

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL  
FIFTY-FIFTH PARLIAMENT  
FIRST SESSION**

**30 November 2004  
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**Tuesday, 30 November 2004**

**The PRESIDENT (Hon. M. M. Gould) took the chair at 2.02 p.m. and read the prayer.**

### ROYAL ASSENT

**Message read advising royal assent on 23 November to:**

**Commonwealth Powers (De Facto Relationships) Act**  
**Electoral Legislation (Amendment) Act**  
**Electricity Industry (Wind Energy Development) Act**  
**Major Crime Legislation (Seizure of Assets) Act**  
**Petroleum Products (Terminal Gate Pricing) (Amendment) Act.**

### ABSENCE OF MINISTER

**Mr LENDERS** (Minister for Finance) — I rise to inform the house that the Minister for Sport and Recreation is in Sydney on ministerial business.

### QUESTIONS WITHOUT NOTICE

#### **Small business: government policy**

**Hon. PHILIP DAVIS** (Gippsland) — I direct a question without notice to the Minister for Small Business. I refer the minister to the latest Sensis small and medium business survey released today. Can the minister explain why support for the Bracks government's policies amongst Victorian small and medium enterprises has fallen once again to minus 21 per cent which is one of the worst results in the history of the survey and in stark contrast to the very positive assessment of the federal government's policies by small and medium enterprises which is the best result since 1996?

**Hon. M. R. THOMSON** (Minister for Small Business) — Can I suggest to the honourable member that the reason might be the fact that there was a federal election campaign occurring during the time the Sensis questionnaire was undertaken, and there was a lot of federal government advertising at the time. I would suggest that the popularity of the federal government might relate to the fact that it spent millions of dollars convincing the Australian public to vote for it. However, the Sensis figures suggest that in relation to productivity and sales and issues that deal with the confidence of small business, Victorian small

businesses are travelling well. I might add that confidence levels in regional Victoria are the highest of any of the states.

It might be that the Leader of the Opposition in this house is keen to suggest that things are not going well for small business in Victoria. In truth the figures suggest something else. We are pleased to have been part of the reason why there is confidence within small business and to see the expansion of development of small business from the Australian Bureau of Statistics data — a growth of 9 per cent over two years, and for women in small business, a growth over that same period of 13 per cent, as opposed to the national average of 0.3 per cent.

#### *Supplementary question*

**Hon. PHILIP DAVIS** (Gippsland) — In consequence of the minister's response, I ask the minister: is it not true that in its assessment of the Bracks government's policy, the Sensis survey has found that Victorian small and medium businesses are now factoring in the cost of road tolls and the resultant impact on business?

**Hon. M. R. THOMSON** (Minister for Small Business) — I did note that in the Sensis small business index, and again I reiterate that we were in the middle of a federal campaign. I am sure that when small businesses understand the voodoo economics that are being applied by the opposition towards the funding of the Mitcham–Frankston project, they too would say they support tolls on that road.

#### *Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Forwood! The Leader of the Opposition asked a question of the minister, and I am sure he wants to hear the response. I ask members on both sides of the house to desist from interjecting and allow the minister to conclude her answer.

**Hon. M. R. THOMSON** — They do not want to hear the result because they know the opposition is practising voodoo economics. They know that small business wants to see a state government that is economically responsible — —

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

#### **Oil and gas: exploration**

**The PRESIDENT** — I call Helen Buckingham and say that it is great to have her back in the chamber.

**Hon. H. E. BUCKINGHAM** (Koonung) — My question is directed to the Minister for Resources. Can the minister advise the house how the Bracks government is ensuring progress for all Victorians through recent developments in the oil and gas exploration industry?

**Hon. T. C. THEOPHANOUS** (Minister for Resources) — May I firstly say how pleased I am to receive this question from Helen Buckingham, and I certainly would begin by saying, ‘Welcome back, Helen’.

This area of exploration for oil and gas is a very important part of Victoria’s future. For those people who think we have exhausted our oil and gas supplies, let me reiterate that we are now getting record investment in the Gippsland basin in relation to new oil and gas exploration.

I am pleased to advise the house of how the Bracks government has ensured the continuing progress for all Victorians through its policies to encourage oil and gas exploration in this state. Further, I advise the house that I have announced, in conjunction with the federal government, the successful awarding of new exploration permits in the offshore Gippsland Basin. I am happy to say that it is a joint responsibility with the state and federal governments. That is the case and that has always been the case. It means that this investment is on top of record investment in petroleum exploration over the last few years. It means that total announced investment in Victoria in the last five years is now \$572 million. That is a huge amount of money in investment in exploration only, in oil and gas. This compares with the figure during the last five years under the Kennett government, which also worked with the then federal government. Under the Kennett government the figure for the last five years was \$150 million. So the difference, as can be seen, is a huge vote of confidence — \$150 million over the five years under Kennett versus \$572 million over five years under this government.

But it does not stop there, because investment in exploration is also accompanied by investment in actual projects. We have also had record investment in projects arising out of this exploration over the last five years. This investment amounts to more than \$4 billion worth of investment in oil and gas projects over the last five years of this government. It includes the \$1 billion Woodside Energy Otway gas project, the \$200 million Santos Casino gas field project in the Otways, and, of course, BassGas, along with other developments in the Gippsland Basin. These massive investments in oil and gas exploration are securing a future for this state for

our children and it means that this government is continuing to secure progress for all Victorians.

**Minister for Small Business: correspondence**

**Hon. B. N. ATKINSON** (Koonung) — I wish to direct my question to the brightest minister on the bench, the Honourable Marsha Thomson, the Minister for Small Business. When does the minister intend to reply to the letter she received from the Master Grocers Association of Victoria Ltd on the issues of the public holidays Bracksflip, the liquor code of practice Bracksflip, and the adverse consequences of the occupational health and safety legislation?

**Hon. M. R. THOMSON** (Minister for Small Business) — The correspondence I receive is replied to in the appropriate way at the appropriate time and is done as quickly and efficiently as possible. I really do not understand the reason for the question by the member.

*Supplementary question*

**Hon. B. N. ATKINSON** (Koonung) — That was a delicious answer — I thank the minister. Industry associations in this state are becoming increasingly angry and frustrated by the government’s lack of consultation on key issues that impact on businesses, especially small and medium enterprises. The Minister for Small Business time and again has demonstrated that she is no advocate for small and medium enterprises. She fails to consult with them, and now even fails to give them the courtesy of a reply to their letters on urgent matters before the Parliament and the government.

I heard the minister say she would respond to them in due course — when she gets around to it. The Master Grocers Association is keen to get an answer now. It has a letter that has been in the minister’s office for some weeks; it has been unable to get any sort of an answer out of her or any of her ministerial colleagues. I ask again: when will the minister respond to the association’s letter?

**The PRESIDENT** — Order! The honourable member should rephrase his question. The supplementary question has to be supplementary to the first one. The member cannot restate his question. I give the member that opportunity.

**Hon. B. N. ATKINSON** — Can the Master Grocers Association expect an answer from this minister within the next 12 months?

**Hon. M. R. THOMSON** (Minister for Small Business) — I have an open-door policy in my office. The associations know that all they need to do is ring to seek an appointment with me, and they will get one to discuss any issues they wish. As I said, correspondence is replied to in a timely way. I will reiterate that I have been more accessible to the associations than the Kennett government ever was in its term of office.

### Consumer affairs: toy safety

**Mr VINEY** (Chelsea) — My question is to the Minister for Consumer Affairs, Mr John Lenders. Many Victorian children will be counting down the days until Christmas; in fact there are only 25 more sleeps. There are many toys on the market that consumers will be purchasing for children for Christmas. How is the Bracks government making progress on behalf of all Victorians to ensure that consumers can feel confident that these toys are safe?

**Mr LENDERS** (Minister for Consumer Affairs) — I thank Mr Viney for his question and his ongoing interest in product safety, particularly product safety for children, our most vulnerable consumers. The Victorian government through Consumer Affairs Victoria periodically inspects toys to see if they are safe, because we are conscious that when adults buy toys for children for Christmas they want assurances that they are safe. But we do not want to take the fun out of Christmas. We want parents to get big smiles on their faces at Christmas when they give toys to children, and we want the children to be happy with the toys they get. We are a caring government. We want children to enjoy Christmas, but we know, sadly, that sometimes those toys that appear safe are not safe.

We have sought to go out and find toys that are unsafe. There are only 50 or 60 of those, and we have them on a web site and we have a booklet that we give to all retailers. We go beyond that and check to see that things are done. It is difficult often to work out what is a dangerous toy. Andrew Bolt would say a Dithering Doyle dolly is a dangerous toy. But we in the government are far more sophisticated about this. We do not worry about Dithering Doyle dollies, but we worry more about the toys. We look at the toys, we inspect show bags and we take advice from parents in the community who have had misadventures with toys and tell us about it.

On the weekend I had the pleasure, with Consumer Affairs Victoria, of commencing the destruction of unsafe toys. We confiscated some 30 000 toys; we want them removed so they are not a danger to children. We found wooden train clock abacuses, which on the face

of it looked safe. Caring parents, wanting to teach literacy and numeracy to their children, could be deceived by these unsafe toys. If they were to drop and break, a child could easily swallow the small parts — so we have banned the wooden train clock abacus.

We have also banned various brands of flashing, novelty pacifiers. These are quite dangerous. Some people with no taste at all wear them on dance floors. People whose taste in dance accessories is like Mr Atkinson's taste in ties often wear them to discos. They are not just a harmless, tasteless appendage; they are also dangerous. I do not have one to display, because last time I displayed a toy in this place I unfortunately hit my colleague Minister Broad with it. Members can imagine what the pacifiers look like — they are a normal child's dummy, but they have a detachable teat on a string and flashing lights. They are quite tacky. When they are displayed in stores like other dummies parents can mistakenly give them to children. We have withdrawn them, so there is some certainty about them. I have probably described enough of the unsafe toys.

Certainly we are seeking to remove from circulation toys that are unsafe, but not obviously unsafe, to assist parents to make those normal judgments themselves to give children safe toys. This government is very serious about governing for the whole state, that it is very conscious that it wants people to have confidence and has taken the bad toys away so that the people can have a happy Christmas.

### Wind farms: planning

**Hon. P. R. HALL** (Gippsland) — My question is directed to the Minister for Energy Industries. I note the Department of Sustainability and Environment's submission to the planning panel considering the proposed wind farm at Ballan strongly recommended wind turbines be set back 1 kilometre from the park boundaries so as:

... to minimise the impacts of noise, shadow flicker and bird collisions and to reduce the impacts on the landscape values of the park.

Does the government support the department's view that wind turbines should be at least 1 kilometre from national park boundaries?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — Firstly, as the member pointed out, this is a submission from a department for which I have no responsibility; and secondly, the location of wind farms and the planning processes involved is a matter of government record — that they go through an

appropriate planning process, and that is a matter for another minister, the Minister for Planning in the other place, who makes decisions based on those applications as to whether they will have an environment effects statement (EES). In any case, the government has also indicated that landscape values will always be considered in relation to particular wind farms.

