PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 8 August 2006

(Extract from book 10)

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By authority of the Victorian Government Printer

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

[2] Ind from 7 April 2005

[3] Ind Lib from 30 November 2005

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Tuesday, 8 August 2006

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

ROYAL ASSENT

Message read advising royal assent on 25 July to:

Accident Compensation and Other Legislation (Amendment) Act
Building and Construction Industry Security of Payment (Amendment) Act
Charter of Human Rights and Responsibilities Act
Electoral and Parliamentary Committees Legislation (Amendment) Act
Health Legislation (Infertility Treatment and Medical Treatment) Act
Land (Further Miscellaneous) Act
Transport Legislation (Further Amendment) Act.

SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms BROAD (Minister for Local Government).

QUESTIONS WITHOUT NOTICE

Energy: renewable sources

Hon. PHILIP DAVIS (Gippsland) — I direct a question without notice to the Minister for Energy Industries. Will the minister detail for the house the outcomes of the business impact assessment undertaken by the Victorian Competition and Efficiency Commission regarding the impact on the Victorian economy of the government's proposed Victorian renewable energy target?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — You would think the Leader of the Opposition would have gone away and hidden somewhere after the embarrassing outcome of the actions of his party's federal Minister for the Environment and Heritage, who had to do a complete backflip over a wind farm where he could not find an orange-bellied parrot anywhere. He looked around and tried to find one but could not find one anywhere, and therefore had to back down. It was the most dramatic backdown I have ever seen of a minister who made political decisions based on information that was clearly contrary to his decision.

That is the way in which the Liberal Party does things. It does things on the basis of its mates, it does things on an inappropriate basis — and the Campbell decision is a very good example.

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden!

Honourable members interjecting.

Ms Hadden interjected.

The PRESIDENT — Order! I have called Ms Hadden twice and over the noise she has not heard me. I ask her to stop interjecting or I will use sessional orders to remove her. I warn all members to desist from interjecting. The minister to continue.

Hon. T. C. THEOPHANOUS — We are very proud of our sustainable energy scheme and the fact that we will be able to move this state from having only 4 per cent of its energy in renewables up to 10 per cent. Let me tell you, President, based on international standards 4 per cent is at the low end. It is absolutely appalling that we have not been able to move forward on this because of the actions of the federal government in removing the only scheme that was capable of supporting renewable energy in this country.

It was a retrograde step, a step which was against the interests of this country. We found ourselves in a position of having to make a choice between having a renewable energy industry and having a scheme of our own in order to fund that renewable energy industry, or just giving up on that renewable energy altogether; giving up on climate change and giving up on the legacy for our children.

We took a decision after careful analysis. I have reported to the house information about the economic analysis of the Victorian energy renewable target scheme, which was done by a reputable company, McLennan Magasanik Associates. That company has done analysis work for both sides of the house in the past. The company came back with that analysis. I have been looking at whether we can release sections of that analysis publicly. There are some commercially sensitive issues associated with it. On the basis of that analysis we stand by the information we have released in relation to the cost to the average consumer, which is minimal.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I thank the minister for his expansive answer. I remind him that the question was directed to the business impact assessment undertaken by the Victorian Competition and Efficiency Commission. I therefore ask as a supplementary question: is it a fact that the minister will not release the VCEC impact statement because it shows the significant cost to the Victorian economy and the thousands of jobs that will be lost as a direct consequence of the government's policy?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — As I have tried to explain to the honourable member, he continually gets his facts wrong. The economic analysis on which we based the decision to go ahead with the Victorian renewable energy target scheme was done by McLennan Magasanik Associates.

An honourable member interjected.

Hon. T. C. THEOPHANOUS — Members should understand what I am saying — that the economic analysis was not done by the Victorian Competition and Efficiency Commission, it was done by McLennan Magasanik Associates. It put forward a number of different models, and we decided in the end on a model which will have minimal impact on consumers and which will get the maximum benefit in terms of renewable energy in this state. We are happy to stand by that analysis, and we are very proud to be able to deliver so much renewable energy for this state.

Hazardous waste: Nowingi

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Major Projects, Mr Lenders. Can the minister inform the house of the progress of the government's decision to rise to the challenge of building a long-term containment facility and of any alternative policies regarding the placement of the facility?

Mr LENDERS (Minister for Major Projects) — I thank Mr Hilton for his question and his interest. Mr Hilton is an advocate of the need for us to manage our waste well in a world-class facility.

Hon. Bill Forwood interjected.

Mr LENDERS — I take up Mr Forwood's interjection that he is a long way away. Mr Forwood's colleague the member for Brighton in the other place, Ms Asher, said on ABC radio just last Friday that the Liberal Party will build a long-term containment facility within 100 kilometres of the central business district (CBD) of Melbourne. Mr Hilton's electorate includes places like Koo Wee Rup and the Mornington Peninsula — a lot of places within 100 kilometres of Melbourne — where people are now wondering what Ms Asher means when she says a long-term containment facility will be built in those areas.

The Bracks government has gone through a difficult process. We have risen to the challenge of finding a place to deal with long-term waste. Category B waste in this state was being produced at the rate of over 120 000 tonnes a year. This government has brought that down significantly and will continue to bring it down. In a society that relies on agricultural chemicals, agricultural by-products and manufacturing there will be category B waste, and our objective is to dispose of it safely.

This government has gone through the pain of investigating four sites. The Nowingi site is now the subject of a environment effects statement, which is being extended out to answer questions following a call from the local community. To win votes in Mildura, Ms Asher went out in the middle of that and said it would be within 100 kilometres of Melbourne. What Ms Asher forgets is that half of regional Victoria's population is in that band, and people like Mr Philip Davis and Mr Hall must wonder whether Ms Asher wants to build it at the Mount Worth State Park in the Strzelecki Ranges. People like Ms Hadden must wonder whether Ms Asher wants to build it at the Creswick Regional Park in Creswick. People like Mr Stoney must wonder whether Ms Asher wants to build it in the Cathedral Ranges, near Lake Eildon. We now have half of regional Victoria wondering what she means.

If Ms Asher has found a site that is better than the four sites the government has looked at, I welcome her coming forward with that site. This government is all ears. We have been looking for years to find a site. If Ms Asher has a site, I invite her to bring it forward. If she does not have a site, she should stop playing politics with the people of Mildura and stop putting fear into the population of the part of regional Victoria that is within 100 kilometres of the CBD. Also, Ms Asher should work out what her colleague Mr David Davis is saying about this issue. She is inconsistent with him and she is inconsistent with her leader and her former leader — and who knows where she stands in relation to The Nationals.

This government has made the hard decisions, the very hard decisions, to go through a process, and it is a difficult one. The community of Sunraysia is anxious,

understandably, about this, and we will do the right thing. But if Ms Asher has a secret plan, she should cough it up; if she does not, she should stop playing politics.

Electricity: Laverton North power station

Hon. BILL FORWOOD (Templestowe) — My question without notice is to the Minister for Energy Industries, the Honourable Theo Theophanous. I refer the minister to his press release of 13 October 2004 in which he announced that a new $150 million, 320-megawatt power station would be built at Laverton North. In that release he said it was scheduled to be completed by December 2005. Given that we are now in August 2006, could the minister advise the house when he anticipates the power station will come on line?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. I think the implication behind the member's question would be: what is the impact in relation to our supply of electricity? Since the opening of the Basslink project, which has brought 600 megawatts of additional capacity on stream into the Victorian system, we now have enough power within the system to get past the next summer period even without the construction of Laverton. However, we are very keen to see that the new power station is constructed.

To answer the honourable member's question as honestly as I can, yes, there has been a delay in this project. The delay is not something the government would like to have seen, but it has occurred. Indeed very recently Snowy Hydro advised by way of a press release that there could be further delays and that the project may not be completed until November. We see this as unfortunate. From my point of view as energy minister, this is an industry project, it is not a government project, and whilst we regret the delays, I can assure the house that there will be adequate supplies of power in Victoria, including for the summer period.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer and have a supplementary question. The minister would be aware that the latest statement of opportunities from Nemmco indicates that without the 320 megawatts the situation will be very tight this summer, particularly if we get the hot summer we are due to get, and I ask: what action has the minister or his colleagues in government taken to ensure that this project is completed in time for this summer?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — First of all — I get regular reports on this project — there have been a number of problems in relation to the contractors and the management of the site, and there have been a number of industrial issues at the site as well.

As minister I have met with Snowy Hydro and with Siemens. I have met with all the parties involved, including the unions, on a number of occasions and stressed to them, as is required of me as minister for energy, that the government sees this as a very serious issue and wants the project completed on time. Certainly now that it has been blown out we want it completed as soon as possible. We are continuing to monitor it to try to make sure that the latest time frame of November is in fact met.

Transport Accident Commission: head office relocation

Ms CARBINES (Geelong) — My question is to the Minister for WorkCover and the TAC. I ask the minister to inform the house on the progress of the relocation of the Transport Accident Commission to Geelong.

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Ms Carbines for her question and her ongoing interest in making Geelong — which is already a great place, an even better place to live, an even better place to work and an even better place to raise a family — even better. I thank Ms Carbines for her question and her interest in the Transport Accident Commission move, which of course will see jobs coming into Geelong and a great manufacturing city having a greater diversity of jobs than it has at the moment.

Hon. Bill Forwood interjected.

Mr LENDERS — It is interesting to hear Mr Forwood carrying on at the moment, because Mr Forwood has not been a fan of the move to Geelong.

Hon. Bill Forwood — No, I'm not!

Mr LENDERS — I refer to the *Age* of 23 November at page 11, where Mr Forwood described the move as 'ridiculous' — that is what Mr Forwood said. Yet what do we see in the *Geelong Advertiser* just two days ago? His leader, Mr Baillieu, suddenly thinks it is a good idea. Mr Forwood thinks it is ridiculous;

Mr Baillieu thinks it is a good idea. Why does Mr Baillieu think it is a good idea? It is a pity, Mr Forwood, that Hansard cannot pick up gestures!

Why does Mr Baillieu think it is a good idea? Because he knows — belatedly, eight months late — that it is a good idea for Geelong, that it will help boost jobs and growth in Geelong and will provide extra industry for Geelong. So Mr Baillieu has finally realised it. It is just a pity that it took him eight months; it is just a pity that he was asleep at the wheel; it is just a pity that he was not actually thinking of regional Victoria; it is just a pity that he was looking at his painting of Jeff Kennett's toenails and thinking that the heart of Victoria was in Melbourne and the regions were but the toenails.

Mr Baillieu should have woken up a lot earlier that Geelong is a great and vibrant city. Geelong has a great and vibrant future. Geelong is a key part of clear Bracks government's vision for this state. It is a tribute to the local Labor members in Geelong that they have taken up this task with passion.

A few weeks ago I spoke about what the *Australian Financial Review* had to say about Geelong. Today we have also seen that KPMG is seriously considering setting up in Geelong, and partly because the TAC is one of its major clients.

Honourable members interjecting.

The PRESIDENT — Order! Mr David Davis should stop interjecting!

Mr LENDERS — I welcome growth. The only problem or disappointment in this is that the opposition has been so slow off the mark. Opposition members sit there, they comment, they are negative, they do not talk up the state — they have not learnt their lesson. I would welcome Mr Baillieu going down to Geelong and looking at the vibrant growth of the place. He should look beyond the football team, look at the growth, look at the future, talk to the people and he will know that Geelong is not just a great place to live, work and raise a family, but it will be an even better place to live, work and raise a family after the TAC has moved.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My question without notice is directed to the Minister for Major Projects, Mr Lenders. I ask the minister what involvement he had in the recent decision to extend the reporting time for the Hattah-Nowingi toxic waste dump panel hearing to a date beyond the state election on 25 November.

Mr LENDERS (Minister for Major Projects) — The simple answer is: this is a decision between the independent panel seeking from the Minister for Planning in the other place an extension and the minister. It is between those two.

The context, just to remind the house and Mr Bishop — perhaps so he can amend his press release, which I am sure he already has on his fax machine to Sunraysia before even hearing my answer — that Mr Bishop has come into this place on multiple occasions calling for extensions. Some of them were absolutely legitimate — when the Mildura community was traumatised by that terrible road accident, when he came forward and said the community needed time because of the harvest and when it wanted more scientific studies and peer reviews of existing studies. Mr Bishop has come forward on a number of occasions and asked for that. There was no point in asking me for that because I am not the responsible person. I could provide the work; I could get major projects to commission the work for him.

Mr Bishop was part of the Kennett government. I know it is hard for someone from the Kennett government to understand this, but there is a thing called the separation of powers. The Minister for Planning is responsible. The chair of the panel wrote to him.

Hon. D. McL. Davis interjected.

Mr LENDERS — Mr Davis scoffs. He could not even get his submission in. There were 1700 within a queue and if it had not been for an extension of time, he would not even have got his submission in. Ms Lovell would not even have known where Mildura was if we had not had an extension of time. There has been a consistent message from the Mildura community that it has wanted time. There have been 55 days of hearings. If Mr Bishop actually thinks that a panel should ignore those 55 days of hearings and hundreds of submissions and write a report rapidly, then he is treating the process with some contempt.

The long and short of the answer is that the chair of the panel said it needed time. To take up the fundamental point of Mr Bishop's question that there is some hidden agenda here, this government has been up front for the last two years about wishing to locate a containment facility in Sunraysia. W e have been up front about that. The only caveat on that has been that it meet an environment effects statement (EES) test. If Mr Bishop is thinking that we do not want to make a decision on this before November, he should be asking why we have been prosecuting this case for this period of time. We have been prosecuting it because we think it is the appropriate place, subject to a thorough EES process.

The chair of the EES process has asked for an extension of time. The Minister for Planning has given him extra weeks to do it in. The maths of that may be as Mr Bishop says, but it may be earlier. I say to Mr Bishop before he releases his press release, which he has no doubt written even before he has heard my answer, that he should look through the history and at how the community wanted information and time. I would say to Mr Bishop that unlike his government, which was into open landfill without any community process, we have done an EES; we have made the hard decisions; we have put the case up. I would urge him to get on board and support dealing with waste in the future.

Supplementary question

Hon. B. W. BISHOP (North Western) — Given the minister's answer and in the interests of accountability and transparency, I will give the minister another chance. Will the minister, as a proponent of the toxic waste project, take steps to revise the reporting date by bringing it forward by as little as two weeks so that the voters can be fully informed before going to the polls?

Mr LENDERS (Minister for Major Projects) — The Sunraysia community has seen 24 detailed reports, 9 supplementary reports and peer reviews, and there have been 55 days of hearings. Mr Bishop asks, 'Can we have the facts?'. There are more facts and environmental statements out there than ever before. The crux again — this is a question for the Minister for Planning and not me — is, does the panel on its request need to have sufficient time to analyse all that? The independent chair of the panel has written to the Minister for Planning seeking more time. Mr Bishop's supplementary question asks if the community can have the information. It has the information — 55 days of hearings, 24 substantial reports and 9 peer reviews. I would suggest to Mr Bishop that if this panel made a quick review, he would get up and criticise it because it was quick; if it made a long review, he would criticise it because it was long — because he fundamentally does not believe in environment effects statement processes.

Aboriginals: youth education

Mr SCHEFFER (Monash) — My question is for the Minister for Aboriginal Affairs. Would the minister please inform the house about the way the Bracks government is assisting Victoria's indigenous youth to achieve their educational aspirations?

Mr GAVIN JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Scheffer for his encouragement. I am a bit concerned by some perhaps derision from the other side of the chamber, but I thank Mr Scheffer for his concern about the wellbeing of young people in the Aboriginal community and particularly about the ways in which the Bracks government can support young, emerging leaders within the Aboriginal community to achieve their full potential, especially their educational potential.

I had the good fortune today to be joined by the member for Bentleigh in the other place at an event held at the Moorabbin football ground. We were in the company of the coach of the St Kilda Football Club, Grant Thomas, who got out of bed early this morning to join us at the breakfast event. One of the recipients of the Ricci Marks Aboriginal Young Achiever award, Allan Murray, is a St Kilda player. Beyond his attributes as a footballer, Allan is an outstanding young man who regularly provides support to young Aboriginal people and other students at schools in the area around the home of the St Kilda Football Club through a program under the auspices of the Unity Foundation, which he established in conjunction with another football colleague, Xavier Clarke.

Each week these young men provide cultural awareness and other advice to young people who come through the program. They provide them with encouragement to have a fit and healthy lifestyle around the breakfast program that is auspiced through the club. They have been associated with the Lighthouse Foundation's Indigenous Lighthouse. Members of the chamber may have heard of Lighthouse, which has had a significant impact on and supports the quality of life of young people who are disengaged and at risk and which gathers funds to provide accommodation for those young people.

Allan Murray is an outstanding young man. He has shown supreme leadership in this endeavour by being a foundation member of Indigenous Lighthouse and the Unity Foundation and by providing these young people with a high degree of support. He wants to further his education and is currently undertaking a diploma of community development at the Royal Melbourne Institute of Technology.

Allan was joined at the event this morning by Isaac Haddock, another outstanding young Aboriginal man who is a Koori educator at the Morwell Primary School. Isaac has already received a certificate for training in Aboriginal health and mental health and is currently completing a bachelor of education (primary) course at Deakin University. He has been involved in a number of community development programs, provides mentoring and support to young students he comes into contact with at the Morwell Primary School and leaves

no stone unturned in his involvement with community development issues. He is a member of the Victorian Indigenous Youth Advisory Council (VIYAC). I am pleased that the Victorian government recognises the value of the contribution made by young people through that advisory council. Recently the Bracks government committed $108 000 to VIYAC for the ongoing role it plays in encouraging youth leadership and development within the Aboriginal community.

At the event this morning, at which the supporters of both Allan and Isaac so enthusiastically came together to celebrate their great capacities and talents, at no stage did I, or anybody else for that matter, mention the $5000 bursary that attaches to the award. Extraordinarily the $5000, which under normal circumstances would have been seen as a significant amount to support a young person's education, was not a feature of this celebration of the great talent of these young men and their capacity to go further.

Retirement villages: residents associations

Hon. ANDREA COOTE (Monash) — My question without notice is to the Minister for Consumer Affairs. In a glowing media release extolling the virtues of the retirement villages legislation the minister said in September 2005:

> The Bracks government has also provided the funding for the establishment of a residents association.

And:

> The residents association is designed to promote networking between retirement village residents … and to give residents a collective voice for speaking to government on issues that affect life in retirement villages …

How important is the residents association to the minister?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I might as well just wait for the supplementary question.

Members will be aware that the retirement village legislation involved a lot of consultation on many issues about the way retirement villages were run. A number of issues were raised. Maxine Morand, the member for Mount Waverley in the other place, undertook that review on behalf of the former Minister for Consumer Affairs, Mr Lenders. Ms Morand has done an extremely good job, not just with that initial review which saw legislation introduced into this Parliament and passed with the support of all members. She has also been instrumental in helping with the consultations around the standard contracts that are required to be put in place under the legislation.

We also knew that it was very important for people in retirement villages not only to have a voice within their individual villages and to have a proper dispute resolution mechanism in place that they could understand and utilise to keep disputes at a minimum, but also a voice that impacted more broadly on the way in which retirement villages are administered so that people in retirement villages are able to raise issues and ongoing concerns beyond their individual retirement villages. That was the reason we funded the establishment of an organisation that brought together representatives from retirement villages so that they could share their experiences and address some of their concerns.

We thought it was very important, particularly during the initial stages of the legislation, that there was a body that could provide feedback to government on the way the legislation was affecting people in retirement villages. We thought it was important for the residents of retirement villages to be able to report back on how that implementation was going and to provide an opportunity for us to get a clear picture of the way things were travelling.

We considered it important that the government support the establishment of a residents association, and that is why we established such a body. It gives residents an opportunity to continue the process that was taking place in relation to other aspects that will be dealt through regulation, and give us feedback about how the implementation is in fact going.

Supplementary question

Hon. ANDREA COOTE (Monash) — I thank the minister for her answer. I found it very interesting. I have had a letter from Barry Callaghan of the Residents of Retirement Villages Victoria and Sue Hendy of the Council on the Ageing in which they outlined the funding arrangements for the establishment of the residents association. If the residents association is so important to the minister, why has she cut the funding for that association?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — The funding has not been cut. The funding was given for a set period of time. I have recently received a similar letter about ongoing funding to continue the work the association is doing, and that matter will be considered. In fact that letter has only recently hit my desk, and I will give it the proper and

due consideration that I would assume all members would think fit and appropriate.

Housing: East Reservoir renewal program

Ms MIKAKOS (Jika Jika) — My question is addressed to the Minister for Housing, Ms Broad. I refer the minister to the government's *A Fairer Victoria* statement, and ask her to update the house on how the initiatives in that statement are improving the lives of people living in East Reservoir.

Ms BROAD (Minister for Housing) — I thank the member for her question and for her interest in the Bracks government's continuing efforts to create a fairer Victoria, fairer communities and opportunities for families right across Victoria, especially in the member's electorate.

The Bracks government believes everyone deserves a decent community in which to live and decent opportunities in their lives. When the government was elected in 1999 the Premier said that we would govern for all Victorians, and that means people living in all places, people of all incomes and people of different life experiences. That is why it was with great pleasure that I recently joined my colleague the member for Preston in the other place to formally launch the extension of the Bracks government's neighbourhood renewal program to East Reservoir.

This program is about transforming disadvantaged areas into more vibrant suburbs and making them better places to live and raise families. In practical terms it will deliver to East Reservoir more jobs, safer streets and better homes for families. As part of our social policy action plan, A Fairer Victoria, the Bracks government provided $29.8 million over four years to extend neighbourhood renewal into four new areas in Victoria.

As a neighbourhood renewal area East Reservoir will see significant changes to its community as part of this very substantial investment by the Bracks government. Over $1.1 million has been allocated this financial year to upgrade and improve 76 homes in the area, making them safer and more comfortable for tenants, and a new social enterprise will retrofit around 300 homes to make them more energy efficient and reduce the energy bills for residents. Importantly this social enterprise will create local employment and new training opportunities for residents as well. The Bracks government will continue to stand up for families wherever they come from and to meet the challenge of creating a fairer Victoria by providing jobs and opportunities.

We have plans for the future, like A Fairer Victoria, because we know there is more to do, but the question is: where are the opposition's plans? Where are the opposition's policies to do anything to help Victorian families who need help, who need investment in their local communities? Where are these plans and policies? When are Victorians going to hear anything about what the opposition stands for — assuming its members stand for anything at all and are prepared to stand up for anything at all?

Retirement villages: residents associations

Hon. ANDREA COOTE (Monash) — My question without notice is to the Minister for Consumer Affairs, the Honourable Marsha Thomson. The Residents of Retirement Villages Victoria (RRVV), in its annual report dated 8 June 2006, said:

> The RRVV is an independent, not-for-profit membership organisation for people who reside in retirement villages in Victoria. It is funded by your department, Consumer Affairs Victoria, through the Victorian Property Trust.

Did the minister tell the RRVV to apply to the Victorian Property Trust for top-up funding?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — In fact it has been some time since I have met with the Victorian retirement villages association, and it has not sought a meeting with me, so I can say quite categorically that I have given it no advice in relation to funding, other than the initial funding that it received to deal with the new legislation that was put in place. May I say that that legislation will meet the needs of retirement village residents in a way that their needs were not being met before — being able to have proper dispute resolution and being able to independently meet and be considered as valuable participants in the decision-making process concerning retirement villages.

This is important legislation. It ensures that residents' proxies are not held by the retirement village managers or owners and that their interests are protected. That is why the association was put together: to ensure that there was an opportunity for residents to continue to have a voice during the implementation stages of the legislation and to ensure that there was an opportunity for them to participate in the regulation-making process. That is why they were funded by the department.

As I indicated in answer to the previous question, I have only recently received a letter from the association seeking additional funding because it believes there is further work it has to do. It was aware that its initial

funding was for a set period, after which time it would have to be self-sufficient, but that matter is under consideration and advice. No decision has been made, and I certainly have not given it any advice in relation to ongoing funding.

Supplementary question

Hon. ANDREA COOTE (Monash) — Recommendations for funding are at the minister's discretion. Did she or her department tell the RRVV that it would not be receiving top-up funding as there were more worthy applications?

Hon. M. R. THOMSON (Minister for Consumer Affairs) — I have answered the question as to my involvement in this matter.

Information and communications technology: careers initiatives

Mr SOMYUREK (Eumemmerring) — I refer my question to the Minister for Information and Communication Technology. The minister recently informed the house of the Bracks government's commitment to increasing the uptake of information and communications technology courses by young Victorians. Can the minister provide the house with details of the progress of this campaign?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for his question. Members will be aware that we do have an information and communications technology (ICT) industry plan in this state; unfortunately we do not have a federal one, and we certainly do not have one from the opposition. One of the issues that came out of that industry plan after the involvement of and discussion with the industry itself was the need to prepare the young people of the state to fill the jobs of the future — not just the jobs now but the ICT jobs that are going to be required to be filled down the track.

We were concerned that there was a drop-off in young people taking on ICT careers and courses. I have previously told members that I held a round table of deans of information technology and engineering faculties from all nine Victorian universities and representatives of Box Hill TAFE, key IT companies and general industry. The meeting led to the establishment of two formal working groups. That is unlike the federal government, which has done nothing about this issue — nothing! The groups are the Australian Information Industry Association, which is responsible for marketing activities and is now doing work, and the Australian Industry Group, which is coordinating a range of road shows and information events to promote IT careers.

The roadshows are now actively in place. There have already been information seminars in Box Hill, which were attended by over 100 people. In Benalla over 230 people attended the road show, and students were brought in from surrounding towns so that they could get access to the information. A further four events will be held across Melbourne, and a further five events in regional Victoria, at Wodonga, Ballarat, Bendigo, Gippsland, Geelong and Warrnambool. Around 200 people have registered for the session in Wodonga and over 100 people have registered for the session in Ballarat.

Not only have these events sparked the interest of students in Victoria, but the West Australian government, through its Department of Industry and Resources, has asked for information in relation to the campaign. In South Australia, Electronic Data Systems Corporation, one of the multinational IT companies, is looking at some of the work that has been prepared for this campaign to utilise in its Speakers in Schools program. Again, Victoria is leading the way. It is showing that it has a plan and that it is implementing that plan and ensuring that Victorians are the beneficiaries. Unlike the federal government, which does not have an ICT industry plan or a plan for the rollout of real broadband to the community, we have a plan. We will implement that plan, and Victorians will have access to high-skill jobs.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 5437, 6072, 6506, 6657, 6662, 7474, 7476, 7477, 7517, 7519, 7520, 7523, 7538, 7546, 7556, 7559, 7561, 7562, 7601, 7603, 7604, 7607, 7643, 7645, 7646, 7685, 7687, 7688, 7727, 7729, 7730, 7756, 7769, 7771, 7772, 7798, 7811, 7813, 7814, 7853, 7855, 7856, 7882, 7924, 8024, 8026, 8043, 8044, 8066, 8084, 8090, 8091, 8094, 8097, 8132–5, 8307, 8317–19, 8321, 8323–5, 8620–2, 8625, 8627, 8629, 8630, 8646.

Hon. BILL FORWOOD (Templestowe) — I am not sure whether any of those answers relate to questions I have asked, but I have written to the Minister for Finance in relation to question 4936, which was asked on 25 May, question 8023, which was asked on 3 May, and question 8084, which was asked on

31 May. Questions 8008 and 8009, which were asked on 6 April, were directed to the Minister for Finance for referral to the Premier. Question 8010, which was asked on 3 May, was again for referral to the Premier. Question 4673 was asked of the Minister for Finance, for the Treasurer, on 24 February 2005. Questions 8012, 8030, 8031, 8032, 8033, 8034, 8035, 8036, 8037 and 8038 were asked of the minister, for the Treasurer, on either 3 or 4 May. My career in this place is rapidly coming to a close, and I am very keen to get some answers to my questions.

Mr LENDERS (Minister for Finance) — If Mr Dalla-Riva had not asked 397 questions on the last sitting day we might get through these a bit more expeditiously. In response to Mr Forwood, certainly I have presented the answer to question 8044 today. Question 4936 was actually directed to the Treasurer and not to me, but I will not be pedantic and will seek to get an answer to the questions as soon as possible. One answer is there, and we will soldier on.

Hon. BILL FORWOOD (Templestowe) — As the Minister for Sport and Recreation would know, I have written to him recently in relation to question 8024, which was asked on 3 May. Question 8014 was asked of him on 3 May for referral to the Attorney-General in the other place, question 8018 was asked on 3 May for referral to the Minister for the Arts in the other place and question 8026 was also asked on 3 May for referral to the Minister for Gaming in the other place. As the minister knows, I am keen to receive answers sometime soon.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome the member's interest in receiving answers to the questions he mentioned. Three of the four were for other ministers. I will seek to get those at the earliest possible time. I have signed the answer to the question which was directed to me. It is going through the process, and the member should receive it in the next day or so.

