor should be exempt from land tax.

That case was not successful, but this provision clarifies that land tax applies to all levels of a multistorey building divided up according to the formula and not only to the ground floor of a multistorey building. Obviously that is an appropriate and logical clarification of the act with respect to its application.

The bill also makes clarifications with respect to the application of land tax to land that is held in trust where the trust arises through a deceased estate. One of the changes the government has made in recent years is to impose a differential rate of land tax that applies to land held in trust. This provision in the act was not supported by the Liberal Party. We regard it as essentially inequitable to simply apply a different rate

of land tax purely because the land is held in trust rather than directly by a body corporate or an individual. We are pleased to see that the government recognises through this amending bill that it is not appropriate for a special level of land tax applicable to trusts to be paid where land is held in a trust as a result of a deceased estate.

The third provision with respect to land tax again relates to deceased estates — that is, land that has been determined in a deceased estate and that provides a right of occupancy. An example would be where a person has died and they have bequeathed their home to another entity but allowed their partner or spouse the right to live in the property until they die. The bill will clarify that where the right to reside has been created under a deceased estate, land tax will not be applicable, and that the occupant will be able to claim the principal place of residence exemption.

The third key provision of the bill relates to amendments to the Accident Compensation Act. I have to say I was surprised to see these provisions come forward in this bill, given that the Parliament considered the Transport Accident and Accident Compensation Acts Amendment Bill only in the last week it sat. The provisions that are incorporated in the bill that amend the Accident Compensation Act relate to the capacity of the WorkCover authority, when dealing with compensation resulting from claims, to change the way in which it handles claims that result in the need to modify residences or the need to modify motor vehicles where a person has suffered an injury that requires changes to be made to their home or to their vehicle.

It has been the case that the authority has been restricted in its capacity to purchase an alternative vehicle or arrange alternative accommodation, if it has not been practical for the authority to authorise a modification to a vehicle or alternative accommodation. There have been difficulties with its capacity to purchase an alternative vehicle or arrange alternative accommodation where modification has not been practical. This provision in the bill will provide the authority with more scope — similar to that applicable to the Transport Accident Commission — to make those appropriate changes by way of exchange of a vehicle or the provision of different accommodation to assist accident victims. Those are provisions that the Liberal Party welcomes.

I have to say that in my role this year as shadow minister for WorkCover and the Transport Accident Commission I have received a number of approaches from accident victims who have run into this very problem of not being able to have their vehicle appropriately modified and equally not being able to obtain an alternative vehicle, so I am pleased to see that issue addressed in the bill. It is a most welcome change to the Victorian WorkCover Authority scheme.

The Liberal Party does not oppose the bill. I certainly welcome the accident compensation provisions. We are not supporting the bill on the basis that we continue to oppose the congestion levy and we oppose the way in which land tax has been levied with respect to trusts. However, I note that with respect to both those provisions this bill improves the situation for long-suffering Victorian taxpayers.

Mr HALL (Eastern Victoria) — The State Taxation and Accident Compensation Acts Amendment Bill amends three acts: the Congestion Levy Act 2005, the Land Tax Act of 2005 and the Accident Compensation Act. The Nationals do not oppose this bill, so I do not need to speak at length or go through every aspect of change in detail, but I want to make some brief comments about some of the provisions in it.

There are amendments in three principal areas of the Congestion Levy Act. The Nationals have never supported the legislation and have never seen any evaluation of whether the objectives of the congestion levy are being achieved or not. Some analysis of that would be helpful in terms of our approach not only to the act itself but also to the amendments to the act. If the government is able to enlighten me on what evaluation it has undertaken of the congestion levy and the funds raised through it and of whether or not it has been worthwhile in reducing congestion, I would be happy to receive such advice.

However, notwithstanding our continued view that this is an unnecessary act, it is in place and we need to look at the amendments proposed by the government on their merits. Indeed after looking at the three principal changes to the Congestion Levy Act, we see that they do have merit. The first is to provide an exemption from the levy for car parking spaces owned by consulates or consular officials or other persons defined within this act relating to the work of consuls in Victoria. As per the required international convention, they would be exempt from the levy. As Victoria is a signatory to the convention, we are happy to support the amendments that will give effect to provisions in that convention.

The second amendment to the Congestion Levy Act is to ensure that car park owners can recover from a tenant the full amount of the levy plus any GST payable. Again, I think the intent of the legislation is

that car park operators or owners could recoup the full cost of the levy plus GST, so we are happy to have that clarified in this legislation. The third amendment to the Congestion Levy Act clarifies the relationship between the owners and operators of car parks. It ensures that either the owner or the operator — the person that by that commercial arrangement is the one that can charge the lease — indemnifies the other, being the owner or the operator. Again, we see some logic in that third amendment.

The amendments to the Land Tax Act primarily accommodate a recent Supreme Court decision and confirm the longstanding process for valuations being obtained for the purposes of applying land tax. Again, although we are not strong on the issue of land tax and have been critical of it before, we understand that this amendment clarifies part of the operation of that act and is therefore logical. There are some other minor changes to the Land Tax Act relating to the principal place of residence, and we believe that people who have a legitimate claim for a dwelling to be their principal place of residence should be exempt from paying land tax on that property, so we are also happy to support those clarifications.

The last amendment is to the Accident Compensation Act and is particularly welcome. I understand this will enable people who have been seriously injured in a workplace accident to gain some assistance in the modification to their residence or their motor vehicle, if that is required because of the nature of their disability. I have dealt previously with people who have been victims of either workplace or transport accidents and who have required car or house modifications. It has always been a bit of a battle to convince the various authorities that such modifications to vehicles or houses are required. I welcome the fact that this will bring the Accident Compensation Act into line with the Transport Accident Act.

Some of these amendments are important and some simply clarify the original intent of the legislation. As I said before, we do not like the Congestion Levy Act, but we acknowledge that the amendments to it clarify some matters and make it a fairer system. Overall we are happy to indicate that we will not be opposing this legislation.

Mr BARBER (Northern Metropolitan) — With respect to the changes that are being made to the congestion levy, we understand that the Melbourne City Council generally has supported those changes and that they are of a minor nature. We are also willing to support the other aspects of this bill, so we will be voting for the bill.

Mr THORNLEY (Southern Metropolitan) — I will not go through the details of this bill, as Mr Rich-Phillips has more than adequately done that already. I will go to the purpose of this bill. The primary purpose of this bill is to alleviate the suffering of people who are in difficult situations as a result of either a death in the family or a workplace accident and to make sure that those people are not placed in a position where additional suffering is incurred through administrative fiat.

The first and I think most important example of that is the opportunity to ensure that people who have suffered a workplace accident can get not only the cost of modifications to their home and vehicle paid for, but where it is appropriate that they can get a replacement vehicle or a replacement home paid for. It is obviously is important to ensure that we give such people the best chance of recovery and of being able to live with the consequences of their accident with the minimum possible ill-effects.