We operate on the basis of landscape values that are associated with each particular instance when we are talking about wind farms. Those landscape values are part of what is taken into consideration in developing and approving the planning permits for those wind farms by the Minister for Planning.

On the broader issue this government remains committed to developing wind farms in appropriate locations. By 'appropriate locations' I mean locations where there is an appropriate wind resource that can be utilised and also those locations where landscape and other issues can be taken into account.

**Hon. Bill Forwood** — And community attitude.

**Hon. T. C. THEOPHANOUS** — And the views of the community can be taken into consideration. Frankly, it is about time the opposition started to recognise that there is a place for wind farms as part of an energy mix in this state. The federal government recognises it, and that is why it continues to support the mandatory renewable energy target, even if it is not in an expanded form, but nevertheless the scheme is in place, and that is what in the end funds wind farm developments.

I notice that the National Party does not get on the blower every 5 minutes or on the radio, television or anywhere else in the media to criticise the federal government for making the scheme available which buttresses and makes possible the development of wind farms. All it does is attack the state government for trying to simply put these wind farms in appropriate locations and to follow an appropriate process, including in many instances a full EES process where all issues can be taken into consideration, including environmental, landscape and community issues.

*Supplementary question*

**Hon. P. R. HALL** (Gippsland) — I am disappointed the minister ducked the issue about setbacks because he does not usually duck issues of that nature, particularly given his enthusiasm for wind farms.

By way of supplementary question I ask the minister: does he admit that the state government wind farm planning guidelines are deficient in that they provide

for no minimum setback from boundaries of national parks or residential developments?

**Hon. T. C. THEOPHANOUS** (Minister for Energy Industries) — No, I do not admit that they are deficient.

**Housing: homelessness**

**Ms ROMANES** (Melbourne) — My question is directed to the Minister for Housing. Can the minister inform the house of what progress the Bracks government has made towards securing a new agreement with the commonwealth to fight homelessness?

**Ms BROAD** (Minister for Housing) — I thank the member for her question and her continuing interest in the progress the Bracks government is making for all Victorians in this very important area.

Last Friday I attended a meeting of community and disability services ministers in Brisbane, and one of the purposes of that meeting was to discuss progress on the development of a fifth intergovernmental agreement on the supported accommodation assistance program, which is due to commence in July of next year when the current agreement expires. It is a shared responsibility between the commonwealth and the states and territories, and the supported accommodation assistance program is very important in providing services to Victorian families who are homeless or at risk of homelessness.

It is regrettable that at this meeting in Brisbane the commonwealth was unable to give any details of what the fifth agreement will look like even though originally this was the whole point of convening the meeting. I can advise the house that the commonwealth has agreed to provide an offer to the states and territories before the end of this year, but unfortunately would not commit to any additional funding under that agreement.

Given the lack of detail about a new agreement and particularly the short time line to negotiate it by July of next year, Victoria, as one might expect, put a strong case for an extension of the existing agreement, but this was also unfortunately rejected by the commonwealth. An extension would have given the many agencies, which provide assistance to people who are homeless or at risk of homelessness, some certainty with their planning going into the new year.

The Bracks government did push for and obtained agreement from ministers to meet again early in the new year to discuss the anticipated commonwealth offer, which the commonwealth minister has committed

to getting out to the states and territories by the end of this year.

The whole attitude of the commonwealth towards the negotiation of the fifth agreement — that is, that it make an offer and it be the end of the matter, there be no discussion entered into about either the quantum of the offer or the conditions that might be attached to it — does not auger well for how the Howard government intends to conduct commonwealth-state relations in its fourth term.

Homelessness assistance is an area where Victoria can be of real assistance to the commonwealth. We are doing many things in regard to early intervention, prevention and post-homelessness support that the commonwealth has said it is interested in pursuing in a fifth agreement. We are very willing to work cooperatively with the commonwealth on these issues, and I genuinely made this offer to the commonwealth minister on Friday in Brisbane.

However, in return it is crucial that the commonwealth stop dragging its feet and work with us to fight homelessness. Meanwhile, of course, the Bracks government will continue to fight for a better deal for Victorians who are homeless or are at risk of homelessness.

**Hon. D. K. Drum** — I hope you believe all this.

**Ms BROAD** — Absolutely.

### **Liquor: code of conduct**

**Hon. B. N. ATKINSON** (Koonung) — I direct my question to the Minister for Small Business. I note the legislation establishing the Office of the Small Business Commissioner included a provision that he would have oversight of a liquor industry code, and I note the assurances to the industry at that time that the proposed code would have a role in ensuring a fair market in the context of the removal of the cap on liquor licences.

The question to the minister is: given that the draft of the liquor industry code has now been produced and that it includes only matters relating to the marketing, sale and serving of liquor, does she intend to repeal the legislative provision that makes the small business commissioner responsible for the code? That is her legislation!

**Hon. M. R. THOMSON** (Minister for Small Business) — As the member is aware, the liquor code is now the responsibility of the Minister for Consumer Affairs. In relation to the liquor code and the small business commissioner, the intention at the time the

legislation was drafted and brought to this house was that it would tackle the market practices around liquor. I have confidence that the liquor code will meet the needs of the industry, that it will be a viable liquor code, that it will be responsive to the reasons why the liquor code was brought into Parliament in the first place, and that we will offer to consumers the best that the market has to offer as well as deal with the issues for which it was brought into this house and made the responsibility of the small business commissioner at the time of its introduction into Parliament.

### *Supplementary question*

**Hon. B. N. ATKINSON** (Koonung) — I hear the minister's answer. I take it that she does not intend to repeal that section and that she intends to leave the small business commissioner in charge of that liquor code because she believes it deals with market practices as much as the responsible serving of alcohol et cetera. I ask the minister whether she makes that announcement to the house today on the basis of having read the liquor code?

**Hon. M. R. THOMSON** (Minister for Small Business) — The liquor code has not been finalised and there have been no discussions at this point in time between the Minister for Consumer Affairs and myself in relation to that code. But I have no doubt that the minister and I will ensure that the code meets the intent that the code was intended to meet and meets the needs of consumers as well.

### **Aboriginals: government initiatives**

**Mr SCHEFFER** (Monash) — My question is to the Minister for Aboriginal Affairs. The Bracks government is committed to ensuring progress for all Victorians. Can the minister advise the house of recent actions by the Bracks government to assist local Aboriginal corporations in delivering services to their communities?

**Mr GAVIN JENNINGS** (Minister for Aboriginal Affairs) — I thank the member for his question and his concern about the wellbeing of Aboriginal community organisations throughout Victoria. I am very pleased to tell the house that as recently as last Tuesday I travelled to Echuca to open the new family support unit for the Njernda Aboriginal Corporation that operates out of the Echuca area. The event was opened by a very significant member of the Aboriginal community in Echuca, Aunty Melva Johnson, and it involved the chairman of the board of the Njernda corporation, Kevin Williams. For the interest of members I draw their attention to the fact that Kevin Williams is the

artist who painted the artworks that have been on permanent display over the last few months on the way to the dining rooms within the Parliament of Victoria. I ask them to look out for the fantastic artwork of Kevin Williams.

I also point out that the chief executive officer of the organisation, Karlene Dwyer, has recently graduated with a master of public health and is one of the first graduates in Victoria with a master of public health to come out of Deakin University. Such is the calibre of individuals who work out of the Njernda corporation and the level of capacity that is demonstrated by this great organisation that runs out of Echuca on behalf of Aboriginal people, an organisation that has been operating for the last 30 years — it is the 30th anniversary of this fantastic service.

Last Tuesday's event saw the opening of a new family support unit. I am very pleased that out of the capital improvement program of Aboriginal Affairs Victoria we have provided \$418 000 for the purchase of the property, which will build on the community health centre that sits next to this facility and will provide an integrated set of services ranging from primary health, and community health to a range of family support services, including alcohol and drug support. When I was at the event members of the community made it absolutely clear to me that the Echuca community is experiencing some significant challenges that they are seeking to deal with.

One challenge to which I draw the attention of the house is that a number of young Aboriginal people are chroming in the neighbourhood and need intensive support to assist them in getting over what is a very personally destructive practice. It sometimes leads to antisocial behaviour in the neighbourhood, and it is of profound concern to the Njernda corporation that we do what we can within primary and community health settings to try to mitigate its incidence in their community.

This organisation has the capacity to deliver great things to its community. I am pleased to say that it builds on some good work that we have been able to do through the capital improvement program. I will challenge our Hansard friends by saying we have made investments at the Rumbalara Football and Netball Club in Shepparton by building a new facility. We have provided support for a medical centre through the Gunditjmara cooperative in Warrnambool. We are trying to make sure that the capacity of Aboriginal community organisations right across Victoria is supported by this infrastructure program, and we believe we are making great progress in shoring up the

wherewithal and capacity of Aboriginal organisations to rise up and meet the challenges of their communities.

### Local government: elections

**Hon. J. A. VOGELS** (Western) — I direct my question without notice to the Minister for Local Government, Ms Candy Broad. The minister's office has stated that due to the volume of complaints received after last Saturday's local government elections, not every complaint would be investigated. I ask the minister: as such a statement is cause for great concern, what criteria will be used to determine whether an investigation is warranted?

**Ms BROAD** (Minister for Local Government) — I thank the member for his question. I take this opportunity to congratulate all the candidates, both successful and unsuccessful, who stood for election in the 25 council elections across Victoria. On average there were four candidates for every vacancy, and we can take it from these elections that democracy is alive and well in local government.

As is often the case, local government elections produce a certain number of complaints from candidates and others associated with those elections. Those complaints will be examined by my department. The criteria that will be used to assess whether or not an investigation is warranted of any individual complaint will be those set down in the Local Government Act and its regulations. It is the case from past experience that some complaints are made which are not investigated for the simple reason that they are unwarranted according to the criteria set down in the act and the regulations, but certainly where they are warranted, investigations are carried out by my department.

### Small business: e-commerce

**Ms ARGONDIZZO** (Templestowe) — My question is to the Minister for Small Business. The government has continued to deliver on its commitment to assist small business and medium enterprises to use e-commerce. Will the minister give the house an update on any recent innovations and how this helps to progress Victorian small and medium enterprises?

**Hon. M. R. THOMSON** (Minister for Small Business) — I thank the member for her question and for her commitment to small and medium-sized enterprises within her own electorate and her interest in the use of technology to assist them.

I have repeatedly talked in this house about e-commerce as an enabler of better business, creating

more efficient, effective and innovative businesses. As I have also stated, it is not the technology itself which is the key but how it is being used to do business. A few months ago I announced a system to allow small business to see how the e-commerce exhibition projects program grants were being used. Our track-A-project showcases the challenges and issues faced by five business groups that have come together to implement a range of e-commerce solutions. It enables businesses to monitor the progress of these projects on regular webcam diaries.