Hon. BILL FORWOOD (Templestowe) — I have written to the Minister for Energy Industries in relation to the following questions asked on 3 May: question 8027, question 8016 for referral to the Minister for Education Services in the other place , question 8021 for referral to the Minister for Police and Emergency Services in the other place and question 8025 for referral to the Minister for Education and Training in the other place. While I know the minister and I will be in contact after I leave Parliament, perhaps it would be best for the questions to be answered before I leave.

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I am fairly certain that the one relating to me personally will be dealt with shortly. In relation to the others, I use the words of my illustrious leader: 'We soldier on'.

Hon. BILL FORWOOD (Templestowe) — I am pleased to see that the Minister for Aged Care has returned to the chamber. I have written to the minister recently in relation to questions 8029, 8132, 8133, 8134 and 8135, which were directed to the minister for referral to the Minister for Health on 3 May and 15 June this year respectively. Questions 8100, 8101, 8102 and 8103 were directed to the minister for referral to the Minister for Community Services on 14 June 2006. I would appreciate responses when possible.

Honourable members interjecting.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank you for your encouragement to soldier on. I have good news. While I was soldiering on as Acting Minister for Health I personally signed off three-quarters of the answers of the Minister for Health, and I understand Mr Forwood's answers should be forwarded with them today.

In my capacity as Acting Minister for Community Services I did not soldier on for long enough, and I will encourage the Minister for Community Services to answer her questions with optimum speed.

Hon. BILL FORWOOD (Templestowe) — I have one left. Unfortunately the Minister for Consumer Affairs is not here, but I will direct it to the Deputy Leader of the Government. I have recently written to the minister pursuant to standing orders seeking her assistance with the answering of question 8028, asked of her as Minister for Consumer Affairs on 3 May 2006, and question 8020, directed to her for referral to the Minister for Small Business in the other place on 3 May. I know that she is not here, but as ever I would be grateful for a response.

Mr GAVIN JENNINGS (Minister for Aged Care) — I cannot add to Mr Forwood's key performance indicators for today, but the house and I are reassured that he has been busy in the duration since the last sitting week, and I am certain that my colleagues have been busy trying to deliver the answers. I will ask for the minister to hurry up the answers to 8020 and 8028 at the earliest opportunity.

MEMBERS STATEMENTS

Taralye centre for deaf children

Hon. ANDREA COOTE (Monash) — Last week, together with the Liberal candidate for Mitcham, Philip Daw, I visited the excellent facility Taralye in Blackburn. I met with Terese Kelly, the chief executive officer, Joan Hale, Melinda McMullen and Carolyn Armstrong, who are board members of this wonderful institution.

Taralye was established by a group of parents with the help of the Advisory Council for Children with Impaired Hearing, which was formed in 1968. They believed deaf children should have access to the same education opportunities as hearing children. Taralye is the first agency in the state to establish an integrated early childhood intervention program aimed at developing deaf children's oral language skills through the use of residual hearing.

We saw some excellent indications of the program and heard about some uplifting stories. I would like to share the response of a man called Kelvin Vistarini, who said:

> Seeing Megan respond to my voice and hearing her say 'I love you, Dad' is the best present in the world …
>
> …
>
> Megan began attending Taralye's early childhood intervention program in January 2001, when she was one year old. Since then she has been able to develop her communication skills.

She is one of many children at Taralye, and I put on the record my praise and admiration for the excellent work this organisation does.

Bridges: Barwon Heads

Ms CARBINES (Geelong) — I was delighted as the local member to attend a community event at Barwon Heads to celebrate the Bracks government's decision to retain the much-loved Barwon Heads bridge. This bridge was built in the 1920s, and it is the vital link over the Barwon River estuary that joins the townships of Ocean Grove and Barwon Heads. However, the bridge has struggled to cope with increasingly heavy traffic volumes and, and it needs constant maintenance.

VicRoads has proposed a number of alternatives to replace the Barwon Heads bridge, and much local debate has been provoked about their various merits. However, a clear sentiment emerged in the local community that the old bridge should be retained. There has been a very strong community campaign led by Bernard Napthine, our local pharmacist, and that campaign has involved postcards from Barwon Heads featuring the bridge, posters, public meetings, letters to MPs, emails and phone calls, all in support of the bridge.

The government has set up a panel process in order to establish the merits of the various proposals and to advise the Minister for Planning as to which is the best alternative. The Bracks government, however, has been pleased to accept the advice of Heritage Victoria that the Barwon Heads bridge is of such significance to our state heritage that it should not be demolished and should indeed be retained. This news has been warmly received — —

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

Rail: Gippsland line

Hon. P. R. HALL (Gippsland) — I want to express the frustration, disappointment and in some cases anger experienced by many of my constituents with the new timetable for fast rail services in Gippsland. I say 'frustration and disappointment' because the quicker services will save a mere 9 minutes on a full journey from Melbourne to Traralgon, and there are precious few of them — in fact two per day, one down and one back. The time saving for many commuters is far less than that. I say 'anger' because a great many train users will be severely inconvenienced — some to the point where they have suggested to me that they will give up using public transport services.

It seems that the main objection concerns the decision to reschedule the peak period 4.47 p.m. train out of Southern Cross station back to Gippsland and to make it an express service. An email to me from a constituent says:

> Passengers that have used the evening peak service for 7+ years living in Nar Nar Goon, Tynong, Garfield, Bunyip, Longwarry, Yarragon and Trafalgar have been left out in the cold.

Literally they have. Another constituent pointed out to me that under the existing timetable that 4.47 p.m. service will get him back to Garfield at 6.06 p.m., but under the new schedule he will not get back until 6.55 p.m. — an extra 50 minutes that he is taken away from his family. I urge the government to look at the timetable again, particularly the peak 4.47 p.m. service, because it is not fair or appropriate for Gippslanders.

Courts: Preston

Ms MIKAKOS (Jika Jika) — I want to thank the Attorney-General for his announcement on 25 July on the future of the Preston courthouse, which will be reborn as a vital new justice and community hub. The court building will be refurbished for a range of legal and community uses, including an expansion of court registry services, which will continue on the site and will be expanded to include Koori court and family violence matters.

In addition to these shopfront functions the building will be used for Victorian Civil and Administrative Tribunal hearings and mediation conferences offered by the Dispute Settlement Centre of Victoria. The majority of the building will be effectively handed back to the community, giving it a life beyond its 9.00 a.m. to 5.00 p.m. legal functions.

As chair of the community consultative committee I was gratified to see the level of community involvement and engagement with the project at a very well-attended public forum. I take this opportunity to thank all the members of the community consultative committee and the local community for their respective contributions. I look forward to working with the local community, including the City of Darebin, to ensure that the Preston courthouse will continue to serve our local community in Darebin for many years to come and will provide new and innovative services to the community.

Police: Cowes

Hon. R. H. BOWDEN (South Eastern) — On Friday, 28 July, I went to a public meeting at Cowes on Phillip Island, the purpose of which was to hear the community express concern, dismay and displeasure at the Bracks government's failure to provide adequate policing facilities on Phillip Island and in the area generally. There were approximately 200 people at the meeting, which was one of the largest of its type. As a protest meeting, it was a great success.

I hope police command and the Bracks government understand that the policing resources and safety facilities required for adequate policing on Phillip Island just do not exist. Usually there is one sergeant and two constables who service a lot of the territory, and in the summer and other peak holiday times more than 1.5 million people visit Phillip Island on an annual basis.

The police resources are inadequate. A wide variety of people there are expressing their strong concern about the lack of safety being provided by an inadequate police force. One of the pleasing things is that the police who are in the district are appreciated; their work is well recognised, and they are held in extremely high regard by the community. It is simply a matter of the Bracks government having failed the community in not providing adequate police services.

David Moore

Mr PULLEN (Higinbotham) — Hansard reporter Carolyn Menadue is a proud aunt of one of my constituents, David Moore of East Brighton. David, aged 23, was honoured by the Dominican University of California in having his no. 13 basketball singlet retired. No men's basketball player will ever again wear no. 13 at the university. He was also named co-athlete of the year, with men's soccer player J. P. McCarvel.

David was the first-ever National Association of Intercollegiate Athletics (NAIA) first team all-American in the school's history and set the school's scoring record of 1795 points and the career men's rebounding record of 730. He also holds career records in men's basketball for free throws made, field goal percentage and block shots. From 2002 to 2006 David's team captured the California Pacific Conference title and reached the NAIA national tournament. David joins Jennifer Rogers, who played women's basketball from 1991 to 1995, and McCarvel, who played men's soccer from 2002 to 2006, as the only three Dominican student athletes to have their numbers retired.

David graduated on 13 May with a degree in international management. Congratulations, David, on your outstanding performance!

Warrnambool Surf Life Saving Club: legal fees

Hon. J. A. VOGELS (Western) — A few weeks ago during the adjournment debate in this house I raised an issue relating to the coroner's inquest into the tragic loss of five lives at Stingray Bay at Warrnambool. Following the inquest it was brought to my attention that the Warrnambool Surf Life Saving Club was left with legal bills totalling thousands of dollars. The club was advised by the peak organisation that it would set a precedent if Life Saving Victoria were to meet these costs. Personally I found it unbelievable that the volunteers, who train hard and risk their own lives, would not be compensated for legal expenses on occasions such as this.

I want to congratulate the Minister for Police and Emergency Services in the other place, Tim Holding, and his executive officer, Lisa, for taking immediate

action by, firstly, informing the Warrnambool club that this would not happen and that it would not be out of pocket and, secondly, advising me that the Emergency Services Commissioner will see to it that Surf Life Saving Australia and Life Saving Victoria will develop a clear policy with regard to providing support for the involvement of association members in legal proceedings such as this. Surf lifesaving clubs right across Victoria are very grateful for the minister's intervention and to have this matter cleared up.

Bentons Road–Moorooduc Highway, Moorooduc: traffic control

Hon. J. G. HILTON (Western Port) — This Friday I will be announcing the completion of a roundabout at the intersection of Bentons Road and the Moorooduc Highway in my electorate. I will be accompanied at the announcement by Laura de Lange. Laura's family was involved in a very serious accident at this intersection four years ago. At the time of the accident Laura was driving and her grandfather was seriously injured. The accident was in no way Laura's fault, and although there were no fatalities at the time, Laura's grandfather died some months later.

Karen de Lange, Laura's mother, lobbied me to have a roundabout built at the intersection. I was pleased to take her concerns to VicRoads, and eventually a decision was made to build a roundabout, which, as I have said, has now been completed. I would like to compliment Karen. She used an incident which was very traumatic for her family to improve the safety of all residents and visitors to the Mornington Peninsula. To use a personal tragedy to benefit other people is what makes our society the caring and compassionate one that it is.

I would like to congratulate Karen for her initiative and persistence. I know she will be very pleased with the final outcome.

Possums: control

Hon. C. A. STRONG (Higinbotham) — In my electorate of Higinbotham at the moment spring is coming. You look at all the trees and you see buds coming out everywhere. It is a very nice time, except that the possums are now starting to strip those buds off those trees. In Bayside possums are an absolute menace. They are destroying the whole green fabric of that society, and as soon as these trees and other plants come into bloom all their buds are being stripped off them.

I have dealt with this issue before, and the government simply has to do something. There are no natural predators of possums in the suburbs, and their numbers are just growing out of control; they are in plague proportions. If the government wants Victoria to maintain its nice gardens and trees, there is a necessity for it to do something about the possum plague. There is no question that too many of our shrubs, plants and trees are being killed by these pests, which are fundamentally out of control. This is not a laughing matter; something needs to be done to deal with the possum plague.

Federal government: detention vessel

Hon. H. E. BUCKINGHAM (Koonung) — The federal government has indicated a move back to 19th century penal conditions with its announcement last week that it has placed a tender for a $10 million annual lease for a purpose-built prison ship to incarcerate illegal fishermen and asylum seekers who are intercepted in Australian waters. Yes, prison hulks are back! It sounds like a Dickens novel.

The detention vessel will be fitted with a 12.7 millimetre deck-mounted machine gun and space for 30 detainees. I remind members of this house that these detainees could well include children. Will these children's rights and conditions be protected by Australian laws as they float around in international waters?

This is overkill. We do not need a return to prison hulks; we need a full-time Australian coastguard to police our waters and to protect them from illegal fishermen, and a system that processes asylum seekers and refugees here in Australia, thereby affording them the protection of Australian law.

The federal government is ill-advised and wrong to constitute this Dickensian policy. It should establish a permanent coastguard, as is the federal Labor Party policy, and treat all asylum seekers humanely, including children.

Victorian Council of Social Service: 60th anniversary

Mr SCHEFFER (Monash) — Last week the Victorian Council of Social Service marked the 60th anniversary of its establishment in 1946. It was a great pleasure to attend the VCOSS 2006 conference last week and especially to listen to addresses from professors Hayden Raysmith and Alison McClelland on the history of this exceptional community sector organisation.

Since its inception VCOSS has advocated on behalf of citizens in need who have not shared fairly in the wealth of our community. The effectiveness and strength of VCOSS lies in the quality and rigour of its research. Members will have received a copy of the *Building a Strong and Fair Community — Call to Political Parties*, which VCOSS prepared for the November elections. This document, together with those that preceded it, including *The Human Right to Housing in Australia*, *The Bulk-Billing Crisis — A Victorian Perspective* and *A Vision for Greater Melbourne's Transport*, demonstrate the breadth of original thinking and research and a clear understanding that the wellbeing of vulnerable citizens depends on access to services as well as personal income.

Besides contributing strongly to public policy on health, housing, culturally appropriate service delivery, education and training, disability, energy, water, transport, access to justice and human rights, racism and discrimination and taxation reform, VCOSS is also a tough political operator and has earned the respect of all political parties.

I would like to pay tribute to the work of VCOSS President, David Pugh, board members and staff led by the chief executive officer, Cath Smith, and to the generations of past board members and staff who have collectively made VCOSS the great community sector institution that it is.

Vietnam War: Long Tan commemoration

Mr SMITH (Chelsea) — I draw the house's attention to a TV series on the History Channel, which is a pay-TV channel. The series is named *Vietnam*, and tonight it will show the story of the battle of Long Tan. This battle is now burnt into the annals of Australian army history. It was an unbelievable victory against the odds, against a truly formidable foe. The story will include interviews with numerous survivors, and I am sure anyone watching will find the episode both gut wrenching and thought provoking.

In today's troubled times in the Middle East, North Africa, Sri Lanka, the Philippines and Indonesia, particularly East Timor, we are reminded that our freedom is not God given and that we will always depend on the courage and professionalism of our armed forces.

On Sunday the RSLs around this state are conducting ceremonies commemorating the battle of Long Tan, and I encourage all members to contact their respective RSL for details and, where they can, attend and pay their respects.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — I extend my congratulations to the Save the Food Bowl Alliance led by its chairman, Cr Peter Crisp, the Mildura Rural City Council and the whole community for their efforts in both attending panel hearings and taking the time to present submissions to the panel to state the case against the siting of a toxic waste dump at Hattah-Nowingi.

I know thousands of hours have been spent by concerned residents, growers, business owners and others affected by this proposal, in submitting written, verbal and visual presentations. The commitment shown by this community through sacrificing its time to attend panel hearings, and the research and hard work put into presenting submissions, is staggering. Congratulations are in order.

A community united is strong, and I believe the panel has been left in no doubt that the community is not prepared to roll over on this issue. Community members supporting each other has proved to be a formidable force. We have seen the emotion of families who, under great pressure and through no fault of their own, stand to lose — in some cases — the efforts achieved by entire generations in blood, sweat and tears. We have heard world-class local business people say what it is really like out in that tough and discerning marketplace where the slightest suggestion that our clean green image is under threat will see those markets simply walk away and buy somewhere else.

It has been a tremendous effort by the whole community. I would like to sincerely thank and congratulate every single person who has opposed this flawed proposal to site a toxic waste dump in the Mallee.

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE

Building new communities

Ms ARGONDIZZO (Templestowe) presented report, including appendices, together with minutes of evidence.

Laid on table.

Ordered that report be printed.

Ms ARGONDIZZO (Templestowe) — I move:

That the Council take note of the report.

I would like to, firstly, thank the committee staff: the executive officer, Mr Sean Coley; the research officer, Mr Keir Delaney; and the office manager, Ms Natalie-Mai Holmes. The staff worked tirelessly in preparing the report and preparing it within the appropriate time.

The report has 40 excellent recommendations which I will not go through; members can read through it themselves. They are very practical recommendations that we hope will eventually be taken up and adopted as government policy. I note one of the recommendations on mentoring programs, which is a favourite of mine, has already been adopted by the Minister for Employment and Youth Affairs in the other place, the Honourable Jacinta Allan. Some funding has been provided to an organisation in the electorate of the member for Richmond in the other place for a new mentoring program. I am very pleased about that. It was one of the recommendations I thought was very innovative and worth while taking up.

The report is about building stronger communities in our rapidly growing outer metropolitan areas. The committee looked at a whole range of municipalities in the outer areas and found that communities are not just about housing and urban design, but about giving people a sense of their community and encouraging them to engage within their community in order to develop a stronger, more resilient community for themselves and their families. We would like to see that occur in a range of outer suburbs with the provision of services and perhaps financial capacity being made available.

The committee looked at a range of issues which are detailed in the report, such as community engagement, community groups, volunteering, neighbourhood houses, lifelong learning, mentoring, partnerships and community cohesion in periurban areas. There is a good description and explanation of all those issues in the report. It is an excellent report. I hope that members take the time to read it. I again thank the staff and also the committee members who participated in the report. It was a very friendly committee with lots of participation and cooperation.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 8 of 2006, including appendix.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Asset Confiscation Operations — Activities Summary and Report to Attorney-General, 2004–05.

Eastlink Project Act 2004 — Order in Council of 12 July 2006 pursuant to section 7(6) of the Act.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 154/2005.

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

Ararat Planning Scheme — Amendment C7.

Bayside Planning Scheme — Amendment C39 Part 1.

Casey Planning Scheme — Amendments C76 and C87.

Central Goldfields Planning Scheme — Amendment C9.

Greater Bendigo Planning Scheme — Amendment C83.

Greater Shepparton Planning Scheme — Amendment C66.

Kingston Planning Scheme — Amendments C33, C57 and C61.

Knox Planning Scheme — Amendment C53.

Melbourne Planning Scheme — Amendment C119.

Mildura Planning Scheme — Amendment C36.

Moonee Valley Planning Scheme — Amendment C72.

Moyne Planning Scheme — Amendment C3.

Murrindindi Planning Scheme — Amendment C14 and C18.

Stonnington Planning Scheme — Amendment C49.

Strathbogie Planning Scheme — Amendment C34.

Whittlesea Planning Scheme — Amendments C37 and C78.

Wyndham Planning Scheme — Amendments C65 and C77.

Yarra Ranges Planning Scheme — Amendments C34 and C54.

Statutory Rules under the following Acts of Parliament:

Administration and Probate Act 1958 — No. 90.

Consumer Credit (Victoria) Act 1995 — No. 95.

Rail Safety Act 2006 — No. 96.

Retirement Villages Act 1986 — No. 93.

Second-Hand Dealers and Pawnbrokers Act 1989 — No. 94.

Subordinate Legislation Act 1994 — No. 92.

Supreme Court Act 1986 — Nos. 97 and 98.

Zoological Parks and Gardens Act 1995 — No. 91.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 91, 92 and 97.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 75, 76, 93, 94 and 95.

Water Act 1989 — Katunga Water Supply Protection Area Groundwater Management Plan 2006.

The following proclamations fixing operative dates were laid upon the Table by the Clerk:

Rail Safety Act 2006 — Section 147 — 25 July 2006 — Remaining provisions (except sections 122 and 123) — 1 August 2006 (*Gazette No. S181, 25 July 2006*).

Transport Legislation (Safety Investigations) Act 2006 — 1 August 2006 (*Gazette No. G30, 27 July 2006*).

Victoria Racing Club Act 2006 — 1 August 2006 (*Gazette No. G30, 27 July 2006*).

Water (Resource Management) Act 2005 — Remaining provisions (except for sections 58 and 69) — 3 August 2006 (*Gazette No. S191, 2 August 2006*).

HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Mr GAVIN JENNINGS (Minister for Aged Care).

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

That the bill be now read a second time.

Incorporated speech as follows:

The main purpose of this bill is to enhance the protections offered to residents of supported residential services (SRSs). It is part of this government's commitment to protect the vulnerable in our community — in this case, the 6800 residents living in approximately 200 privately owned and operated supported residential facilities across the state, and receiving special or personal care. Many of these residents are frail and aged or made vulnerable by a psychiatric or other disability.

Other provisions in this bill will help streamline the processes used by the Secretary of the Department of Human Services to process the registration of proprietors, and will ensure that on those unfortunate occasions when an administrator must be appointed to a supported residential service to ensure the care of residents, sufficient time is allowed for the necessary work to be done.

Notice of closure

Residents of supported residential services are entitled to a sense of security and to be treated with dignity and respect, and the government is committed to developing and enhancing the security and wellbeing of these residents.

The requirement to give notice of impending closure of a supported residential service is a positive step in this direction. It is clear that the unexpected closure of a supported residential service for reasons outside the control of residents often creates great anxiety and distress for residents and their families. When a supported residential service closes, residents must find alternative accommodation, and they will often ask for the help of the department. In addition to considering care needs, the department must take into account the resident's friendships and connections with the local community. Finding the right place for residents therefore takes time. This bill will provide a requirement for a proprietor to give at least 28 days notice of impending closure. Of course, it is hoped that a proprietor would give as much notice as the circumstances permit.

Financial protections

The second set of changes introduced by this bill is designed to place further controls on the management of money and other assets of residents.

I would like to emphasise that, for the most part, those involved in the SRS industry are ethical, compassionate people, who have the residents' interests at heart.

Unfortunately, however, there are some sharp operators whose activities, if left unchecked, will disadvantage residents and bring the whole industry into disrepute.

The financial protection provisions of the bill focus on two areas — the day-to-day management of money of a resident; and other transactions between proprietors and residents, which fall outside the scope of accommodation and service agreements expected in a supported residential service.

This bill will curtail some unscrupulous practices by proprietors and by close associates of the proprietor. The definition of 'close associate' introduced by the bill captures the immediate family of an individual proprietor or director of a proprietor company and of that person's spouse or domestic partner, as well as agents and employees.

In the area of day-to-day financial management, the current provisions of the act have been redrafted and strengthened.

The provisions of the bill will make it clear that a proprietor may only manage the money of a resident with the written consent of the resident or his or her administrator. The bill clarifies the distinction between money of a resident and money received by the proprietor to pay for the fees and expenses in providing accommodation and services.

The maximum amount of money per resident that may be managed at any one time is already prescribed by regulation. At present, it is set as the equivalent of one month's accommodation fees. In addition, the bill makes it clear that where a proprietor is authorised to manage the money of a resident, the proprietor must provide proper written direction to any employee handling or dealing with the resident's money.

The bill goes further to prohibit close associates of the proprietor, such as the proprietor's spouse or children, from managing or controlling money of a resident. Proprietors and close associates are also prohibited from accepting appointments as an administrator or guardian for any resident of the SRS.

Prohibited transactions

The second area of financial protection relates to transactions between a proprietor and a resident that take advantage of a resident's vulnerable position in a supported residential service.

Unfortunately, through the actions of one or two proprietors and/or their staff, it has become necessary to introduce prohibitions on certain kinds of transactions between residents and proprietors or their close associates, which an ethical person would easily recognise are not in the best interests of those residents.

The new provisions prohibit proprietors and close associates from accepting gifts from residents. The prohibition will not extend to small gifts such as flowers or chocolates, provided their value is below the prescribed amount. It will cover any gift above the prescribed amount, which is presently set at $100, regardless of the circumstances of the gift.

Proprietors and close associates will also be prohibited from either acquiring real or personal property from a resident at less than full market value, or from selling property to a resident at more than its market value. These prohibitions will apply regardless of the circumstances of the transaction.

Other kinds of transactions with a value of more than the prescribed amount, such as loans, are prohibited unless they are made with a written agreement. Transactions exceeding $500 require the resident or the resident's administrator to obtain prior independent legal or financial advice. The new prohibitions do not apply to transactions relating to the provision of accommodation and special or personal care to the resident.

Reportable transactions

The bill will permit a proprietor or close associate to enter into full market value transactions with a resident involving real or personal property, provided the transaction is reported to the secretary of the department in the manner prescribed. This will require provision of any written agreement about the transaction, and if the value of the property exceeds the prescribed amount (set for now at $500), provision of evidence of the market value of the transaction, and evidence of independent legal or financial advice obtained by the resident or the resident's administrator.

Any transaction with a proprietor or close associate involving real or personal property will be subject to a cooling-off period for the resident of five days, during which time the proprietor or close associate must not enter into any transactions with respect to that property.

Proprietors and close associates who enter into transactions with a resident in contravention of these provisions will face substantial fines of 240 penalty units, and the residents with whom they transact will have specific rights to recover from them the transacted property or its value, in addition to any other remedies the resident may have.

There is an additional obligation on proprietors to notify the secretary of the department of any prohibited transaction of which they become aware, which is undertaken by a close associate, even if the proprietor has no personal involvement with that transaction.

Residential statements

The government has also included new provisions in the bill dealing with residential statements, which are written statements containing information about care and accommodation, that proprietors are obliged to prepare on the arrival of each resident. The new provisions are designed to ensure that the residential statement produced by the proprietor of a supported residential service is consistent with a resident's rights, entitlements and obligations under the act. In a dispute between a resident and a proprietor about the terms and conditions under which the resident occupies a place in the SRS, the resident will be able to rely on the information in the residential statement. This will be so even if the proprietor can produce a contract that contains terms inconsistent with the residential statement.

A proprietor should therefore only make residential statements that comply with that proprietor's obligations under the law, and the proprietor will be obliged to honour the residential statement.

Care plans

The current act requires the preparation of an interim care plan within 48 hours of admittance to the SRS, and an ongoing plan to be prepared within 30 days of admittance. The care plan sets out the immediate health and special care needs of residents, as well as the services they will receive in the SRS. There is an existing obligation on a proprietor to carry out an ongoing plan. The bill introduces an obligation to implement the interim plan also.

Administrator appointments

In recent years there have been a number of occasions when it has become necessary to appoint an administrator to a supported residential service to ensure that the interests of residents are protected. An administrator can be appointed because the proprietor asks the minister to do so, or because the minister considers it to be a necessary action. During the period of administration, the administrator must run the business, with a focus on ensuring that the care needs of residents are met.

In some administrations, the only practical outcome is the closure of the business and relocation of the residents to other facilities. In other cases the best outcome, from all perspectives, may be the sale of the business as a going concern. The negotiation and sale of a business takes time, however, and settlement cannot always be achieved within the 90-day time limit currently provided by the act. This bill extends the time limit to 180 days and allows the minister to further extend the period if required. As before, decisions by the minister to appoint an administrator are reviewable to the Victorian Civil and Administrative Tribunal. This bill also introduces a right to seek a review of a decision to extend the period of appointment of the administrator.

Applications to the Secretary of the Department of Human Services

The Secretary of the Department of Human Services considers a variety of applications relating to the registration of a supported residential service. These include applications for approval in principle to operate a supported residential service, applications for registration and applications for renewal or variation of registration.

The bill introduces provisions that will expand the range of matters to be considered with respect to each type of application and provide some consistency in how the relevant factors are considered.

Central to each kind of application will be the financial capacity of the proprietor to operate a supported residential service and consideration of whether the proprietor is a fit and proper person to conduct a supported residential service. This will include consideration of matters such as any illegal or improper conduct and the proprietor's character and reputation. This will mean, in relation to an individual proprietor, that he or she is a fit and proper person to run a supported residential service. If the proprietor is a company, each of the directors of the company will be required to be fit and proper persons. The structure of the new provisions will eliminate any doubt about what is being assessed.

The bill also introduces some new considerations. An issue that is related to the applicant's financial viability and the successful operation of the supported residential service is the proprietor's security of tenure over the premises. In many supported residential service facilities the proprietor does not own the freehold to the premises. The proprietor's ability to offer security of occupation to residents is therefore contingent on the proprietor having security under a lease on reasonable terms. The secretary will therefore be able to take into account, where appropriate, the duration and terms of the lease the proprietor holds.

The bill introduces a new set of matters the secretary may take into account where the applicant has an association with another health service establishment.