Secondly, in a similar vein, the land tax amendments on the principal place of residence amendments are there to ensure that where there is a right to reside left to a person — typically it is a spouse or a child or another family member — that person is not unduly visited with land tax bills that they are not able to pay during the course of their residence there. There is an extension from one year to three years in the time to allow for executors to administer those estates. Again, the primary purpose of this bill is to relieve as best we can in these ways the suffering of people who have experienced some adverse event in their lives.

As other members have remarked upon, the final purpose of the bill is to make some minor changes to the Congestion Levy Act to bring Victoria into line with international obligations and to ensure that you cannot have too much pass-the-parcel between the operators, owners and tenants of a car park and that the appropriate people pay up. I commend the bill to the house.

Mr SOMYUREK (South Eastern Metropolitan) — I too will be brief in my contribution to the debate in support of the State Taxation and Accident Compensation Acts Amendment Bill 2007. The bill amends the Accident Compensation Act 1985, the Congestion Levy Act 2005 and the Land Tax Act 2005. The bill is in four parts. Part 1, as is always the case, deals with the preliminary aspects of the act, which includes the purpose of the bill and the commencement provisions. Part 2 deals with the Congestion Levy Act 2005, part 3 deals with the Land Tax Act 2005 and part 4 deals with the Accident Compensation Act 1985.

The bill includes three amendments to levies under the Congestion Levy Act — namely, the consular exemption, the GST provisions and the joint and several liability provisions. The consular exemption is interesting. In overseas countries some consular workers push the friendship of their host nations, and I know in several nations some consuls have been warned by their host nations. Notwithstanding those anomalies, we need to act on this based on the Vienna Convention on Consular Relations 1963 whereby consulates and their staff are exempt from paying taxes and levies. The previous Premier and the Treasurer had already agreed to the exemption.

The congestion levy has been covered in detail. On the question of why we should amend the act for the various consular-owned car parking spaces, the estimated revenue figure for the provision of the exemption for consulates is very small. Based on my reading I think only five consulates will be covered by this congestion levy, so the impact on the Victorian taxpayer will be minimal. I commend the bill to the house.

Mr LENDERS (Treasurer) — In summary I would like to thank members for their contributions. There were two specific issues that members asked me to respond to. Mr Rich-Phillips asked me about the issues relating to consulates. Mr Somyurek has stolen my thunder and answered Mr Rich-Phillips's question, so I will not repeat those words.

Mr Hall asked me about the value of the congestion levy. There was a review of the congestion levy after three years, and that is on the State Revenue Office website. While it is primarily an administrative review, and I know Mr Hall's query is broader than that, I would urge him to have a look at that on the website. It may answer some of his questions. I am happy to have a dialogue with him on the other issues. I thank the speakers and I urge the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed from 22 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr GUY (Northern Metropolitan) — It seems to be a bit of a recurring theme that we are in this chamber debating gaming issues yet again.

Mr Lenders interjected.

Mr GUY — It certainly has been a theme in 2007. Mr Lenders is right! Tonight we are to talk about the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill, which I would undoubtedly acknowledge to be a lot less controversial than some other issues we have debated on gaming in this chamber — —

Mr Rich-Phillips interjected.

Mr GUY — I say to Mr Rich-Phillips that we may be able to put a documents amendment into the motion, but I am sure it might make the debate run a little longer than all of us probably are thinking that this debate will go tonight, particularly on this bill. I will not go through too many details of the bill apart from the purposes, some provisions and concerns the Liberal Party has with it in its current form.

It is important to note that the Liberal Party will not oppose this bill. We have always seen problem gambling as a major issue in Victoria that needs to be combated, addressed and considered with the utmost seriousness by this government and indeed all governments around Australia at the moment. Earlier today we were talking about alcoholism being a problem in Australian society. Undoubtedly while Australians like to flutter and engage in a wager here and there — a few of us on this side of the house like to do that as well — it certainly is something that needs to be regulated. Gambling needs to be addressed so that it does not get out of hand for individuals at certain stages of their life.

It is with interest that we note some strangely familiar aspects to this bill — the old me-tooism — and one of those is about imposing daily withdrawal limits on ATMs (automatic teller machines) located near gaming venues. I would have to say that it is a very good idea, because — —

Mrs Kronberg interjected.

Mr GUY — Mrs Kronberg is right. Where did it come from? In fact it came from a 2006 Liberal Party election policy. That was not a long time ago — only 12 months. But there it is! The government is enacting a Liberal Party policy, so we certainly support that part of the bill. The other section is about extending the self-exclusion programs to all hotels and clubs, not just members of the Australian Hotels Association, and we consider that an important and quite worthwhile aspect of the bill.

Before I go on to the provisions it is worth noting that gaming in Victoria is now big business. When the government came to office gaming revenues were a lot less than what they are today. A skimming of the recent budget papers shows that gaming revenues in Victoria amount to well in excess of $1.5 billion. I note that the Treasurer is in the chamber. I am sure he is not upset at that fact and the extent of the state recurrent revenues that are coming in, but it is certainly an exceptional amount of money.

It is interesting to contrast, as I did in my research on this bill, some comments made by the Labor Party when it was in opposition in relation to gaming in Victoria and its current attitude to gaming. That is not to put any dampener on the proposals in this bill to combat gambling, although there are few, but it is interesting to contrast the comments Labor made in opposition with those it now makes in government.

It is also worth noting for the benefit of everyone in this chamber that we have now had three gaming ministers in 12 months. The industry and certainly the Parliament are facing a little bit of uncertainty with this government as to whether or not we will have another Minister for Gaming in 12 months. We had the member for Dandenong, Mr Pandazopoulos; then we had the Minister for Health, Mr Andrews, for a period of time; and now we have Mr Robinson, the member for Mitcham, as minister — although he has some issues with an investment involving a horse.

Mrs Peulich interjected.

Mr GUY — As Mrs Peulich correctly says, we are rolling the dice and getting another minister. But we have had three in 12 months, and it would certainly be helpful for the government to actually stick with one for a period of time rather than changing from one to the other to the other. But anyway, that is where we are at.

We also have concerns about gaming in general in Victoria, with some decisions in relation to scratchies and the timing of those decisions. I will not go into Intralot and other aspects of gaming that have been debated in this house over the year. It would be noting, of course, that past Labor government members, and indeed members of the current government who were in the last Labor government, have certainly had some issues with things that are scratchable — certainly scratch tickets were an issue, I think, in the last Labor government.

Mrs Peulich interjected.

Mr GUY — Mrs Peulich would be aware of that too, as the rest of us are, and no doubt some members on the other side of the chamber who were advisers for Labor ministers would be aware of scratchable tickets and scratchable items and what detrimental effect they may have on the operation of government for some period.

I will quickly run through the main provisions of the bill. As I said, it requires gaming venue operators, which are pubs and clubs — and also, in this case, the casino — to have an approved self-exclusion program as a condition of their licence. We see that as very important. The establishment and observance of an approved responsible gambling code of conduct is also a requirement for gambling licences, including electronic gaming machines, wagering, lotteries, bingo and the casino. We see that as very important in addressing some of the important issues that arise out of gambling, the conduct of gambling and the monitoring of gambling industries. That is certainly a provision we support.