One example of how e-commerce can benefit business is Great Southern Ice, which is a consortium of regional small ice producers. Stephanie Hall of Great Southern Ice explains on her web diary that a number of regional ice producers looked at an e-commerce solution to stop them losing market share to large ice producers. With its grant, Great Southern Ice has developed an online centralised ordering and invoicing system.

Supermarkets in regional Victoria were obtaining their ice from a statewide ice producer even though the ice had to be carted greater distances to get to them. So through its own ingenuity and with the grant that was provided to it by the Bracks government, it formed a company to enable it to compete and use the technology to help it in that task. Great Southern Ice is using e-commerce via an intranet site to provide the same service as the large ice producers can. E-commerce is enabling the small ice producers to be competitive by working smarter.

Another example is the Port Melbourne-based GKN Aerospace, which is using its grant to develop a low-cost way of participating in the world's largest defence procurement project — the \$332 billion joint strike fighter program. The joint strike fighter will replace our ageing F-111 fighter bombers and our F-18 hornet fighter aircraft. As part of a multinational project GKN needs to share engineering data and collaborate globally. Through the e-commerce exhibition projects program it has developed a system to do that locally rather than using expensive high-speed data links to the USA. No matter what your size or location in Victoria, e-commerce can help to make your business more efficient and effective. It helps businesses compete both locally and globally to progress the Victorian economy.

## QUESTIONS ON NOTICE

### Answers

**Mr LENDERS** (Minister for Finance) — I have answers to the following questions on notice: 1491,

1567–69, 1828, 3398, 3517, 3629, 3630, 3719, 3897, 3933, 4017–19, 4022–25, 4045, 4068, 4071, 4073.

**Hon. BILL FORWOOD** (Templestowe) — I rise according to standing order 6.081 to raise the issue of question 4141, which was asked of the Minister for Consumer Affairs on 14 October. I have written to the minister seeking some explanation as to why this very simple question is yet to be answered. I ask the minister whether he could give the house an explanation.

**Mr LENDERS** (Minister for Finance) — I am delighted to inform the house that the answer to Mr Forwood's question was lodged with the papers office as we went into question time.

## MEMBERS STATEMENTS

### Planning: Port Melbourne restaurant

**Hon. ANDREA COOTE** (Monash) — I have 68 signatures on a petition received from members of my community, but it was not respectfully worded. As it did not meet parliamentary requirements I will raise the issue in this 90-second statement, because it is important to know that the people in my community have a concern about a planning anomaly in my electorate. It is a great concern for the people involved. It is to do with the retrospective approval to construct a kitchen in, and change the use of, a restaurant in Beach Street, Port Melbourne.

It is important to see the democratic process in full flight, and I congratulate those people for taking the initiative and undertaking research on this issue. They have watched and dealt with this issue in a very professional way, and I congratulate them on the way in which they have gone about it. Some of the major concerns they have include insufficient car parking, breaking the law with cooking facilities, loss of amenities, health hazards, disregard of the permit, noise pollution, disorderly behaviour, the loss of disabled access and a number of other issues. They have been very professional. It is a pity they did not put it in different terms, but I congratulate them for making the effort to organise this petition.

### Corroboree Week

**Mr SOMYUREK** (Eumemmerring) — Yesterday I had the pleasure of representing the Minister for Aboriginal Affairs, Mr Gavin Jennings, at the launch of Corroboree Week 2004 at the Many Hands indigenous art gallery, which is located at the Dandenong campus of the Chisholm Institute of TAFE. I was very impressed with the high standard of work on display. I

congratulate the students and staff of the institute on their efforts, and in particular I commend them on the quality of their work.

Corroboree Week, which will be held at both the Dandenong and Frankston campuses, hopes to raise awareness both within Chisholm and among the broader community about the projects the indigenous students have been involved in. The week includes cultural awareness sessions, meetings for the community elders, school visits, information displays and an art exhibition at the Many Hands gallery in Dandenong. Another objective of the week is to highlight the educational opportunities available at Chisholm and the supportive and culturally relevant learning environment the institute offers its indigenous students.

I take this opportunity to congratulate Chisholm institute and its chief executive officer, Ms Virginia Simmonds, for providing educational pathways to higher education and employment for Koori students. Programs such as Corroboree Week demonstrate to the indigenous community the genuine opportunities that exist to access tertiary education —

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

### Local government: elections

**Hon. J. A. VOGELS** (Western) — I congratulate the re-elected Lord Mayor of Melbourne, Councillor John So, on his outstanding win at last Saturday's council elections. The lord mayor's popularity proved overwhelming, also securing a four-year term for his deputy and the three supporting councillor candidates. The lord mayor has always made himself available to the Liberal Party opposition to discuss issues of importance to Victoria's capital city, and I look forward to building on that relationship over the next four years.

Twenty-five local municipalities went to elections last Saturday, and there were some interesting results. The greatest changes were in Boroondara and Nillumbik, where tension between developers, green wedges, 2030 et cetera played a large role in outcomes. It was also interesting to note that of the 208 councillor positions vacant only 25 per cent were won by women, and Ballarat and Colac-Otway will have no female councillors this term. This is a great pity, as women always make a great contribution to local government, and local government will be the poorer without them.

There was also a major change of councillors in Geelong, where both the mayor and deputy mayor were

defeated. It will be interesting to see how, to use the words of the *Geelong Advertiser*, Labor's groovers and shakers will run town hall in the next four years. Let us hope they work hard for the Geelong community and do not simply become apologists for the Bracks government.

### Phillip Island: Smiths Beach disabled access

**Hon. J. G. HILTON** (Western Port) — On Saturday two weeks ago I was very pleased to participate in the opening of a disabled access ramp at Smiths Beach on Phillip Island. Dawn King and her husband, John, were the prime movers in this fantastic initiative, which essentially enables disabled people and particularly people in wheelchairs to have access to Smiths Beach with the use of an access ramp. The project indicates what can be achieved when many people come together with a common objective.

Dauids Timber, based in Dandenong, supplied the majority of the timber. The Holmesglen Institute of TAFE supplied apprentices and supervisors who did a significant amount of the construction work. Tattersall's made a major monetary contribution, and the Phillip Island Nature Park also committed financial resources. I was able to play a small part in the development of this project by approaching the Phillip Island Nature Park and lobbying that it become involved. I would also like commend my lower house colleague the member for Bass, Mr Ken Smith, who approached Tattersall's.

It was a fantastic event on Saturday. The commitment of all people concerned is to be highly commended and indicates what is possible when community spirit can be energised. I congratulate all concerned.

### Helen Handbury, OAM

**Hon. DAVID KOCH** (Western) — I rise to pay tribute to Helen Handbury, OAM, one of western Victoria's most inspirational and gracious ladies, who contributed so generously towards the betterment of the south-west. Helen passed away on Monday, 22 November 2004.

Along with husband Geoff, Helen was passionate about rural Victoria and supported many local community causes and individuals. An active philanthropist and patron of a wide variety of statewide and community groups, Helen was well recognised although she never sought recognition.

Helen was a patron of Museum Victoria, a director on the board of CARE Australia and, along with her husband, a substantial benefactor to the arts, sport,

education and health care. Indeed there are few areas that have not benefited from her generosity. Helen was truly a community-minded individual who firmly recognised that to whom much is given, much is expected. Helen was the eldest daughter of Dame Elisabeth Murdoch and the late Sir Keith Murdoch. She is survived by her husband Geoff, children Matt, Paul, Paddy and Judy along with her siblings Anne, Janet, Rupert and their families.

We in western Victoria know that we have lost a grand lady, a lady whose concern and love for others was actively demonstrated to so many. We will all miss Helen Handbury, and I take this opportunity to celebrate her wonderful life.

### **Narmbool Lodge**

**Ms HADDEN** (Ballarat) — On 25 November I had the very great pleasure of attending the official opening by the Premier of Narmbool Lodge at Narmbool near Elaine. Narmbool is a magnificent pastoral property of over 5000 acres of natural bushland inhabited by a variety of native plants, birds and animals. It is a model of mixed and sustainable land use incorporating successful farming with principles of conservation in its land management.

Narmbool Lodge is an environmental discovery camp, and learning and research centre for secondary school students. The farm has Mannas outstation for outdoor activities, field work and shelter. The Tea Tree Gully bush camp has pioneer-style huts and field work facilities for years 5 and 6 students. These facilities come under the umbrella of the Sovereign Hill education service programs and the Narmbool trust.

Over \$2 million was raised by the Narmbool public appeal with sponsorship from philanthropic trusts; \$250 000 from the federal government and \$1 million from the Victorian government's Community Support Fund. None of this would have been possible but for the inimitable generosity of Mr and Mrs Andrew and Robin Ferry, Narmbool's former owners, who handed over forever their beloved Narmbool property to the Sovereign Hill Museum Association as a unique environmental educational facility for school students. Mrs Robin Ferry said at the opening that she and her husband, Andrew, had felt very privileged living somewhere so special and perhaps it was time to share it. Thank you to the Ferry family.

### **CityLink: congestion**

**Hon. R. H. BOWDEN** (South Eastern) — An article was published in the *Sunday Age* of

28 November expressing concern about the length of time taken for typical journeys on CityLink. Trip 1, which is the one I am mostly concerned about from Dandenong to Melbourne airport, is reported as taking 86 minutes instead of the expected 50 minutes, which is 36 minutes more than it should.

It is eight years since CityLink opened, and this is cause for considerable concern because its tolls are continuing to rise in accordance with well-known formulas, but because of traffic congestion where the government does not seem to understand the restrictions on the Monash Freeway, the total time taken on several road journeys involving CityLink are apparently increasing at a quite alarming rate. When you look at this trend and add to it the recalcitrance of the City of Casey and the lack of action by the Minister for Transport and VicRoads about the Western Port Highway, my constituents in the northern part of the Mornington Peninsula and South Eastern Province indeed have cause for concern.

I am serving notice again that I am very concerned as a representative that the time taken for the journey from the Mornington Peninsula to the airport is becoming increasingly unacceptable.

### **Ringwood Secondary College: quilt exhibition**

**Hon. C. D. HIRSH** (Silvan) — I want to draw members' attention to an excellent exhibition that is on in Queen's Hall at the moment. It is the Ringwood Secondary College's exhibition of jubilee quilts, a project that was started in 1954 — the year the school opened — and was completed this year for its 50th anniversary. It was Ringwood high school but is now Ringwood Secondary College.

The four jubilee quilts are named after the four houses of the school in earlier days — Karalla, which is Aboriginal for 'gold'; Noorook, which is Aboriginal for 'red'; Woorkarrim, which is Aboriginal for 'blue', and Worooa, which is Aboriginal for 'green'. These four quilts are a wonderful display of craftwork and culture by a range of committed people over the 50 years of the school's life.