If the applicant, or a director of an applicant company, has had an association with another health service establishment, the secretary will be able to consider aspects of the performance of the other health service establishment, such as its management of complaints and financial performance, to the extent that the applicant was involved in these matters. The secretary will also be able to consider the applicant's compliance with reporting requirements and whether the applicant has carried on the other establishment in accordance with the act. The secretary will also be able to take into account whether the applicant has been found guilty of an offence under the act with respect to another health service establishment, and the likely impact on the applicant's capacity to operate the other establishment.

As a result of the changes proposed by this bill, we can expect to see a more robust framework of protection to vulnerable residents of a supported residential service. At the same time, as a result of these measures the integrity of the industry will be enhanced.

Honest and ethical proprietors will need to make few, if any, changes to the way in which they conduct their business. They will continue to provide the same care and attention that is valued and appreciated by residents and their families.

Those few proprietors who have previously taken unfair advantage of residents in their care and whose practices do not meet the required ethical standards can expect to make significant changes to the way they operate, or face a limited future in the industry.

The government is committed to achieving a balance between the rights of vulnerable people in our community and the responsibilities and obligations imposed on supported residential service proprietors. The provisions of this bill achieve this balance.

I commend the bill to the house.

Debate adjourned for Hon. D. McL. DAVIS (East Yarra) on motion of Hon. E. G. Stoney.

Debate adjourned until next day.

LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

The CHAIR — Order! Mr Strong, to move his amendment 1 which, along with his amendment 2, serves to test amendment 3.

Hon. C. A. STRONG (Higinbotham) — I move:

1. Clause 5, page 7, lines 9 to 12, omit all words and expressions on these lines and insert —

"(b) by the Minister on behalf of the employee.".

I will explain to the house the purpose of amendment 1, which amends clause 5. Clause 5 inserts section 88, which provides for civil penalties. The bill provides in essence that if there is a contravention by an employer of the various provisions of the act then there is not an offence in the normal sense. However, a court can

impose on an employer civil penalties up to $10 000. In other words, if an employer contravenes the provisions he can be sued for damages, as it were.

Clause 5 sets out who will be able to bring such an action for damages. Proposed section 88(2) provides:

> An application for an order under sub-section (1) may be made —

and then it lists three people —

> (a) by an employee …

You would expect that, because if an employee has been damaged you would expect that they would be able to bring an action. Then it provides:

> (b) at the request of the employee, by an organisation of which the employee is a member, or eligible to be a member …

In other words, that is a union. Then it provides:

> (c) by the Minister.

In summary, my amendment 1 amends that clause by removing paragraph (b), which provides that a union will be able to bring an action, and reduces that subsection to providing simply that an employee or the minister can bring an action.

For the sake of clarity, I move:

> 2. Clause 5, page 7, lines 13 to 18, omit all words and expressions on these lines and insert —
>
> "(3) A court that imposes a penalty under sub-section (1) must order that the penalty be paid to the employee.".

This amendment amends proposed section 88(3), which provides that the court can impose a penalty or award damages, as it were:

> (a) to a particular person or organisation —

who brought the action. In other words, a particular person or the union can be awarded a penalty. It also provides that the penalty can be paid:

> (b) into the Consolidated Fund.

My amendment 2 proposes amending that subsection so that it will provide that the only person who can be awarded a penalty is the employee, so that no penalty can be awarded to a union or be paid into the consolidated fund.

The amendments simply make a change that indicates that members of the opposition believe that it is inappropriate that, one, a union can bring an action and, two, a union can be awarded a penalty. The penalty, or damages, should go to the employee rather than to a union or be paid into the consolidated fund.

If we turn to my first amendment, it seems to us that if somebody is damaged and there is a penalty to be awarded, then obviously the person who is damaged — namely, the employee — should quite clearly be able to bring an action. That person, the employee, can quite clearly employ legal counsel or anybody else to represent him. He often does, and you would expect him to. We have no problem with anybody being employed to represent an employee — in other words, to run a particular case for an employee. Alternatively if an offence has been committed, it is quite reasonable and proper, and we see no problem with it, for the minister to bring an action for damages. What we see as rather odd is for the union to be able to run a particular action. This is not the union running the action on behalf of the employee, it is the union running the action — period — as if it stands in the place of the minister, who can run it under the act. We have a very unusual situation here in our view where the union can actually take an employer to court for damages not on behalf of the employee but in its own right — not acting for the employee but standing in the place of the employee.

We all know that if you go back into history, you find that the Labor Party's roots are that it was established by the union movement to represent it in Parliament to bring about changes to the law on behalf of the union movement. I must say that to the credit of the Labor Party it now looks not only to help the union movement, it looks in many cases to help the community at large. This seems to us to be a little bit of a throwback to the old days with the Labor Party/the government here representing the union movement rather than people at large. I believe it is totally inappropriate for the union movement to stand in the place of an employee. It is fair enough for the union movement or anybody else to represent an employee but certainly not to stand in the place of an employee. My amendment 1 simply changes this current situation as to who can bring a case. At the moment it is the employee, the union movement or the minister. The amendment simply changes that so that those who can bring a case are an employee or the minister.

Amendment 2 simply deals with who then will get the award of damages, if an award is made. The way the bill now stands those who can get damages are the employee, who was presumably damaged, the union movement or the consolidated fund. Our amendment amends that to say that the person who can be awarded

damages is the employee who in fact suffered the damage. That is the essence of my amendments.

Before I sit down I must deal with one other issue that came up in the second-reading debate. I cannot let the comments of Mr Viney pass without comment. In his normal left-wing ideological rant he took every opportunity he could to call anybody who had a view different from him some sort of troglodyte or person who had no feelings for the rights of employees. That is totally incorrect. Unfortunately Mr Viney often goes off on these ideological rants. He also asserted that under the federal WorkChoices legislation workers had their long service leave rights stripped away. We all know that is totally false, because in this house we have passed many long service leave bills and regulations. Long service leave is established by state statute, and nobody's long service leave rights have been stripped away by the federal government's WorkChoices legislation. Those rights have been established by this house, and this house has not taken them away. I want to put on record that Mr Viney got carried away with his ideological rant and the truth got lost somewhere.

Very simply that is the thrust of the amendments I have moved. Those two amendments will test amendment 3, which carries out similar changes to other clauses of the bill.

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank the Chair for the opportunity to respond, perhaps not necessarily in sequential order, to the issues that were raised by Mr Strong. I hope I will respond substantively to each of those issues. His amendments go to alterations to proposed section 88, which relates to penalties. It provides who can bring actions before the courts and what actions may be available to a court in making determinations about any financial remedies that it may give to applicants who pursue claims before it.

The matters referred to in proposed section 88, in terms of the sanctions and provisions for the payment of those remedies, relate to the preservation of long service leave entitlements and ensuring that the entitlements that have accrued under the provisions of state acts have been preserved. They also relate to certain obligations to declare any changed circumstances in the employment relationship where, due to the application of an employer's choice to move to a different term of engagement through workplace agreements that are available to the employer under WorkChoices, there may be adverse impacts upon long service leave entitlements. The provisions ensure that there is appropriate disclosure of any variation to the level of those long service leave entitlements. Proposed section 88 relates to situations where an employer may have sought to change those circumstances without declaring them if there was a change in the nature of the preservation or if the worker's employment had been terminated unfairly prior to receiving long service leave entitlements.

The government's action in introducing the bill at this point in time acknowledges the potential for changed circumstances, although Mr Strong has given a very positive interpretation of the way employers may choose to act under WorkChoices. The government is perhaps a little more cautious about that and is trying to ensure that there are no excesses in the workplace and that long service leave entitlements are preserved. The government strongly believes — it does relate somewhat to philosophy or political persuasion, and it certainly relates to its policy position — there needs to be an organisational capacity to bring matters before the courts if that is warranted in circumstances where employees or classes of employees may be adversely affected by these arrangements.

Through this bill the government has allowed for an adversely affected employee to bring an action, or for an organisation — most likely a union — representing the interests of an employee to bring an action or indeed for the minister to bring an action. Clearly the government is of the view that it is appropriate, given the gravity of these situations, that there be appropriate capacity in the hands of unions and the government to bring these matters before the court. It is a matter of philosophy, politics and policy, and in practice the government will not agree to the proposal put by Mr Strong, because it believes the variety of options available under the provisions of the existing bill should be maintained. That relates to amendment 1.

The subsequent amendments, which deal with the ways in which the court may distribute the financial remedies to the applicant, relate to the government's view that there needs to be flexibility about the payment regime, because it is custom and practice within courts in Victoria to award financial remedies in these sorts of cases to the applicant. Depending upon who the applicant is — whether it is the employee, the union or the government — there should be avenues for the penalties to be paid through at least three different streams.

The government clearly understands and has the expectation that the beneficiaries of these remedies should in almost every instance be the employees. In fact, that is the government's clear expectation with these matters. Given the practice of the court being able to use its discretion, and that discretion usually being

exercised by the awarding of financial sanctions to the benefit of the applicant, the government believes, given that it is supporting a three-tiered approach to applicants coming forward, that an equivalent number of avenues should be available for those payments. The government rejects the amendments foreshadowed by Mr Strong.

Hon. W. R. BAXTER (North Eastern) — The committee will be aware that The Nationals oppose this legislation. We opposed its second reading because we believe it is unnecessary, but having lost that vote I am now placed in the position of having to decide upon this amendment. I have listened to Mr Strong's argument and I have listened to the minister's response, and on balance I have to say that I will go with the amendment. Mr Strong quite cogently argued that it should really be for the employee to run the case, or for the minister to run the case on behalf of the employee, and that if a penalty is imposed against the employer, it is the employee who should enjoy the fruits of that decision.

The minister has said — with some validity, I will acknowledge — that it could well be that the union is running the case and the courts might decide, as they do on occasions, that the applicant is the one who will enjoy the fruits of the decision. Yes, that is probably true in a lot of cases. But is it a precedent that is worth setting by this example? By opening up the prospect of a union being able to generate some income, so to speak, by actively going out and endeavouring to run these sorts of cases without perhaps having too much regard to the interests of the particular employee but using the employee's alleged experience with an employer as a reason for running the case, are we potentially opening up some sort of Pandora's box that might lead to a lot of unnecessary litigation?

Such litigation would probably be unsuccessful in most cases if unions took it upon themselves to run it in that circumstance, but in the process a union could put the employee who has allegedly been adversely affected through a lot of angst and grief, particularly if they were being used as a pawn, so to speak, in some sort of attempt by the union to win a case so that it might benefit from any award for damages that the court might make.

As I believe the whole concept of this bill is totally unnecessary anyway, on balance I think there are some dangers in a provision which could be misused by an industrial organisation, a union. One would have to say that the unions do not have clean hands in this respect. They are not beyond using workers as pawns in industrial games. I do not see there is any advantage in the bill as it stands, but I think there are some safeguards in Mr Strong's amendment, and I will support it.

Mr GAVIN JENNINGS (Minister for Aged Care) — I say to Mr Baxter that if the committee stayed here overnight I would not be able to convince him to change his view, as it is determined on this matter. However, a — —

Hon. E. G. Stoney interjected.

Hon. David Koch interjected.

Mr GAVIN JENNINGS — I do not know that members of the committee really want me to try. However, I can say that it is the firm view of the government that it does not want to give any support or encouragement to any vexatious or adventurous litigation in Victoria, and it would not give any encouragement to any industrial organisation which may entertain using these powers inappropriately. In the interaction between the government and the trade union movement we will be giving a very clear message on that front.

However, having said that, we have confidence that these organisations will act appropriately, and in fact we would be very happy, as the sponsors of this bill and its subsequent administrators, if the provisions of the bill are never called upon. We would hope that there would be constructive and productive workplaces in Victoria that would not see entitlements diminish, as Mr Strong and Mr Baxter have perhaps suggested may be the case in the substantive arguments they have put before the committee.

Hon. C. A. STRONG (Higinbotham) — I thank the minister for his response. One of the things that was said in the second-reading debate is that it is very difficult to see who is going to be the beneficiary of this piece of legislation, because the people who can potentially be disadvantaged really cannot be named by anybody, and it is certainly not expected that there will be very many. I share the minister's view that the chances of these provisions being used are probably extremely slim. However, I think the bill sets a precedent which is unfortunate, because the normal process for an action for a breach of legislation is that it is brought by either the person who is damaged or by the Crown as the body representing the drafters of the legislation.

It is unusual, and I believe it ought to be totally discouraged, that a third party can stand in the place of the applicant or in the place of the government. Although the minister highlights the fact that he will not entertain this amendment, I must say that members

of the opposition find it very strange that the government should want to change the fundamental concept of law that those who can bring a case are the aggrieved party or the state by including another party that can stand in the place of the person who may be aggrieved. That is particularly so when that party is a union, and quite clearly a large proportion of the population would question whether the issue is being treated fairly. Although members on the other side of the house may think unions are lilywhite, a significant proportion of the population does not agree with that proposition, therefore it is unfortunate to have the insertion in the legislation of such a potentially partisan body. With those few comments I will conclude my remarks.

The CHAIR — Order! In relation to Mr Strong's amendment 1, which along with his amendment 2 serves to test his amendment 3, the question is that the words and expressions proposed to be omitted stand part of the clause.

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

Ayes, 19

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Pullen, Mr (*Teller*)
Darveniza, Ms	Scheffer, Mr (*Teller*)
Eren, Mr	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	

Noes, 17

Atkinson, Mr	Forwood, Mr
Baxter, Mr	Hadden, Ms
Bishop, Mr	Koch, Mr
Bowden, Mr	Lovell, Ms
Brideson, Mr	Rich-Phillips, Mr (*Teller*)
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr (*Teller*)	

Pair

Viney, Mr	Hall, Mr

Amendment negatived.

Clause agreed to; clause 6 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

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

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 19 July; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. DAVID KOCH (Western) — In speaking to the Gambling Regulation (Further Miscellaneous Amendments) Bill it is important to note that it has two principal parts. The first amends the Gambling Regulation Act 2003 in relation to the management of public lotteries and industry confidentiality. The second consequentially amends the Tobacco (Amendment) Act 2005 by repealing section 28 of that act.

The bill deals with four principal issues. The first is the prevention of lottery ticket sales to minors. The second is ensuring that rules are made available for football and soccer lotteries. Both football and soccer are large recreational sports in which punters want to be involved, especially at the national and international levels, as was typified by the recent World Cup soccer final and the ongoing support for the Australian Rules code of football and the Australian Football League (AFL). The third issue is the introduction of new regulations for public lottery licences to allow the minister to appoint a temporary licensee to ensure the continuity of lottery activities where a current licence may have been suspended or even cancelled. The final issue is putting in place confidentiality provisions that will allow certain persons the privilege of not disclosing confidential information to other parties or even in a court of law.

Not for the first time we see amendments which may appear on the surface to be insignificant but which are

really part of what should be regarded as some of the most substantial legislation ever introduced into Parliament. It is all hidden in the small print beyond new section 10. It applies to the issue of confidentiality and the new powers the minister is proposing to afford himself. The Liberal Party is strongly opposed to the latter part of the bill. We see that a precedent is being put in place which will give the minister of the day or those associated with his office an opportunity to be beyond the reach even of a court of law in this state. Also, clause 7, which inserts new section 5.3.7A, gives the minister the power to reject recommendations from the Victoria Commission for Gambling Regulation when issuing licenses.

The bill introduces new definitions for the AFL footy tipping competition and for soccer pools. We can only hope that the results achieved are better than the disastrous foray into lotteries when TipStar was introduced. It is a loss maker of quite some proportion, having accumulated losses exceeding $10 million.

It is also important to revisit the opportunity for minors to purchase lottery tickets. In the past this has not been easy to control, and many lottery outlets have been penalised for unwittingly making sales to minors. The legislation provides for the further control of situations where under-age persons may purchase tickets on behalf of parents waiting in cars parked outside lottery outlets or even have tickets purchased on their own behalf by adults. The legislation unfortunately does little to combat the purchase of lottery tickets electronically. Sometimes under-age persons gain access to passwords or personal identification numbers (PINS), including those of their parents, and make purchases electronically. This has not been addressed in the bill. We believe that is an oversight and should be further investigated.

Importantly our major concern with this bill relates to the confidentiality clauses that will prohibit regulated persons from producing documents or privileged information to the courts. There is little doubt that this will undermine the confidence of Victorian lottery licensees to the extent that it may threaten their viability. This is something the Bracks government can ill afford to do, having now become extremely reliant on the gambling dollar to underwrite its annual revenue streams.

Gambling, especially gaming, has come a long way in its short history here in Victoria. Originally introduced in the dying days of the Cain-Kirner government as the saviour — or panacea — to its financial mismanagement, gambling licences in Victoria have afforded the underwriting of many state budgets. But not without grief, especially to those who have been unfortunate enough to be lured into problem gambling habits. As time has gone on problem gambling appears to have become the scourge associated only with gambling on gaming machines. I might add that problem gambling is not quarantined to gaming activities. I can assure the house that it is still ongoing in the arena of wagering, which is historic, and of course this is a problem that still exists and continues to need addressing.

Although Victoria had lotteries well before there was any thought of gaming licences being introduced, a consequence of their introduction has been a rapid growth in the gaming and gambling industry. The historic lottery business was introduced to Victoria in the early 1950s by a Labor government under the leadership of John Cain, Sr, under the business entity of the estate of the late George Adams. Tattersall's, the estate's trading name, has remained the sole lottery business in Victoria for the past 35 years. During the last 15 years and from the early 1990s annual lottery turnover was consistently of the order of some $850 million. As we know, margins in the lottery business were never seen as enormous, and only some $15 million was distributed annually to beneficiaries of the then estate.

The legislation before the house today is principally about gaming machines and where they have gone over the last 15 or so years. Originally when gaming licences were introduced to Victoria it was foreseen that some 45 000 electronic gaming machines would be made available. But with the change of government in 1992 the Kennett government wisely imposed a limit of 30 000 machines across the three operators. Crown Casino gained 2500 machines for its Southbank development, with Tabcorp and Tattersall's splitting the balance for their various venues statewide. This saw the other 27 500 machines split further on a 20 to 80 basis between country and metropolitan areas. As the industry has matured we have seen turnover grow to the point where the Tattersall's business has achieved annual turnovers of nearly $14 billion which saw distributions to former beneficiaries of the order of $110 million annually.

Let us not forget that the contribution to state revenue from gaming has also seen similar increases to the point where it is now the fourth-largest revenue stream enjoyed by the state of Victoria behind payroll tax, stamp duty and land tax, making a contribution in excess of over $1 billion in its own right.

Mr Smith — And you want to cut it!

Hon. DAVID KOCH — Thank you, Mr Smith. It is very obvious that we have to do something about our problem gambling. Obviously a cut of revenue may be necessary to achieve that.

The employment opportunities of this industry should also not be ignored or overlooked. We now see many thousands of people working both directly and indirectly in the industry, be it in gaming venues, the casino, hospitality, service industries or in tourism, and this has had an immense impact on rural Victoria where currently gaming facilities for community gatherings and entertainment activities are looked upon as some of our best. Unfortunately one of the downsides as a result of this success is problem gambling. Even after 15 years, successive governments to date have not arrested this ongoing dilemma. Greater financial assistance and the use of further counselling services, 1800 help lines, the support of self-exclusion zones, removing access to machines by dropping the number available in many venues and a more targeted education program for problem gamblers of all gambling entertainments are desperately needed.

But not this government — not the Bracks government! It is yet to return funds as promised to assist in problem gambling, as outlined in its 2002 election platform, preferring to squander them on things like statewide taxpayer-funded self-promotion and adulation in papers, radio and television advertisements.

With new lottery licence renewals imminent and gaming licence renewals likely to be announced in mid-2007, the Bracks government left no doubt in the marketplace and in the minds of the then trustees of Tattersall's — Mr Ray Hornsby, Will Adams, who is a direct descendant of George Adams, Peter Kerr and David Jones; and we acknowledge all these gentlemen are respected in their respective professional fields — that if they wanted to compete for ongoing licence opportunities, Tattersall's would have to be floated off as a public company.

As the process of floating Tattersall's to become Tattersall's Ltd has now been completed, the government and the Victorian Commission for Gambling Regulation have listed five companies that may bid for the right to run these new lotteries and at a later date make application to secure a licence to run and manage gaming machines at various venues.

A couple of factors have come to pass in the public float of Tattersall's which should not be ignored. Firstly, to assist the Tattersall's trustees in the process of moving to a public company the trustees engaged a Sydney consultancy firm, Hawker Britton, to advise on the many discussions necessary, especially in the gaming business, in order that a final outcome could be reached that would gain public financial support for the float.

The key person called in to handle this delicate role was none other than David White, who was seen as having the skills, networks and capacity to assist in and achieve this outcome. As many would appreciate, David White, who supposedly has gained some $1 million in trailing fees for services rendered, was a minister of the former Cain and Kirner Labor governments and certainly has the ear of the current government. We can only assume that the many discussions both with the government and other relevant parties were recorded and that many very sensitive issues were discussed, some favourable and some not so favourable. But as time has marched forward we have read that disagreement is apparent between a current director of Tattersall's Ltd and the former trustees in relation to costs incurred in bringing the float to pass and any entitlements or rewards sought by the trustees in undertaking the public float.

We also recognise and accept that the issue is now before the courts and that a judgment will be made after all the evidence has been submitted in relation to the former trustees' entitlements to corpus commissions in relation to the float. But further, as this case has moved forward, there has been a request by Tattersall's director, Mr Julian Playoust, for all minutes, memos and notes of earlier trustee meetings, financial transactions and statements back until the early 1990s, and indeed earlier than that, due to Mr Playoust's concerns that the former trustees did not have the power to make donations or enter into sponsorships for charitable or philanthropic causes under the original will.

Many people in rural Victoria are aware of the fantastic contributions made by the Tattersall's organisation over the years towards many charities and worthy causes that have assisted in the ongoing wellbeing of so many, especially in the area of aged care accommodation amongst many others. Of course if this request is granted, the government may also have concerns for what is unearthed in relation to recorded conversations or memos of discussions during the period of the public float between the trustees, their consultant, government advisers and even members of Parliament.

Proposed section 10.1.30 of the bill, which is substituted by clause 17, states:

10.1.30 General duty of confidentiality

(1) A regulated person must not —

a regulated person is defined in clause 17 as being the commission, the commissioner, an employee or a member of staff referred to in proposed section 10.1.25 —

> directly or indirectly, make a record of, or disclose to someone else, any protected information acquired by the person in the performance of functions under a gaming Act or gaming regulations.
>
> …
>
> (2) Sub-section (1) does not apply to —
>
> (a) a record or disclosure made in the performance of functions under a gaming Act or gaming regulations; or
>
> (b) a record or disclosure permitted or required to be made by or under another provision of this Division.

Proposed section 10.1.31 entitled 'Disclosure in legal proceedings' states:

> (1) Subject to sub-section (2), a regulated person is not, except for the purposes of a gaming Act or gaming regulations, required —
>
> (a) to produce in a court a document that has come into the person's possession or under the person's control; or
>
> (b) to disclose to a court any protected information that has come to the person's notice —
>
> in the performance of functions under a gaming act or gaming regulations.

Like me, everyone wonders where this is going. Proposed subsection (2) states:

> (2) A regulated person may be required to disclose protected information to a court or produce in court any document containing information if —
>
> (a) the Minister certifies that it is necessary in the public interest that the information should be disclosed to a court; or
>
> (b) the person —

I assume the person could be a consultant, an adviser or any individual —

> to whose affairs the information relates has expressly authorised it to be disclosed to a court.

I rest my case. There is little doubt as to what the minister is up to with these amendments. Proposed section 10.1.34 goes on to describe third-party disclosures which would certainly be seen as a great opportunity to deny the media coverage of information that may well be in the public interest, especially the 27 000 mums and dads who have made personal investments in what was portrayed as an excellent public company.

In closing I would like to briefly mention the proposed exposure of an existing lottery licensee in the event that their licence were cancelled, suspended or surrendered under proposed section 5.3.27, which is inserted by clause 14 headed 'New Division 6 inserted in Part 3 of Chapter 5'. If this bill gets up today the minister may appoint a new licence-holder to run a lottery and direct the former licensee to dispose of the assets of the company to the new licence-holder, be they temporary or otherwise, on reasonable terms — whatever that means, as 'reasonable terms' is not defined — and make available any staff of the former licensee without charge or compensation payable for the loss of any goodwill accrued. This type of thinking is not only unethical but reflects an absolute lack of business acumen and any knowledge of how the real world works. The models used in Queensland and New South Wales are far more preferable and should be further considered for use in Victoria.

The Liberals' concerns and underlying disappointment at the way this bill has been cobbled together with the major purpose of protecting both the minister and this non-transparent government from any accountability is disgraceful and should not be supported in its current form. On those grounds we do not support the bill, and encourage the house vote it down.

Hon. D. K. DRUM (North Western) — The Nationals will not be supporting the bill, but in the same breath I advise the house that we will not oppose it. The Gambling Regulation (Further Miscellaneous Amendments) Bill makes a number of amendments to the Gambling Regulation Act regarding the operation of public lotteries, with confidentiality being one of the major points.

The public lotteries licence review was commenced by the government in the second half of 2004. In November of last year the minister announced that the review had entered its final phase and that a short list of registrants had been invited to apply for up to two public lottery licences. It is expected that an announcement will be made soon as to who will be the successful applicants. There may be a continuation of the single policy we have at the moment with Tattersall's, and the work it does may simply continue.

Under the current review applicants will be able to apply for either a single licence or one of two licences covering specific segments of the lotteries market.

Applicants might go for only certain aspects of the market, or they might go for the whole lot.

The Tattersall's story is a very interesting one. It centres around the figure of George Adams. He was born in 1839 and led a very difficult existence as a youngster; effectively it was hardship that brought his family from England to Australia. He settled in New South Wales but spent a lot of time in Queensland during the gold rush. While it is not necessarily proven, it certainly seems that George Adams made substantial amounts of money during the gold rush in Queensland, and when he arrived back in New South Wales in the late 1850s he had enough money to go into a whole range of ventures over the next five or six years.

It was in the mid-1860s that he purchased a hotel in the Kiama region of southern New South Wales and certainly made a real fist of starting a career as a hotelier. It was only a year or so later that some of his associates offered him a one-third partnership in the Tattersall's Club in Sydney. In those days he did not have the finances to go into such a large establishment, but he was able to borrow the £40 000 against his profit share, and within only a few short years he was able to pay it off. That was the start of the Tattersall's empire. George Adams eventually became the owner and had to find a state that was prepared to open its arms to him and the lotteries he was keen to promote around Australia. New South Wales and Victoria were not overly keen, but Tasmania opened its arms, and the Tattersall's empire was born.

To give the house an understanding of how quickly this industry has grown within the last 15 or so years, in 1989 the Tattersall's empire had a turnover of $855 million, $15 million of which was paid in entitlements to the beneficiaries of the private company. Obviously they are the beneficiaries of the estate of the late George Adams, who passed away in the early 1900s. His will, which is one of the most amazing documents of its kind, effectively leaves his entire estate to a select group of descendents, and they have been reaping the benefits of the Tattersall's empire ever since.

Tattersall's has grown dramatically over the last 15 or 16 years, obviously on the back of the electronic gaming industry. In the 1970s and 1980s electronic gaming machines grew along the New South Wales border, and they were able to spawn some amazing communities at Mulwala-Yarrawonga, Echuca-Moama, Tocumwal, Barooga-Cobram and Wahgunyah, with the machines situated on the New South Wales side of the river. Very small communities were able to grow quite dramatically on the back of the gaming dollar, and sporting fields and other facilities were able to be produced. They have the most amazing sporting facilities in those areas.

Hon. J. M. McQuilten interjected.

Hon. D. K. DRUM — Mr McQuilten said that the golf courses are world class, and they certainly are. The tourism dollars that flowed into those cities provided an enormous income for those communities. Well and truly after any initial advantage has passed the legacy continues, and many of those communities are still reaping the benefits of those years when Victorian money was draining across the border as people were able to partake of gambling in New South Wales. Now we have the situation, which Mr Koch spoke about, where it is just as easy to access gaming in Victoria as it is in New South Wales, because we now have 30 000 electronic gambling machines (EGMs) in the state. Tattersall's takes a 50 per cent share from the 27 500 machines outside of the casinos and Tabcorp takes the other 50 per cent. There is also a 50 per cent machine distribution share between hotels and community-based clubs. There is also the 80:20 split between metropolitan Melbourne and regional Victoria. It is very well regulated; there is a clear delineation between who provides the machines and who gets to have the machines in their premises. That is very clear and well set up.