The self-exclusion program and the responsible gambling code of conduct are to be approved by the Victorian Commission for Gambling Regulation (VCGR), subject to ministerial discretion requirements. That is contained in this bill. The VCGR is also, it should be noted, prohibited from approving any gaming machine area located outdoors, and I do not think anyone would disagree with that. People have some concerns with gaming machines in pubs, let alone having gaming machines being moved to outdoor venues, and I think that is certainly the part of the bill we do not disagree with.

The bill also makes it an offence for gaming venue operators, casinos or wagering operators to knowingly allow intoxicated persons to gamble. While we certainly support that provision, it is interesting to note that ‘intoxicated’ is not actually defined in this bill; it is imported from the liquor laws. I hope and certainly trust that is adequate; I certainly trust that it will be able to be properly interpreted under this law.

From 1 January 2010, ATMs (automatic teller machines) that do not limit withdrawals to $400 over 24 hours will be banned from being located within 50 metres of the entrance to gaming venues or Crown Casino. As I said, that is a point the Liberal Party made in its state election policy in 2006. We certainly support that provision, which, I think, would help those who have a problem with gaming and who are unable to properly restrain themselves around gaming venues, in the sense that the bill will restrict their access to money with which they can gamble. I think that is a sensible provision, and we certainly support it.

The minister can also issue directions relating to community benefit statements that include activities such as those that constitute or do not constitute community purposes. The minister may specify limits as to the maximum amount of gaming revenue that can be claimed under a category, whether by reference to the dollar amount, percentage amount or other method. That is a technical part of the bill but certainly one we support.

The bill also provides that the use of Victorian race fields information by a wagering support service provider must be subject to the approval of the appropriate controlling body. It is quite wordy but a section of the bill that we support. Approvals have to be conditional upon a subject fee. A failure to gain approval for use or the imposition of a condition by the controlling body must be reviewed by VCAT (Victorian Civil and Administrative Tribunal). As I said, we certainly support those measures and the main provisions contained in the bill, principally because some of them relate to the Liberal Party's 2006 election gaming policy.

We do have some concerns with the bill, though. The first relates to the requirements to observe approved responsible gambling codes of conduct. There is not a requirement on gaming operators such as Tabcorp and Tattersall's; given that they operate gaming venues at present, there is a strong argument for the requirement that will be placed on gaming venues also applying to gaming operators. Tabcorp itself supports a voluntary system of responsible gambling codes of conduct, which are called RGCCs, and it certainly queried why the requirements do not apply to it. It is interesting to note that Tabcorp, one of the two large operators, has queried why that provision does not apply to it.

The bill provides for the VCGR to report to the minister on failures by licensees to have in place an ability to comply with what are called self-exclusion programs. The data should be available publicly. There is no requirement for the minister simply to publish the VCGR's report to him. We have a slight problem with that; we think certainly the material should be transparent and that that information should be made public.

We are also concerned about the restriction on cashing of cheques. This restriction on hotels, clubs and gaming venues does not apply to the casino and is likely to be seen as unfairly favouring the casino at the expense of smaller gaming venues. It is interesting that we have a rule that applies to the top end of town, as the Labor Party used to call it when it was in opposition, which certainly does not apply to some small operators — it might be a rural or regional venue or an outer-suburban venue — so that one is getting a better deal than the other. I think that inconsistency should certainly be addressed.

Finally, we have an issue with the prohibition on knowingly allowing intoxicated persons to gamble, in that the provision has been criticised by Tabcorp because it does not apply to people such as oncourse bookmakers. Tabcorp argues, quite correctly, that it is an inconsistency: it would be an offence to be drunk at a TAB, but why should it then not be an offence to be drunk when placing a bet with a bookie?

There are some issues that we have with the bill, noting of course, as I said from the outset, the Liberal Party does not oppose it because it fully supports any measures which aim to combat problem gambling. I will say that if we want to look at reducing problem gambling in the community, one of the most important issues to come before this chamber in the last 12 months in relation to problem gambling has been the reduction in the number of electronic gaming machines, which was bitterly opposed by members on the government side of the chamber but which was supported by the Liberal Party and by a number of the non-government parties. I again ask the government to keep that in mind.

If we want to talk about the reduction of problem gambling in the community, then one of the main aspects, being the removal of electronic gaming machines, should certainly be considered. It is a policy the Liberal Party took to the 2006 election. It is a policy we have stood by for the period of this term to date, and that has certainly been evidenced by our moving of an amendment to a previous gaming motion in this chamber. If the government wants to be serious about reducing problem gambling, it should look at the number of EGMs (electronic gaming machines) in Victoria. There should not be a problem with revisiting that number in the future. If we are going to address problem gambling, one of the first things we should be

doing is looking at the number of EGMs in Victoria at this point in time.

In conclusion, as I said, the bill contains some worthy measures. Some people have said it is a blatant steal of Liberal Party policies. I would say it is that, but it is also just more a seal of approval from the government, if you like — confirming that the Liberal Party certainly got it right when it comes to gaming policy — that it has taken a number of our measures and adopted them as its policy. But as we know in this country, certainly over the last few months, Labor Party members have certainly learnt how to use the words 'Me too' — but that is okay. If they are picking up Liberal Party policy which improves the operation of gaming venues and gaming regulation in Victoria, then we certainly support their legislation.

While we do not oppose the bill, we have some concerns, but we certainly wish the bill a speedy passage through the house and hope the measures it contains to address problem gambling are successful.

Mr DRUM (Northern Victoria) — This bill introduces measures to address problem gambling. In the main its aim will be achieved by restricting locations where automatic teller machines (ATMs) can be located and by limiting gamblers' access to those machines.

This bill also strengthens self-exclusion programs that are already in place for problem gamblers by adding an additional layer of strength. It also amends the race fields legislation that we passed last year. Those who were here during that debate will remember that we were doing all we could at that stage to try and keep betting agencies, such as Betfair, out of Australia. We tried to make it as difficult as we possibly could for those betting agencies to get hold of and have access to our race fields for race meetings around Australia.

As it turns out, those agencies, including Betfair, were able to satisfy all of the demands, concerns and conditions that we placed in front of them. In effect, the racing industry rolled over and let the betting agencies come into Australia, and those agencies are now doing a thriving business.

The provisions of this bill will enable the Minister for Gaming in the other house to monitor all interstate and overseas wagering service providers. That is a positive aspect of the bill, and The Nationals support it. We will not oppose this legislation. This legislation also amends provisions of the Gambling Regulation Act regarding the requirement for clubs to make annual community benefit contributions.

The Nationals have asked a range of industry stakeholders for input and consultation on issues contained in this bill, but we must say that our genuine attempt to consult with the industry has been met with a somewhat underwhelming amount of return interest. The industry is smart enough to realise that many of the provisions of this bill are aimed at problem gambling and will not have a significant impact on it. Again we find that the Labor Party is just tinkering around the edges of the problem gambling issue. Some of the measures this government has taken in its seven or eight years in office in trying to combat problem gambling have been somewhat pathetic.