Terry Kane, the school's archivist, has played a good role. The organiser is Jeanette Fry. I congratulate her very much. A CD produced by the school is available for \$17. There is a list in Queen's Hall for putting down your names and addresses, and the CDs will be mailed to you. It is a very good exhibition.

### **Hazardous waste: Nowingi**

**Hon. B. W. BISHOP** (North Western) — It was a pleasure for me to attend the official opening of the Mildura courthouse and the opening of the new Red Cliffs aged care facility on 23 November.

The courthouse was opened by the Attorney-General, and the aged care facility by the Minister for Aged Care. At both openings the Save the Food Bowl Alliance was present and let both ministers know that they may come to Sunraysia with glad tidings but still this community will not give up the fight to have the government drop its plans to site a toxic waste dump at Hattah-Nowingi.

I add that the greetings given to both ministers were polite and orderly, but were very firm and to the point in that the chair of the Save the Food Bowl Alliance, Cr Peter Crisp from Wentworth shire, gave the ministers a very clear message of the community's absolute and united rejection of the Bracks government's proposal to place a toxic waste dump near Mildura.

I thank the Minister for Aged Care, Mr Jennings, for acknowledging both the presence of the alliance and also the depth of community opposition to the proposal. I believe that is a clear indication to this government that the community will not stop protesting regardless of how many courthouses or aged care facilities the Bracks government gives that area.

### **Multicultural affairs: services guides**

**Hon. KAYE DARVENIZA** (Melbourne West) — I want to inform the house how delighted I was to travel to Mildura, Robinvale, Swan Hill and Shepparton over the past week to launch two very important and significant documents — namely, the cultural diversity guide and the language services report card. The reason these areas were so important in the launch was that they were directly involved in the consultations that informed and ensured that the documents were as good as they can possibly be. The cultural diversity guide is a guide for those people who are providing and planning human services to ensure they meet the needs of our culturally and linguistically diverse communities. Of course those are very diverse communities.

The language services guide report card looked at achievements that have been made in providing translating and interpreting services. More work needs to be done, so I was pleased to be able to announce an additional \$750 000 in funding which will go into translation and interpreting services. I thank all the

people who were involved at the launches and also all who contributed to these very significant and important documents.

### **Blue Light Kidsmart handbook**

**Hon. E. G. STONEY** (Central Highlands) — I draw the house's attention to the official Blue Light Kidsmart handbook. Blue Light is a community policing initiative that aims to provide an opportunity for young people to be involved in a variety of entertainments. It has had 26 years of expertise with Blue Light discos and has developed new activities for Victorian young people, such as the Derby Hill youth camp, tennis coaching, youth forums, the Light Horse Brigade, pool parties, self-defence classes and clinics for a variety of sports.

The handbook is the official Blue Light child safety guide and is designed to promote its activities. It offers safety information on issues to which our children are subjected from day to day. Things such as drugs, alcohol, sex, bullying and family issues are covered, and information on local Blue Light events is also provided. The book will be delivered to all local primary schools. Financing this initiative was very difficult, and the organisers telephoned businesses. When they were ringing around my area the other day, they rang me. They were pleading for donations. I would have thought the state government would have weighed in more heavily with its support. I strongly suggest that the government reassess its support for this wonderful initiative and increase its financial support in order to help these children and the Blue Light initiative.

### **Caulfield Junior College: 90th anniversary**

**Mr SCHEFFER** (Monash) — On Tuesday, 23 November, I was privileged to have been invited to speak at the 90th anniversary of the establishment of Caulfield Junior College. I would like to recognise the students, parents, teachers and community of Caulfield Junior College for the part they play every day in keeping alive a great vision that was started in Victoria in 1872 with the passing of the first Education Act that resulted in the establishment of this state school. I pay tribute to the memory of the thousands of former students, parents and teachers who through almost four generations have kept alive the vision of a free, secular and compulsory education system.

Caulfield Junior College was built in the year that the First World War began and was new when Australians perished at Gallipoli. It was a working school through the hard years of the Great Depression when children

went hungry, and it survived the Second World War when many of its teachers took other work for the war effort. In the postwar years, Caulfield Junior College educated generations of children from every corner of the world. Throughout, the school has maintained an excellent academic standard.

Today Caulfield Junior College has a remarkably broad academic program and is bursting at the seams with children and abundant creativity — ready for another 90 years. I congratulate school council president, Marcia Pinski, and principal, Aileen Hall, and the whole school community on this important anniversary.

### **Corner Inlet: environmental management**

**Hon. P. R. HALL** (Gippsland) — Last Friday I journeyed to Port Welshpool to meet with the Corner Inlet professional fishermen on the occasion of the launch of the Corner Inlet Fisheries Habitat Association environmental management plan, where I was honoured to be asked to officially launch that document. The reason I was so pleased is that three years ago when the marine national park debate was occurring in this place, several of us journeyed down there to meet with those fishermen. They said quite emphatically that for generations they have cared for their local marine environment and would continue to do so well into the future.

On their own initiative the 17 Corner Inlet fishermen have undertaken courses in environmental management systems, performance and monitoring. They have produced an environmental management plan that formalises the codes of practice and the monitoring systems that will ensure fish stock sustainability and early warning of environmental changes. As I said, they have done this of their own accord and have demonstrated a genuine commitment to their local marine environment.

I congratulate the president, Joe Pinzone, the secretary, Neville Clark, and the other fishermen who have participated and worked on this program. The South Gippsland shire and fisheries have also been involved. I finally want to add that I was joined at that launch by the federal member for McMillan, Russell Broadbent, and a former member of this place, the Honourable Geoff Craige, who I can report has lost none of his chirpiness.

### **Heidelberg: historic shire offices**

**Ms ARGONDIZZO** (Templestowe) — On 22 November I attended the opening of the old Heidelberg shire offices and chambers. These offices

have been redeveloped in a joint effort by both the Banyule council and the state government for future use by the local community. The offices were built in the mid-19th century, and part of the structure includes the original Heidelberg courthouse. These buildings became redundant in 1937 when the new municipal offices and town hall were built which continue in operation today.

The old shire offices became a community centre for social and leisure activities on the Austin Hospital site. Due to the redevelopment of the Austin, a home needed to be found for the old shire offices. The new home for the magnificent refurbished buildings has now been found at the Warringal parklands. The new tenants for the building will be the Banksia girl guides and the Warringal Conservation Society. The refurbished offices sit on the hill at the Warringal parklands adjacent to Viewbank College's Banyule Theatre.

The project has taken four years to complete, but it has been well worth the wait. I congratulate all the members of the community, the Banyule council and Major Projects Victoria for the hard work that has gone into the consultation, the planning and the final development of the project.

### **Local government: elections**

**Hon. J. H. EREN** (Geelong) — The City of Great Geelong and surrounding regions had their respective council elections at the weekend. I would like to congratulate all who participated. I would like to particularly congratulate the six new councillors for the City of Greater Geelong: Lou Brazier, John Mitchell, Jan Farrell, Tom O'Connor, Rod MacDonald and Peter McMullin, and the returned councillors, David Saunderson, Shane Dowling, Bruce Harwood, Barbara Abley, Tony Ansett and Stretch Kontelj.

I would also like to congratulate the Queenscliffe shire councillors John Bugg, John Burgess, John Doull, Val Lawrence, Stephen Lee, Chris Player and Pat Semmen who were all elected unopposed; the Surf Coast Shire councillors, Keith Grossman, Beth Davidson, Jim Tutt, Libby Mears, Lindsay Schroeter, Rose Hodge, Roland Livingstone, Dean Webster and Ronald Humphrey; the Golden Plains Shire councillors David Cotsell, Jenny Jones, Geraldine Frantz, Bill McArthur, Gerald Dupe, Des Guinane, Alwyn Parker, Janet Blake and Kevin Knight; and last but not least the successful Colac-Otway shire councillors, Brian Crook, Geoff Higgins, Chris Smith, Warren Riches, Peter Boyd Mercer, Stuart Hart and Joe Di Cecco. This is the democratically elected G-21 team, and I look forward

to working with them to make this region the best it can be. Again, congratulations to all concerned.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Electronic democracy**

**Ms ARGONDIZZO (Templestowe) presented report on North American evidence on electronic democracy inquiry, together with appendices.**

**Laid on table.**

**Ordered to be printed.**

***Alert Digest No. 11***

**Ms ARGONDIZZO (Templestowe) presented *Alert Digest No. 11 of 2004, together with appendices and minority reports.***

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Alexandra District Hospital — Report, 2003-04 (two papers).

Ballarat Health Services —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04.

Beaufort and Skipton Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04 (two papers).

Bendigo Health Care Group — Report, 2003-04.

Boort District Hospital — Report, 2003-04 (two papers).

Border Groundwaters Agreement Review Committee — Report, 2003-04.

Central Gippsland Health Service — Report, 2003-04.

Coleraine District Health Services —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04.

Crown Land (Reserves) Act 1978 — Minister's Order of 26 October 2004 giving approval for the granting of a lease at Williamstown Botanic Gardens Reserve.

Dunmunkle Health Services —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Minister's report of receipt of 2003-04 report.

East Wimmera Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04 (two papers).

Echuca Regional Health — Report, 2003-04.

Edenhope and District Memorial Hospital —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04.

Gippsland Southern Health Service — Report, 2003-04 (two papers).

Goulburn Valley Health — Report, 2003-04 (two papers).

Inglewood and Districts Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04.

Latrobe Regional Hospital — Report, 2003-04

Maryborough District Health Service — Report, 2003-04 (two papers).

Mitcham-Frankston Project Act 2004 — Mitcham-Frankston Project Statement of Variation No. 1.

Orbost Regional Health — Report, 2003-04.

Otway Health and Community Services —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Minister's report of receipt of 2003-04 report.

Parliamentary Committees Act 2003 — Minister's response to recommendations of the Drugs and Crime Prevention Committee's report on Amphetamine and Party Drug Use in Victoria.

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

Brimbank Planning Scheme — Amendments C73 and C77.

Geelong — Greater Geelong Planning Scheme — Amendments C71 and C99.

Moonee Valley Planning Scheme — Amendment C43.

Moorabool Planning Scheme — Amendment C9.

Victoria Planning Provisions — Amendment VC31.

Rochester and Elmore District Health Service — Report, 2003-04.

South Gippsland Hospital — Minister's report of receipt of 2003-04 report.

A Statutory Rule under the Crimes Act 1958 — No. 141.

Stawell Regional Health —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04 (two papers).

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 130.

Victorian Industry Participation Policy — Report, 2003-04.

West Gippsland Healthcare Group — Report, 2003-04.

West Wimmera Health Service —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04.

Wimmera Health Care Group —

Minister's report of failure to submit 2003-04 report within the prescribed period and the reasons thereof.

Report, 2003-04 (two papers).

**Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:**

Major Crime (Investigative Powers) Act 2004 — Parts 1, 7, 8 (other than sections 75 and 97), 9, 10 (other than section 105) and 11 (other than section 130 — 16 November 2004 (Gazette No. S237, 16 November 2004).