We now know the Bracks Labor government is receiving well over $1 billion dollars a year in taxable revenue just from EGMs. That is certainly a lot of money. That would not be so bad except that the government, when it was in opposition, was extremely vocal about how it was going to hypothecate the revenue from the electronic gaming machines back to the communities which suffered losses in the first instance. It has not been able to do that in any way, shape or form, and it is effectively using the Community Support Fund as a slush fund for a whole range of line items that have historically been funded through the general budget. The government has left itself a little bit vulnerable and exposed because of its ravings when it was in opposition. We need to keep working hard to make the government realise that it needs to start returning a far greater percentage of the revenue back to the communities that suffered the losses in the first instance.

Some of the concern in relation to confidentiality that Mr Koch spoke about goes to new section 10.1.31 headed 'Disclosure in legal proceedings'. It states:

> (1) Subject to sub-section (2), a regulated person is not, except for the purposes of the gaming Act or gaming regulations, required —

(a) to produce in a court a document that has come into the person's possession or under the person's control; or

(b) to disclose to a court any protected information that has come to the person's notice …

Certainly that is an area of great concern. The bill also defines who a regulated person is. New section 10.1.29 states:

"regulated person" means —

(a) the Commission;

(b) a commissioner;

(c) an employee or member of staff …

(d) the Minister —

The minister has given himself enormous powers. He has the power to prohibit somebody from disclosing legal documents in a court of law. There seems to be no apparent reason for that; the industry is not crying out for these changes. We do not have a legal precedent, nor is the legal sector saying that we need to make these changes. This is something that the government is doing, but it is hard to work out exactly why it is doing it. These concerns around the confidentiality aspects of the law certainly cause The Nationals some concern, although we do not oppose this legislation.

It must be said that the gaming industry is a moving beast at the moment. We need to be very aware that it is changing quite dramatically. The bookmakers, who many of us have seen when we have gone along to the races, are very much a dwindling force. They have had their livelihoods taken away by a diminished turnover. That turnover has effectively moved straight over to the TAB. You now have many more options to have a bet and have some fun, with trifectas and quadrellas and the rest of the range of betting products that the TAB is now able to offer, but the bookmakers simply cannot get through.

That has been one significant shift. There have been plenty of other significant shifts because while the TAB is popular, and far more popular than the bookmakers, its popularity is being eroded by betting agencies such as Betfair, which is now able to offer more products and different products than the TAB. Again we have got this — —

Hon. David Koch — There is no return on product.

Hon. D. K. DRUM — That is a very good point. This is a very real problem. As popularity swings, shifts and goes around, we should be very careful in how we structure our gaming regulations, because while the sector is going to need strong security, we will also need flexibility so that we can swing and move with the changes.

If we look back 15 to 20 years, we see a lot of success resulted from people playing bingo; it generated enormous amounts of money for the community. Bingo seems to have fallen by the wayside and that market seems to have been picked up by the electronic gambling machine (EGM) market. It is conceivable that in a short space of time, maybe 10 to 15 years, the popularity of EGMs could well be superseded by some new form of convenient and easy gambling. We need to be aware of that.

As Mr Koch mentioned, we need to be also aware of the losses to the industry when an organisation like Betfair comes into the market and takes away millions of dollars of turnover from the industry, which is a substantial amount. We need to be very much aware of the potential damage that can cause to the racing industry. We need to have a holistic view of all these things, but when it comes to gaming regulations we need to be aware that gaming is a moving feast.

If you happen to go to any of the casinos around Australia at the minute, you will see there is another change on the way, and that is the popularity of the World Poker Tour. People can tune in to it on their TVs and now, in a very short space of time, there can be seven or eight tables at the casino where people are trying their luck playing poker and trying to emulate the Texas Holdem world poker games. Gaming continues to move and change, and as regulators and legislators we need to be aware of what is going on so that we can put in place flexible legislation that offers security but also offers the very best in probity so that when the people of Victoria want to bet, they will be able to do so with a fair degree of security.

The issue of problem gambling is not really addressed in the bill. However, it is very hard to speak on gambling in this chamber without touching on problem gambling. The Bracks government needs to look deeply at what it has done about problem gambling. In saying that, I feel the government has done very little. It has introduced a raft of what it would call initiatives. It has put restrictions on automatic teller machines (ATMs) so that only a couple of hundred dollars can be withdrawn from certain ATMs. Legislation has been passed requiring gaming venues to alter lighting levels and to restrict advertising — as if that is going to make some sort of difference. The government has required the installation of clocks so that people can see and be aware of what time it is. It talks about possibly changing spin rates and changing spin limits in terms of

the amount of money allowed. There has been a whole range of things.

The Liberals have come up with a policy to take machines out of the system, but the issue we have to deal with — and even the government has started to trumpet them — is smoking bans, which were simply brought in as a health issue and which the government is now trying to say it has introduced as some sort of cutting back on gambling and gaming. We know that is simply not true.

We are employing the most unsophisticated and unscientific approach to trying to treat the problem gambler. We all need to hang our heads in shame because effectively we are doing nothing. Whilst we play around with many little things, they are absolutely miniscule and are not impacting on the problem gambler one iota — and we all know that. We need to be very open and honest about this. There is no science behind taking away 5000 machines. We are not saying it will not work; we are saying that we do not know whether it will have any influence.

Even with all the things that have been done, we need to get deadly serious about this. We need to set up a totally independent department in the same way as the Victorian Drug and Alcohol Association because this is a health problem; it is an addiction and we need to treat it as such. The VDAA is an independent peak body which can collect data, instigate research, get the data in, go through it and put out documents. As an independent body it can recommend a whole range of solutions. Then it is up to the government to either refuse the information or to give it the support it needs. At the moment we do not have an independent body which has access to all the data, and that is something we need to look at very seriously because presently we are not addressing the issue at all.

With those few words, I conclude my remarks. The Nationals understand that there will be a range of changes to the regulatory framework for lotteries. Mr Koch has gone through many of those aspects and they have been well covered. We are keen to make it known that The Nationals will not be opposing this legislation.

Ms MIKAKOS (Jika Jika) — I am pleased to rise to speak in support of the Gambling Regulation (Further Miscellaneous Amendments) Bill, which does two things: it facilitates a new public lotteries licensing framework and it streamlines the confidentiality provisions currently in our gambling legislation. This bill exemplifies this government's approach to responsible gaming and harm minimisation by ensuring that our regulatory regime changes and adapts to changing circumstances.

As members have heard from previous speakers, the current licence held by Tattersall's ends on 30 June next year. The government has short listed registrants that have been invited to apply for a single exclusive licence or one of two licences covering parts of the lottery market in Victoria. The ending of the licence has provided the government with an opportunity to review the regulatory and licensing regime that currently exists and to ensure that it continues to meet contemporary standards of probity and transparency.

The bill is part of a sequence of amendments that followed a review into the public lottery licence system that was conducted in 2004. It follows amendments that were made last year to the Gambling Regulation Act. The bill will ensure that a lottery licensee is accountable and responsible for their actions, as well as the actions of those providing outsourced services. The bill also lists a number of circumstances in which licences can be suspended. It provides for pre-licence implementation, such as advertising and ticket sales prior to the official start of a licence period. It also allows for temporary licences so that another appropriate organisation can take over where a licence has been suspended or cancelled. The bill also enables the Minister for Gaming to issue a public lottery licence to a wholly owned subsidiary of the preferred applicant for a licence, with the approval of that applicant.

The complexities of the lottery licensing arrangements do not provide for every detail to be included in the original agreement. The bill allows the minister to arrange for ancillary agreements, to ensure that things such as intellectual property and such matters can be regulated when the transition to the new licensees occurs.

The Bracks government is committed to openness and transparency in Victoria's gaming industry. This bill provides, for example, that public lottery licences and ancillary agreements will be posted on the Victorian Commission for Gambling Regulation's web site, so that even the technological Luddites on the other side — with the exception of Mr Atkinson, who is currently working on his laptop — will be able to access the documents.

The bill also strengthens offences for licensees or third persons selling lottery tickets to minors. It does not discriminate between sales by the actual licensee or, for example, the distributor of tickets. It does not mean that children will not be able to receive a scratchy on their

birthday from their grandparents; it relates to just the sale and not the use of those lottery tickets.

Another significant part of this legislation relates to the confidentiality regime, which is simplified by the bill. The bill clarifies that the confidentiality regime does not apply to private operators. It will ensure that operators are subject to the same requirements under commonwealth privacy laws that apply to all other corporations. This will mean in essence that the casino operator will no longer be able to seek to rely on the confidentiality provisions in current gaming legislation to refuse to release its own information. Previously the release of information to regulators and law enforcement agencies outside Victoria was a cumbersome process to administer. The changes included in the bill facilitate the exchange of information by streamlining processes between regulators and law enforcement bodies.

I note that in his contribution Mr Drum expressed some concerns about the changes to section 10 which are contained in clause 7. I want to assure him that the bill is very similar to the current provisions in gambling legislation. In essence the main change is that the bill includes a definition of a regulated person. Currently it is possible for information that has been derived through a person's working for the gambling regulators to not be provided in civil proceedings. The provisions will continue under this legislation.

In his remarks Mr Drum also talked about the government's record on responsible gambling. I want to make some remarks on this particular issue because I think that this government can in fact be very proud of its record on responsible gambling in this state. I begin by noting that Mr Drum was very disparaging about the way that the Community Support Fund has been used by the government. I am very pleased that my local community has benefited in many ways from the Community Support Fund. In fact, 85 per cent of the government's gambling taxes — that is, approximately $4.4 billion over the past five years — have been allocated to health and community projects across every region of Victoria. So the Victorian community is in fact benefiting directly through the Community Support Fund by the allocation of gambling taxes to local communities.

In relation to the government's approach to problem gambling, of course funds are allocated from the Community Support Fund to problem gambling strategies. The government's strategy has been to prevent and reduce the harm of problem gambling that results to families and their local communities. In particular I am very proud of the fact that since coming to office the government has tripled the funding for problem gambling services, partnerships and communication. I know that my local service has very much been a beneficiary of the additional level of funding. In fact since coming to office in 1999 the Bracks government has committed more than $111 million to problem gambling programs, compared to just $13.9 million by the previous Liberal government. It has been interesting to follow the debate.

In recent weeks the Leader of the Liberal Party made an announcement about poker machine numbers. It is important that members of the opposition are reminded that it was in fact the previous Liberal government that saw poker machine numbers in this state increase from around 5300 to 30 000. The Victorian community will be reminded of the track record of the Liberal Party — and, I should add, The Nationals, as they will not hesitate to jump back into a coalition. We will be reminding the community of the previous coalition's track record on poker machine numbers and the very little credibility that members of the coalition have on this particular issue.

This government has a very strong record of gambling reforms. In particular, we introduced caps on machine numbers and removed gaming machines from vulnerable areas. I note that the coalition has not put out any details at all about whether it will remove machines from particular areas where they are concentrated — areas such as my electorate, where we have a significant number of gaming machines. My local community has benefited from the fact that we put a cap on the number of machines. No new machines have been able to be put into that local community and over time numbers are coming down.

The government has also eliminated all 24-hour gaming venues outside the casino. We banned smoking in gaming machine areas. I agree with Mr Drum that this was in fact a health measure, but the research does show that there is a connection between problem gambling and smoking. If we can encourage people to leave a machine for a brief time to go out and have a cigarette, then that is a positive thing as far as I am concerned. I might be upsetting some of my colleagues who are smokers, but if we are looking after their health as well as their problem gambling needs, then that is a good thing.

Other measures we have introduced relate to restrictions on gaming venue signage and a ban on gaming machine advertising. We have also banned auto-play facilities and introduced a $10 maximum on bets, clocks on machines and minimum lighting

standards. We have limited access to cash via automated telling machines, banned cash access from credit cards and provided cheque payouts for big wins. As well as these measures we have introduced social and economic impact assessments of machine and venue applications. We have embarked on a very hard-hitting media and community education campaign to reinforce the message that we want people to think carefully about their level of expenditure in relation to electronic gaming machines.

The responsible approach to gaming that this government has adopted was exemplified by the report, entitled *Pokie-free Places and Activities for Culturally and Linguistically Diverse Communities Project,* which I launched on Thursday, 25 May. I want to particularly acknowledge the leading role that the City of Darebin, which is a municipality in my electorate, has played in developing this report as well as producing a community outing guide. Darebin is a very ethnically diverse community, and it has taken the initiative of recognising the potential difficulties problem gambling can present to the local community and has sought to implement a positive solution. The report has demonstrated that local communities can come up with innovative ideas and activities to provide people with alternative recreation to gambling.

I congratulate the City of Darebin on its initiative in commissioning this report and the accompanying guide, which makes a number of practical suggestions for community activities and provides advice on such things as transport, funding and even catering. I think it will be a tremendous resource for the local community. I understand other local government areas are interested in taking up this sort of report and providing similar information to their local communities.

By way of conclusion, this bill makes a number of changes that will lead to greater clarity and accountability in the provision and regulation of public lotteries in this state, as well as greater probity and transparency in relation to the gambling industry overall. It comes into play together with a number of very positive reforms this government has implemented to tackle issues of responsible gambling. We do not say that all people who gamble have a gambling problem; however, we acknowledge that it is a significant issue for those who do have a problem and for their families, and they deserve our support and assistance to tackle that problem. I commend the bill to the house.

Hon. W. A. LOVELL (North Eastern) — I rise to speak on the Gambling Regulation (Further Miscellaneous Amendments) Bill. At the outset of this speech I would like to declare that my family business has an association with Tattersall's: we run two Tattersall's accredited representative outlets in Shepparton. I have had a long-term association with the management of Tattersall's and also the former trustees and certain members of the current board. But I do not hold a single share in the new Tattersall's Ltd.

As a member of a family that is one of Tattersall's longest serving representatives, I have literally grown up in the lottery business. I remember just prior to Tattslotto starting in 1972 that Tattersall's erected a new sign outside our store for a new product, a new game that nobody knew about. A new customer to the store who was passing by read the sign and thought it must have been the name of the store's owner. As she entered the store she addressed my father as 'Mr Tattslotto'. Little did she know that it was probably quite apt that she called him that, because he has gone on to be one of Tattersall's longest serving accredited representatives.

Over the years I have witnessed many changes in the lottery industry. Since the days of the 50-cent sweep tickets I have witnessed the introduction of Tattslotto, which initially struggled until the jackpot draws were introduced. We have seen the introduction of scratchies, Powerball and Oz Lotto and the rise, the fall and the re-emergence of Wednesday lotto. I have seen Tattslotto grow from the first draw. Originally it was held on a Thursday night, with the first division prize pool being somewhere between $20 000 and $30 000. Today it is a successful game with some of the Saturday super draws reaching up to $30 million for the first division prize pool.

I am probably one of the few people in this place, if not the only person, who has known the thrill of holding a ticket in their hand and checking off all six winning numbers. I have done that on two occasions with house syndicate tickets that were sold in our stores. The first one was an Oz Lotto draw some time ago that was shared by 22 customers and more recently in the June super draw a ticket that was shared by 26 of our customers.

I think I would be safe in saying that I am the only person in this place who has ever had the pleasure of ringing someone to tell them that they have won first division in Tattslotto, a phone call that actually changed someone's life. Buying a ticket in Tattslotto is buying a ticket in a dream that you could change your entire life. I have watched customers as they queued to buy tickets in some of those larger super draws. You know what is going through their minds — they are not thinking about the $5 or $10 they are about to spend on a ticket; they are thinking about what they will do with the

millions of dollars that are on offer with a first division win.

In order for a lottery to offer these big prizes, you need to have a strong and effective management team behind the lottery. Certainly we have had that team with Tattersall's here in Victoria. Last year the Bracks government introduced legislation into this place to allow multiple operators of lotteries in Victoria, a move that I believe could weaken lotteries in this state.

It is true that competition can often lead to an increase in business, but in Victoria lotteries is a relatively small market compared to other forms of gambling. One strong operator has delivered to this state the leading and most successful lottery industry in Australia, an industry that is free of crime and free of corruption. I am concerned that the government's intention is to appoint multiple operators of lotteries in Victoria and that this move could ultimately weaken the profitability and long-term viability of the companies appointed to run the licences.

The legislation before the house shows that the government is also concerned that there may be reasons why an operator appointed as a licensee may not be viable. The legislation is an escape clause for the government because it gives the minister the power to cancel a licence and appoint a temporary licensee. It also gives the minister the ability to appoint a new licensee and direct a former licensee to dispose of all the assets of the company to the new licence-holder on reasonable terms — whatever that may mean — and to make available any staff of the former licensee, with no compensation payable for the loss of goodwill for that company.

These provisions are of major concern to me as they indicate that the government is anticipating some form of failure of a licensee. I have to ask: why does the government think a future licensee may fail? Is it because the government did not have the confidence in itself to grant licences to appropriate operators? Or is it because the government knows that splitting lotteries between two or more operators will weaken the viability of those operators? Whatever the reasons, the government is bringing in this legislation in order to cover itself if a holder of a lottery licence were for some reason unable to continue to operate.

Before the government decides on appointing multiple operators for lottery licences in this state it must take into account not only the viability of those operators but also the owners of the 700 small businesses that act as accredited representatives of Tattersall's, some of which have paid significant amounts of money to purchase those businesses, and also the approximately 3000 Victorians employed by those Tattersall's-accredited representatives. For the past 52 years we have had one licensee in Victoria, and there has never been any doubt about the viability or credibility of that company. However, as we all know, this government hates to see any business making a dollar or being successful, so what did it do when the consultation process for the renewal of the lottery licence began? It sent a loud and clear message to the holder of the licence — Tattersall's, which was then run by the estate of the late George Adams — that it would stand a much better chance of its licence being renewed if it were a public company.

The involvement of Mr David White, a former minister in this place, and the consultancy company Hawker Britton should not go unmentioned in this debate. Hawker Britton was employed by Tattersall's to advise it on matters relating to gaming and licence renewals. There is no doubt that David White encouraged Tattersall's to go down the path of becoming a public company, because that is what the government wanted — and if the talk is correct David White and Hawker Britton stand to profit admirably, to the tune of about $1.5 million in success fees, if the licence is renewed.

The day after Tattersall's floated on the stock market the *Herald Sun* reported on the float. On Friday 8 July it reported:

> Some won more than others in the Tattersall's $2 billion stock market listing yesterday …

The article goes on to say:

> Thousands of mums and dads were also cheering as the year's biggest stock market float kicked off as a stunning winner.

There are 40 000 shareholders of the Tattersall's company, and 27 500 of those are Victorian shareholders. Further the article says:

> After the first day of trade, Tattersall's was valued at $2.42 billion … putting it straight into the list of Australia's 100 largest listed companies.

It then says:

> The listing had all the expected fanfare with the 60 or so VIP staff and advisers to the float sipping on champagne.

It mentions two people who were there:

> Richmond player Darren Gaspar and —

surprise, surprise, the other person was former Cain government minister David White —

were seen in the throng.

Being one of only two people who were mentioned, David White obviously played a significant role in the float.

Clause 17 of the bill substitutes new division 6 of part 1 of chapter 10 of the Gambling Regulation Act 2003. It is headed 'Division 6 — Confidentiality'. That raises a lot of concern. Proposed section 10.1.30(1), which outlines the general duty of confidentiality, states:

> (1) A regulated person must not, directly or indirectly, make a record of, or disclose to someone else, any protected information acquired by the person in the performance of functions under a gaming Act or gaming regulations.

The penalty is 60 penalty units, which is around $6000.

Proposed section 10.1.31 goes on to refer to disclosure in legal proceedings. It provides:

> … a regulated person is not, except for the purposes of a gaming Act or gaming regulations, required —
>
> (a) to produce in a court a document that has come into the person's possession or under the person's control; or
>
> (b) to disclose to a court any protected information that has come to the person's notice —

That is gagging people so that they cannot speak in legal proceedings. The proposed section goes on to state:

> (2) A regulated person may be required to disclose protected information to a court or produce in court any document containing information if —
>
> (a) the Minister certifies that it is necessary …

The minister can have a very strong say in what information can be disclosed in legal proceedings. If that is not gagging people, I do not know what is.

It is well documented that since the Tattersall's float a court proceeding has been initiated by the former trustees of the estate of the late George Adams seeking a payment for their role in the float of the company. How timely is the new confidentiality clause for this government? We have a case before the courts in which there is the potential for information that may be embarrassing to the government to be presented, but just in time the minister will put in place legislation that will give him the power to prevent that information being presented to the court. In short, the government, through its desire to see Tattersall's become a public company, has created a situation where it is introducing legislation to protect itself from embarrassment in the courts.

Further amendments made by this legislation will provide for electronic tickets and the prevention of the sale of lotteries to minors, which is defined as persons under 18. The provision, which will allow electronic tickets, really concerns me. It indicates that we could go down the road of tickets being able to be bought by short message service (SMS) text messages. Certainly it would be very detrimental to preventing minors buying tickets if they were able to buy them via text messaging services. Even the Internet will not be foolproof in preventing minors purchasing tickets.

Tattersall's is well ahead of the government in the prohibition of the sale of tickets to minors. For many years it has instructed its network that people under 18 are not allowed to purchase lottery tickets. In fact the responsible gaming point of sale requirements of Tattersall's requires agents to have on display at least two signs and its public lottery rules. One of the signs says:

> Players must be 18 years of age or over to participate.

There is also a retailer code of practice that retailers must sign. The first point on it states that a retailer must:

> Not knowingly sell lottery products or pay prizes to minors.

That has to be signed by each accredited representative.

Scattered throughout the rules and regulations for the Tattersall's games are references to the prohibition of the sale of tickets to minors. The Tattslotto rules state:

> 2.2 Entry into Tattslotto is only open to persons 18 years of age or over in Victoria and in participating and overseas jurisdictions where that law is applicable.

That same rule applies to Powerball, Oz Lotto and all of Tattersall's other games. The agents are bound by those rules when selling tickets in their stores.

In conclusion, I have real concern about the government's reasons for bringing in this legislation. It displays that the government anticipates that future licence-holders may not be viable.

It also introduces a confidentiality clause that will prevent certain people from giving evidence in a court of law unless they have the permission of the minister. This is totally unacceptable and shows that the Bracks government is not open, nor is it transparent. The Liberal Party will be opposing this legislation.

Mr PULLEN (Higinbotham) — Acting President — —

Hon. B. N. Atkinson — Welcome back.

Mr PULLEN — Thank you. The Gambling Regulation (Further Miscellaneous Amendments) Bill will amend the key statute in the gaming portfolio, the Gambling Regulation Act 2003. It is only a small bill, and I will not take a long time talking about it.

The bill further facilitates the implementation of the new public lotteries licensing structure and regulatory scheme and varies the confidentiality provisions in the gambling legislation. The first aspect of the bill pertains to the new public lotteries licensing structure and regulatory regime. The current public lottery licence is held by Tattersall's, and that will expire on 1 July 2007.

In June 2005 the Minister for Gaming called for registrations of interest in the granting of a public lottery licence. By July 2005 registrations of interest were lodged with the minister. On 4 January 2006 the minister invited a number of registrants to apply for a public lottery licence. Then on 23 February 2006 applications for a public lotteries licence were lodged with the minister. The legislative changes in this bill further facilitate the implementation of the new public lotteries licensing structure and regulatory scheme.

The bill, amongst other things, provides for a smooth transition to the new lottery licence on 1 July 2007. Currently the Gambling Regulation Act does not allow for such a preparatory action prior to the commencement date for the next lottery licence — in other words, it would be very difficult, if we did not have this lead-in period, to ascertain how many there may be. The bill will enable a temporary public lottery licence to be appointed in the unlikely event — —

Hon. B. N. Atkinson — It is with some disappointment that I note that the busy Ms Argondizzo has left the chamber and we are now without a quorum.

Quorum formed.

Mr PULLEN — I can understand why the opposition wanted to keep me quiet on the particular issue that I am bringing up right now, because this is where the Liberal Party has its wires shockingly crossed. I will repeat what I said: the bill will enable a temporary public lottery licensee to be appointed in the unlikely event that a licence is terminated after disciplinary action. Ms Lovell tried to bring in some sort of conspiracy theory in relation to this. This process will provide for temporary arrangements to be put in place to ensure that lotteries can continue to be provided in circumstances where a licence has been suspended or cancelled. This would only occur once the appropriate investigative and disciplinary procedures had taken their course.

The important point I am making here is that the legislation already provides for an equivalent mechanism in respect of wagering and gaming licences. I do not know why opposition members are trying to come up with some sort of conspiracy theory as far as that part of the legislation is concerned. The bill ensures the licensee is accountable for all aspects of the conduct of a public lottery, including those that are outsourced by the licensee. This provision ensures that the licensee remains accountable for all aspects of the conduct of a lottery, including those aspects or functions that are outsourced to agents and subcontractors.

The bill broadens the existing prohibition on accepting lottery tickets from minors to ensure that it applies to selling tickets to minors, regardless of whether the tickets are sold by the licensee or another person. Once again Ms Lovell brought this up as some sort of conspiracy theory. The licensees already signs up to it when they take out their Tattslotto licences. Quite clearly the same thing applies when people take out a liquor licence. We provide in legislation that you cannot be served liquor when you are under 18. It is the same sort of thing here. There is no conspiracy; it is sensible legislation. The current offence is limited to prohibiting authorised licensees from accepting tickets from minors. These amendments will extend to capture anyone who sells tickets to a minor, and it does not affect anything to do with giving a lottery ticket as a gift.

The bill will streamline and simplify the confidentiality regime. It will also clarify that the regime does not apply to private operators. This is important, because these amendments ensure that the casino operator will no longer be able to seek to rely on the confidentiality provisions to refuse to release its own information. Instead the casino operator will be subject to the same requirements that apply to other corporations under commonwealth privacy laws.

Hon. B. N. Atkinson interjected.

Mr PULLEN — Mr Atkinson and I have visited many casinos — even on the other side of the world — but we will not go into that debate here tonight.

The amendments also remove the unnecessary and cumbersome administrative processes that the act requires for the release of information to gaming regulators and law enforcement agencies outside the

Victorian jurisdiction. These changes facilitate a similar exchange of information between regulators and law enforcement bodies, in the interests of better regulation.

It would be remiss of me if I did not pick up on some of the comments made by the member for Bass in the other place. Some of them were repeated by Ms Lovell, but I thought I would also read what was said by the member for Bass, that arch-conservative who decided he would beat up the local doctors — but now they are beating him up, so he is in all sorts of trouble so far as that is concerned. He made some really silly comments in relation to this bill. As well as calling us pinkos, commos, greenos and any other sort of thing you can think of — I dismiss all those because we expect those sorts of silly comments from the member for Bass — he said he was concerned, as was Ms Lovell, about the current investors in Tattersall's, and Ms Lovell told us how many there are. It is always interesting to listen to her contributions to debate in relation to Tattersall's. Ms Lovell and the member for Bass in the other place are concerned about Tattersall's missing out on a licence.

I have no hesitation in saying that I think Tattersall's does a pretty good job in Victoria. In fact I was pleased last Thursday to attend the Tattersall's lunch to award people for enterprise and achievement. That is a wonderful thing that Tattersall's does. But where does Mr Smith get off? Fair dinkum!

Along with the Liberal Party he wants to reduce the number of poker machines by 5500. He does not give a continental about what investors in Tattersall's think about reducing the number of poker machines. The fact is that this will not do anything at all to assist in reducing problem gaming. If you want to find a poker machine, you will find one. It is as simple as that. It is about time that decent Liberals, like Mr Atkinson, debunked that stupid policy. Fair dinkum, when they talk about wanting to chop the number of poker machines that Tattersall's has, they could not care less about mum and dad investors as they claim, as Mr Smith, the member for Bass in the other place, claims, and as Ms Lovell claimed in this house — so let us forget about that nonsense.

Whether we like it or not, there are many forms of gaming, as Mr Drum said. While I am talking about Mr Drum, I must say that he gave a pretty fair performance. I also compliment the Leader of The Nationals in the other place who made a sensible contribution to the debate on this bill. Mr Hall can take that back to him the next time he sees him.

We also had the pathetic performance — and The Nationals were involved in this — of the opposition crying crocodile tears over Harness Racing Victoria's plan to close down seven trotting tracks. That might reduce the number of people going along and having a punt. It might save a few problem gamblers. The fact is that it is sensible legislation. It just goes to show the flaws in the Liberal Party's policies.

I said I was not going to take up too much time, but I was interrupted — and I will be all ears to hear Mr Atkinson's contribution to the debate on this bill. I want to touch on a couple of points raised by my colleague Ms Mikakos when she asked, 'Just where do the Liberals get off?'. The Bracks government has a great record in addressing problem gambling in this state. There is no evidence that reducing the number of electronic gaming machines will have any impact on problem gambling, and I have already mentioned that. Under the Bracks government we now have less than seven machines per 1000 adults, and that is the lowest number in 10 years. The figure has been dropping ever since 2000. Since coming to office in 1999 — and I want to repeat these figures for the benefit of members opposite, although I think Ms Mikakos may have mentioned them — this government has committed $111 million to problem gambling programs compared to the amount contributed by the previous Liberal government of $13.9 million. I know Ms Mikakos mentioned those figures. The Liberals are not fair dinkum in relation to problem gambling.