We must recall that during the seven years the now Labor government spent in opposition its members bleated about the former Kennett government being addicted to gaming revenue. When in opposition, government members used every opportunity to inform the Victorian public that the amount of money the then coalition government was raking in from gaming revenue was obscene, that the Liberals were addicted to gaming revenue and that we needed to get Victoria off the gaming drug. They simply needed to make a difference.

However, since the Labor government has been in power we have not seen the promised return of profits to the communities from where those moneys were raised. We have seen further centralisation of the proceeds of gaming go into general revenue. More than $1.5 billion per annum is being taken from various communities around Victoria and centralised into consolidated revenue. In effect the Community Support Fund is continually being rorted. I am not saying that previous governments did not also do this, but this government has continued to do it and has done so in a far more blatant fashion than previous governments ever tried to do.

The Community Support Fund generates about $140 million each year, and this government has decided that the fund will be used for a range of historical line items in the budget — for example, building libraries. Of course Victoria has been building libraries for the last 100 years, but since gaming machines have been available the government has used the proceeds from those machines to build libraries.

It is very hard for me to stand up in Parliament and say we should not be using this money to build libraries and to initiate drug rehabilitation programs. Illicit drugs have been used in this state for many years, and government funds have always been used for drug rehabilitation programs. We have always used normal budgetary line item money to fund our health system.

Now gaming revenue is being used to fund these items, which, in effect, leaves the budget without the burden of having to fund these traditional line items. It is simply being cute with revenue and expenditure to leave all of that gaming revenue in the Consolidated Fund.

Gambling revenue leaves the government in a remarkably healthier financial position than previous governments and contributes hundreds of million dollars in the budget that would otherwise have been spent providing basic services. It also leaves the communities of Victoria considerably worse off. All of the funds that have been taken from regional Victoria and grassroots communities around Melbourne have been effectively centralised into the state government's finances, and I think the communities of Melbourne are worse off for it.

Parts of this bill place restrictions on the placement of ATMs around racetracks and casinos. For many people who use gaming machines, it is not going to be an impost to walk more than 50 metres from the track or gaming area to get more cash. Some RSL clubs have only one ATM on site, and a $200 limit on withdrawals will make things difficult for people who might want to go to an RSL once a week. Some elderly people go to their RSL because they know they can get assistance to take out their weekly cash allowance. They ask the manager to help them take the money out, and they use that money to pay for the meal they have at the RSL club, a few drinks and a bit of a flutter on the machines. They then take the rest of the money home; but they will not be able to do that if we maintain the restrictions in this bill.

The situation is different again for larger gaming centres which have 3, 5, 10, 15 or 20 ATMs, and people move from one machine to another. These restrictions do not hit the big areas, so again we might simply be driving problem gamblers into the larger gaming centres, which will have no impact on solving problem gambling. It is the small clubs — the small RSL clubs, workers clubs and sports clubs — that are going to be hit by these provisions. It is an area of problem gambling reform that The Nationals do not believe is truly hitting the mark.

The bill also makes it an offence for a venue operator to allow intoxicated people to gamble. I wish they had that provision in Las Vegas when I was there recently, but I will have to learn that on my own.

As Mr Guy said, consistency should apply across all gaming ventures. People can simply sit at an ATM, become intoxicated, continue to play and put their cash through the machines. As Mr Guy also said, people can go to oncourse bookmakers and place bets. Bookmakers are not going to care how drunk an individual is as they hand their money over; they are simply going to take it. I think it is a valid point raised by Mr Guy that consistency should apply across all gambling areas.

It is interesting to note — and we spoke about the race fields legislation last year — that the controlling body, which in many cases will simply be the Australian Jockey Club, the Victoria Racing Club or Racing Victoria Ltd, will have the ability to vary or impose conditions about when and how a race field can be published. It is really important because they are the ones that are putting on the show, providing the prize money and putting the infrastructure around the whole industry. They really need to have control over who else has access to their fields, because once those fields go out they are available for everybody to take the benefits of those racing fields. It enables them to easily set up their own whole betting industry. It is the fields that are important; they enable the subsidiary betting agencies to take advantage of the hard work that revolves around the core industry sector. This provision can be appealed to VCAT (Victorian Civil and Administrative Tribunal) which adds checks and balances to that whole issue.

The Nationals have a very strong policy in relation to assisting problem gambling. It is one that we believe can have some substantial and genuine advantages and benefits, and that they can really make an impact on problem gambling. Quite simply we believe an interventionist approach needs to be taken to problem gambling. We believe that you need people on the floor actually walking around and intervening. We believe it really needs to be an in-your-face process. Whilst gamblers may not like it, we believe it is the way to go. It is somewhat confrontationist, but we believe an interventionist style of counselling is the way that you really can impact on problem gamblers.

But we also believe we need to introduce a totally independent body with the backing of an esteemed university which can examine problem gambling data and run programs. It needs to be independent and it needs to be based on the data that is available. There is limited data available throughout the whole of Australia in relation to problem gambling. We talk about problem gamblers, but they are mythical people who no-one really knows. We hear from the government that problem gambling rates are down to 1 or 2 per cent. The industry itself acknowledges that it is more like 5 per cent. The government is never going to get serious about this problem because it refuses to accept

that the problem exists. We believe the problem gambling issue should be treated as a health issue. It should not be treated as a gambling or social problem because it is a health problem. People who get addicted to gambling have an addiction and need to be treated as such. We strongly believe by taking a stronger stance there will be a better chance of impacting on the rates of problem gambling than some of the fluffy stuff that we see thrown around in this Parliament.

We do not believe that taking 5000 poker machines out of the state of Victoria will impact on problem gambling one iota. It is like shutting down 5 per cent, 10 per cent or 20 per cent of the hotels when the alcoholics will still find somewhere to purchase their alcohol. We believe if you want to attack problem gambling you have to get serious, you have to go to the core of the problem, you have to get on the floor and address it fiercely, without fear or favour. You must simply go in there and try to identify who these people are, talk to them and help them through it. I do not believe this government is serious about problem gambling one iota. I do not believe any of the measures that it has taken since it has been in government has had the slightest impact on problem gambling in the state.

Mr BARBER (Northern Metropolitan) — The government is not at all serious about addressing problem gambling. We do not draw that conclusion by reading the text of this bill. We can simply go over the budget papers where we see growing gambling revenues coming into the state coffers.

There are a lot of attempts to manipulate the statistics on problem gambling, but there is one particular area which nobody from industry or other interests tries to dispute — that is, that a large proportion of losses, or revenues to the state in this case, come from problem gamblers, heavy gamblers, people who are harmed by their gambling and people who are vulnerable to becoming over-the-top, out-of-control gamblers. Those sorts of statistics — 40 per cent, 50 per cent, or more, of revenues from that group — are not disputed by the industry and the government would be on its own in Victoria if it tried to dispute those figures.