Major Crime (Special Investigations Monitor) Act 2004 — 16 November 2004 (Gazette No. S237, 16 November 2004).

Major Crime Legislation (Office of Police Integrity) Act 2004 — Parts 1, 2, 3, 4, 5 (other than section 12) and 10 — 16 November 2004 (Gazette No. S237, 16 November 2004).

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Section 37 — 1 December 2004; sections 38 and 42 — 1 December 2004; sections 39, 40, 41 and 43 — 1 December 2004 (Gazette No. G47, 18 November 2004).

## STATEMENTS ON REPORTS AND PAPERS

**Notices given.**

**Hon. D. K. DRUM having given notice:**

**The DEPUTY PRESIDENT** — Order! Mr Drum has already given notice of intention to speak on a report on Thursday.

**Hon. D. K. DRUM** (North Western) — I wish to rescind the item on the community visitors report for 2003-04 that stands in my name on the notice paper.

## BUSINESS OF THE HOUSE

### Program

**Mr LENDERS** (Minister for Finance) — I move:

That, pursuant to sessional order 20, the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 2 December 2004:

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill

World Swimming Championships Bill

Transport Accident (Amendment) Bill

Mildura College Lands (Amendment) Bill

Construction Industry Long Service Leave (Amendment) Bill

Children and Young Persons (Koori Court) Bill.

The Legislative Council has three scheduled sitting weeks, and it would be the intention of the government to seek to have the Council consider 23 bills during those three weeks. If these bills or any others are considered this week we think we will have a very orderly passage of bills in the lead-up to Christmas with plenty of time for parliamentary scrutiny, and therefore I would urge support of the motion.

**Hon. ANDREA COOTE** (Monash) — As a matter of principle, the Liberal Party opposition opposes this motion, again. The minister's statements are like a broken record — we hear this time and again about the business program. The business program is considered with an enormous amount of cooperation. I cannot see that we need to have yet again a business program this week. In a sense it is patronising, and we do not need to do this any longer. Our level of cooperation is able to be seen; we understand that there are 23 bills, and we understand also what is on the agenda this week. We showed in the previous week the type of cooperation that we are capable of. I cannot understand why we need to come in here and continue to have a business program when the whole of this chamber would have operated in a very successful way without it. We oppose this motion.

**Motion agreed to.****MILDURA COLLEGE LANDS  
(AMENDMENT) BILL***Second reading***Ordered that second-reading speech be  
incorporated for Hon. T. C. THEOPHANOUS  
(Minister for Energy Industries) on motion of  
Mr Lenders.**

**Mr LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

The Mildura College Lands Act 1916 sets out a scheme under which income from land vested in the minister in the Mildura area is distributed to government and non-government schools in that area.

Honourable members may be aware that the scheme is a legacy of the Chaffey Brothers who, in the late 1800s, assigned substantial pieces of land in the Mildura area to the government of Victoria under trust for the purposes of establishing an agricultural college.

The bill makes two main changes.

First, it will enable the minister to declare a school as a beneficiary under the scheme. This will ensure that the scheme operates more efficiently and can easily accommodate additional schools in the future. Currently, legislative amendment to schedule 2 is required each time a beneficiary is added.

Over the years, the act has been amended to add all local government and non-government schools at the time. A total of 29 schools currently receive funds under the scheme.

The bill states that a beneficiary declared by the minister must be a state school within the meaning of the Education Act 1958 or a school registered under part III of that act, and the school must be situated in the geographical area defined in the bill. This area equates approximately to the Mildura irrigated area, which is consistent with the intention of the current act and the practice that has developed for adding schools.

A declaration by the minister will be by way of a ministerial order published in the *Government Gazette* and a newspaper circulating generally throughout the Mildura area. The order will also be tabled before each house of Parliament. Through the operation of section 15 of the Subordinate Legislation Act 1994 the order must be laid before each house of Parliament on or before the sixth sitting day after publication in the *Government Gazette*.

Secondly, the bill will add the Mildura Baptist College to the list of beneficiaries in schedule 2. I was pleased to inform the school in July this year that the act would be amended so that they could be added as a beneficiary. The school is a non-government school in the Mildura area registered under part III of the Education Act 1958.

Funds from the Mildura College Lands Trust are distributed to schools on a quarterly basis according to the number of student enrolments. The funds have been used by the schools to develop school facilities and to purchase capital items. Over the years such items have included computers, musical equipment, shade sails, playground equipment and tennis and basketball courts.

The funds are a valuable addition to school resources and are a testament to the foresight and generosity of the Chaffey Brothers.

The Mildura College Lands (Amendment) Bill will ensure that the significant legacy left by the Chaffey Brothers benefits schools in the Mildura area well into the future.

I commend the bill to the house.

**Debate adjourned on motion of Hon. ANDREW  
BRIDESON (Waverley).****Debate adjourned until next day.****CONSTRUCTION INDUSTRY LONG  
SERVICE LEAVE (AMENDMENT) BILL***Second reading***Ordered that second-reading speech be  
incorporated for Mr GAVIN JENNINGS (Minister  
for Aged Care) on motion of Mr Lenders.**

**Mr LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

**Introduction**

The purpose of this bill is to amend the Construction Industry Long Service Leave Act 1997 to improve the capacity of the trustee, trading as CoINVEST, to manage the Construction Industry Long Service Leave scheme. The board of the trustee is made up of employer, employee and independent directors. The scheme is subject to a trust deed and rules.

**Purpose of the bill**

The variations will enhance the trustee's capacity in the first instance to encourage compliance, and as a last resort, to pursue employers and ensure that they meet their long service leave levy obligations to their workers.

The amendments will strengthen the provisions requiring employers to pay long service leave levy to the fund, and to retain and provide information in respect of workers employed to perform construction work in the construction industry.

The opportunity is also taken to clarify that employers of certain workers who would not normally be covered have obligations to those workers. Those special categories have been grandfathered through the rules of the trust deed.

A provision to provide the trustee capacity to pursue levy charges from a related body corporate is included. This is for

those circumstances where there is an attempt to structure arrangements to avoid obligations under the act. It is a prudent measure in a highly flexible industry.

The amendment will clarify that the board will be able to determine entitlements payable. The trustee will continue to be required to seek the approval of the Governor in Council to enlarge the coverage under the scheme.

The minister's power to make a reciprocal agreement with other states and territories is varied to simplify the provision regarding payments to other states by providing scope to vary the agreement without legislative amendment.

A number of other amendments will streamline administration and legal processes for the trustee and reduce costs. These include court representation and service of documentation.

A number of definitions are clarified to ensure that the scheme applies to workers performing construction work in the construction industry. This will limit the potential for other work groups or industries to seek coverage.

#### **Impact of the amendments**

For the trustee, effective administration and management of the scheme and fund is necessary to ensure that levy charges are paid to the fund.

Any costs associated with these measures will be borne by the trustee from the fund. There are no additional costs or administrative processes for employers.

Construction industry employer associations and unions have been consulted in developing these amendments. They are not opposed to the bill.

#### **Summary**

The majority of industry employers will not be affected in any way by these minimal changes to the way the trustee operates. Indeed, there is no new obligation or requirement placed on them by the bill.

These modest amendments will enable the trustee to effectively administer the construction industry long service leave scheme, the fund, information registers, and benefits payable, at the lowest possible cost and maximum efficiency.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

## **CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL**

*Second reading*

**Ordered that second-reading speech be  
incorporated for Mr GAVIN JENNINGS (Minister  
for Aboriginal Affairs) on motion of Mr Lenders.**

**Mr LENDERS (Minister for Finance) — I move:**

That the bill be now read a second time.

The Children and Young Persons (Koori Court) Bill 2004 forms part of this government's continuing commitment to the Victorian Aboriginal justice agreement with objectives:

to increase the indigenous (Koori) community's participation in the administration of justice;

to deliver fair and equitable justice services to the indigenous (Koori) community; and

to reduce the risk of involvement of indigenous (Koori) youth in the justice system.

The bill also illustrates the government's continuing commitment to reconciliation and developing a strong partnership with the Victorian indigenous (Koori) communities.

The Children and Young Persons (Koori Court) Bill 2004 also implements the Attorney-General's 2004 justice statement commitment to establish problem solving courts to address the causes of crime including a children's Koori court.

The Victorian Aboriginal justice agreement (justice agreement), launched by this government in 2000, contained over 60 initiatives and, most importantly, a commitment by both the Victorian government and the indigenous (Koori) community of Victoria to work together. This historic agreement represented an approach which sought to improve the justice outcomes for the indigenous (Koori) community and is considered to be best practice for government agencies delivering programs to indigenous (Koori) communities across Victoria.

The success of the justice agreement is in part recognition that stand-alone initiatives will not address the alarming number of indigenous (Koori) people represented within our criminal justice system. Accordingly, a holistic approach has been embraced which encompasses the areas of prevention, accessibility, effectiveness of justice-related services and rehabilitation as well as measures to address underlying issues.

The implementation of the justice agreement has demonstrated the willingness of this government, the Victorian indigenous (Koori) community and the broader community to experiment with inclusive, innovative, culturally appropriate and modern approaches to strategically reduce Aboriginal overrepresentation within the criminal justice system.

The justice agreement marked the beginning of a long lasting partnership with the indigenous (Koori) community of Victoria which if respected and nurtured will continue into the future.

Critical to the continuation of this partnership is the fact that 13 years on from the Royal Commission into Aboriginal Deaths in Custody indigenous offenders (both adult and youth) are still greatly overrepresented in the Victorian criminal justice system.

The establishment of the first adult Koori court by this government in October 2002 sought to tackle adult

overrepresentation by providing a forum where the indigenous (Koori) community has input into the sentencing process. The adult Koori court, which is a pilot program, is currently being independently evaluated by La Trobe University. Preliminary indications suggest that the adult Koori court model is proving to be successful.

The adult Koori court concept has represented a fundamental shift in the way in which we as a community deal with indigenous (Koori) defendants. A measure of the innovation of the adult Koori court has been the significant amount of interest attracted from across Australia. Different jurisdictions, including areas with significant indigenous populations, continue to seek advice and assistance from Victoria regarding the establishment of their own indigenous courts. This is testament to the Victorian Koori court model which has been under intense scrutiny since inception. I commend all the participants for their professionalism and contribution to the success of the adult Koori court which has allowed the incorporation of indigenous (Koori) knowledge, skills, values, cultural beliefs and practices into the Victorian legal system. This has helped both the courts and the administration of justice.

### **Indigenous (Koori) youth in Victoria**

Indigenous (Koori) youth issues were highlighted as an important priority in both the Royal Commission into Aboriginal Deaths in Custody final report 1991 and the justice agreement. The justice agreement noted that while the general population deals with the issues arising from an ageing population, the major issues for the indigenous (Koori) community are related to the needs of those in school-to-work transition and prime working years. This is because the indigenous (Koori) population has a very different age profile to that of the general Victorian population as a whole. In 2001, 57 per cent of the indigenous population were under the age of 25 years, compared with only 34 per cent of the non-indigenous population. The number of indigenous (Koori) youth (aged 10–14) in Victoria is also expected to increase by 13 per cent from 2001 to 2006. This coupled with the fact that indigenous (Koori) youth are approximately 16 times more likely to be in juvenile detention than non-indigenous Victorians requires innovative and culturally appropriate responses.