An honourable member interjected.

Mr PULLEN — He always gets some good ones in at times. I remember him saying , 'You are an idiot short of a village', and I have kept that one in the back of my mind to use against you people some time.

The problem gambling prevalence rate has been halved to 1.12 per cent, and more problem gamblers are accessing counselling. These results are in stark contrast to those of the previous Liberal government — and this is important because it comes back to its silly policy — which saw poker machine numbers increase from around about 5300 to 30 000. Now what do the Liberals want to do? It is absolutely bizarre.

We are ensuring that the community benefits from the industry — and I will repeat what Ms Mikakos said because members opposite need to be told a number of times. More than 85 per cent of the government's gambling taxes, approximately $4.4 billion in the past five years, has been allocated to health and community projects across every region in Victoria. I know that Ms Mikakos said that. I listened attentively and wrote it

down to make sure that members did not miss out on hearing it.

As I said earlier, the Leader of The Nationals in the other place made a sensible speech on this issue. The Nationals are going to support this important legislation. I suggest that it is about time the ostriches opposite got their heads out of the sand, woke up to themselves and supported this legislation.

Hon. B. N. ATKINSON (Koonung) — I think there is a great deal of sensitivity in this government to the Liberal Party's position on gambling. Regardless of whether it believed the policy was right or wrong, it surprised me when I heard there was to be an investigation and there were threats of prosecution being made against Ted Baillieu, the Leader of the Opposition in the other place, and Ken Smith, the shadow Minister for Gaming in the other place, simply because they used a poker machine to illustrate the nature of that policy, which was to reduce the number of machines operating in Victoria. It was a rather extreme and rather odd response to a policy that was important in terms of the public debate on gaming.

What is more interesting today is the fact that the Labor Party pursues a wide-ranging debate on this legislation while ignoring what it says and is really all about. The Labor Party has indicated the increased resources it has directed towards problem gambling — and I acknowledge those — and some of the other important measures that have been taken, such as ensuring that people are forced to take a break while gaming, improving lighting and truncating the connection between smoking and gaming and so forth. They were all sensible initiatives, and the government can be congratulated on them.

What concerns me is that this government has not been so diligent in other areas and has caused some issues. That does not give me a lot of confidence when it comes to assessing this legislation. We need go no further than the 1999 election promise to bring in a footy tipping competition called TipStar, which was going to provide funds in particular to women's sport. As at 2005 TipStar losses are $9 million and growing. I will come back to TipStar in a minute because it is an issue that is quite central to this legislation.

More recently the government has allowed Betfair to access racing product in Victoria. Mr Pullen and I are members of the parliamentary Economic Development Committee and have been involved in its extensive inquiry into the racing industry in Victoria. One of the real concerns I have is that Betfair now has access to racing product in Victoria, yet it makes no contribution under that access agreement to the development of racing product or to the breeding industry here in Victoria.

I think that would be of concern to all members of that committee. As I understand it, tomorrow the committee is to bring down a report on harness racing, and it is perhaps a matter that will be further addressed in remarks tomorrow.

As was indicated by the Honourable Wendy Lovell, the government has previously legislated to allow multiple operators to enter the market for lottery licenses and give it an opportunity to perhaps increase the taxation revenue associated with having that additional product in the marketplace. This government, for all it says it is doing about problem gambling, has addicted itself to the revenue arising from the gaming industry and the various gaming products. The government absolutely depends on the taxation revenue generated by gaming.

But what concerns me when I look at this legislation is that the whole gaming industry and its regulation depends on the integrity of the system. I do not think anyone in this chamber would argue that the integrity of the system is not crucial to the administration of gaming in this state, no matter who the players or licensees are. We have a system that has controlled and regulated this industry effectively over the course of the many years it has operated, including the original George Adams lotteries, which were such a success when they came to Victoria and which in one sense became a Victorian icon. We have always had effective regulation. That cannot be said of other jurisdictions where there has been corruption and the involvement in the industry of people of unsavoury character with connections that are not in the public interest. Our system has been clean.

What worries me about this legislation is that it starts to take us in a direction where we could lose much of that integrity we have had in the system to date. The Honourable Wendy Lovell talked about transparency in terms of people being able to opt out of court proceedings and not provide certain information to courts. We have a lack of transparency emerging in that respect, but perhaps of greater concern to me is the fact that the minister is given extraordinary powers under the legislation if he chooses to exercise them. I hear what government members say in assurances to the house that there will be processes that will back up decisions that a minister might make, and some of the provisions in the legislation are fall-back provisions in case there is a problem, but the reality is that this legislation for the first time takes us to a position where the minister has the capacity to directly make a number

of decisions on his or her own without referring to the clean bureaucracy which we have had in Victoria and which has maintained the integrity of our system.

I already have concerns about some of the gaming operations and the nod-and-wink stuff. I go back to TipStar. TipStar had lost more than $9 million to the end of the 2005 financial year. Why would Tattersall's continue with a product which is clearly a dog, which cannot make money and which the public does not want? The reality is, as Ms Lovell said by way of interjection — and I agree with her — that it has been forced to do so. Essentially it cannot afford to opt out of what was a government promise, because it has too much at stake in other parts of its operations which depend on government decisions and the government agreeing to its licenses. These are the very lottery licences that are the subject of the current government's position.

What concerns me is that this legislation does allow new operators to come into the system. I am very concerned about who those operators might be. Will Tattersall's be the only one given a lottery licence as part of this process or will there be another entrant? Will it be an overseas entrant? Will it be Woolworths? Woolworths is now Australia's largest retailer. It dominates fuel retailing, liquor retailing and grocery retailing, and it is now the biggest player in gaming in Australia. It is a very significant public company with distribution outlets. If there is a second lottery licence issued, certainly distribution becomes a key factor. I am concerned about what will happen if Woolworths picks up the second licence. I do not know whether it will or not. I do not know whether there is an overseas operator involved or somebody else from interstate, because there are other lottery providers in other states.

What I am concerned about is this: I am the Liberal Party shadow spokesperson for small business, and I do not give a toss about Tattersall's and its income. I certainly do have some concern for its shareholders who invest in good faith, but I think Tattersall's is big enough and ugly enough to look after itself. However, I have a great deal of concern for those 700 small business operators who have invested their heart and soul and their hard-earned cash in developing businesses to support the distribution of lottery products in Victoria and to serve customers responsibly. I am very concerned that their investment may be put at risk. I am very concerned that as part of that process we may lose some of the integrity of our gaming system in Victoria. I am very concerned that we may have young people and problem gamblers exposed in a much greater way to gambling products and to participation in those products than is the case today.

Children have always been able to buy lottery tickets. They can buy them now in stores. There is no legislation preventing them from doing so, and there has not really been a problem. But given the way this legislation is framed, particularly as the industry moves into using new techniques potentially involving the Internet or short message service (SMS) technology and such like to deliver gaming products, there is a very real possibility that more minors might become involved in gaming. There is also the very real prospect that problem gamblers might find some of those new opportunities attractive and that this whole process will open up further problems in terms of problem gambling.

My major concern is for the small business operators who have an investment in the industry. My major concern is that so much of this legislation will now allow the minister to have influence over who may or may not have a lottery licence in future, will allow him to make decisions on revoking licenses, on providing temporary licenses and on terms and conditions that he or she chooses. We have been assured by Mr Pullen that the bureaucracy that has provided a clean gaming environment in Victoria will advise the minister and that implicit in that is that the minister will act on that guidance. But that is not what the legislation says, and we have already seen this government increase the tax take from gaming machines in venues because it wanted more money. We have already seen the government lean on some of the providers of gaming services to provide sponsorship for sporting events and other activities that have occurred in Victoria as part of the government's agenda of circuses.

We have already seen, with TipStar, an organisation required to continue an unprofitable gaming product that the public does not want and has voted against with its feet simply to protect its other interests in this state. It is fearful that, if it walks away from what was a government promise at an election, it may lose its investment in other products in this state.

This is legislation that we should be concerned about. This is legislation that at the very least we ought to go away and redraft so that there are more safeguards and so that the minister does not have the carte blanche set out in its provisions. We ought to be ensuring that an organisation like Woolworths does not expand further into gaming in Victoria, because I do not think it is appropriate for that retail organisation to be involved in and dominate that industry as it does others to the detriment of so many small businesses and in the long run to the detriment of consumers.

Mr SOMYUREK (Eumemmerring) — I rise to speak on the Gambling Regulation (Further Miscellaneous Amendments) Bill. The bill further facilitates the implementation of the new public lotteries licensing structure and regulatory scheme, and it varies the confidentiality provisions in the Gambling Regulation Act 2003.

Before I go ahead with the rest of my contribution to the debate I will attempt to counter some of Mr Atkinson's arguments. Mr Atkinson asks a bit of a rhetorical question, because he answers his own question. Why should the minister be able to issue a licence? The bill empowers the minister to issue a public lottery licence to a special-purpose company which must be an authorised, wholly owned subsidiary of an applicant. The critical words are 'wholly owned subsidiary of an applicant'. The legislation already provides for a licensee to appoint a wholly owned subsidiary of a licensee to conduct lotteries with appropriate safeguards. In line with this approach it is intended to empower the minister to issue a licence directly to a wholly owned subsidiary of a preferred applicant, if the preferred applicant agrees.

At this point I will put on the record some of my views on the issue of gambling. I am happy to see that it is called 'gambling' and the euphemism 'gaming' is not used, at least in this instance. It is good to see us calling a spade a spade and not a shovel.

Hon. A. P. Olexander — What's the difference?

Mr SOMYUREK — Gambling and gaming — there is a difference. Gambling is an insidious social problem of our times. Some may trivialise gambling by characterising it as being harmless fun or a benign activity — just a flutter on the races or a bet on your footy team or a Tatts ticket — and for many people it is just a harmless activity and no doubt enjoyable. I think we have all had a bit of a punt on our footy team or on the horses or taken a Tatts ticket that was pretty benign, but for that small minority of people in our community who have problems with gambling it is truly evil.

As I said before, gambling is insidious, because unlike problems with other things such as alcohol abuse and drug abuse there are no physiological manifestations. It is difficult to identify someone as a problem gambler simply by looking at them; it is easier to identify people who have drug problems or suffer from alcohol abuse. The lack of physiological manifestations clearly makes gambling an insidious problem, and one of the challenges is identifying people who are problem gamblers.

It is also insidious because it disproportionately affects people from socioeconomically challenged backgrounds. It saddens me to be a member of Parliament who represents an electorate where Dandenong has one of the highest per capita proportions of poker machine gambling losses in this state. As a Labor politician I am not happy with that, and I think it is about time that that trend was reversed. As a government we have been doing some good things in making sure that problem gamblers are being looked after. Some of my colleagues have pointed out that this government is spending $100 million on problem gamblers, whereas other governments spent $13.9 million.

Mr Atkinson made a point of saying that this government cannot resist the revenue from gaming machines. I would like to point out to Mr Atkinson that 85 per cent of the revenue that comes out of gaming is actually put back into the community for health and community services.

The argument is slightly diminished. I conclude by outlining to the house the key proposals in the bill. One key proposal is to provide for a smooth transition to the new lottery licence structure on 1 July 2007 by enabling the next licensees to undertake some parts of their business, such as advertising and ticket sales, before that date. It will enable the minister to issue a licence to a special-purpose vehicle that will be a wholly owned subsidiary of an applicant for a licence. It will improve the transparency of regulatory arrangements by varying the publication requirements for licences, and it will provide for the publication of any ancillary agreements between the minister and the licensee.

I shall also address Mr Atkinson's query about the minister being able to issue a temporary public lottery licence. A temporary licence may only be issued after the minister has decided to cancel or suspend a licence, which is after the investigation and report by the Victorian Commission for Gambling Regulation and after a licensee has surrendered its licence. This process will provide for temporary arrangements to be put into place to ensure that the lotteries can continue to be provided in circumstances where a licensee has been suspended or cancelled. This will only occur once the appropriate investigatory and disciplinary proceedings have taken their course. It is also worth noting that the principal act already provides for an equivalent mechanism with respect to the wagering and gambling licences. With that, I commend the bill to the house.

Hon. A. P. OLEXANDER (Silvan) — What an extraordinary debate this has been on what is essentially non-controversial government legislation that nobody is

really opposing and that certainly I, as an Independent contributor to this debate, will not be opposing. What we have seen in this debate is the typical posturing that takes place between the major political parties, both the government Labor Party side and the opposition Liberal Party side, trying to out argue each other on exactly who has a more relevant and who has a more compassionate approach to the issue of problem gambling. Nobody denies that is a huge problem, but what we see are the buckets being lined up on both sides of the chamber. On the Labor side there are many buckets lined up full of crocodile tears, and on the Liberal side those crocodile tears are being poured into those very same buckets.

Essentially what we have in this state is identical policies on gambling between the two major political parties. That is why they have put so much effort into trying to differentiate themselves from each other on this very important question. Whether it is the question of poker machines, licensing arrangements or their approach to problem gambling, their policies are virtually identical. We have heard some argument on the issue. Mr Pullen made a valid point that the Labor government has spent somewhere in the vicinity of — and Mr Pullen should correct me if I am wrong — $111 million to address the problem of problem gambling. He compared that favourably to the Liberal Party's commitment of $13.9 million. There is a difference in the number of millions of dollars being diverted towards this very serious problem by the respective parties, but the reality is, and Victorians know it, that both of those approaches, whether it be $111 million or $13.9 million, are totally inadequate to meet the needs of problem gamblers in this state.

We have a smoke-and-mirrors debate. Each party tries to get its smoke machine to pump out more smoke than the other party and tries to get a bigger mirror to hold up to the other side than the other side has to hold up against them. Really both of those approaches to addressing this problem, whether it be $111 million or $13.9 million, are totally inadequate. The political parties in this state need to stop kidding themselves that there is a difference between the two of them on this very important issue. There is not a difference between the two of them. I suggest that it would be much more profitable for both sides to come clean about the extent of the problem and to put in place a meaningful process to determine specific interventions that would assist problem gamblers in Victoria and not simply talk about reductions in numbers of machines, as the Liberal Party has tried to do, or talk about the dollar amount that we are throwing out in counselling services for problem gamblers, if and when we can identify them at all.

There is need in this state for a far more serious look at how we deal with those people who have an addiction to gambling — those who make inappropriate decisions about the amount they put into poker machines and spend at other gambling outlets — to try to determine the best possible way of case managing those people to assist them to overcome their difficulties. An amount of $111 million is better than $13.9 million, but it is not going to do the job. Both parties need to wake up to that as a reality.

As I have said, the bill is not controversial. It puts in place a number of sensible measures, such as making the public lottery licensee responsible for all aspects of the conduct of lotteries. It empowers the minister to require ancillary agreements from people who are part of the licensing process. It enables the minister to appoint temporary licensees to ensure the continuity of the delivery of lotteries. They are all sensible measures, and nobody is opposing them in this chamber. It provides more flexibility in terms of amending licences. It introduces a range of regulatory measures, such as preventing minors from being sold lottery tickets and other rules relating to the footy tipping competition. It reinforces a number of transitional arrangements so that the law can operate.

Both parties are kidding themselves and Victorians if they are trying to tell Victorians that they have different views. The Liberal Party's policy in particular needs more explanation. It has used as the cornerstone of its policy a position of saying that it will reduce the number of poker machines in Victoria by 5500, if I recall the actual detail of the policy correctly. That sounds well and good; the publicity spin people of the Liberal Party may have advised the party that it would be nice to pledge a reduction because there is a lot of concern in the community and the Independents and minor parties are making great play of the number of poker machines and the extent of problem gambling in this state. They may have thought that to make that pledge would be sensible and attract attention to the policy, but that pledge is an exercise in sophistry, because at any given time out of the total pool of poker machines that operate in this state 5000 approximately are rostered out of active use and put into maintenance.

That is a very important point to make, because when I questioned the opposition gaming spokesman on this matter and asked him what the real licence revenue impact would be of the Liberal Party's policy to reduce poker machines by 5000 approximately, and what the industry's reaction had been to the proposal from the Liberal Party, the party of business, his response to me was that it would have no impact at all on licence revenues and it would have no impact at all so far as the

industry was concerned. I asked how that could possibly be the case. He informed me gleefully that at any given time approximately 5000 poker machines have been pulled offline and put in for routine maintenance. Our pledge of a reduction in the total number of poker machines in Victoria will have no impact because it is happening anyway. That underlines my basic point in this debate — that both parties are arguing from essentially the same position.

Currently 5000 machines are offline at any given time for routine maintenance, and the Liberal Party thinks it can tell the people of Victoria that it will reduce the number of machines by 5000, and the industry will not be upset by that because the machines will be offline and being maintained anyway. The Liberal Party has not told the electorate that that is what the essence of its policy is. It is not only an exercise in sophistry, it is also really quite dishonest for the Liberal Party to claim that it will reduce poker machine numbers by 5000 when all the time it is relying on a routine maintenance program that already occurs under this government.

It is an extreme indictment of the opposition in this state that the best contribution it can come up with as the cornerstone of its policy to counter the government's existing policy is the proposal to reduce the number of poker machines in use by 5000. That is why the questions asked by Ms Mikakos could not be answered by any opposition speaker — namely, where will this take place; what will the new caps be; and from which areas will these machines be drawn? The reason those questions could not be answered by any opposition speaker is that the industry itself determines where those machines come from out of its rolling cycle of maintenance. There are approximately 5000 machines offline at any given point in time.

It is therefore fraudulent to put to the electorate 'We, as the Liberal Party, are going to reduce poker machine numbers by 5000'. If that is not the case, it should give the people of Victoria an assurance that its policy does not include the 5000 poker machines that have been routinely taken offline at any given point in time, and it should spell out to the people of Victoria and to the licensed poker machine industry exactly what impact the change in poker machine licence revenue will have on the consolidated tax revenue and what the industry will lose annually. I do not believe it will do it because it cannot do it. What it has done is try to pull the wool over the eyes of Victorians yet again, and what we have is the policy positions of both major parties being virtually identical, give or take a few million dollars being spent on problem gambling.

That raises an interesting point. It is the same concern raised by Mr Atkinson in relation to the inquiry into where the poker machines came from and whether appropriate licensing rules were followed when Mr Baillieu got the poker machine onto the steps of Parliament House.

Hon. E. G. Stoney — On a point of order, Acting President, Mr Olexander has spent most of his contribution commenting on the Liberal Party gambling policy. I believe you should bring him back to the bill.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! There is no point of order.

Hon. A. P. OLEXANDER — It raises an interesting question: where did the pokie that was used in the spin the Liberal Party put on its policy come from? Many people have asked this question, and the responsible authorities are now having a look into it, as they should, because there are strict licensing rules about the possession and use of poker machines and the places where they are housed. Of course the authorities should look into it, because I wonder whether the opposition spokesperson in the other house, Mr Smith, had a little bit of a chat to his mates in the maintenance industry and got one of the 5000 machines that were currently offline for routine maintenance and dragged it up onto the steps of Parliament House so Mr Baillieu could make his announcement. I do not know whether it was part of that pool of 5000.

Hon. E. G. Stoney — On a point of order, Acting President, Mr Olexander is casting aspersions on a member in another place. He has besmirched the member's methodology in conducting his portfolio, and I believe he should withdraw, or if he wants to pursue it, he should do it by substantive motion.

Hon. A. P. OLEXANDER — On the point of order, Acting President, I have not cast aspersions on anybody; I have merely posed the question to the opposition: where did it get the poker machine from? Given that there is an inquiry about that going on and that it has been raised previously in this debate by Mr Atkinson, I feel it is legitimate for me to do so.

Hon. E. G. Stoney — Further on the point of order, Acting President, Mr Olexander implied that Mr Smith, the member for Bass in the other place, obtained that poker machine either in an underhanded way or illegally. That is besmirching a member in the other place, and he is not here to defend himself.

Hon. A. P. OLEXANDER — Further on the point of order, Acting President, I did not make any such

implication. I asked whether or not that poker machine was obtained from the pool of machines that were in maintenance and offline.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! Mr Stoney has taken exception to the remarks made by the member, and on that basis I ask the member to withdraw the imputations he made.

Hon. A. P. OLEXANDER — I ask the Acting President to assist me in this regard by telling me exactly what am I being asked to withdraw. I will then acquiesce to the ruling. What exactly would you like me to withdraw?

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! I ask Mr Stoney to give me assistance and indicate precisely the remarks he would like the member to withdraw.

Hon. E. G. Stoney — There was an implied criticism of Mr Smith with the suggestion that he had obtained a gaming machine by illegal means. I believe it was a reflection on Mr Smith, and I take exception to it.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! That is an appropriate comment for the member to withdraw.

Hon. A. P. OLEXANDER — To the extent that my comments were interpreted that way, I withdraw. However, I repeat the question — —

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! The member's time has expired.

House divided on motion:

Ayes, 26

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr (*Teller*)
Hilton, Mr	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr (*Teller*)

Noes, 14

Atkinson, Mr (*Teller*)	Hadden, Ms
Bowden, Mr	Koch, Mr (*Teller*)
Brideson, Mr	Lovell, Ms
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	Vogels, Mr

Motion agreed to.

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

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 26

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs (*Teller*)	Olexander, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr (*Teller*)	Scheffer, Mr
Eren, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Hilton, Mr	Theophanous, Mr
Jennings, Mr	Thomson, Ms
Lenders, Mr	Viney, Mr

Noes, 14

Atkinson, Mr	Hadden, Ms
Bowden, Mr (*Teller*)	Koch, Mr
Brideson, Mr (*Teller*)	Lovell, Ms
Dalla-Riva, Mr	Rich-Phillips, Mr
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Forwood, Mr	Vogels, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

Second reading

Debate resumed from 20 July; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the Liberal Party to make a brief

contribution on the Drugs, Poisons and Controlled Substances (Amendment) Bill. In doing so, I indicate that the state opposition will support the bill.

Mr Lenders interjected.

Hon. RICHARD DALLA-RIVA — I do, Minister. I am glad that you are so enthused that you are here listening to my speech on a fairly perfunctory but important piece of legislation. It is good to see members active before the dinner break, as opposed to after it, when members are slightly more active.

The bill is quite important because it makes legislative provisions which will deter and reduce the manufacture of illicit drugs for supply and use in Victoria. It also goes to ensuring that what are called designer drugs are appropriately more effectively managed. The existing laws have been left behind as there has been an increased use of amphetamine and methylamphetamine-based designer drugs, an example of which is ecstasy. Some loopholes in the legislation are also addressed by the bill. I will get to those later.

Members of the Liberal Party consider that the main provision in the legislation relates to the tablet or pill press. The bill establishes the offence of possession of a tablet or pill press without lawful excuse. That would not of course include organisations such as pharmaceutical and chemical companies, those in the food industry and other manufacturers who have a legitimate use of those presses.

Members are aware that other offences are created. For example, the threshold for the possession of quantities of pseudoephedrine — which is used in over-the-counter, non-prescriptive tablets such as cold and flu tablets, an example of which is Codral — is reduced to 10 grams or the equivalent of 14 packs of that medication. I guess what the government is trying to do is reduce the opportunities that have been created. People are going to pharmacies and buying up large quantities of those drugs and taking out the base drug that is required to formulate the designer drugs with the use of the pill presses. That is an important part of what the legislation is seeking to do. Whilst it is in different parts and sections, collectively it is designed to ensure that the types of drugs that are legitimately available in the community are not bought in such large numbers that they can then be sold on to individuals at dance clubs and the like.

Another important aspect of the bill is the closing of a loophole in relation to adults supplying drugs to a child for the purpose of that child trafficking. While the legislation previously provided that it was an offence for an adult to supply drugs to a child for the purposes of the child trafficking to a child, it did not apply to a child trafficking to an adult. I am very pleased that that will now be the case. Unfortunately in our society there are individuals — often drug affected — who enable the collection of money by using their children or other children. The bill will quite rightly create an offence for an adult involved in trafficking drugs to an adult via a third agent.

Another provision which stands out for me and which I consider to be quirky is that the possession of poppy seeds will be decriminalised. It always fascinated me that that was an offence, given that when you go into a bakery you see poppy seeds everywhere. I do not know whether it is true — it may be a myth that has been created — but people have said that if you are stopped at a drug-testing bus, which I support, and you have just had a poppy seed roll, there is a chance that there will be a reading of some gravity indicating that you have a drug in your system. Needless to say, I am off the poppy seeds now and merely get sesame seed rolls if I am out driving, being a member of the upper house of Parliament. We seem to have a higher strike rate than others in getting caught. My view is that it is easier to stay off the poppy seeds. It is interesting that poppy seeds should be considered to be a drug of dependence. I gather that you would have to have had a huge number of poppy seeds before any reading was recorded. Whilst it is not often the case that we like to see a behaviour decriminalised, in this case it is a fair assessment of the current situation.

It is important to put on the record the history of where the bill has come from. My understanding is that its provisions were established at a meeting of the Australasian Police Ministers' Council in October 2005. It is an example of ministers working collectively for the greater good, with them sharing the problems and concerns that they see in not only their state but right across the commonwealth. Whilst often the commonwealth does not have administrative control of a matter, the ministers can see that it is important. Time and again we have bills come to the chamber that reflect a conjoining of various ministers who are saying, 'This is an issue that we can address across the whole commonwealth'. It sort of puts to bed the issue of federalism in the sense that some might talk about it, that states can work separately and independently as well as collectively, should the need arise. This is probably another good example where that comes to the fore.

Earlier I said that the bill creates an offence of possession of a pill press. One of the things in the bill that concerns members of the Liberal Party is the fact

that the regulation of possession by way of licence or permission to import a pill press will apply only to new pill presses. If I have been misguided, I will stand corrected, but that is my understanding. It therefore raises the question of how the existing second-hand pill presses that are currently in possession or on sale are being managed or controlled in such a way that the law can be upheld. I gather that those crooks out there who are in the market for a second-hand pill press are probably unaware that this legislation is before the house and they will go about their business as they see fit. I would have thought that the on-selling of second-hand pill presses would require a broader, more coordinated strategy to ensure that those out there at the moment are not sold into the illegal laboratories without some form of understanding.

Can I also put on the record my support for the fact that the legislation allows for non-police officers to be involved in the transport, storage, analysis and destruction of drugs. I recall that many years ago, when I was in Victoria Police, police would drive around to transport small samples of cannabis taken from offenders. An enormous amount of time was spent on transportation that had to be overseen by a police officer. I am pleased that there will now be the opportunity for police to get away from the worry of the transportation of drugs before their destruction.

I also like the fact that police will be able immediately to destroy illicit drugs and substances that are deemed to be volatile and potentially explosive. This will free up police resources — if only we could free up police resources from looking after prisoners in police cells, but that is another story for another day. This government seems to have police time tied up in menial tasks, and if this is one less menial task that will free up police time so that police are out on the street doing what they should be doing, then I am all for it. The opposition supports that.

I note that under the legislation drugs will now be able to be destroyed or disposed of without a court warrant where an expert analyst or botanist determines this is required for health and safety reasons. I recall that often in the property office the sergeant would almost be at the point of wearing a face mask because the cannabis would be rotting away very nicely and emitting fumes. They are drugs that I would think could be immediately disposed of.

I have read the legislation, and I just hope there are adequate controls when the court is not involved in the destruction of these types of drugs to ensure that there is a process that allows for continuity so that the drugs can be seized and disposed of without any possible element of involvement by other police officers who might see an opportunity to use them for purposes which may be illegal and in which those police may be involved. We know that occurs; unfortunately we have seen evidence with the now-disbanded drug squad. Whilst I understand the intention, I hope there are adequate checks and balances to ensure that those persons who are involved in the destruction and disposal of drugs, given that it is not through a court process as has previously been the case, do not end up with allegations that police have removed the drugs that were supposed to be destroyed for health and safety reasons and they have been used for other purposes. I would like to see stronger protection.

I like the fact that the power is there for police to destroy clandestine amphetamine laboratories, which are deemed to pose a serious health risk to the community. That is commonsense. I also like the fact that the bill amends the principal act to take into account the increased use of the hydroponic cultivation of cannabis. Despite what a lot of people say, cannabis is in my view a destructive drug and the more we can do to prevent its use in the longer term, the better. Having previously been the shadow Minister for Corrections, I know there are a lot of offenders in the prison system who are affected by drugs or who have mental health issues. My view is that a lot of this stems from the previous use of cannabis.

Hon. E. G. Stoney — Psychosis.

Hon. RICHARD DALLA-RIVA — Psychosis, as the Honourable Graeme Stoney indicates.