Until we see a state budget paper that shows falling revenues for the state from gambling, we will know that the measures the government is proposing to put up are clearly going to be ineffective, and the government knows it. In the jurisdiction just across the ditch, in New Zealand, we have seen a successful attack on this problem, and we have seen the falling revenues to go with it. What is needed is a comprehensive public health approach. In the same way that we have been able to get smoking rates down and road tolls down, and falling dramatically, public health professionals across an array of disciplines must come in, look at the problem and work out how they will make staged reductions to it.

The government should not be under any illusions. The approach it is putting forward is effectively the classic ambulance at the bottom of the cliff. The government is absolutely determined to keep being the ambulance at the bottom of the cliff, pick up as many bodies as fall down the cliff and never examine the idea of a fence at the top of the cliff. This ambulance at the bottom of the cliff approach is in sharp contrast to what is really needed here, and it is in sharp contrast, by the way, to the efforts of poker machine manufacturers, the owners of the machines and the venues that those machines are in.

Aristocrat Leisure has a massive research and development budget — one of the biggest of an Australian Stock Exchange-listed company — all of which is designed to find out how to suck people in and how to keep them there, literally hypnotised in many cases after having lost all track of time and all track of their gambling. That is what this government is up against. It is totally outgunned and it knows it.

Then there are the machine operators and the sorts of hard performance targets they set for the venues in which their machines operate, the levels of growth they are expecting and the fact that they will whip those machines out if the particular venue does not achieve those targets. There is also the capacity of machine operators to monitor the behaviour of gamblers at each machine and certainly on a regular basis to check which machines and which game features are yielding the greatest result. The government is totally outgunned by those operators. I am not going to devote any more time to discussing this bill because it literally does not deserve any serious consideration. Clearly the government is well aware of the ineffectiveness of the measures contained in the bill.

Ms TIERNEY (Western Victoria) — I rise to also make a contribution to the debate on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. I do not wish to spend much time on the bill due to the lack of controversy about it and the positions already put forward by other parties, but in my opening statement I believe one needs to see this as an overall package that will amend two major acts. It integrates a number of areas in relation to gambling. It integrates consumer protection and has preventive measures and early intervention and treatment of gambling-related harm. It also deals with the racing industry where interstate and overseas wagering

services are involved. Mr Drum in particular went through those provisions in some detail. Essentially it means that those companies that have been operating interstate and overseas will now have to contribute to the businesses in our industry in Victoria. It will also enhance the government's ability to ensure that clubs make an appropriate contribution to direct community benefits. This is one of the areas that I do think needs to be applauded.

There has been talk about some practical measures involved in the amendments — for example, I refer to the automatic teller machines (ATMs) being 50 metres away from the area of gambling, the withdrawal limitation of up to $400 in a 24-hour period, and also the cashing of one cheque over a 24-hour period. All of that needs to be seen as a substantive improvement. It is about harm minimisation because it means that those who want to behave in an antisocial way — that is, partake in problem gambling — have to make a conscious decision to leave the machine. They have to get off their backsides, leave their seat and go further than 50 metres. In fact they properly have to go some considerable distance from the gaming machine to get further money to partake in more gambling. I think we should applaud that practical measure of making it more difficult for people who have gambling problems to access cash on a ready basis.

I also believe it is important that we acknowledge that one of the other major changes is that the bill makes it mandatory to have a code of conduct. I suppose it is unfortunate that this is the way that things have to go, but obviously people have considered a number of issues with respect to this and have seen it as being important to put the onus on the industry to have a mandatory code. The same goes with the self-exclusion program. That also now needs to be essentially mandatory and will need to be approved.

If people think that problem gambling is not being dealt with, I think those three areas alone give a clear indication that it is being taken seriously by the government. I also welcome the moves to prevent the location of gaming machines in outdoor areas, as has been the case in some other states. I oppose the location of electronic gaming machines outside for a number of reasons, but, of course, it also undermines the smoking ban provisions that were introduced recently. It is similar to the situation of restricting access to cash. Why should we endorse a situation where ATMs are out with smokers, which encourages both of those activities to occur at the same time?

The other area that needs to be highlighted is that the instrument now allows the minister to determine more clearly what is considered to be a community benefit. It will restrict what is considered by some operators to be suitable as a definition for a community benefit and indeed restricting claimable activities to those that do provide a genuine benefit back to the community.

In response to those who say that this government is not serious about problem gambling, I would draw their attention — and this is just one example — to the *Taking Action on Problem Gambling — A Strategy for Combating Problem Gambling in Victoria* report of October 2006. On page 29 of the report the fourth dot point says:

> Victoria has the lowest density of gaming machines of any state or territory in Australia, apart from Western Australia which has no EGMs —

that is, electronic gaming machines —

> outside the casino.

I do not raise that issue in terms of wanting to support the gaming industry per se, but I think it is a salient fact that needs to be made at this point in time.

The other thing that needs to be drawn to people's attention is that there has been a ministerial advisory council responsible for dealing with responsible gambling. It is important to state for the record that its first meeting was on 18 January 2005. It has 18 members from diverse backgrounds, including the gambling industry and community advocacy groups. The council and its working groups met 75 times between January 2005 and, one would assume, October 2006.

However, they have not been meeting for the sake of meeting; they have entered into a whole range of discussions amongst themselves about issues including recommendations for gaming-venue staff training, advancement of an industry code of conduct, supporting the establishment of Responsible Gambling Awareness Week, contributing to a review of gaming machine player information materials, developing principles to help improve self-exclusion programs and developing a new Victorian gambling research agenda. I just offer those points as a reminder that this government is serious about problem gambling.

There are indeed a number of community organisations and social justice groups around Melbourne and right through regional Victoria that have an ongoing concern about problem gambling, because they see what happens to people who are addicted to gambling and the consequences of that on their families and their financial situations, which can include, in many cases, the loss of their jobs and houses. They see the

downward spiralling effect that it has on the immediate family and also on the general community. However, because this government listens, it is ensuring that those views and those organisations are taken into account and represented in the formulation of policies and programs for implementation to deal with problem gambling.

I believe that the amendments contained in this bill will allow the government to respond more effectively to the challenges associated with problem gambling in this state. Therefore I commend this bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I also would like to make a few comments on this bill and to endorse the comments made by Matthew Guy and Damian Drum. I think the gaming policy of the government has been a dismal failure, ranging from the attempts at control of the spread of numbers of gaming machines across various regions — in particular those with significant numbers of people who can least afford to lose money — to the treatment of problem gamblers.

Having had someone in my extended family experience a gambling problem, I know how devastating it is and how inadequate existing programs are — in particular, the length of the waiting times for counselling at various community health centres. Often a person who is reaching out for assistance may need to wait from 6 to 10 weeks in order to be able to get access to a counsellor. That is clearly not an effective system. There is also, of course, the administration of the Community Support Fund, which I think has completely lost sight and the focus of its primary objective.