Other alarming statistics include:

Recidivism rates are higher for indigenous (Koori) juveniles. The proportion of indigenous (Koori) persons who received either a juvenile justice or adult corrections order within two years of completing a previous order was 65 percent, compared with 47 percent for non-indigenous Victorians.

Indigenous (Koori) children aged under 10 are over 10 times more likely to have been apprehended by police than non-indigenous children of the same age. The overrepresentation rate was also high for indigenous (Koori) children aged 10–14, who were 5.7 times more likely to have been apprehended.

### **Why have a children's Koori court?**

Indigenous (Koori) defendants often come from the most disadvantaged of backgrounds of all Australians and continue to face inequities on a daily basis.

The adult Koori court makes changes for adult indigenous (Koori) defendants appearing at the Magistrates Court on both an individual as well as a systemic level. However, this intervention occurs, in many circumstances, at the 'tail end' of offending behaviour — past the caution stage and beyond the availability of the Children's Court. The establishment of a children's Koori court therefore provides a valuable opportunity to intervene and address underlying issues at an earlier stage than the adult Koori court.

It is also important to recognise that even small racial effects at the earliest points in the criminal justice continuum are amplified to larger significant differences at later stages, where the consequences are more serious and potentially harsher. This means that disadvantage is compounded for an indigenous (Koori) person as they move through the system. This amplification effect was recognised in the Royal Commission into Aboriginal Deaths in Custody final report and is critical to the need for a children's Koori court. It is timely at this stage to also mention that a further initiative of the justice agreement is a cautioning project which will be piloted in two regional locations next year. This will focus on an even earlier stage of contact between indigenous (Koori) people and police.

The establishment of a children's Koori court also acknowledges that it is essential to incorporate indigenous (Koori) communities' cultural beliefs and practices into the justice system to seek to achieve culturally appropriate, fair and equitable treatment for indigenous (Koori) people.

It is also clear from the operations of the adult Koori court that one of the keys to its success is the participation of the Aboriginal elder or respected person who symbolises that the offence is not condoned by either the indigenous (Koori) or the non-indigenous community and that any sentence imposed is only done after input and information provided to the magistrate by the Aboriginal elder or respected person. In this way the sentencing process as well as the sentence ultimately imposed is community owned so that when a crime is committed it is also seen as being against indigenous community standards. The Aboriginal elder or respected person plays a critical role in the effectiveness and acceptance of the adult Koori court initiative and accordingly will be adopted in the children's Koori court model.

### **What is a children's Koori court?**

In essence, the children's Koori court is an alternative way of administering sentences so that court processes are more culturally accessible as well as acceptable and comprehensible to the indigenous (Koori) community. The key emphasis is on creating an informal atmosphere which allows for greater participation by the Koori community through the Aboriginal elder or respected person, the Koori court officer, indigenous (Koori) defendants and their families in the court and sentencing process. It aims to reduce perceptions of intimidation and cultural alienation experienced by indigenous (Koori) defendants.

The children's Koori court will hear matters where an indigenous (Koori) defendant pleads guilty or is found guilty of an offence. The offence must be one which falls within the jurisdiction of the Children's Court but excludes all sexual offences. The defendant must also consent to the matter being heard in the children's Koori court.

The children's Koori courts will focus on the individual through close collaboration with family, community service providers and criminal justice agencies. This partnership approach aims to assist offenders to comply with the completion of sentencing orders by enabling the court to receive the appropriate advice to design sentencing orders which meet the needs of the individual offender in a culturally appropriate manner.

The Aboriginal elder or respected person assists the court by providing information on the background of the defendant and possible reasons for the offending behaviour. They may also explain relevant kinship connections, how a particular crime has affected the indigenous (Koori) community as well as advice on cultural practices, protocols and perspectives relevant to sentencing. The magistrate may confer with the Aboriginal elder or respected person and discuss the most appropriate sentence or the appropriateness of the conditions placed on a sentence.

The magistrate will ask the children's Koori court officer about the availability of appropriate services and programs. The magistrate may sentence the defendant straight away or adjourn the matter to allow the children's Koori court officer together with the juvenile justice worker, service providers and family members to provide the appropriate advice upon which to base sentencing orders. All options already available in the Children's Court, such as family group conferencing, will also be available in the children's Koori court. The philosophy of the children's Koori court is that all possible available support should be present to assist the defendant.

The children's Koori court, like the adult Koori court, will depart from the traditional one-size-fits-all approach to sentencing as it will have the ability to tailor dispositions to address defendant's behaviour and meet their complex individual needs. This will create more effective sentencing practices and sentencing outcomes.

#### **Conclusion**

The children's Koori court project is a partnership project between the Department of Justice and the Department of Community Services, which has been overseen by a reference group, which includes the Victorian Aboriginal Legal Service, the Victorian Aboriginal Community Services Associations Limited, the President of the Children's Court, the RAJAC network, VAJAC, Victoria Police, Victorian Legal Aid, child protection and juvenile justice branch (DHS), indigenous issues unit, representatives of the adult Koori court, the Victorian Aboriginal Child Care Association and a Koori juvenile justice worker representative.

I would like to thank those individuals and organisations who are part of the reference group for the work they have already done and for their continuing efforts as there is still much work to do to ensure the success of this important initiative.

The children's Koori court pilot will be evaluated to determine whether it has been successful. If the evaluation is successful the children's Koori court could be extended to further locations throughout Victoria.

I commend the bill to the house.

**Debate adjourned on motion of  
Hon. C. A. STRONG (Higinbotham).**

**Debate adjourned until next day.**

## **ENERGY LEGISLATION (AMENDMENT) BILL**

*Second reading*

**Ordered that second-reading speech be incorporated for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of Mr Lenders.**

**Mr LENDERS** (Minister for Finance) — I move:

That the bill be now read a second time.

The principal purposes of this bill are to extend the existing consumer safety net protections of the electricity and gas industry acts to 31 December 2007, and to implement further measures to protect small energy consumers.

In December 2003, consistent with previous commitments made by this government I directed the Essential Services Commission to investigate the effectiveness of full retail competition in the electricity and gas industries and the need for consumer safety net arrangements, designed to protect consumers in the transition to effective retail competition, beyond 31 December 2004.

The commission found that the strength and reach of retail competition has been increasing but that there are some sub-markets of consumers who are not currently participating in the competitive retail market and who are not being directly targeted through retailers' sales campaigns. The commission found that competition is likely to become effective for a much larger proportion of smaller users in the next few years.

Accordingly, the bill provides for extension of the consumer safety net protections contained in the Electricity Industry Act and the Gas Industry Act to 31 December 2007. This time period is consistent with the retail price agreements recently negotiated by this government with private energy retailers, locking in a pricing structure that will deliver low energy prices to Victorians through to the end of 2007.

The bill will further facilitate the growth and effectiveness of retail competition, by requiring major retailers of energy to households and small business to publish on their websites details of their market offers to households and small businesses. This obligation to publish will make the comparison of market offers much easier for consumers and consumer bodies and will stimulate informed choice.

I am also aware of growing community concern regarding proposals to allow energy retailers to implement late payment fees, where consumers fail to pay their energy bills by the required date.

We do not believe that people who are unable to pay their bills on time should be penalised further by late payment fees. Accordingly, the bill will prohibit the imposition of late payment fees in respect of small retail customers. Small retail customers will be defined by order in council and will initially include consumers whose annual energy usage does

not exceed 20 megawatt hours for electricity and 150 gigajoules for gas. The bill clarifies that there will be no prohibition on incentives or discounts for timely payment of energy bills.

The government also has concerns about early exit fees, which are levied on consumers who terminate a retail contract before its expiry date. Implementation of early exit fees has the potential to inhibit consumer confidence in exercising retail choice and their capacity to gain benefits from retail competition, particularly if the fees are higher than the costs to the retailer of early termination. The bill will allow the Governor in Council to issue an order prohibiting or otherwise regulating the imposition of early exit fees in respect of small retail customers.

Where a customer is disconnected by a retailer for non-payment of their energy bill, this clearly has a substantial disruptive impact on the functioning of households and small businesses. Concerns have been expressed by consumer groups about a rising trend in disconnections of consumers who lack the capacity to pay their bills on time.

The bill will therefore require energy retailers to compensate small retail customers if they are unfairly disconnected from supply in breach of the energy retail codes. The amount payable will be \$250 per day or such other amount prescribed by regulation. Further, the Essential Services Commission will be required to have regard to the essential nature of electricity and gas services in setting disconnection procedures to be complied with by retailers.

Prepayment meters are meters which automatically disconnect customers when they run out of credit. Prepayment meters have not been introduced in Victoria or other states, except Tasmania. Prepayment meters have substantial potential to adversely impact on low-income and disadvantaged Victorians, and will therefore not be introduced pending an inquiry. The inquiry will investigate prepayment meters, their impact on disadvantaged Victorians, and make recommendations for consideration by government in relation to any special circumstances that may exist in relation to their usage. The bill empowers the Governor in Council to make an order prohibiting, or otherwise regulating, the introduction of prepayment meters for small retail customers. Following the initial order, the making of a variation order will be subject to parliamentary scrutiny through the potential for disallowance.

The government remains committed to the successful rollout of retail competition and is pleased with the gains we have made so far. The measures in this bill will actually promote competition by further increasing consumers' confidence to change retailer.

The energy industry has expressed concerns that the measures in this bill undermine the move towards national regulation of energy. The government does not accept that, and rejects any suggestion that it should take no action to protect consumers when national regulation is not due to begin until 2006.

I commend the bill to the house.

**Debate adjourned for Hon. BILL FORWOOD (Templestowe) on motion of Hon. Andrea Coote.**

**Debate adjourned until next day.**

## LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL

*Second reading*

**Debate resumed from 18 November; motion of Mr LENDERS (Minister for Consumer Affairs).**

**Hon. D. K. DRUM** (North Western) — I stress from the outset that The Nationals will be opposing this bill. We have serious concerns about certain aspects of it. Even though several parts contain commonsense aspects we would like to support, on the whole there are certain provisions within the bill — namely, those that deal with vending machines and the selling of alcohol — that make it impossible for The Nationals to support this legislation.

The purpose of the bill from a legislative perspective is to make a whole range of amendments that will affect the Liquor Control Reform Act in a bid to address under-age drinking and enhance the enforcement powers of the Victorian police and to make a range of technical changes to the overall operation of the act. In arriving at this position The Nationals did an enormous amount of consultation with the Australian Hotels Association and various hotel industry establishments throughout Bendigo; Lead On, the youth establishment in Bendigo; Victoria Police, including the Bendigo police; the Victorian Alcohol and Drug Association and numerous youth groups that have been able to tell us how it really is regarding the accessibility and availability of alcohol to young people.