All in all it is a very good piece of legislation. We see a lot of legislation coming before the house which deals with bits and pieces, and this is bits-and-pieces-type legislation. On its own it really does not make much sense, because it adds on provisions here and there. One thing that did take my fancy, so to speak, is in clause 8. I think it is a great move to reduce the 'aggregated commercial quantity' as set out in clause 8(2). In clause 8(3)(a) we are getting rid of 'Jack' in example 1 in section 70(1) of the principal act — for instance:

> (iii) for "Jack is therefore in possession of" substitute "This is" —

and 8(3)(b) refers to example 2:

> (ii) for "Jill would not be guilty of trafficking in a commercial quantity of each of those individual drugs of dependence" substitute "each of these quantities is not individually a commercial quantity for trafficking …

I find it odd that Jack and Jill are going. I thought they had obviously gone to fetch a pail of water, but they

have gone out of the legislation, which is a shame. My children are probably weeping for the loss of Jack and Jill. But do not worry, because in 8(3)(c) Fred has come into the fray in example 3. If we have lost Jack and Jill, Fred is now in the framework.

Hon. D. K. Drum — Is there a Wilma?

Hon. RICHARD DALLA-RIVA — I have looked for a Wilma, but I cannot find her. Jack and Jill went up the hill, and they are no longer to be seen.

Having said that, I will leave it at that. It is a great piece of legislation that allows the opposition to support it. On the odd occasion legislation comes before the house that we actually agree with, and this has some resemblance to that. Given that the Minister for Police and Emergency Services has overseen this, I would suggest that it was perhaps the collective mind power of all the police ministers from around the country that consolidated this bill and put it together. We do not want to give too much credit to the current minister. The reality is that it is important that the bill go forward. It is important that we support the legislation and that it has a speedy passage through Parliament. We look forward to its operation when it takes effect.

Sitting suspended 6.27 p.m. until 8.03 p.m.

Hon. P. R. HALL (Gippsland) — I welcome the opportunity to express a few views on behalf of my colleagues in The Nationals on the Drugs, Poisons and Controlled Substances (Amendment) Bill. This small piece of legislation makes a number of amendments to the Drugs, Poisons and Controlled Substances Act. In particular I note in the second-reading speech that it has the intention of and contains measures that are aimed at deterring and reducing the manufacture and supply of illicit drugs in Victoria. From the outset I say that is an intention that The Nationals wholeheartedly support. Before speaking on the particulars of this bill I make the general comment that the prevalence of drugs and drug use in our society is the greatest area of concern to all parents and grandparents in the state. The fear that our children or grandchildren may do irreparable damage to themselves or others by becoming addicted to illicit drugs strikes at our very hearts, and we should take extreme measures to prevent it at all costs. So we are happy to support this bill in its entirety.

The Nationals have adopted a zero-tolerance policy on matters of the possession and trade in illicit drugs. We take the view that that is a position the communities we represent expect of us — that we have zero tolerance of the use and possession of illicit drugs in our communities. As my colleague the Honourable Barry Bishop says, that is different to the views of some others. I will comment on that, because it surprises me that other political parties seem to be adopting a more-than-tolerant attitude to the possession and use of illicit drugs in our society. I will come to that later on.

The intention with this bill is to reduce the presence and use of illicit drugs in our society. My reading of it is that it seeks to achieve that in about five different ways. I will mention each of those as I proceed through my brief remarks. The first way is by providing that the possession of a tablet press without a lawful excuse will now be a criminal offence punishable by a maximum of 600 penalty units or five years imprisonment or both. We accept that a tablet press may be a legitimate item for people involved in the legal manufacture of some particular drugs for worthwhile purposes, but it is hardly a common household item. The vast majority of us have probably never even seen a tablet press, let alone possess one. It makes a great deal of sense to us to make it illegal to possess a tablet press without a legitimate excuse for doing so. We have no problem with that component of the amendments.

The second way the bill aims to reduce the presence and use of illicit drugs is by creating an offence of the possession of a prescribed precursor chemical at or above the prescribed quantity without lawful excuse. That again attracts a penalty of some 600 penalty units or five years imprisonment. The levels of chemicals that people will be allowed to possess will be prescribed by regulation. That is an important provision, and I trust Parliament will have some oversight of the consideration of what will be recommended as a reasonable level of prescription chemicals that people may possess. We are familiar with the fact that a lot of those chemicals are used in the manufacture of some of the so-called designer drugs, such as amphetamines and ecstasy. We also know about the prevalence of those drugs because we read and sometimes directly hear of the presence of such drugs in our society. We should be doing all we can to prevent or limit the manufacture of those drugs in our communities, so we have no problem with that second component of the legislation.

The third way the bill aims to reduce the presence and use of illicit drugs concerns what I would have thought is a rather interesting anomaly that currently exists in a criminal law act in this state. I understand from the explanation by the minister in the second-reading speech that currently it is not a drug-trafficking offence for a child to sell drugs to an adult. One could easily envisage children being used by unscrupulous people to sell illicit drugs to adults, which is currently not an offence. That is an anomaly that exists in the law, and

that will be attended to by the amendments contained in this bill. We certainly support that.

The fourth measure in this bill is the amendments to schedule eleven of the act. In particular the bill lowers the threshold possession quantity for pseudoephedrine from 20 grams to 10 grams. In the second-reading speech the minister told us that that figure equates to about 14 packets of over-the-counter cold and flu medication. I note that our medical cabinets at home sometimes accumulate drugs that we do not particularly use, but if there are 14 packets of cold and flu tablets in your medical cabinet at home, something is seriously wrong. Therefore I suggest that that level is appropriate. I do not think anybody should be able to legally acquire that level of unused drugs in their home. We think the amendment to schedule eleven to that effect is a reasonable provision.

The bill also provides for numbers of plants to be used as an alternative to weight when quantifying the amount of opium poppies an offender has in his or her possession. It seems to me more appropriate to count the number of plants rather than use their weight to determine whether or not possession of those plants is an offence.

Another component of the amendments to schedule eleven of the act is that this bill will allow for multiple quantities of drugs of dependence in a dilute form to be aggregated for the purpose of deeming an offender to be in possession of a commercial or large commercial quantity of drugs. What this means in everyday language is that while people may hold a small amount of a number of drugs legally, the accumulation of a large number of those small amounts will now become an offence. We think that is appropriate.

The fifth area in which this bill seeks to achieve its intention of reducing the prevalence and the sale of illicit drugs in our community is contained in a number of amendments aimed at enhancing the effective and efficient prosecution of drug offences, and they relate to issues like hydroponic technology. The definition of a narcotic plant now includes cuttings, with or without roots, because of the more sophisticated use of hydroponics to grow plants for the manufacture of illicit drugs. This area of enforcement will enable unsworn police personnel to be authorised to possess drugs in the course of their duties for such things as transporting drugs to a court facility for the purpose of providing evidence for the prosecution or taking away illicit drugs for disposal. There will now be the ability for unsworn police officers to be delegated to perform that task.

Another part of this particular component of the amendments will enable Victoria Police to destroy volatile and potentially explosive substances used in illicit drug manufacture that pose a health and safety risk, without court authorisation. I am not a chemist, and I do not fully understand the chemical analysis of drugs, but I am told that some of the drugs and drug substances used in laboratories are extremely volatile, that they can be explosive and that they need to be destroyed as quickly as possible. Under this provision in the bill they can be destroyed without having to go to a court to get authorisation. That seems to us to be a sensible amendment.

There are a couple of other minor technical amendments in the bill that I will not elaborate on, except to say that we are happy to support those as well.

Finally I want to make a couple of comments about matters related to this bill. I spoke at the start of my address about the scourge of illicit drugs in our society. It surprises me that other political parties seem to adopt a more tolerant attitude towards the use of drugs in our society. I must say that I was pretty disappointed when I saw in the Greens policy on illicit drugs that was released in the last week or two that there had been a relaxation on the possession of drugs and a suggestion that we should be decriminalising the personal use of illicit drugs. That is something The Nationals oppose in the strongest possible terms. If we start showing that level of tolerance towards drugs we will find self-possession can lead to encouragement for others to use illicit drugs, and we do not believe there should be any relaxation at all in decriminalising the use of drugs in our society.

The Greens have suggested that some ‘medically supervised injection spaces’ should be established, to use the exact words contained in their drug policy. This Parliament had that debate several years ago and rejected it outright. The Bracks government suggested it at one stage, and the Liberals and The Nationals strongly opposed it. We continue to do so. At the time that issue was being debated I made a personal effort to travel overseas and inspect a supervised heroin injecting room in Amsterdam. I commented to Parliament that I was appalled by that facility. I think I said that when I walked into that facility it was as untidy as the lounge room of my son, who was studying at university at that time. It was very poor in terms of hygiene and seemed to be a totally unsuitable facility for any medical purpose, let alone for the supervised injection of heroin, which is an illicit drug in Australia.

I do not think these sorts of trials are necessary, and I do not think that sort of facility is necessary. The

proposed use of supervised injecting spaces and medically prescribed heroin for 'treatment-resistant users' — to use the words of the Greens policy — would be absolutely disastrous, apart from whether it was achievable or pragmatic. To start with I do not know how we would obtain medically prescribed heroin. Who actually manufactures it? Is it manufactured in this country? If so, how is it manufactured? They are unresolved issues in relation to that policy. Those proposed measures, along with some of the other measures in the Greens policy, should strike fear in the hearts of all parents and grandparents in this state, because there is no doubt that if they were introduced, the prevalence and use of illicit drugs in our society would potentially increase significantly. That is not something I want to see, nor would any members of The Nationals who, as I said, have a zero-tolerance policy on illicit drug use.

This bill contains a range of very useful measures that will go some way towards achieving the intent of the legislation. We in The Nationals have no hesitation in offering it our full support.

Ms MIKAKOS (Jika Jika) — I am very pleased to speak in support of the Drugs, Poisons and Controlled Substances (Amendment) Bill. I want to assure the house that the Bracks government takes its commitment to the control and eradication of illicit drugs in the community very seriously. Trafficking of drugs in the community funds organised crime. It contributes to social and community breakdown and causes a wide range of health problems for those involved in taking those drugs. The use of drugs in the community has changed over time, and as the availability of drugs waxes and wanes there are changes in prices. The popularity of new drugs has changed as well, and the law must continue to evolve and reflect those changes.

In a recent survey, almost 40 per cent of Australians considered heroin to be the drug most associated with the drug problem. The reality is that the use and availability of heroin has dropped considerably in recent years. Instead, the use of methamphetamines and so-called party drugs like ecstasy and gamma hydroxybutyrate, or GBH as it is often referred to, have become much more common. The fact that methamphetamines and these other types of drugs can be produced in backyard factories from common chemicals rather than relying on the importation of opiates has made their control and eradication more difficult.

I note that the 2004 National Drug Strategy Household Survey found that 6.8 per cent of people had the opportunity to use methamphetamines, otherwise known as speed or ice, in the last 12 months compared to only 0.9 per cent for heroin, and 50.9 per cent of the people who had the opportunity to use speed, did so. Similarly, of the 7.8 per cent of the population over 14 who had the opportunity to use ecstasy, 47.2 per cent did so.

Speed, or methamphetamine, is now the most commonly used drug over a person's lifetime after cannabis, so this bill reflects these changes to illicit drug taking in our community. In particular the move away from large-scale drug importation to backyard drug factories requires a corresponding change in the law to enable police and other authorities to detect, apprehend and prosecute offenders.

The bill improves the ability of Victoria Police to deal with the approximately 30 to 45 drug factories discovered each year. Given the dangerous nature of chemicals on site it enables the police to immediately destroy chemicals and/or equipment if deemed dangerous to investigators or surrounding homes, and I assure Mr Dalla-Riva, who raised this issue, that the bill does include a range of safeguards to ensure fairness and independent scrutiny of police actions when drugs are destroyed or disposed of without a warrant.

For example, the bill provides that reports must be made to the Chief Commissioner of Police detailing samples taken, things that were seized, destroyed or disposed of and the circumstances surrounding the seizure, destruction or disposal. Another safeguard is that copies of relevant information may be provided to certain persons, including the owner or occupier or persons charged with an offence that relates to the substances or items that were destroyed or disposed of, and in addition samples taken, if sufficient to enable analysis or examination, must be delivered to an analyst or botanist upon request of a person charged with an offence under part V of the act.

There are a number of safeguards contained in the legislation in relation to this matter, and of course the director, police integrity, is also required to inspect records and report annually to the minister for police, and the chief commissioner also submits reports that are eventually tabled before the Parliament.

The bill also contains provisions that enable the chief commissioner or her delegate to destroy illicit drugs on site if an analyst or botanist certifies that this is required in the interests of health and safety. In relation to backyard operations, which I have alluded to, there is an increased use of hydroponic technology in the cultivation of marijuana. This bill amends the definition of the term 'cultivate' to include the propagation of

cuttings and the definition of 'narcotic plant' to include cuttings with or without roots.

The bill also enables unsworn officers to be authorised to possess drugs in the course of their duties for the purposes of storage, transportation and testing. This will assist further in freeing up sworn police for the business end of dealing with drug operations. As well the bill includes amendments controlling the availability of precursor chemicals — that is, chemicals that can be used in the development of illicit drugs such as methamphetamines or ecstasy, as is the case with the commonly available over-the-counter drug pseudoephedrine.

The bill also makes it an offence to possess a tablet press without being authorised or licensed to do so or otherwise without lawful excuse, and I assure Mr Dalla-Riva that the provisions apply to both new and second-hand tablet presses. The bill lowers the amount of pseudoephedrine and other drugs that can be legally possessed and makes changes to the quantities relevant to possession and trafficking, including commercial and large trafficking offences in the act, to reflect changes to the illicit drug trade. For example, the amendments include a lowering of the threshold quantity for pseudoephedrine and ephedrine from 20 grams to 10 grams to achieve parity with ecstasy, in recognition that these drugs are now sold in tablet form rather than powder form, as is the case with ecstasy. The bill makes a number of other technical amendments as well, but I do not want to go through the other changes in any great detail.

I do want to emphasise, however, that the approach we have taken in the bill should not be taken in isolation from the government's broader drug strategy. Through this bill and the other activities of the Bracks government we have shown that we are committed to tackling the issue of drugs in our community head-on. Since coming to office the Bracks government has put more than 1500 police into the community — a reversal of the Kennett government's trend, which saw a decline in real police numbers and morale. Having more police is having an impact on the drug trade, and we are seeing more resources going to tackling organised crime in this budget, as we did in previous budgets.

However, while the focus of this bill is on enforcement and the control of illicit substances, the Bracks government recognises that this is not the only way of dealing with the drug problem. We have supported $385.9 million worth of initiatives designed to educate and deter potential offenders and assist with the rehabilitation of drug users. It is pleasing to see that at least in this country we have not engaged in an American-style 'war on drugs' debate, because it is acknowledged across all the political parties that this approach does not work. All it does is see our prisons fill up with the victims of drug use and our police being diverted away from chasing after drug traffickers — those who are reaping enormous benefits from their illicit activities and of course are wreaking enormous damage on the community.

The Victorian Drug Strategy provides Victoria with an integrated and sensible approach to addressing the harms from illicit drugs and also from alcohol and tobacco. It is important, though, that we have a measured and proportionate response to the issue and to the problem of drugs in our community. We need to go after the traffickers and suppliers and not the users, and this bill, taken together with the various other initiatives that we have undertaken under the overarching Victorian Drug Strategy, means that we are on the right track. With those words I commend the bill to the house.

Hon. J. A. VOGELS (Western) — I would like to make some comment on the Drugs, Poisons and Controlled Substances (Amendment) Bill. The purpose of the bill is to enhance legislative provisions to deter illicit drug manufacture, supply and use in Victoria. Because the types and quantities of illicit substances being manufactured and supplied are increasingly sophisticated — that is, designer drugs — we need amending legislation to ensure that our laws remain relevant and effective in dealing properly with the illicit drug trade.

The illicit drug trade operates in an ever-evolving marketplace, particularly since the introduction of designer drugs such as ecstasy. We have all heard of people buying legal drugs at chemists, for example, and then moving on to another chemist shop or pharmacy. They go from one business to another and then in clandestine backyard operations or laboratories they use pill presses to manufacture tablets that are much easier to distribute than the original medication, especially among our young people. This bill makes it illegal to possess a pill press without lawful excuse, and I support that. It also creates an offence of possession of a prescribed precursor chemical — in other words, a chemical that can be used to create other drugs. It creates an offence of an adult supplying drugs to a child for the purpose of that child trafficking to another adult.

Schedule eleven of the Drugs, Poisons and Controlled Substances Act 1981 is amended to include newly developed drugs and the relevant quantities in which they are traded. The threshold possession quantity of pseudoephedrine, which is used in over-the-counter

non-prescribed cold and flu tablets such as Codral, is reduced to 10 grams or the equivalent to 14 packets of such medication. As is often the case we seem to have to legislate for the very small minority. It always amazes me, although I can understand why it happens, that we spend much of our time in this house legislating for the small minority who abuse systems. The majority of people out there who do the right thing are caught up in this sort of legislation by having to produce all sorts of forms et cetera to get the drugs they need because they have a simple cold, the flu or whatever.

Interestingly the bill also deals with the number of plants that can be used as an alternative to weight for determining the quantity of opium poppies in an individual's possession. My seat is in south-west Victoria. At Port Fairy, Glaxo produces most of the opium — —

Mr Lenders interjected.

Hon. J. A. VOGELS — It is south-west Victoria, and it is a great part of the state. Thanks to this government I will be representing all of the Western Victoria Region shortly, which starts at Melton and goes all the way to the South Australian border. The people out there need someone to represent them who has actually lived, worked and played in the area since the day they were born, unlike members of the Labor Party. This place should be called Trades Hall Council after the next election, because I notice that most of the candidates who will be standing in upper house seats are Trades Hall Council people rather than people who have lived and worked in country Victoria.

Mr Lenders interjected.

Hon. J. A. VOGELS — I am talking about western Victoria, where the people at 1 and 2 on the ticket will be people who live in Brunswick and Preston. I have been diverted off the bill because of interjections of the Leader of the House.

It always intrigues me that opium poppies may be grown only in Tasmania. We import the produce to Port Fairy in my electorate, where Glaxo turns it into products for medicinal purposes. If poppies were so dangerous, most of the Tasmanians should be on another cloud and away with the fairies, because they grow the poppies. When I see Tasmanians come over here they seem like very decent people.

The bill also provides that the use of poppy seed will be decriminalised due to its extensive use in food substances. We have all eaten bread and rolls sprinkled with poppy seeds. Perhaps some individuals would go to their local bakery, buy bread with poppy seeds and believe that they might get a cheap high. It has never worked.

Police will be provided with extra powers to apprehend and destroy illicit drugs, which no person would disagree with. It is interesting to see that the Labor Party has done a complete full circle since 1999. When I was elected to this place in 1999 — —

Mr Lenders interjected.

Hon. J. A. VOGELS — Sorry. When I was elected to the lower house as the member for Warrnambool, one of the issues I was instantly confronted with was the Bracks government's plan to introduce heroin injecting rooms in Melbourne. I read the Penington report very carefully. A lot of the things said in the report were based on what happened in Holland. The Leader of the Government and I both have our ancestry in Holland. I can proudly say that I was born there, but I do not think the leader can; I think he is second down the tube. I thought to myself, 'This is an illicit drug. I will go to Holland — I still speak the language very well — and see why heroin injecting rooms seem to be working well and why it is being said that they could not work in Australia'. I thought I would investigate the matter.

In 1999 in Victoria about 365 people died of heroin overdose — that is, one a day. That was shocking. It was terrible. This was sad and very serious stuff. I realised that we needed to do something about that. I travelled to Holland. It is a great credit to the Premier of the day. I went to Steve Bracks and said, 'I would like to go to Holland and inspect the heroin injecting rooms, the illicit drug trade in Holland, but how do I do it?'. He gave me a phone number and said, 'Ring this number, and it will be organised'. And it was. My electorate office rang the number, and I went to Holland. I had an interesting 10 days in Holland, where I was taken to heroin injecting rooms, to coffee shops — as they are called over there — and I learned very much.

In 1999 Holland's population was nearly 20 million, about four times the population of Victoria, and about 60 people died of heroin overdose, compared to 365 here. The average age of those who died of an overdose here was 21 and the average age in Holland was 60. One had to ask what Holland was doing that was different. It had to be doing something right. It did have lots of things right. If you were a heroin addict and you needed to go to an injecting room, you were assigned to an injecting room. You could not just walk into any one; there were different ones. The maximum number of participants in a heroin injecting room was 60. The medical staff who worked in these places got to know

each and every heroin addict very well, because they were probably there two or three times a day. There was much exchanging of common greetings such as, 'You are here again. Where do you live? What do you do?'. A family-like atmosphere developed.

But what Holland also did was put in lots of money to try to get these people off their addictions. They started off supplying them with methadone. If you were genuine and wanted to get off heroin, or whatever drug you were on, they found jobs for you. They worked with big companies who would take on these people — for example, if the heroin addict could only fix bicycles, they got him a job in a bicycle shop. Some addicts might have been information technology experts, but jobs were found for them. It was a holistic approach to the illicit drug issue.

I believe this approach works very well in Holland, but you cannot transpose what they do in Holland to Australia. If you break the law in Holland by not fulfilling your obligations, you are treated harshly. If we had heroin injecting rooms in Australia and someone walked in and was asked, 'How are you?', it would probably be illegal because it would be a privacy matter. You cannot transpose what happens in Holland and say that it would be the same in Australia. In Holland a lot of money is thrown at the issue and the illicit drug user is followed all the way through to rehabilitation. I do not believe that would happen here. If we had heroin injecting rooms people would wander in and out and they would have to be let go. That approach would not have worked here because of that issue.

I support the bill because it is good legislation, and it is in line with the Liberal Party policy to be tough on enforcement and sentencing in relation to illicit drugs. I know people who are very close to my family who have been heavily involved in trying to get their kids off illicit drugs. It is sad to watch it happen. I am very supportive of this legislation. The wider community expects strong action on the illicit drug trade. As I have said before, we have all seen how it harms our kids and loved ones. I commend the bill to the house.

Mr SCHEFFER (Monash) — This bill makes a number of changes to the Drugs, Poisons and Controlled Substances Act that will enable law enforcement authorities to better deal with drug trafficking. The amendments are the most recent development in the ongoing efforts by successive Victorian governments to deal with drug issues.

The Kennett government made important policy and legislative improvements, and a decade ago it established a comprehensive drug reform strategy known as Turning the Tide. While there have been differences, some of which have been amplified in the present debate, there has also been in general broad consensus across the community that has produced positive results.

The Drugs and Crime Prevention Committee's final report of its inquiry into amphetamines and party drug use in Victoria in 2004 provided an important contribution to our understanding of this complex area. The committee made 89 recommendations that related to the quantities of pseudoephedrine, amphetamine and methylamphetamine prescribed in schedule eleven of the Drugs, Poisons and Controlled Substances Act. The committee also recommended the introduction of offences relating to the possession of precursor chemicals and amendments to offences involving children dealing in these drugs. The government gave in-principle support to a number of those recommendations.

Under the principal act it is an offence for a person to possess drugs of dependence unless they are sworn police officers who need to handle drugs as part of their work. The changes contained in this bill will allow unsworn Victoria Police employees to be authorised by the Chief Commissioner of Police to transport and handle drugs of dependence so as to assist police officers in their work. This will give police greater flexibility in carrying out their duties because it will enable couriers and crime scene analysts to administer and move these drugs about, leaving police to focus on policing work.

The bill also strengthens the hand of authorities to charge drug dealers who parcel up what are in fact commercial quantities of amphetamines, heroin or methylamphetamines into smaller non-commercial quantities of less than 500 grams so as to avoid committing the more serious offence. Drug traffickers can escape being charged with an offence because each disaggregated individual amount of these drugs is below 500 grams. The amendments contained in this bill will enable these individually packaged non-commercial quantities to be aggregated so that a drug trafficker can be charged with possession of a commercial quantity of the drug.

Under the Drugs, Poisons and Controlled Substances Act it is an offence to cultivate cannabis and opium poppies, but the act's definition of 'cultivate' does not at present include growing plants from cuttings; it is only from seeds. I believe this has become a problem because most commercial cannabis is now grown through hydroponic means using cuttings, so there is

good reason to clarify the legislation on this matter. The bill will make it clear that 'cultivate' includes grafting, division or transplanting, and will enable the authorities to deal with those who produce drugs in this way.

The bill also deals with another important matter relating to the supply of drugs of dependence. Under the present act it is technically not an offence for a child to traffic drugs to an adult. The bill specifies that a person who supplies a drug of dependence to a child who then supplies another child commits an offence. The bill extends this so that an adult who supplies a child who supplies another person, child or adult, also commits an offence. The maximum is 15 years imprisonment. It is severe and appropriate for those who exploit or endanger children in this way.

The bill creates a new offence of possessing a tablet press without the appropriate authorisation. This was also a recommendation of the 2004 Drugs and Crime Prevention Committee's report into amphetamines and party drug use. The committee recommended in effect that the conditions covering the sale of pill presses be subject to legislation. Pharmaceutical companies, for example, widely and legitimately use pill presses to convert powdered drugs into tablets, but restricting their availability to people who can demonstrate they have a legitimate use for them will limit the capacity of producers of illegal drugs to make the drugs into tablets that can be sold on the street and distributed.

The final report of the inquiry into amphetamines and party drug use in Victoria drew attention to the fact that criminal outfits kept ahead of the law by developing a new drug as soon as an existing one was placed on lists of controlled substances. Rather than focus on the manufactured drug, the precursor chemicals became the issue. The committee recommended that the act be amended so that possession of precursor chemicals and manufacturing equipment could constitute an offence. Precursor chemicals that are used to make amphetamines and ecstasy, for example, also have legitimate uses, and the amendment makes room for a person to be given authority to possess a prescribed precursor chemical. There is no intention here to capture individuals who have a lawful reason to be in possession of precursor chemicals. In fact prior to the commencement date of this provision the government will conduct an extensive consultation with industry and stakeholders to draw up the schedule of chemicals as part of the development of the regulations. The national working group under the Ministerial Council on Drug Strategy is currently looking at developing a national model to control precursor chemicals.

An important section of the bill gives Victoria Police the power to destroy without a warrant illegal substances and equipment that is used to make illicit drugs, provided that the authorisation is given by the Chief Commissioner of Police or by a delegated officer. The amendments are intended to apply in cases where a member of the police force is, with the permission of the owner or occupant, searching land or premises, and if in the course of doing that they find drugs of dependence and they come to the conclusion that the items should in the interests of public safety be immediately destroyed or disposed of.

Currently police are unable to act in circumstances where they do not have a search warrant, but under this provision a police officer may destroy and dispose of the drugs or equipment in the interests of public safety or security — in the interests of public health. This kind of power needs to be exercised with great caution as it could be open to abuse. As a consequence a police officer can only destroy or dispose of these items where checks and balances contained in the legislation have been rigorously observed. In the first place an analyst or a botanist has to certify in writing that the destruction or disposal of the items is necessary under the terms of the act. As well a report needs to be provided to the Chief Commissioner of Police providing the details, including samples of the materials that have been destroyed.

Finally, the director of police integrity needs to inspect the records and report to the Minister for Police and Emergency Services immediately so that the range of checks and balances cover any concerns that people might have around this provision being abused.

The Drugs and Crime Prevention Committee in its final report on amphetamines and party drugs gave detailed attention to the complex area of law concerning trafficking. It noted that under the Drugs, Poisons and Controlled Substances Act the definition of 'trafficking' had been extended to include preparing and manufacturing a drug of dependence as well as selling it. The report states that in Victoria the trafficable amount of the drug is no longer based on the weight of the pure amounts. The relevant weight is now the weight of the whole mixture, including substances other than the drug.

Schedule eleven of the principal act lists the illegal drugs and specifies the quantities of the drugs in possession and trafficking offences. The amendments make a range of adjustments to schedule eleven to make sure that the drug quantities remain relevant to movements in the illicit drug trade. The amendments lower the threshold quantity for the precursor chemicals — pseudoephedrine, ephedrine, ketamine

and phenyl-2-propanone — from 20 grams to 10 grams and revise the quantities relating to the large commercial trafficable quantities of these precursor chemicals. The amendments pick up the recommendations made by the Drugs and Crime Prevention Committee. They recognise the importance of preventing the diversion of precursor chemicals for the use in the manufacturing of these drugs.

The Australian Crime Commission's illicit drug data report of 2004–05 states:

> International evidence that global amphetamine-type stimulant production has decreased over the past few years is not supported by the Australian experience.

The report also states that detections of clandestine laboratories in Australia have continued to increase since 1996. This is also true in Victoria. The report states that this increase is likely to be caused by the spreading of knowledge of manufacturing techniques which enables people to attempt small-scale production.