Specifically in relation to this bill — and I would like to endorse also some of Mr Barber's comments — it is tinkering at the edges. The bill's requirement that venue operators conduct self-exclusion programs — with individual hotel licensees having to adopt an authorised program — and its extension to all hotels and clubs, not just those who are members of the Australian Hotels Association, is a direct steal from the Liberal Party's 2006 election policy.

I have reservations about the effectiveness of self-exclusion programs. In speaking with gaming operators I have heard all sorts of tales of how people who place themselves on self-exclusion programs then try to bypass them, including by moving from one venue to another. They travel a short distance to play at a venue where they are not on a self-exclusion list and — I suppose if it were not so sad it would be funny — dressing as the opposite sex, with male customers dressing as females and vice versa. If the government were really serious about these types of programs, it would look at something like smartcards, through which the tracking could be far more effective. Clearly the government is not serious about it, and I guess we will have many more bills coming back to this and the other chamber, making further small changes at the edges.

The second purpose of the bill is to make it an offence for a venue operator or the holder of the wagering licence or the wagering operator to knowingly allow an intoxicated person to gamble. I note Mr Guy's comments and those made by TAB operators whose operations are not located in a hotel or club, who do not have a liquor license, and whose staff may not be trained in the responsible serving of alcohol. In particular I refer to telephone betting and internet gambling. I am not clear how the bill applies here, because there is clearly no face-to-face contact in these cases. Those taking bets may not be trained in detecting the difference between an intoxicated person and one who suffers from a speech disability or who is a stroke victim. The onus will be problematic. Without that face-to-face contact, the bill places the responsibility on the wagering operator to make sure that it is not supplying a gaming product to an intoxicated person, but I am not sure how that will operate. Clearly education will have to be an even more important component if that is to work.

The placing of limits on withdrawals from automatic teller machines of $400 per card is an interesting proposition, because a lot of people have multiple cards and can easily get around that. This is yet another example of a bandaid or feelgood measure. As an example of the failures of the government's policy in relation to dealing with these important issues, I refer to my area, the South Eastern Metropolitan Region, and in particular to the imposition of caps in parts of the city of Monash, the city of Casey and the city of Greater Dandenong. Currently the city of Kingston and the city of Frankston do not have imposed caps. The cities of Monash, Casey and Greater Dandenong are all ranked in the top five municipalities for gaming expenditure. According to 2006–07 figures for the Victorian Commission for Gambling Regulation, gaming expenditure throughout the South Eastern Metropolitan Region reached more than $505 million.

Business interrupted pursuant to standing orders.

LEGISLATION REFORM (REPEALS No. 1) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Treasurer).

ADJOURNMENT

The DEPUTY PRESIDENT — Order! The question is:

That the house do now adjourn.

Students: performance levels

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Education in the other place. The Organisation for Economic Cooperation and Development (OECD) has directed a laser beam of scrutiny on the Victorian education system. The international league table for educational performance showed a steady decline in our students' school performance since 2003. Reports previously tabled in this chamber have highlighted the fact that an alarming proportion of students were judged to be at risk.

This newly released analysis by the OECD is thus not really news to us here in Victoria but another stark reminder of the woeful performance of this government as far as education standards are concerned. The harsh reality of 1 in 10 students being at risk must be immediately dealt with by the government. When the analysis is directed to the outcomes for indigenous, rural and poor students the rate of failure soars to a shameful level. A staggering one-third of such students failed to meet international benchmarks.

According to the *Herald Sun* of 5 December, the study derives its material from the collated results of a sample of 400 000 students. Australia's overall rating was equal sixth in reading, down from second in 2000, and equal ninth in mathematics, down from seventh in 2003. However, when we examine the ranking for Victoria we see a ranking that should make this government squirm. In the state-by-state tables the appalling results of Victorian students trailed most other states. Only the Northern Territory, which suffered horrendously under the administrative malfeasance of the former Chief Minister, Clare Martin, and Tasmania fared worse than us. Not only are we being consistently outperformed by our trading partners and other countries clamouring for our share of markets but we find that we have fewer students who are able to perform at the highest level. This government has failed to address falling standards or develop more effective curricula, as have the other Labor governments across the length and breadth of this country.

I ask the minister to urgently report back to Parliament with her proposal to ensure that all students — most especially poor, rural and indigenous students — have access to funding levels that guarantee nothing less than the best educational practice in order to remove the stigma of being a student in Victoria.

Mobil: Newport pipeline

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Environment and Climate Change. Tomorrow is the first anniversary of the massive petrol leak from the Mobil pipeline in the Newport and Williamstown North area being discovered. Petrol had been leaking undetected from a pipe under residential properties for a number of months before it was discovered. Residents of the area have told me that in that first week the fumes were unbearable. Many people became ill, including one young man who drank contaminated water in his workplace.

Over the past year I have had ongoing contact with residents who live in this area, and I have organised public meetings in trying to get them information from the government, the Environment Protection Authority and Mobil. I believe this leak would not have happened if Mobil had been forced to check its lines more then every five years, as is required under the current regulations, or if the EPA cared enough about local residents to make sure of ongoing good environmental standards.

I was alerted by a resident this morning that Mobil is building a water treatment plant in Park Crescent. Residents were not informed of this by Mobil, the EPA or the council. I realise that the water treatment plant is being built for the purpose of addressing the problem of the petrol leak, which I understand may take several years to deal with. Having raised this matter before and having been given assurances by the Minister for Environment and Climate Change that there would be improvements to the way the community is consulted and kept informed of what is happening, I find it difficult to understand why this has happened again.

The action I ask of the minister is to meet with these residents so that he can hear first-hand about what has

been happening, as I am concerned that he is not hearing or seeing the full story.

Country Fire Authority: Dundas brigade

Ms PULFORD (Western Victoria) — My adjournment matter is for the Minister for Police and Emergency Services, Bob Cameron, in the other place.

As we enter summer — and with it, Victoria's deadly fire season — it is important that our regional fire stations in particular are well maintained, equipped and given the best preparation for what could lie ahead.

Since 2000, the Victorian government has provided $15.5 million to 665 grants through the Community Safety Emergency Support Program. In the last budget the Victorian government committed another $11 million over the next four years to extend this program.

In my electorate of Western Victoria there is a very high fire risk level in the Grampians area. This was demonstrated by the Halls Gap fire that tore through the region in early 2006. It is vitally important that we give the brave men and women, who are willing to put their lives on the line to save our lives and our property, the best.

The Dundas fire brigade in Hamilton is one such brigade in my area that has applied for the next round of funding from the Community Safety Emergency Support Program. The brigade needs a command and control vehicle to provide transport and enhanced command control capacity for incident management by brigades. This vehicle will make a difference on the front line, and I ask the Minister for Police and Emergency Services to fund this request by the Dundas fire brigade and to upgrade resources at other brigades throughout my electorate.

Water: Wangaratta supply

Ms LOVELL (Northern Victoria) — The issue I wish to raise tonight is for the attention of the Minister for Water in the other place, and concerns water security for the rural city of Wangaratta.