Some of the more straightforward points include severe increases in fines applicable to licensed establishments that are caught serving alcohol to minors. Effectively the fines that are going to be imposed on licensed establishments are going to be tripled by this legislation. Previously as a first offence these licensed establishments would have been fined up to about \$200 which is one-tenth of the maximum penalty should that order have proceeded to court. The standard penalty now at \$200 is going to be increased to \$600.

While overall we have no concern with these increases in fines we have some philosophical concerns about what it is going to do. For instance the licensed establishments are going to bear the brunt of the increase in fines. The minors who continually attempt to buy alcohol are not going to have their fines increased in any way. They will continue to receive a slap on the wrist and a \$50 fine if they are caught. That is exactly the same penalty they currently receive. It takes two people to engage in an under-age drinking

purchase. The party that will be hit hardest with this legislation will be the vendor and quite often they will be unwitting participants in the purchase of the alcohol. We know that if in doubt, sellers should ask for proof of age before purchase, but we all understand how it is in a busy bottle shop or at a busy licensed premises. People simply look at the person purchasing the alcohol and make a quick assumption that that person is truly over the age of 18. Any mistake will be costly. On the other hand the person purchasing alcohol is aware 100 per cent of the time that they are infringing the law and purchasing alcohol while under age. Yet this legislation does not increase the penalty there at all.

The police also find this somewhat strange. They find it hard to continually try and stop minors purchasing alcoholic products when the minors know they get only a slap on the wrist. Very seldom are they charged, and if they are, it is only a \$50 fine which most kids can afford. It is not the deterrent that we would like to think exists in the community.

It has got to the stage where when police find young people in a skate park, down on the beach or in a public place drinking alcohol, they charge them through a local government by-law. They take that option as opposed to charging them through the state's laws — through this act — because the local government's by-laws enable the police to enforce a \$100 fine. That happens quite often along the beach area of Melbourne; the foreshore is home to many of the parties for under-age drinkers and are covered by local by-laws that prohibit the drinking of alcohol in public places. It is interesting to think that the police will go past the state laws and charge youths under local laws. In the police's opinion it creates a more fitting penalty to the crime that is being continually committed. The government needs to be aware that it had the opportunity to do something serious about a serious problem. It had the opportunity to make a significant contribution to cutting back on under-age drinking, and yet it let one side of the guilty duo go practically unchallenged.

When questioned as to why the government was so keen to triple the fines to be imposed upon licensed establishments that sell to minors it was pointed out to me that it is merely bringing Victoria into line with the penalties that exist in the neighbouring states of New South Wales and Queensland. While that is the case, it is worth noting that in those instances the prevalence of under-age drinking on a pro rata basis is already greater than that of Victoria. If the government is to align Victoria's penalties with those of New South Wales and Queensland, it should be doing so on the premise that the stiffer penalties will cut the incidence of minors

purchasing alcohol. We should be cognisant that stiffer penalties alone will not necessarily stop under-age drinkers from attempting to purchase alcohol for their own consumption.

Victoria has some 14 000 licensees that sell alcohol on premises, yet 4000 infringement notices were issued last year. One might think they are high numbers, but 2500 of those 4000 infringement notices were for minors trying every devious measure under the sun to purchase alcohol. Some 1500 licensees have been caught selling licensed products to under-age drinkers, be it willingly, accidentally or mistakenly. Considering the number of hours, opportunities and the work they do, and that youth are continually trying to get into licensed premises, the compliance is reasonable. As I say, there is already a level of compliance that is far above that of New South Wales.

Victoria Police were concerned about non-compliance, and asked that the PERIN system be taken into account as opposed to the court order which is causing a lot of paperwork. It makes police think twice when it comes to issuing an infringement notice knowing that the consequences down the track may be messy and complicated. There are some other interesting aspects on this matter put forward by the police.

Another issue is what hotels will do when a mistake has been made. Most mistakes are accidental, especially during busy peak hours and alcohol has been sold to an under-age youth and the licensee has been caught, and rightly so. Previously when the inexperienced bar staff made a mistake the licensee would pay the \$200 fine, which hurts. Those fines can be covered and are simply paid. Now the temptation will be to fight these issues in court, particularly a second offence. Court costs will be incurred simply because of the increase in fines.

There are sensible aspects of the bill that The Nationals support, such as creating a wider definition for who can act as a guardian of a minor when on licensed premises. Previously the definition was narrow.

**Mr Lenders** — You have the Robinvale club in your electorate.

**Hon. D. K. DRUM** — Yes, I do. A guardian is defined as:

... a person who is under the age of 18 years, means a person who is authorised by law to manage the affairs of that young person ...

It is a standard definition, and added to that is the definition of a responsible adult, which states:

... in relation to a person who is under the age of 18 years, means a person who is of or over the age of 18 years and who is —

- (a) the younger person's parent, step-parent, guardian or grandparent; or
- (b) the younger person's spouse; or
- (c) a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person ...

The situation is now being opened up where the local cricket, netball or hockey coaches can take their young charges to the local hotel for lunch or dinner, or even a squash without a meal. Previously the rules stated that those young people could go for a meal, but had to vacate the premises after a couple of hours, but now 15, 16 and 17-year-olds can go into the licensed premises and use the facilities of the licensed premises. The guidelines for a responsible adult reflect more the type of person who is in control of those minors. We conclusively support that part of the bill.

We are happy that the government is setting penalties to make it an offence to falsely produce a proof-of-age card, an offence which has been prevalent among our youth in Victoria. It is the ease with which creative young minds produce such cards that is a concern. Not only will it be an offence to produce your own card, but it will be an offence to help anybody else to produce a false proof-of-age card. These cards create a lot of trouble because it is hard for night staff, door staff, bouncers and bar staff to argue against student cards that have been falsely doctored. These young people are able to be admitted to some nightclubs and are then able to purchase alcohol.

A number of people have expressed concern not only about this bill, but more importantly the whole scene with regard to under-age drinking. We have created a horrendous problem for ourselves. We are all equally guilty with regard to the prevalence of alcohol in our society, particularly through watching our sporting and musical heroes and others glorifying the use of alcohol. It is no wonder we have not only a statewide but also a nationwide under-age drinking problem.

Schoolies week and after-parties are prevalent issues at the moment. Those who are finishing school may be young minors, but some are over 18 years of age. A lot of graduations are going on at the moment in various schools around Victoria, and they are generally held at the school or at local town halls. With many teachers present the schools have a strong identifiable adult presence within the graduation. But it is what happens

immediately after the graduation ceremony that is cause for concern.

I was pleased to hear from Senior Sergeant Paul Campbell of Victoria Police, who has done an awful lot of work in this area helping families understand the danger associated with after-parties. He has made some arrests of the organisers of after-parties, because those functions have grown into a whole little industry of their own. After-parties used to involve gathering at somebody's place where a little bit of alcohol was served under the supervision of parents. These parties have grown into a different affair where 25 and 28-year olds, who have no interest in the school or in the students, simply see the occasion as a business opportunity and organise after-parties. It usually involves the purchase of alcohol for minors. They make sure it is delivered through different means and that the payment is made not by minors but by adults, whether they be siblings of the minors or whatever. They go to enormous lengths to ensure that they are acting within the wide stretches of the law.

It is an area we need to be careful of, and Victoria Police is already doing a good job in trying hard to work through the after-party issue. The literature and research that they are bringing forward shows that organisers are going to extraordinary lengths to try to procure alcoholic products. Unless we can work on their level, then we are going to be left behind, and we will not be able to address the problems as they are being created in the community.

A major part of the bill that is going to cause The Nationals to oppose it relates to clause 30 — namely, the sale of liquor through vending machines. It is going to cause us an awful lot of grief, and we must try to work out how it will affect the community. It will probably be pointed out by the government that currently it is legal for people in Victoria to apply for a licence to sell alcohol through a vending machine. It should be noted that to date no application has been put forward.

**Hon. W. A. Lovell** interjected.

**Hon. D. K. DRUM** — Ms Lovell says it is a grey area, and it may not be legal. Maybe the government can clear that up.

When we look at the sale of alcohol through vending machines and what it has the potential to do it is hard to see how this provision is anything but totally contrary to what the bill is trying to achieve. The bill will make it a lot tougher for licensed premises to even entertain the thought of selling alcohol to a minor. You can

imagine the checks and balances that are going to have to be put in place by licensees to make sure they do not sell alcohol over the counter to a minor. Yet the installation of vending machines has been shown in other countries to have exactly the opposite effect: it actually makes it much easier for minors to get their hands on, purchase and consume alcohol at a much greater rate. This provision in the bill does not go far enough; it simply adds a few regulations. It states that the person must not sell liquor by means of a vending machine unless it is specified by the director in a licence that the person may do so. Therefore we are relying on the discretion of the director.

There is a requirement that the vending machine be on licensed premises. Many licensed premises of myriad sporting associations operate in the daytime as club rooms and provide a family environment, but later they double up into the evening as entertainment or function rooms. Normally the bar is locked throughout the day, but in the evening the responsible service of alcohol takes place with people behind the bar strictly regulating who they sell alcohol to. When purchasing alcohol through a vending machine those same checks and balances do not work in a practical sense.

We have been warned by the Victorian Alcohol and Drug Association (VAADA) about the probability of under-age drinkers being admitted into many of the hotels, licensed premises and sporting clubs throughout Victoria throughout the middle of the afternoon and into the early evening. Only a small percentage of licensed premises have door staff to check the age of patrons entering the establishments. Most of the checking done in relation to under-age alcohol consumption is done at the bar by the bar staff. If they think the people purchasing alcohol are under age, they ask for an identification (ID) card at the bar. If we are going to do away with those checks and balances and put vending machines in licensed premises, where patrons will simply be able to purchase their alcohol from a machine in the corner of a room, it is going to create a platform for our youth to simply walk into premises and with a pocketful of coins drink as much alcohol as they want.

Unless their behaviour becomes unruly or drunken to the extent that they cause a racket, they will be left there in relative quiet to drink themselves into oblivion. That is why vending machines in licensed premises, in a practical sense, really concern industry groups such as the Victorian Alcohol and Drug Association and the like. It also flies directly in the face of the responsible serving of alcohol that all sides of politics have worked exceptionally hard to push throughout the state of Victoria.

I refer again to the practicalities of how vending machines will affect the serving of alcohol. People who have consumed too much alcohol and who are obviously drunk and affected by that alcohol will be given warnings by the bar staff and told they will not be allowed to purchase any more drinks because of their inebriated state. People who fall into this category, once being refused any more alcohol from the bar, will simply be able to turn their patronage to the vending machines and sit in a corner with friends and quietly continuing to write themselves off — without any checks and balances from the bar staff. That flies totally in the face of the responsible serving of alcohol. This bill has an opportunity to do something about that by taking a stronger stance, but elects not to do that. It simply leaves a very broad range of issues, such as the requirement that the vending machine must be on licensed premises — that is a very wide area — and that there must be compliance with conditions set down by the director. It would have been prudent of the government to put some very strict guidelines in place in legislation rather than just leave it up to conditions being specified by the director. That reinforces our stance on this bill that it is totally unacceptable.