The amendments to this act will assist in reducing the supply of these illicit drugs, make sure that the laws are ahead of the illicit drug trade and support Victoria Police in dealing with these matters. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Resources) on motion of Mr Lenders.

ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.

COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL

Second reading

Debate resumed from 20 July; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. RICHARD DALLA-RIVA (East Yarra) — On behalf of the opposition I rise to speak on the Courts Legislation (Neighbourhood Justice Centre) Bill, and in doing so I indicate that we will be opposing this bill. We see this as a bill that goes backwards by being very specific about identifying that those who commit offences and reside in the demographic area where the offences have been committed are privileged citizens who are placed above those in the broader community of Victoria.

Overriding all of this, we see that this is a form of tokenism for the people of the city of Yarra in that only the residents of the city of Yarra, homeless people who have committed offences in the municipality or Aboriginals with strong cultural links to areas within the municipality will be eligible to be heard in what they call the neighbourhood justice centre.

This is all great stuff if you live in noddy land, but the reality is that those who commit offences anywhere in Victoria should be dealt with in a court within the criminal justice system or indeed in the civil jurisdiction according to where they reside. The state opposition cannot work out why this government wants to identify residents within the city of Yarra as being eligible for preferential treatment over other residents. What argument can the government bring forward to suggest that those people who reside within the city of Yarra should get preferential treatment as distinct from people who live elsewhere?

I understand this model has been based on the procedure adopted in New York, but that was undertaken against the backdrop of a city that was under enormous stress from high crime rates. It was under enormous stress for a variety of different reasons. It is a city that has the population of Australia within its one location. What we are talking about here is a location that has quite a small component of the population of Victoria.

This three-year trial was put forward by the Attorney-General, who has some pie-in-the-sky belief that it will be great and glorious and that those who commit offences and come from the city of Yarra

should be given preferential treatment. We see that as being fundamentally wrong. There is no foundation whatsoever for treating differently those who commit offences within or who are residents of the city of Yarra or homeless people. I really question how you can classify somebody as being homeless within the city of Yarra and deserving of preferential treatment. The reality is that — —

Hon. Andrea Coote — President, I direct your attention to the state of the house.

Quorum formed.

Hon. RICHARD DALLA-RIVA — As I was saying, this is stupidity from a Labor government which really has no idea about how to deal with criminal justice, or indeed civil justice, because this is about establishing a neighbourhood justice centre in Collingwood for the exclusive use of residents of the city of Yarra. The opposition and I question why this should be for the exclusive use of residents of the city of Yarra. Why has this government seen fit to bring in legislation relating to a neighbourhood justice centre — some left-wing ideology — that will actually deliver no benefit to the community? It is going to develop a neighbourhood justice centre in Collingwood as a venue for the Magistrates Court, both the criminal and civil jurisdictions, the Children's Court but not the Family Court, the Victorian Civil and Administrative Tribunal and the Victims of Crime Tribunal.

The madness of the Attorney-General is apparent if members just have a look at what the bill will do. Clause 4 proposes to insert in the Magistrates' Court Act new sections 4M to 4Q. Proposed new section 4O, which is headed 'Jurisdiction of neighbourhood justice division' states in subsection (1):

> In this section —
>
> **"close connection"** means connection involving regular congregation for the purpose of social or community support …

We know the mob opposite hangs around in the city of Yarra. That is where, with their latte coffee, they work out their factional deals. Does that mean they have got some close connection with the city of Yarra because they are constantly having their factional meetings in that city? We know that is the cornerstone of the Labor Party, so does it mean that if they commit an offence it is within the jurisdiction of the neighbourhood justice division?

Proposed subsection (2) states:

> The Neighbourhood Justice Division has the jurisdiction referred to in this section if —
>
> (a) in the case of a criminal proceeding, the defendant —
>
> (i) resides in the municipal district; or
>
> (ii) is a homeless person who is alleged to have committed the offence in the municipal district; or
>
> (iii) is a homeless person who is alleged to have committed the offence outside the municipal district but who is living in the municipal district in accommodation of the kind referred to in paragraph (a) …
>
> (iv) is an Aborigine with a close connection to the municipal district and is alleged to have committed the offence in that district …

In a criminal case where an offender with a close connection elsewhere has committed an offence in Mildura under this legislation the criminal proceeding can be heard by the neighbourhood justice division in the municipal district where the offender resides. In other words, we have the stupid situation where a resident of the city of Yarra who happens to be in Mildura — this is the reality of this stupid, dumb legislation, let us put it in some context — and for some unknown reason commits the crime of theft by stealing a pencil from the Safeway supermarket — —

Mr Somyurek interjected.

Hon. RICHARD DALLA-RIVA — This is not a disgrace, this is interesting, because if he is charged with theft under this legislation — and I will listen to the argument otherwise — that person can then say, 'I am a resident of the city of Yarra and I wish to have the matter heard in the neighbourhood justice division, and by the way I am fighting this and I want to have the witnesses and the police informant and so on brought down so that I can hear their evidence in the city of Yarra'. That is how dumb the government's legislation is.

That means the police must leave the city of Mildura and the witnesses must travel down from the city of Mildura to the city of Yarra to give evidence for this thief who has stolen a pencil in Mildura, just because he happens to be a resident of the city of Yarra. That is what this legislation will require.

Ms Mikakos interjected.

Hon. RICHARD DALLA-RIVA — Ms Mikakos, the alleged solicitor of the house, is telling us about the transfer of proceedings. The legislation does not talk

about the transfer of proceedings. Proposed new section 4N is headed 'Places where neighbourhood justice division may sit and act' and then it refers to the municipal district. The member either knows the issues or she does not. It appears that Ms Mikakos does not know the issues, so I look forward to her contribution to the debate. She is clearly showing her lack of understanding of the legislation before the house.

In the present situation the law applies across the state and citizens accept that the criminal justice code, the civil justice code or the code followed by the Victorian Civil and Administrative Tribunal apply wherever the event occurs. If it occurs in Warrnambool, then the matter will be heard in Warrnambool; if it occurs in Bendigo, it will be heard in Bendigo; and if it occurs in Heidelberg, it is dealt with in Heidelberg. However, under this legislation you are a privileged person if you happen to reside in the left-wing area of the city of Yarra, because that is where the government wants Greens votes and that is where it wants its Labor mates to be placed. That is what it is all about. Why has the government specified the city of Yarra? There is no basis other than that it wants the foundation for its Labor mates to be placed in the city of Yarra. The government knows that the Liberal Party does not have any control there, and this is about pacifying the Greens to get preferences in the next election. There is no other basis as we head into the election.

This legislation is an absolute disgrace, and it makes clear the left-wing views of this government. The people of the rest of Victoria are second-class citizens compared to the government's left-leaning Labor mates in the city of Yarra. We are now going to put through legislation which differentiates between people in the criminal system, the civil system, the Victorian Civil and Administrative Tribunal system and every other system — including the Children's Court system. We are going to have a privileged class of residents who will be able to have preference over everyone else in Victoria. They will be able to commit offences — whether they be civil offences, VCAT offences, Children's Court or, indeed, County Court offences — anywhere in Victoria and have their cases heard in the neighbourhood justice division.

Do members know what galls me most? It is: who selects the magistrate who will hear a case? It will be done at the whim of the local community. Heaven help us! This is an area with a Labor-dominated City of Yarra. The area has such left-wing Labor mates that I suggest what members of the government are proposing is to put forward their union mates into positions that are really about supporting the Labor movement.

The state opposition opposes this legislation because we do not see the necessity to have second-rate citizens, as people in the rest of Victoria will be, with preferential treatment being given to the citizens of the city of Yarra — because it suits political needs. The fact of the matter is that police and witnesses will have to be transported to the area. For example, proposed new section 4O provides:

> (b) in the case of a civil proceeding or a proceeding under the Crimes (Family Violence) Act 1987 —
>
> (i) at least one of the parties resides in the municipal district …

In other words, if Mrs Jones has been approached by her ex-husband in Morwell, Stawell, Bendigo or any other place apart from the city of Yarra and she has made an application under the Crimes (Family Violence) Act, she will have to go to the city of Yarra because at least one of the parties — in other words, the offender — resides in the municipal district of the city of Yarra. Members opposite are going to make everyone else come to the city of Yarra — this legislation demands that. Who is really the victim here? They do not care about the victim. They do not care about anyone else. All they care about is the offender, who resides in the city of Yarra — because it suits their political left-wing needs. That is a disgrace. It means that women victims and police will have to leave their areas and come into the neighbourhood justice division just because the offender happens to reside in the municipal district.

A homeless person might happen to leave the city of Yarra and for some unknown reason go into another area. If that person commits an offence or does something wrong, the reality is that that person will be able to take all the witnesses, police and all the other persons who have to give evidence out of the area into the neighbourhood justice division — into an area where the magistrate is selected by who knows who? Where does the process show who selects that person?

The fact of the matter is that the process does not include anybody who is qualified to select that person. Mr McQilten would agree that we are almost going back to the old kangaroo court. He has actually nodded, so I take that as agreement. The fact of the matter is that nobody on the Labor Party side will stand up and say, 'Yes, it is wrong that we will have a neighbourhood justice centre that is specific to one area'. Why is it that we cannot have them in other locations? Because it does not suit the political needs of this government to have them in other areas.

I raise a very sensitive issue in relation to jurisdiction under proposed section 4O. Proposed subsection (2) provides that:

> The Neighbourhood Justice Division has the jurisdiction referred to in this section if —
>
> … the defendant —
>
> …
>
> (iv) is an Aborigine with a close connection to the municipal district and is alleged to have committed the offence in that district.

I have to ponder on what close connection an Aboriginal person would have with a municipal district. I understand that members of the Aboriginal community have a connection with the community in a sense, but I have never understood that an Aboriginal community could have a connection with a local government area. I say to Ms Mikakos that I have never understood how a member of an Aboriginal community could say, 'I have a close connection with the city of Yarra', or, 'I have a close connection with the city of Boroondara'. They do not think that way.

Honourable members interjecting.

Hon. RICHARD DALLA-RIVA — Government members can sit there and interject, but I cannot understand how they can say that an Aboriginal has a close connection to a municipal district. They should think about it, the dunderheads! They are actually trying to say that an Aboriginal community has a connection with a local government area. Are they seriously telling me that a member of the local Koori community says, 'Well, I have a close connection with the city of Whitehorse', or, 'I have a close connection with the city of Manningham', or, 'I have a close connection with the city of Yarra'? It is stupid in the extreme to think that is the way Kooris think and that what is being done is pacifying the Koori community.

What government members are doing is diminishing their involvement in the community, because what they are saying is that because Aboriginals happen to be residing in an area where they have a greater population, therefore they have a greater connection. That is stupidity at its extreme! Anyone with half a brain — which half the people on the other side would struggle to have — would understand that what they are trying to do is paint the Koori community into an area. That is wrong. That is not the Koori community. It does not want to be painted into an area. Kooris happen to reside in the city of Yarra because that is the area where they have services and the like and they find they are closely connected, not because they are associated with the municipal district.

What stupidity it is in a piece of legislation to actually specify that they will be connected to that area. It is dumbness at its greatest. It is a stupid government that thinks it can actually win votes in that area. The realities are that this is more about warm and cuddly, dumbed-down justice in Victoria. What are we doing about our justice system in the longer term? We know that crime numbers in this state are going through the roof.

Honourable members interjecting.

Hon. RICHARD DALLA-RIVA — Here we go — interjections!

Hon. R. G. Mitchell interjected.

Hon. RICHARD DALLA-RIVA — Let me just say that I agree that crime and bicycle theft — —

The ACTING PRESIDENT (Hon. H. E. Buckingham) — Order! Through the Chair, Mr Dalla-Riva.

Hon. RICHARD DALLA-RIVA — I agree that the crime numbers on bicycle theft are down. Congratulations to the Bracks Labor government! But we know that in every other crime — rape, murder, arson — the numbers are going through the roof. Even the Police Association, the government's mates, are saying that the numbers in serious or real crime are going through the roof. What it is doing now is saying, 'We're going to dumb it down even further. We're going to create this neighbourhood justice centre which is about isolating crime into one area and we are going to put in our Labor mate'. I hope it does not, Acting President, but I have the suspicion that what this government is proposing to do is slot a mate into the position of magistrate. I hope that is not the case, but it appears it might be.

This is a government that is more interested in looking after its mates than about ensuring that law and order is its priority. It is more interested in spin and rhetoric than in law and order. It is more interested in its mates than in law and order. It is more interested in everything else than it is in law and order.

The fact is that the legislation before the house does nothing to deal with real crime in the city of Yarra. I feel sorry for people from around Victoria who will have to travel from wherever they are in Victoria to the city of Yarra although the offender, not the victim, committed an offence somewhere else outside the city

of Yarra. The police officers and witnesses will now be forced to travel to some soft, left-wing little joke jaunt where the offender will sit and say, 'You poor victim. I apologise. I didn't mean to stick a gun in your face. I apologise. But listen, I come from the city of Yarra and therefore I am secured because that makes me a person of close connection or a person of the municipal district'.

The reality is that the government has lost the plot. It is an absolute outrage when you start to deliver separate legislation that specifies by local government area where offenders have preferential treatment over other Victorians. That is the reason the opposition opposes this legislation. We see this as stupidity. This is the action of a government and a minister who have no idea about or connection with the real world. This is the action of an arrogant government. After seven years it has lost it. This is a classic piece of legislation that demonstrates the absolute lack of connection the government has with the rest of the community. This is about looking after the Labor mates and Greens preferences. The state opposition has great pleasure in opposing this stupid, dumb piece of legislation.

Hon. W. R. BAXTER (North Eastern) — This legislation certainly has some troubling aspects, and I want to refer to some of those in my contribution this evening. I have listened to Mr Dalla-Riva with interest. He has raised a couple of aspects that I hope the government through its speakers in this debate or the minister can satisfy the house about. Unlike Mr Dalla-Riva I am prepared to take the legislation somewhat more at face value and say it is a pilot project and a genuine attempt to deal with a problem we have in our society of repeat offenders who commit relatively trivial offences. The current system is clearly not working and I therefore think it is incumbent on the Parliament to examine other ways of dealing with those offenders in much the same way as the Parliament has done, for example, with the Koori court and possibly with the drug court.

The Nationals approach this legislation with a somewhat heavy heart. We are a bit suspicious that it is social engineering and that the Attorney-General is attempting to introduce concepts into this state that he has seen in New York. I agree with Mr Dalla-Riva that you cannot compare the state of Victoria with the state of New York in respect of crime; they are chalk and cheese. There is perhaps some concern because the City of Yarra has been identified as the pilot municipality. There may be some political content there to satisfy the Greens, bearing in mind that the City of Yarra has at times had a majority of Greens councillors. I am pretty much aware of that, being a ratepayer in the city of Yarra, so I feel the pain of a Greens-dominated council not only in my hip pocket but also in some of the other activities that Greens-dominated councils get up to.

I suppose one could also query whether this legislation is undermining the court system and the respect for law that we know so well and hold so dearly, which has underpinned our democracy now for more than 150 years. Is it introducing new concepts that perhaps have been insufficiently thought through or might lead to unintended consequences? Certainly the notes attached to the bill introduce a couple of phrases with which I am unfamiliar — therapeutic jurisprudence and restorative justice.

Hon. Richard Dalla-Riva — That is great!

Hon. W. R. BAXTER — I say to Mr Dalla-Riva that I did a search of the statute book to see if there was a definition either in the Magistrates' Court Act, the crimes acts or in any of the laws of Victoria of those two terms. We are all familiar with the fact that most acts of Parliament, usually around about section 3, have a series of definitions. My search using the modern technology we are all supplied with came up with nil response to my query. I am assuming that those terms have not actually been defined, and I have to say that I am unsure exactly what they mean.

Hon. Richard Dalla-Riva — I do not think the Attorney-General knows either.

Hon. W. R. BAXTER — He may not, but I would certainly ask Ms Mikakos, as the lead speaker for the government in this debate, to throw some light on what those terms mean. Depending on what they mean, I also ask: is this bill introducing a different set of penalties for similar transgressions depending on your socioeconomic status or your place of residence? If it is doing that, are we happy about that? No, I am not really happy, if that is the situation. Is it undermining the traditional majesty of the courts? I think part of the influence the courts have on citizens is that traditionally they have been places of some remoteness and majesty, and that has perhaps given them an authority in the eyes of ordinary citizens.

I know we are moving away from that; perhaps we have been moving away from it for many years — for example, if you look at courthouses in country towns in New South Wales that were built more than 100 years ago, you can see that they are extraordinarily majestic buildings. They must have towered over the rest of the shanty towns when they were built 150 years ago. For examples you can go to Yass, Hay or Deniliquin, or to the first country courthouse west of the Great Dividing

Range in New South Wales at Moulamein, a town which scarcely exists now yet has a majestic courthouse. If you look at our own Supreme Court and court buildings in country towns around Victoria you will see that they are not on the scale of those in New South Wales; nevertheless, in most cases they were the most significant building in a particular settlement. That is not the way we build courts now. Our modern courthouses in the suburbs and country towns are much more utilitarian buildings.

This bill goes a further step. As I read it, now a court will be held in a room somewhere and the magistrate will not enter the bench via his chamber; he will come in the front door like everyone else. That may well be the way the courts should be run in the future, particularly the Magistrates Court, the lower jurisdiction which deals with the less serious crimes and misdemeanours. From looking at the bill, it seems that the way the court will act and carry on its work will be very different to the trappings of formality that we customarily accord to the courts.

For example, clause 4 inserts proposed section 4M(6), which provides:

> (6) The Neighbourhood Justice Division must exercise its jurisdiction with as little formality and technicality, and with as much expedition, as the requirements of this Act and the Sentencing Act 1991 and the proper consideration of the matters before the Court permit.

So, yes, it would seem that we will get down to a very informal sort of a system. There may not be anything wrong with that in terms of the jurisdiction of the proposed neighbourhood justice centre. Let me dwell on that for a moment, because I will make a plea to Ms Mikakos that she clear up the valid point made by Mr Dalla-Riva which, if he is correct, would give me great cause for concern.

I go to his example that a resident of the city of Yarra who has committed a crime in Mildura could require the case to be heard by the neighbourhood justice centre in the city of Yarra, which would require witnesses and police to come all the way from Mildura. If that is the case, that is a matter of concern. It is not the way I read the legislation, although I acknowledge that to me the legislation is not clear on this point. I do not read that the situation will in any way give the defendant the opportunity to elect where the case will be heard. In other words, if a crime is committed in Mildura and a person is charged in Mildura, even if he or she was a resident of the city of Yarra, I do not think this legislation gives that defendant the right to elect to have the proceedings against him or her conducted in a neighbourhood justice centre in the city of Yarra rather than in the Magistrates Court in Mildura, as would customarily be the case.

I would like some clarification on that matter. I notice there is no-one in the advisers box at the moment who might be able to advise Ms Mikakos on that aspect. The point Mr Dalla-Riva raised is a matter of some importance. I do not think Mr Dalla-Riva is correct, but I am not a lawyer and I do not want to make the judgment and vote on this legislation until I get the answer to that question, because it might determine whether I change my mind about which side of the house I will vote on.

We also ought to note another matter that Mr Dalla-Riva raised, which I think he is incorrect on, but again I would like some clarification. A couple of times he suggested that the magistrate appointed to the neighbourhood justice centre would be appointed by some local committee, or be appointed by the community. I do not see that that is the case at all. Proposed section 4M(3), inserted by clause 4, clearly states:

> (3) Despite section 4(3), the Neighbourhood Justice Division shall only be constituted by a magistrate who has been assigned to that Division by the Chief Magistrate by notice published in the Government Gazette.

That seems clear enough to me, but I am sure Mr Dalla-Riva was not making his claim without some reason for making it. Whether I am misinterpreting that, or whether proposed subsection (4) qualifies proposed subsection (3) in a way that I do not discern, I am not certain. I would appreciate some advice on that as well.

Let me also say that this bill will not set up a neighbourhood justice centre that will deal with all manner of offences. It is fairly clearly quarantined to the relatively insignificant offences.

Hon. D. McL. Davis — At this point.

Hon. W. R. BAXTER — Yes, Mr Davis, I acknowledge it is at this point, but proposed section 4O(4) states:

> (4) The Neighbourhood Justice Division does not have jurisdiction to deal with —
>
> (a) a committal proceeding into an indictable offence —

so all those offences of a more serious nature which are indictable offences do not fit within this proposal —

or

(b) a proceeding for a sexual offence as defined in section 6B(1) of the Sentencing Act 1991.

So sexual offences are quarantined out as well. As I read the bill we are really dealing with those minor misdemeanours that might be committed in the city of Yarra by a person who is a resident of the city of Yarra, is a homeless person within the definitions contained in the act, or is an Aboriginal person who meets the criteria in the definitions and has close connection with the community of the city of Yarra. As I say, it is a pilot project. If it were not, I would be objecting much more strongly than I am.

I do not think there is any doubt that the city of Yarra has a problem in this respect. It does have issues with persons who are homeless or persons who are Aboriginal congregating in its precincts, and crimes are being committed. The crimes are perhaps of a relatively insignificant nature, but nevertheless the law is being broken — and the law is being broken by repeat offences. The same people are committing the same offences over and over again. They are being processed by the court system as we now know it — the Magistrates Court — but it does not seem to be having an effect. I am prepared to say, 'Let's try something else; let's give this a bit of a go'. Is there a way that we can get these people who fit into this category back on the straight and narrow? Because we are not doing it very successfully right at the moment. That is where I, in good faith, say that that is the government's good faith as well. I hope I am not mistaken in placing my good faith in the government's good faith in this respect.

The Parliament has a responsibility to acknowledge that we live in a dynamic society, that the way we have done things, albeit perhaps for more than 100 years, is not necessarily the most appropriate way to do them into the future, and that we need to seek out new ways of dealing with some people in our community who do not seem to fit in very well with the rest of us. It is easy, I suppose, to get on a high horse — and I plead guilty to it myself — of saying, 'These people are a blight on our society. They constantly cause trouble and difficulty. They offend other people. They clog up our court system, and in fact they are a bit of a nuisance'. They might be all those things, but the fact of the matter is that the problem exists and we have not been too successful in dealing with it. Here is what I think is a genuine attempt to try another method.

Subject to satisfactory assurance from Ms Mikakos on the couple of matters I have raised, The Nationals are prepared to support the legislation as a pilot. We will be very much interested in the sorts of reports we get back at the end of three years as to whether it is worthwhile expanding it to other municipalities.

Ms MIKAKOS (Jika Jika) — I am very proud to speak in support of the Courts Legislation (Neighbourhood Justice Centre) Bill. I say at the outset how disappointed I was by the rant — I would not really call it a contribution — by Mr Dalla-Riva and the fact the he was not really prepared to consider at all the thinking behind this bill. I found appalling the way he vilified the whole community of the city of Yarra. I think that community will be absolutely appalled to read the record of his contribution, or as I said, his rant in this debate this evening.

Justice cannot be seen to be done when it is divorced and separated from the people it is there to serve. This bill is about returning some aspects of the justice system to our community and being prepared to consider new ways and approaches to the challenges we face as a community. The neighbourhood justice centre that is being established in Collingwood, in the city of Yarra, is part of an international movement that recognises that for justice to be done it must involve and engage the community. The neighbourhood justice centre will incorporate a multijurisdictional court and provide access to a range of services for both the court users and non-court users in that community that are aiming to provide a more holistic and more comprehensive resolution of legal problems and issues.

The court will seek to bring together both the criminal and civil areas of the Magistrates Court, together with the criminal division the Children's Court and the work of the Victorian Civil and Administrative Tribunal (VCAT) — and all are to be dealt with by a single magistrate. In relation to the types of matters that will be able to be heard, all criminal matters ordinarily heard by the Magistrates Court will be able to be heard by this court, with the exception of serious sexual offences and committal matters. The same applies to matters that would ordinarily be heard by the Children's Court, with those particular exclusions. Victims will also be able to benefit by obtaining compensation. Matters concerning victims of crime that would normally go to the Victims of Crime Assistance Tribunal will now also be able to be heard by this court. Family violence matters such as intervention orders will also be able to be heard, as will some civil matters and, as I said, VCAT matters.

In his contribution Mr Dalla-Riva asked why this particular court is being located in the city of Yarra. I want to say at the outset that Collingwood, or the city of Yarra, is a very culturally vibrant, progressive and densely populated area. Like many other city areas

around the world it does contend with a higher than average rate of crime. In particular I want to note that the city of Yarra has four of its suburbs represented in the top 10 postcodes ranked by offence rate per 100 000 of population — for example, Collingwood's rate is more than six times the statewide average, or 52 754 per 100 000 of population, in comparison to 7979 per 100 000 for the whole of the rest of Victoria. In addition, the city of Yarra is an area of significant social disadvantage. The Australian Bureau of Statistics figures show that Collingwood is ranked third in the state on a variety of social disadvantage indicators. However, despite its many challenges and problems, it is a community that is looking forward to the future — for example, it already has a very vibrant neighbourhood renewal project under way. There are a lot of very good support services in existence in the city of Yarra, and these services work together as part of this renewal project. I am sure that once this court is under way from January next year this community will come together to support it.

The local community has particular needs and faces particular challenges. It has been very disappointing to hear Mr Dalla-Riva's dismissive assertions in relation to why this community has been identified for what, I need to emphasise — and I cannot emphasise it enough — is a pilot project. It is a pilot that will run for three years. It will be independently evaluated. The bill also contains a sunset clause. In a similar way to the way the sunset clause we put in place for the Koori court and the drug court operated, the sunset clause here will ensure that this legislation comes back before this Parliament for the results of that evaluation to be considered by it and a decision made as to whether this court should continue. I completely reject all the ludicrous assertions made by Mr Dalla-Riva as to why this local community was identified for this project. I certainly hope the city of Yarra community really does get behind this court. I know many members of that community are very excited about the prospect of this court and are very supportive of it.

It is important to say that this is one of only three such courts of its type that I am aware of in the world. The one that has already been talked about is the one in New York, and there is another one in the United Kingdom, but certainly this is the first of its type in Australia. The success of the Red Hook justice centre in New York is unquestionable. It led to a 50 per cent compliance with community-based orders, for example, as well as 79 000 hours of community service worth more than $400 000 being provided to that local community. It also had a huge impact on the reduction of criminal offences in that community — a drop of 48 per cent overall. In particular, it led to significant drops in murders, rapes, robberies and assaults.

Of course we cannot compare apples with oranges. I accept the fact that the crime rates in New York were obviously unique to that community, but it does demonstrate that this model can work. Essentially this is a model that looks at the underlying causes of crime and seeks to provide a more holistic approach to dealing with them. Services will be provided within this neighbourhood justice centre that will deal with drug and alcohol issues, mental health issues, and housing, employment and financial issues. It will also provide alternative dispute resolution procedures and methods. The expectation and hope here is that this court will operate in, I guess, a less complicated and legalistic way to make the justice system more accessible and less daunting for the average person.

The issue of restorative justice came up earlier in the debate. The idea behind restorative justice is that people who commit crimes that impact on the community must be provided with the opportunity to make proper restitution to that community. In particular I use the example of defendants in the city of Yarra who are on community-based orders and who will be able to perform work as part of those orders in their local community. I find this approach particularly appealing, because it means that those who have committed crimes against a particular community are able to make good on their crime to that community. It is about paying a debt to society, but particularly to the community that has been affected by that criminal behaviour.

Research has shown that having an offender come face to face with the victim or victims of their crime and make direct restitution can be a very effective form of punishment and can deter reoffending. I guess this is what the approach of this court will be. I said before that victims of crime, defendants, witnesses and even non-users of the court will be able to access the various programs and services that will be available within the neighbourhood justice centre. This is consistent with the government's approach to addressing disadvantage in its *A Fairer Victoria* social justice statement.

It has been suggested that this is a soft option. I want to assure the house that this is not a soft option in any respect. The provisions in the Sentencing Act which require a magistrate to decide an appropriate sentence after taking into account factors such as deterrents, punishment, rehabilitation, protection of the community and the concerns of the victim will remain in force in the neighbourhood justice centre as in other courts. The magistrate will have all the sentencing options available

to him or her that are available in other courts, and that includes imprisonment, so there will not be any difference in that respect. It is intended to reduce reoffending in local communities by ensuring that people have access to these holistic services and programs.

In relation to the issue that arose of a hypothetical offence occurring in Mildura and an offender having their matter heard in the city of Yarra rather than in Mildura, these decisions will ultimately be made by magistrates, either in Mildura or in the city of Yarra. The bill has provisions that allow for a transfer of proceedings both to and from the neighbourhood justice centre. In the normal course of events in the current court system magistrates take into account the availability of witnesses, defendants and so on when making decisions as to the appropriate venue for matters to be heard. The election as to where a particular matter is heard will be made by the magistrate, as is currently the case.