For a number of years Wangaratta Rural City Council has been pursuing a pipeline from Lake Buffalo to Wangaratta as a water security measure. The action I seek from the minister is that he provides funding for a feasibility study into the behaviour of the aquifer that runs under Wangaratta.

Earlier this year the council undertook a scoping study that recommended a pre-feasibility study be undertaken into the behaviour of the aquifer that runs under Wangaratta and how a pipeline might affect it. The study also aimed to quantify the types of benefits, including for agriculture, that can be derived from available options such as a pipeline.

Water security in Wangaratta has been an issue for a number of years. Last year this was highlighted when Wangaratta came dangerously close to running out of water. At one stage it was estimated that Wangaratta had only two weeks worth of water left. The delivery of water from Lake Buffalo via the Ovens River is most ineffective. It is estimated that some 80 megalitres of water needs to be released to deliver 10 megalitres of water to Wangaratta.

When the water crisis hit, and it looked like the volume of water that Wangaratta had was finite, Wangaratta Rural City Council established a couple of emergency bores to guarantee its water from the aquifer under the city. Since the installation of these bores into the deep aquifer that runs down under the Ovens Valley from Murmungee to Wangaratta, the importance of understanding the aquifer and its behaviour in relation to the Ovens River, the operation of deep bores and the aquifer's recharge sources has been heightened. A pre-feasibility study to undertake this body of work, as recommended by the scoping report, is estimated to cost $200 000.

Discussions have occurred with the Department of Sustainability and Environment officers and Regional Development Victoria at both a regional and state level about the financing of this study. A proposal is before the minister, but no decision has yet been announced. This is becoming a very urgent issue for the Wangaratta rural city. I urge the minister to fund the pre-feasibility study as a priority to ensure water security for the rural city of Wangaratta.

Manresa kindergarten: closure

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Children and Early Childhood Development in the other place.

Manresa kindergarten has been operating since 1929 and is Melbourne's sixth oldest kindergarten. It was built with the assistance of government grants and donations from the community and the then Hawthorn City Council, and it enjoys wide support from the community.

In June 2006 the 58-place kindergarten received notice from its landlord, the Hawthorn Catholic parish, that it

must vacate the land by 31 December 2010. Since then the Manresa future planning committee has been actively seeking funding support for a new location by lobbying both the state and federal governments. It has not secured any funding yet.

The 2006 census data supports the need to retain the places at the Manresa kindergarten. In the five years of 2001–06, Hawthorn experienced an 11.6 per cent increase in the number of children aged under 4; and Boroondara had an average increase of 7.6 per cent for that age group.

The Hawthorn Preschool Association and Boroondara City Council have both concluded that the places in Manresa kindergarten cannot be accommodated within other kindergartens in Boroondara. Boroondara City Council recognised the need to retain kindergarten places for 4-year-olds in Hawthorn. In April 2007 the council resolved to include Manresa kindergarten places in the planned Hawthorn library precinct community hub. The council resolution was to include Manresa kindergarten in the services to be accommodated as part of the community hub on the basis that Manresa kindergarten is required to provide capital funding or that the council will be able to obtain state government funding. There is strong community support for the hub in Hawthorn, offering a range of early year services as well as services for elderly citizens and other community programs.

The Manresa committee of management has eagerly embraced the opportunity to become part of this innovative community hub. The committee has requested the urgent consideration for funding via the state government's $20 million plan to build 40 integrated children's centres. A confirmation of funding for the Hawthorn community hub is required to resolve the future of the Manresa kindergarten. This development is already in the planning phase and the uncertainty of funding jeopardises the future of the kindergarten.

As final enrolments for 2009 and 2010 close in early 2008, funding approval would enable a seamless transition between sites and allow for the continuous enrolments and ongoing employment of the teachers and staff members.

My request to the minister is that she confirm the availability of funding for the Hawthorn library precinct community hub as soon as possible to enable the future planning for the Manresa kindergarten and to retain the much-needed four-year-old kindergarten places in this local community.

Health: Wallan super-clinic

Mrs PETROVICH (Northern Victoria) — My matter on the adjournment is for the Treasurer, John Lenders. I am waiting with great anticipation for the first sod to be turned at the new super-clinic in Wallan, which is one of the few commitments made by the new federal Labor government to the people of the lower house Seymour electorate. The $1 million promised to build the new super-clinic was given extra prominence when it was made by the federal Deputy Leader of the Australian Labor Party, Julia Gillard. According to her announcement, when it is completed this Labor-promised GP super-clinic will provide more GP services, including an after-hours clinic and chronic disease management services, together with an extensive range of allied health services. I hope for the people of Wallan that this eleventh-hour election promise comes to fruition.

I am particularly looking forward to seeing the Rudd government's magic wand in action. I am eager to see how Kevin Rudd can conjure up not only more GPs but also physiotherapists, dietitians, podiatrists, speech therapists, occupational therapists and every other therapist you have ever dreamed of to work in this super-clinic. It will be an amazing feat, as no other country town in Victoria has been able to fulfil its health-care vacancies. Mind you, as we know, $1 million will barely cover the cost of the land, let alone the preliminary outgoings, including architectural drawings and local council charges. I expect that the Victorian government will have to put its hand deep into its coffers to find the other millions of dollars it will require to turn this promise into a reality.

The people of Wallan have a right to feel short-changed by this new Labor government, as other communities around the country from the Northern Territory down to South Australia and up to Queensland were promised many more millions to build their super-clinics. For example, Bundaberg will get $5 million and Palmerston in the Northern Territory will get $10 million, but for some reason poor old Wallan was seen to be worth only $1 million. I will personally be holding both this state government and the federal Labor government accountable for the promise made to the people of Wallan. I certainly trust Ben Hardman, the local member for Seymour in the other place, has already begun his work to ensure this super-clinic becomes a reality in the near future.

On behalf of the Wallan community, the action I seek is for the Victorian Treasurer to ensure that the funds from the state component will be forthcoming, to ensure that this election commitment will be guaranteed

so that a recruitment program for the scarce health-care professionals can be facilitated, and to perhaps provide some advice to the community as to the time frame for the completion of the Wallan super-clinic.

Mercer–Mallop–Gheringhap streets, Geelong: traffic lights

Mr KOCH (Western Victoria) — I raise a matter for the Minister for Planning concerning the redevelopment of Geelong's busiest intersection. In its endeavours to improve traffic flow and pedestrian safety, the City of Greater Geelong is currently undertaking extensive alterations to the major intersection of Mercer, Mallop and Gheringhap streets. Pedestrian safety was a serious issue with the former roundabout, where there were a significant number of accidents involving pedestrians.

Plans for redeveloping the intersection followed extensive consultations with local traders in the community and form part of Geelong's ongoing east-west traffic strategy. Improvements at the intersection were to make it safer for pedestrians. It is anticipated that these improvements, including new traffic signals to replace the former roundabout, upgrading the road surface and landscaping, should be finished before the holiday season.