In respect of other issues related to the bill, particularly the selection of the magistrate, I draw the attention of the house to clause 8 which inserts new section 16E to provide for the President of the Children's Court to appoint a magistrate. Subsection (3)(b) of that new section stipulates that the president must consult with the Chief Magistrate of the Magistrates Court. However, we are trying something slightly different here in relation to the selection of a magistrate, because we want to involve the community. In an Australian first we have decided that two local residents who are members of the neighbourhood justice centre community liaison committee will participate in the interview panel for the appointment of the neighbourhood justice centre magistrate. This is something we should welcome. It is about involving the community. Of course the Chief Magistrate and the President of the Children's Court will ultimately make the decision in appointing that magistrate, but it is a welcome move to involve the community in the selection process.

I want to say in conclusion that this is an innovative piece of legislation. It is a pilot program. We have been prepared to try innovative approaches in the past, and we have seen the great success of the Koori court, the drug court and the family violence lists. This is about tackling the causes of crime. This bill deserves support. I wish it great success in the next three years, following its commencement in January next year. I will certainly be watching it with a great deal of interest. I hope the city of Yarra will be part of my new electorate from next year, and I am sure that local community will be very supportive of this initiative. If it goes well and is a great success, I hope we can have similar neighbourhood justice centres in other parts of Victoria. It is disappointing that members of the Liberal Party have not been prepared to consider a serious approach to tackling crime.

Ms ROMANES (Melbourne) — I find it unbelievable that the Liberal opposition is opposing this bill. I find it outrageous that Mr Dalla-Riva should accuse the Bracks government of tokenism. On the other hand I applaud Mr Baxter for his recognition of the genuine attempt by the Bracks government to tackle the problem of repeat offenders who are on minor charges and to tackle a system that is currently not working to bring effective, accessible justice to many people who are facing courts in various parts of Victoria.

It is important to understand that this pilot neighbourhood justice centre, which is to be placed in Collingwood, is rooted in the government's long-term action plan, *A Fairer Victoria*, which was released early last year and aims to tackle disadvantage and to increase opportunities for all Victorians.

One of the important actions in *A Fairer Victoria* is to improve access to justice for those facing disadvantage, and there are four areas identified as needing further reform in the justice area. One is protecting human rights; the second is addressing the causes of overrepresentation of disadvantaged groups in the criminal justice system; the third is improving responses to victims of crime; and the fourth is improving access to legal information, advice and assistance.

The pilot neighbourhood justice centre that the Bracks government will put in place as a result of this legislation is being sited in Yarra for good reason. It is logical that it be placed in a diverse inner city municipality with a high crime rate and much social disadvantage.

Mr Dalla-Riva seems to be offended by the fact that this pilot should be placed in Yarra, and offended that, supposedly, people who are homeless, Aboriginal, left wing and others should get so-called preferential treatment. He also seems to be uninformed. He calls Yarra a left-wing, soft area, not taking into account that the current mayor, Jackie Fristacky, is a Liberal Party member whose husband was an adviser at one point to Robert Doyle, the former Leader of the Opposition. In other words, Yarra is an area where people from all walks of life and all beliefs and ideologies reside and play an active part in the community, including the very active mayor, Jackie Fristacky.

As Mr Baxter recognised, it is incumbent on government and the Parliament to put extra resources into tackling crime and its causes, where these needs are greatest. The city of Yarra is an ideal site for the neighbourhood justice centre pilot, as it has a very active and progressive community which has various networks and programs and facilities operating such as neighbourhood renewal, which has also been an integrated approach to tackling social disadvantage and problems on public housing estates.

That has led to enhanced harmony, more jobs, better physical surrounds and a reducing crime rate associated with those public housing estates in the city of Yarra. The city of Yarra has one of the highest crime rates in Victoria, with four of its suburbs represented in the top 10 postcodes ranked by offence rate per 100 000 population — for example, Collingwood's rate is more than six times the statewide average — 52 754 per 100 000 population, compared with 7979 per 100 000 for the whole of Victoria.

It is an area overrepresented in crime statistics; it is an area where there is social disadvantage and there is a need to take a new approach. It is also very important that we do try new ways of administering justice, looking at addressing underlying causes and dealing effectively and in a holistic way with the need to provide a range of sentencing options additional to the ones that will still be available to the magistrate of the neighbourhood justice centre in the application of the law and sentencing.

It is important that we acknowledge that groups like Aboriginal people, who may access justice through the neighbourhood justice centre in Collingwood in the future, do have a close connection to the Yarra area. The Koori community has not been painted into the Yarra area by the government, as Mr Dalla-Riva suggested. There is a long and strong history of Koori community members congregating in the Yarra area. It is an area where important organisations like the Victorian Aboriginal Legal Service and the Victorian Aboriginal Health Service were founded back in the 1970s, and where there has also been great support from the local council and other agencies like the Brotherhood of St Laurence and many other community networks for Koori people, and likewise for homeless people. Therefore it is not surprising that the neighbourhood justice centre should be trying to provide a justice system that will take into account the difficult circumstances that these groups face in the community in terms of getting a fair go when facing the justice system.

The government is looking at providing a one-stop shop for on-site support and mediation and case-by-case assessment to address the underlying causes of crime in the area. That is why there will be a co-location of legal, employment and housing services as well as drug and alcohol counselling, gambling counselling, mental health support services, and help for victims of gambling and victims of crime.

The Bracks government has trialled new ways of administering justice through the Koori court, the drug court and the family violence court. When these programs were initially established they were pilot programs. They have looked to find creative ways to support people so that we do not have a revolving door for those who get caught up in the criminal justice system, and they are looking for ways to help people break out of those situations. So this trial is well worth supporting.

I would ask Mr Baxter to support the legislation. It does have the fallback sunset provision so that after an evaluation in three years the government will reconsider whether or not its operation will be extended or it will cease to exist. It is a very important social justice initiative by the Bracks government, and I urge members of this house to give it every support that they can.

House divided on motion:

Ayes, 27

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms (*Teller*)	Pullen, Mr
Darveniza, Ms (*Teller*)	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr	Smith, Mr
Hadden, Ms	Somyurek, Mr
Hall, Mr	Theophanous, Mr
Hilton, Mr	Thomson, Ms
Jennings, Mr	Viney, Mr
Lenders, Mr	

Noes, 14

Atkinson, Mr	Forwood, Mr
Bowden, Mr	Koch, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr (*Teller*)	Stoney, Mr
Davis, Mr D. McL. (*Teller*)	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass.

House divided on question:

Ayes, 27

Argondizzo, Ms	McQuilten, Mr
Baxter, Mr	Madden, Mr
Bishop, Mr	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Drum, Mr	Scheffer, Mr
Eren, Mr (*Teller*)	Smith, Mr
Hadden, Ms (*Teller*)	Somyurek, Mr
Hall, Mr	Theophanous, Mr
Hilton, Mr	Thomson, Ms
Jennings, Mr	Viney, Mr
Lenders, Mr	

Noes, 14

Atkinson, Mr	Forwood, Mr (*Teller*)
Bowden, Mr	Koch, Mr (*Teller*)
Brideson, Mr	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

North-eastern Victoria: seasonal road closures

Hon. E. G. STONEY (Central Highlands) — I raise a matter for the attention of the Minister for Environment in the other place regarding road closures, public disadvantage and safety issues at Mount Stirling, King River and the Alpine National Park. I have a letter from Mr John Kompa of Hoppers Crossing, who states:

> On the Queen's Birthday weekend people that wanted to get into the forest below Mount Stirling (e.g. King River and King Hut …) were locked out, and those like myself who went in on the Thursday before were locked in. The only option in getting out was a track much more dangerous than the way we had come in.
>
> We had friends that could only come in after work on Friday —

and listen to this bit: when they got to the toll gate they were charged $30. He continues:

> They could only get to the gate at the telephone box junction as this gate was locked … They then had to go back to Carter Road and try and get in that way.

It was night time and they could not get to camp until 12.30 a.m. He goes on to say:

> Another friend that tried to get in on Saturday didn't get in until Sunday …
>
> While heading back to our camp in the King Hut area on Sunday, I was stopped by two four-wheel drives. They wanted to know if they were on the right track to get out over Mount Cobbler. I gave them directions and said it was not a good time to try and get up to The Staircase as it was almost dark. I was told by the driver of the first four-wheel drive that they had no choice as the gates on top of Mount Stirling were locked.

He said they had young children and their wives were concerned about their safety and they had to get out. His letter continues:

> What if it was an emergency? It could cost a life if people needed to get out and they had to drive many more kilometres over rough tracks that they are not capable of handling.
>
> … this is an ongoing problem. Last year on Melbourne Cup weekend, after getting the date that the gates would be open into the King River area from the DSE in Mansfield, we asked the ranger about the gates on Mount Stirling. He told us that they should be open, but it was up to the Stirling Buller management, and they were a law unto themselves.
>
> When we got to the gate at the telephone box junction there were quite a number of four-wheel drives lined up at the gate waiting to get in.

This is the best bit:

> The ranger from Stirling Buller was on the other side and he had told them he would open the gate when he was ready. Some people had been waiting several hours and they were

> going to belt the daylights out of him. He did open the gate in the afternoon and we got in. By the time we set up camp it was dark …

We have a situation where people are camping on land that is not under the control of the people who are locking the gates. It is a dangerous situation. I ask the minister to ensure that seasonal road closures are better publicised and are coordinated between the Department of Sustainability and Environment, Parks Victoria and the Mount Buller and Mount Stirling Resort Management Board to make certain the public is not locked behind closed gates and possibly exposed to snow and dangerous road conditions.

NADRASCA: funding

Hon. ANDREA COOTE (Monash) — My matter is for the attention of the Minister for Community Services in another place. Recently I had a meeting at a facility called NADRASCA, and with the Liberal candidate for Mitcham, Philip Daw, I visited with Gus Koedyk, the chief executive officer, and Brian Hayes, the chairman of the board.

For the interest of honourable members, since 1967 NADRASCA Inc. has been providing services, facilities and support programs for people with a disability. NADRASCA is committed to pursuing excellence in developing innovative and specialised programs and services and it is a best practice leader in its field. We had a very productive time and met with some super characters who were absolutely terrific and were working productively and in a whole range of activities, including putting the Christmas chocolates in the Cadbury containers ready for Christmas time. They were terrific and working happily and well, and the camaraderie and rapport they had with management was pleasing to see.

However, NADRASCA is under threat because Labor has imposed efficiency dividends based on productivity. It is extremely difficult for the organisation to make any productivity cuts because 80 per cent of its costs are wages. There is very little opportunity for efficiency gains, bearing in mind that all of the employees have a disability of some sort. Many of these workers are elderly, and their future depends on their being able to work, to have flexibility and to have the self-esteem that comes with the sort of work they are doing.

A lot of the services NADRASCA provides will be under threat if productivity cuts have to be made. Some of the services it provides are adult training and support services, personal and communication development, independent living skills, further education, pre-vocational skill development, and leisure and recreational activities.

Will the minister restore funding at the rate of 4.5 per cent to NADRASCA before the next financial year, July 2007?

Roads: congestion

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister for Transport in the other place. My item refers to a report at page 7 of the *Herald Sun* of Friday, 4 August. Under the headline 'Snarls ease road toll' it reports that the retiring chief executive of VicRoads told a major traffic conference on 3 August:

> We've used congestion to stop crashes. We've created congestion.

The article goes on to explain that this gentleman indicated to the conference that congestion was a definite fact in many parts of the state, and in the city in particular. A fair reading of this article would lead one to believe that VicRoads has not paid attention to its responsibilities. It has at the very least turned a blind eye to the congestion on major arterial roads and traffic ways, and this is somehow being spun by the state government into a situation where they say, 'Congestion may be good for you because it keeps the traffic speed down and stops major accidents'.

This is very hard to accept for those who are stuck in the traffic queues morning and night as they try to get through major congestion. They would not be impressed with the state's roads organisation turning a blind eye but not carrying out appropriate engineering to ensure that the efficiency of the roads is maintained. This is cause for concern.

The board of VicRoads deserves to be questioned as to why it has allowed this policy to continue. The senior echelon and management of VicRoads should be closely questioned. It is an absolute disgrace that the chief executive officer — who is a gentleman of high talent who has done an excellent job; this is not a personal reflection on that particular gentleman — can make such comments. The organisation should be queried and questioned as to its practices past and present.

Will the minister prepare a series of questions to be put to the board of VicRoads and the chief executive officer asking for clarification for the Parliament as to exactly what was meant by the extraordinary statement that congestion has been tolerated by VicRoads as a policy?

Students: rural travel assistance

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise for the attention of the Minister for Education Services in the other place a matter concerning student travel to attend vocational education and training programs. This week I had an email from Graham Clarke of Yarram, who is the father of a student at Yarram Secondary College who is studying a VET subject called automotive mechanics.

Yarram Secondary College does not have sufficient students to run this particular subject in its own right, so on one day a week six students from Yarram Secondary College travel to the Fulham campus of the East Gippsland Institute of TAFE near Sale to undertake this VET program. There is no public transport between Yarram and Sale, so the students have had to find a means of getting to where their VET program is being delivered. To date they have been able to access a private school bus, so the bus that carries students to Gippsland Grammar in Sale and Sale Catholic College takes students from Yarram through to Sale.

On a fee-paying basis six students have been able to travel on that bus every Thursday to get to Sale at a cost of $13 per day. However, because of the growth in the number of students attending those private schools there are now only four seats available on the bus, so two of the six students are rostered off each week and cannot get to their programs at the Fulham campus of the East Gippsland Institute of TAFE.

The problem with all of this arises from the fact that the government provides no funding for students who have to travel from their home-base school to attend VET programs delivered somewhere else in the state. I know of many instances of students across country Victoria having to travel from their schools to attend VET programs and neither the schools, the parents nor the students are reimbursed for this travel cost. What we are seeing at the moment in the case of Yarram Secondary College is that each week two of the six students have no means of transport to attend classes in the subjects they are enrolled in. This is a problem the government cannot ignore any longer.

We have all supported the VET programs introduced by the previous government and the Victorian certificate of applied learning programs introduced by the current government. They are excellent programs; they are what students need to complete their education. I ask the Minister for Education Services to address this situation as a matter of priority by providing funding so that students at country secondary schools can attend VET programs and have the same educational opportunities as students who live in metropolitan areas.

Rosanna Road, Heidelberg: crash barrier

Hon. BILL FORWOOD (Templestowe) — The issue I wish to raise with the Minister for Local Government is also for the Minister for Transport in the other place. On 28 March I raised in this place a matter for the Minister for Transport concerning the construction of some bollards on Rosanna Road outside the ABC child-care centre. I have been contacted by a number of people who are concerned that there is a particular danger to the children at the kindergarten because of the lack of protection from the vehicles using Rosanna Road. Honourable members in this place know that Rosanna Road is a major link from the Western Ring Road through to the city and Bulleen. This is a crucial matter that needs to be addressed. To say I am disappointed that now, some four and a half months later, I am yet to receive a response is an understatement — and my disappointment is nothing like that which exists among the parents of the children at the child-care centre, who believe no interest at all is being taken by the government in this matter.

In March I asked the Minister for Transport in the other place to have a look at this issue and get the bollards installed. I would like very much on this occasion to, firstly, ask the Minister for Transport to reply to the issue I raised on 28 March, and perhaps even reply to this issue, before I leave the Parliament later this year. In particular what we are looking for in this area is some protection for the children. I would be very grateful if the Minister for Local Government could impress upon the Minister for Transport the need for some action on this VicRoads-controlled road. It is the government's road; it cannot flick the matter to the council. This is a dangerous situation, and it would be just awful if no action were taken by the minister and some accident occurred.

I humbly request that the Minister for Local Government do all she can to ensure that the Minister for Transport is able to respond to this most reasonable request from the people whose children go to the ABC kindergarten centre in Rosanna Road.

Consumer affairs: mobile phones

Hon. KAYE DARVENIZA (Melbourne West) — The matter I raise is for the attention of the Minister for Consumer Affairs, the Honourable Marsha Thomson. The matter concerns mobile phone contracts, including prepaid mobile phone contracts. My interest particularly relates to young people. As we know, all

Australians, including Victorians, are very keen to use mobile phones, and almost every young person you see anywhere you go in the community has one.

We know that a lot of younger people get into trouble with mobile phone contracts. They are unaware of what they are getting themselves into. What brought this to my attention was the recent unfortunate case of a young boy who went missing for 11 days. Fortunately he was found. We do not know all the circumstances surrounding his going missing, but one of the things his parents referred to was that before he went missing there had been an argument relating to his use of a mobile phone and about mobile phone bills. At the end of the day that might not have been the cause of that young person's going missing, but it highlighted in my mind the amount of trauma mobile phones cause within families, not just for the young people but also for their parents.

I am concerned that sometimes young people do not know what they are letting themselves in for and are often so enthusiastic about getting a mobile phone that they do not read things or concentrate on the contract properly. Even more concerning is the situation where companies are able to vary the contracts people enter into. They are able to change the provider or the charging arrangements and can even suspend or terminate the mobile phone. It is not a very desirable situation.

My specific query to the minister is what action either she or her department is taking to ensure that consumer contracts, particularly those that relate to mobile phones, are fair, easily understood and accessible to all consumers, particularly young people.

Hon. Bill Forwood — On a point of order, I am really concerned about what action — —

The PRESIDENT — Order! I did not hear it; I was talking.

Hon. Bill Forwood — What did the member ask for?

The PRESIDENT — Order! I do not know; I did not hear any of it. I was occupied elsewhere.

Hon. KAYE DARVENIZA — My specific concern was around mobile phone contracts, particularly those entered into by young people. I have requested that the minister inform me of what action she is taking in relation to this matter. The specific action I request is that she ensure that these phone contracts are easily understood, fair and accessible to all consumers, particularly young people. The action I am asking the minister to take is to ensure that the contracts are fair, accessible and easily understood.

Fishing: commercial licences

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Agriculture in the other place, the Honourable Bob Cameron, and it concerns ocean fishery access licences.

Since the election of the Bracks government ocean fishery access licences have been reduced from 1000 to 332 licences. Without actually spelling it out, there is obviously a clear intent to get rid of these licences. It is my understanding that ocean fishery access licences are not transferable between fishers, nor can they be sold, leased or in any way used except by the original licence-holder. If this is the case, the government should be open, honest and accountable and stop wasting applicants time and effort in trying to gain a licence.

I quote from correspondence between the applicant and the department which says:

> I currently own and operate a charter boat out of Port Campbell offering scenic tours, diving and fishing trips to the public …

That is basically to take out recreational fishers:

> To supplement this income and address one of the most frequently asked questions … I made inquiry into gaining a commercial licence. An ocean fishery access licence seems to be the appropriate licence for my intended use. I intend to use handlines and or rod and reel fishing …

It seems ridiculous that tourists who turn up at Port Campbell for a day need to buy a recreation fishing licence costing about $25 to do one day's fishing. The letter continues:

> The fisheries officers I contacted informed me that ocean fishery access licences are not transferable and I had two options available to me. Option one was to purchase a transferable licence such as a rock lobster licence where the current owner … holds an ocean fishery access licence and is prepared to relinquish that licence.

We all know that a rock lobster licence costs around $6 million, so that obviously is out of the question:

> The second option I had was to fill out an application form, pay the appropriate fee and arrange to have an interview with a local fisheries officer. They did inform me that the application was likely to be refused but there was an avenue to appeal. I have since completed the requirements of option two.
>
> …I received a phone call from the licensing department informing me that my application has been received and I again had two options.

> Firstly, they could send back the cheque and forget the whole thing or they could bank the cheque and refuse the application.
>
> They informed me that they had no other option to refusing the application and the appeals board would have no other option because of regulation 238 of the Fisheries Act.
>
> If this is the correct interpretation of the act then there can be no other conclusion than that the ocean fishery access licence will cease to exist.
>
> Is this the correct interpretation of the act?

The action I seek from the minister is to clarify the situation for gaining an ocean fishery access licence. In other words, are they still available, or are they not?

Hepburn: spa redevelopment

Hon. W. A. LOVELL (North Eastern) — My adjournment matter is for the attention of the Minister for Major Projects. I recently attended a meeting in Hepburn Springs that was organised by the Liberal candidate for the Legislative Assembly seat of Ballarat East, Geoff Hayes, to discuss the effect the closure of the Hepburn Springs bathhouse will have on visitor numbers and the local economy.

The meeting was attended by both staff and management of the bathhouse, a representative from the Hepburn Shire Council and local traders and accommodation providers. Everyone involved was extremely disappointed that the Bracks government has broken its original commitment for the redevelopment to be a staged project and instead has now announced that the bathhouse will be closed for 14 months. The bathhouse is due to close on 22 October when the current management lease expires and the government does not intend to appoint a new lessee until July next year.

The local accommodation providers told us that the closure of the bathhouse will mean a loss of up to 80 per cent of their business. They also told us that business had already suffered by around 20 per cent because the publicity surrounding the upcoming closure had caused many clients to think that it was already closed. The accommodation providers also informed us that the other spa providers in the area do not have the capacity to pick up the extra clientele that is currently provided for at the bathhouse and that many of the other spas were quite expensive compared to services provided at the bathhouse.

There is a real concern amongst the Hepburn Springs community that many of its local businesses may become unviable because of the government's decision to close the bathhouse. This is a community that since 1999, under the stewardship of the Bracks government, has lost its local abattoir, knitting mill and sawmill. The community now relies on the spa industry to deliver regular visitors to keep its local economy going.

The current lessee of the bathhouse, Mr Alex Zotos, has said that if he knew now that he was going to be awarded the new lease, he could put a contingency plan in place using satellite venues. Mr Zotos said that he could provide the same number of non-water treatments and massages as are currently provided at the bathhouse and that he would also be prepared to install some water treatments at satellite venues around Hepburn Springs. This would also provide an opportunity for many of the 85 staff at the bathhouse to remain employed in the Hepburn Springs area during the closure.

The community is of the opinion that the new lease should be decided prior to the closure of the bathhouse in October. This would enable the new lessee, whether it be Mr Zotos or someone else, to put some contingency plans in place to provide services while the bathhouse is closed and also provide the new lessee with the opportunity to be involved with the finer details of the redevelopment in fit out and colour schemes et cetera.

The action I seek from the minister is to bring forward the time line for appointing a new lessee for the bathhouse and to ensure that the new lease is in place prior to the closure of the bathhouse in October to allow contingency plans to be put in place so that services can still be offered at satellite venues around Hepburn Springs, many of the staff can retain their jobs and to ensure visitor numbers will remain at a level that will assist accommodation venues and traders to get through the period of the closure.

Tourism: Grampians and Pyrenees

Hon. DAVID KOCH (Western) — My matter is for the Minister for Tourism in another place and concerns the establishment of a regional tourism organisation (RTO) covering the Grampians and Pyrenees regions.

By way of background, it is worth noting the popularity of the majestic Grampians region prior to the devastating fires in January. Total visitor expenditure in the Grampians region was about $216 million annually. It is estimated that there are over 1800 jobs in the area relating to accommodation, cafes, restaurants and cultural and recreational services. Hospitality and tourism have been significant employers in the Grampians and the south-west region. The growth of

this sector was set to take advantage of the national and international marketing appeal of the Grampians National Park as part of the Great Ocean Road tourism loop. Since the January fires, local tourism has been doing it tough. Higher petrol prices and the negative impact of the fires have been keeping visitors away in their droves.

The role of RTOs is to strengthen the partnership between those working in the tourism industry, local municipalities and Tourism Victoria. RTOs provide a forum in which industry leaders develop and coordinate cooperative marketing opportunities for the local industry. Their mission is to develop opportunities to increase visitor numbers to the region.

The development of an RTO embracing the Grampians region has been discussed for many years and initial support from the four interface councils of Horsham Rural City Council, Southern Grampians Shire Council, Northern Grampians Shire Council and Ararat Rural City Council was strong and enthusiastic. After collectively agreeing to an independent review to consider a suitable model for the establishment of the RTO, the Grampians Pyrenees Regional Development Board, for reasons unknown, made a decision not to proceed with the review. Again, there was no independent report, terms of reference or adequate consultation prior to this decision being made. As a result the three municipalities of Ararat, Northern Grampians and Pyrenees are looking to establish a stand-alone RTO.

Beyond being in the electorate of Ripon, the Pyrenees shire has no interface with and does not make contributions to the Grampians. Concern has been brought to my attention that funding from Tourism Victoria intended for marketing the Grampians region may be redirected unless new money is available. This concern extends to the fire relief money announced to assist the Grampians recovery following the disastrous January fires.

My request is: will the minister give an assurance that this regional tourism organisation, which involves a shire area that does not interface directly with the Grampians, will be granted new money from Tourism Victoria and not absorb existing fire relief funding?

The PRESIDENT — Order! You need to ask the minister to take action, because what you have said does meet the guidelines.

Hon. DAVID KOCH — The action I seek from the minister is to make new money available for this RTO.

Agriculture: Sunraysia grants

Hon. B. W. BISHOP (North Western) — My adjournment issue this evening is directed to the Honourable Bob Cameron, the Minister for Agriculture in the other place. As the house would be aware, this season farm gate prices for most horticultural crops have been severely depressed, which has raised widespread concern about the ability of the industry and individual growers to be viable into the future. Then of course came the double whammy, with the history-making frosts beginning in May and reaching peak severity in the middle of June. They were experienced across the Murray Valley, the Riverland in South Australia and the Riverina, with temperatures of minus 11 degrees registered in the Nangiloc-Colignan area in Victoria. This area accounts for approximately 65 per cent of total Murray Valley citrus production.

Leaving aside the South Australian Riverland and the Riverina, a conservative estimate of loss reduction in the Murray Valley would be at least 30 000 tonnes. There are about 470 citrus producers in the Murray Valley, with an estimated 10 per cent suffering major frost damage of up to 40 per cent losses, which is a real body blow when it is coupled with low returns. Our avocado growers have been worst hit, with reports of total losses and, given frost damage to the trees, they anticipate no production at all next year.

Early this month citrus industry leaders in the area met with the federal minister for agriculture, the Honourable Peter McGauran, to explain the situation to him. He advised them that an application for exceptional circumstances assistance would be appropriate if the event was rare and severe and had resulted in an economic downturn. I believe that this severe event qualifies under that criteria. Given the fact that this is across the Murray Valley and the Riverland of South Australia, this is an ideal opportunity for a bi-state approach to the commonwealth for exceptional circumstances assistance. I know that the Honourable Karlene Maywald is working with her people in South Australia. This is a great opportunity for Minister Cameron to show some real leadership and head up a bi-state application to the commonwealth for exceptional circumstances assistance.

As it is standard practice for any exceptional circumstances application to come from the state government, the action I request from the minister is to come to Sunraysia to inspect the damage and speak to affected citrus and avocado growers as the first stage of leading a bi-state application for exceptional circumstances assistance for these severely frost-affected farmers.

Responses

Ms BROAD (Minister for Local Government) — The Honourable Graeme Stoney raised for the attention of the Minister for Environment in the other place the publicising and coordinating of seasonal road closures. I will refer that matter to the minister.

The Honourable Andrea Coote raised for the Minister for Community Services in the other place funding for an organisation called NADRASCA. I will refer that request to the minister.

The Honourable Ron Bowden raised for the Minister for Transport in the other place questions to the VicRoads board about congestion policy. I will refer that request to the minister.

The Honourable Peter Hall raised for the Minister for Education Services in the other place the matter of funding for travel from home-base schools to attend vocational education and training programs. I will refer that request to the minister.

The Honourable Bill Forwood raised for the Minister for Transport the need for bollards in Rosanna Road near a child-care centre. I will refer that request to the minister.

The Honourable Kaye Darveniza raised for the Minister for Consumer Affairs the matter of prepaid mobile phone contracts. I will refer that request to the minister.

The Honourable John Vogels raised for the Minister for Agriculture in the other place the matter of access to ocean fishery access licenses. I will refer that request to the minister.

The Honourable Wendy Lovell raised for the attention of the Minister for Major Projects the matter of the redevelopment of the Hepburn Springs bathhouse and the appointment of a lessee at the earliest opportunity. I will refer that request to the minister.

The Honourable David Koch raised for the attention of the Minister for Tourism in the other place the matter of funding for a regional tourism organisation for the Grampians region. I will refer that request to the minister.

The Honourable Barry Bishop raised for the attention of the Minister for Agriculture support for exceptional circumstances applications to the commonwealth government from the Sunraysia avocado and citrus growers. I will refer that request to the minister.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 10:39 p.m.