However, motorists were thrown into confusion and extended delays were caused when the new traffic lights came into operation last week. Scenes of chaos were reported as peak-hour traffic banked up along Mallop, Mercer and Gheringhap streets, and motorists who normally experience reasonable traffic flows were frequently confronted with lengthy delays because it took up to three cycles of the lights for them to get through the intersection. Redevelopment of the intersection was supposed to improve traffic flow, but motorists who regularly use this busy intersection now fear they will be confronted with never-ending delays during peak periods.

Changes to this major intersection on the thoroughfare from the north into the city centre are slowing peak traffic to a halt. It is becoming an intersection to be avoided at all costs. This intersection is Geelong's busiest, and it is understandable that altering the roundabout and installing traffic lights is a complex project. When any intersection is being modified while still in use there is a potential to cause confusion to motorists, and there will need to be a period of adjustment, but it seems that this intersection and the motorists who use it were not ready for the traffic lights to be turned on.

It raises the question: do planners think through all the stages of a major redevelopment such as this clearly and do they think through the likely consequences of these changes when they are implemented? Perhaps if the designers had taken more notice of prevailing traffic conditions, the impact of modifying this intersection may not have been so great. Unfortunately for motorists the switching on of the traffic lights has caused long delays during peak periods, but surely traffic congestion could be reduced if the lights were synchronised to recognise the traffic movements.

The action I seek is for the minister to ensure that appropriate transitional arrangements are put in place when major intersections are redeveloped to minimise traffic congestion such as that being experienced in Geelong.

Sewerage: regional and rural Victoria

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Premier and/or the Minister for Water in the other place. It relates to media releases put out on 5 December 2005 by the then Premier, Mr Bracks, and on 9 January 2006 by Mr Bracks and the then water minister, Mr Thwaites. The government at that time promised that 35 Victorian towns would receive government sewerage and water funding.

That funding was to include funding for new sewerage services in the following 23 towns: Barrys Reef, Blackwood, Coongulla, Dutton Way, Gordon, Glenmaggie, Glenrowan, Eskdale, Harrietville, Korong Vale, Loch, Mount Macedon, Newbridge, Nichols Point, Nyora, Oxley, Peterborough, Poowong, Rupanyup, Separation Creek, Wye River, Simmons Reef and Tungamah. Six towns were to receive water supply solutions: Bethanga, Kennett River, Loch Sport, Milawa, Separation Creek and Wye River. Eight towns were to have their water upgraded: Dartmoor, Landsborough, Macarthur, Manangatang, Merino, Murrayville, Nhill and Underbool.

Since that announcement and since the state election that followed it, the government has gone back on its promise, saying that that project was dependent on commonwealth funding, which was insufficient to fulfil the promises the government had made. However, Mr Rudd subsequently promised sufficient funding to cover those projects and has since been successful at the recent federal election. I ask whether the government will now reinstate its promise in the near future and proceed very quickly with that promise it made to all those towns two years ago.

Mountain Highway–Colchester Road–Albert Avenue, Boronia: traffic lights

Mr O'DONOHUE (Eastern Victoria) — My issue this evening is for the Minister for Roads and Ports in the other place. I have been contacted by a constituent who has young children who attend a local primary school in Boronia. The issue relates to the traffic volumes at the intersection of the Mountain Highway, Colchester Road and Albert Avenue. As the minister would be aware, Mountain Highway is a very busy road. It is also a VicRoads road and is therefore the responsibility of the minister.

There is a significant roundabout at that intersection that carries large volumes of traffic, which make it difficult for traffic that wants to access the two neighbouring primary schools, the nearby shopping centre and the local residential area to cross this busy intersection and connect with them.

This is not a new issue. On 24 February 2005 the member for Monbulk presented a petition to the Assembly asking for the government to install traffic lights at that intersection. The petition states that if traffic lights were installed:

> … the undersigned would begin riding or walking to the shops and schools, thereby offering health and environmental benefits to the community. We urge the government to take action to eliminate the dangers of crossing at this intersection by installing traffic signals …

Unfortunately the government has not acted on the petition presented by the member for Monbulk in the other place, and the traffic situation at this intersection has not improved. Nothing has changed and the situation is getting worse as the traffic congestion in that part of the world increases year by year.

The action I seek from the Minister for Roads and Ports is to review this intersection as a priority with a view to increasing safety there, particularly by installing traffic lights to replace the roundabout so that children can access their schools, so that people can get to the shops and so that healthy activities such as riding bikes or walking can be encouraged.

Parks Victoria: Loch Sport depot

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Minister for Environment and Climate Change. It concerns de-manning of Parks Victoria offices and the reduction — —

Mr Lenders — De-personing!

Mr P. DAVIS — Actually de-manning in this case, Minister, especially with regard to the Loch Sport depot. The Loch Sport depot has been downsized in this year alone from three rangers to one. The area of responsibility for that depot is the Gippsland Lakes Coastal Park and the Lakes National Park, an area which is part of some 40 000 hectares of parks and reserves the local rangers are responsible for. It is clear that there is a plan to close the Loch Sport depot entirely, and pressure is being applied to the ranger located there to move to Sale, which is where the other staffing positions have been moved.

I am advised that tracks, including walking tracks, are closed due to a lack of maintenance. I am advised that the community is desperately concerned about the state of the parks and the lack of proper management and supervision. For example, I received correspondence from Mr Gary Powers, who is the real estate agent at Loch Sport, who wrote:

> … there is only one ranger in the park and no fire crew for the coming season predicted to be one of extreme fire danger. One man cannot be expected to maintain the parks which extend 17 kilometres from Loch Sport to Port Wilson, 27 kilometres from Loch Sport to Golden Beach and include Rottamah Island. Occupational health and safety issues must be considered when one man is expected to operate large machinery, chainsaws, small boats and issue fines to people breaking the law.

The purpose of raising this matter on the adjournment is to bring to the attention of the Minister for Environment and Climate Change that a consistent pattern has emerged over a number of years. With summer fire crew and other staff, previously this depot has had up to approximately 10 staff in total over time, and now we see a circumstance arising where shortly it will have no staff. As a result the parks themselves are not being maintained and community access to those parks is unavailable. I therefore ask that the Minister for Environment and Climate Change take action that will ensure that the parks to which I have referred are properly maintained and that staffing at the Loch Sport depot is improved and increased rather than reduced.

Responses

Mr LENDERS (Treasurer) — Ten members raised adjournment issues this evening, nine of them to other ministers. I will refer those matters to those ministers.

Mrs Petrovich raised with me the funding of the Wallan super-clinic. While I admire Mrs Petrovich's ambition to, I guess, get budget bids announced in an adjournment debate in Parliament, I will refer the matter to the Minister for Health in the other place. I am sure the Minister for Health will look at it, particularly

in light of the fact that this government has in eight years increased health funding by 96 per cent. I will refer the matter to the Minister for Health, which is the appropriate place for a budget bid, and thank Mrs Petrovich for raising it.

The DEPUTY PRESIDENT — Order! The house stands adjourned.

House adjourned 10.26 p.m.