Many other countries have looked at this issue. Although I have not been to Japan, I have been told that when you look around in that country you can see that every little shop on every corner has an alcoholic vending machine. Japan feels it has gone too far with the granting of vending machines in the community and it is now attempting to drag them back from the current position.

VAADA has been very strong in its condemnation of this part of the bill. It is worth noting VAADA's response, and I would like to refer to it:

The sale of liquor through vending machines in existing licensed premises will undermine legislation on the tightening of controls and liquor licensing laws and related harms. Vending machines selling alcohol in licensed premises will enable greater access to minors —

which is what this bill is all about —

and those already inebriated who would normally be refused further —

alcoholic —

service, contradicting the premises of responsible serving of alcohol practices. The proposed changes do not outline how patrons accessing vending machines will be monitored and if proof of ID will be required when purchasing alcohol from the machines. VAADA's concern is that minors not checked for proof of —

age —

... upon entry to licensed premises will be able to freely obtain alcoholic beverages without further query by venue staff. As has been evidenced in other countries —

such as Japan, which I have mentioned —

the introduction of alcohol vending machines has only served to increase the problem of under-age drinking.

VAADA has been very strong in its condemnation of this part of the legislation, and we need to give it as much support as we can with the problems it is dealing with. I might mention that my relationship with VAADA has been very strong. Mid-year I spent quite a bit of time with the people at VAADA due to an amphetamines problem in Bendigo. They were very knowledgeable on the whole amphetamine industry and very forthcoming with their knowledge. Without downplaying the harm that has been caused by the heavier drugs within our community they were adamant that we have a lot of work to do and that our no. 1 problem with drugs in our society revolves around alcohol. We really need to give them a lot more support than we are currently giving.

VAADA makes five recommendations relating to its current stance on under-age drinking, which I would like to read into *Hansard*. No. 1 is:

An increase in maximum penalties for offences in respect of supplying liquor to a minor ...

The government is addressing this problem. No. 2 is:

That positive campaigns are developed that address under-age drinking rather than campaigns which target and label young people negatively.

This is something which we do a little bit. We touch this area with government advertising programs, but we do not go far enough. It is something that works closely with education of our children about smoking. We tend to go to schools and promote the positive feelings of good health and of being fit and healthy as opposed to the damage and negative impact that is sometimes thrown up by advertising campaigns. No. 3 is:

Excise and taxation should be based on alcoholic content rather than the cost of manufacture or the method used to produce the alcohol.

I think this is a direct target on the alcopops that are really causing a serious concern with minors and under-age drinkers. They have become so cheap that our youth are drinking them far too readily. No. 4 is:

That there is a scope to explore further strategies that regulate sponsorship, advertising and media in relation to alcohol, and specifically in relation to the youth market.

No. 5 is:

That a percentage of excise and taxation collected on alcohol products be directed into public health initiatives that address alcohol related harm.

VAADA goes on to talk about what a complex cultural and social problem alcohol creates and that it really needs to be addressed through a concerted government and community response. I reiterate my support of VAADA and the work it does and reinforce the fact that it is vastly understaffed and under-resourced. I believe we need to offer it a lot more support so it can get out there and promote the right messages our youth need to hear and do the right research so that legislators know exactly where to target to try to stop under-age drinkers from creating problems that will stay with them for the rest of their lives.

I would like to touch on another issue concerning VAADA and the work it is doing. One of the areas of society's behaviour that we are currently very unsure of is that of drink spiking. Members of the National Party in the lower house have recently spoken about the threat of drink spiking in the general community. I tend to come at it from a different point of view after having had discussions with the police and alcohol welfare officers from VAADA. I refer to an article in the *Sunday Age* of 20 June:

Paul Dillon, of the National Drug and Alcohol Centre, is convinced that evidence of a surge in cases of drug-related drink spiking simply does not exist.

He said drink spiking definitely occurred, but usually for things like drug-assisted sexual assault or drug-assisted robbery.

'But some of the young women I have spoken to who believe that their drinks have been spiked, once they describe the effect we cannot find a drug that would do that, apart from possibly alcohol' ...

So I think we have to be very careful as to where we take this. It continues:

Melanie Heenan, coordinator of the Australian Centre for the Study of Sexual Assault, shares Mr Dillon's concern about talk of a dramatic increase in drink spiking.

This is the issue that is right at the core of what we are concerned about: is there at the moment a dramatic increase in the incidence of drink spiking or not? As Melanie Heenan said:

... The only thing that is perhaps increasing is public concern and our knowledge of it, our recognition of this as a crime and as an issue ...

The same article reports:

... Inspector Steve James of the Victoria Police drug and alcohol strategy unit said many victims of drink spiking never

came forward, and that the crime was 'horribly underreported'.

But he added Victoria Police information was at odds with reports of a dramatic increase in drink spiking.

'On the evidence I have seen I would have to support the view that it is largely a myth', he said.

So there is a whole range of different views of where drink spiking is at. I call on the government to have a good look at this issue, because at the moment we simply do not know enough. It is a very important issue, and a lot of fear exists particularly among females in our community who want to frequent nightspots but not have this dark cloud hanging over them if they leave their drinks unattended or allow someone to buy them drinks.

At the moment we are living with this cloud over our behaviour, and we simply do not know the facts about drink spiking. Funding is needed for research, to collect the data and find out whether drink spiking is a fact or a myth; if it exists, at what level; and whether that level is increasing.

The last issue I wish to raise relates to vending machines. Press releases state that some of our supermarkets plan to put alcoholic products on the shelves along with the groceries. We are used to seeing those alcoholic products tucked away in a totally separate corner or in a separate supermarket room where they are sold.

We know that in some smaller supermarkets the difference between these lines becomes blurred because the alcoholic products may be in a corner where they merge with the rest of the supermarket's products. However, the strategy is that with their alcopops and sweet alcoholic beverages, Coles Myer seriously targets the female market. It believes women do the majority of the shopping for groceries and the men go into the bottle shop of the supermarket to buy the alcohol.

The idea of putting sweet alcoholic beverages with soft drinks on the shelves — but looking no different from all the other soft drinks we purchase — is a strategy to get women to purchase more alcohol. In doing that — and it is not illegal — a situation is created whereby it will be so much easier for minors to say to an older friend, sibling or relative, 'Could you buy those for me while you are going through?'. It is too easy to throw that extra pack of vodka and orange drink into the supermarket trolley, only to find that it never gets into the house for mum and dad to see what has been bought. It seems to have been brought to a head by articles in the *Age* of 12 November this year.

One article, headed 'VB to join Weet-Bix on the shelves', states in part:

... But the head of Coles Myer's food and liquor business, Steven Cain, wants to change the system.

He wants to do that by the end of this year.

I understand that not only is that going to create some issues for the public about the ease with which minors will be able to get alcohol but also it will place a lot of pressure on younger members of the community who, at 16 or 17 years of age, work as check-out assistants as an early job in their careers. They will no longer be able to get those positions because if alcohol is coming through the turnstiles as a normal product from the shelves, customers cannot be served by anyone under the age of 18.

That is another issue that simply has not been mentioned in this bill but it is another aspect we need to be on top of if we are serious about looking at under-age drinking. At the moment there is no doubt that it is far too easy for minors to purchase and drink alcohol and get themselves into a drunken state without the serious checks that need to be in place in a responsible community. How we do that as a government is a complex problem, and in so many instances parents are to blame. Parents actually buy much of the alcohol for minors, thinking they are going to be able to handle it in a responsible manner, only to find that the amount of alcohol being consumed is far greater than they had thought.

We also have to understand that the minors have creative minds. They have ways of obtaining and storing additional alcohol, of smuggling alcohol in and out of discos for minors, such as the Blue Light discos and the dry discos. We really need to get down and understand the youth market and young people's behaviour if we hope to bring in legislation that will have an effect. We have to show we have a better understanding of what is happening within the youth community. Unfortunately this bill, which has some good aspects, has other aspects which will fly in the face of the intent of the bill, which is to make it harder for minors to purchase alcohol. The Nationals have no other option than to oppose the bill.

**Mr PULLEN** (Higinbotham) — It is with a great deal of pleasure that I rise to speak on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. It is important that I reiterate the opening lines of the second-reading speech which are:

Victoria's liquor laws offer a high degree of flexibility in terms of how, when and where liquor may be supplied by a licensee. Whilst we should be proud of our diverse range of

restaurants, bars, hotels and wineries, it is important that the increasing availability of liquor is matched by the continuing commitment to responsible serving practices by licensees and sensible consumption by the community.

I have a particular interest in Victoria's liquor laws, because I basically drew them up. I go back a long time in the Labor Party. In the 1970s, when in the Brighton branch of the Labor Party, I wrote how we should bring our liquor laws into a modern state. As some members would remember, hotels did not open on Sundays —

**Hon. J. M. McQuilten** — I can remember that!

**Mr PULLEN** — Mr McQuilten can remember that! The local footy and cricket clubs were not able to sell liquor unless they sold it as sly grog, and it was very difficult to get drinks in restaurants. In a long letter I made suggestions to the state Labor Party, and on the election of the Cain government in 1982 the liquor laws in this state were reformed, and they continue to be reformed as we go.

There is no doubt Melbourne is the restaurant capital of the world. I can always remember it was said when the great man Paul Keating introduced the fringe benefits tax scheme that it would send the restaurant industry down the gurgler. Of course it did not; it has certainly gone from strength to strength.

**Hon. D. K. Drum** — A financial whiz, wasn't he, Noel!

**Mr PULLEN** — He was a financial whiz. The bill amends the Liquor Control Reform Act 1998 to further address under-age drinking and enhance the enforcement powers of Victoria Police under the act and also makes miscellaneous amendments designed to improve effectiveness and efficiency in the implementation of the act.

I want to touch on a few points about the bill. Firstly, most of the penalties will increase from \$2000 to \$6000, and the penalty for selling liquor without a licence will increase from \$5000 to \$12 000. I want to point out strongly that the penalty for a licensee supplying liquor to a minor will increase from \$2000 to \$6000; the penalty for allowing minors on licensed premises will increase from \$2000 to \$6000; the penalty for supplying liquor — and this has been raised by Mr Atkinson and Mr Drum in the debate so far — to an intoxicated person will increase from \$2000 to \$6000, and the penalty for permitting intoxicated persons on a licensed premises will also increase from \$2000 to \$6000.

I also want to mention the provision dealing with responsible adults. The current act requires a minor in

licensed premises other than licensed restaurants to be in the company of a parent, guardian or spouse. As a consequence aunts, uncles, grandparents and other significant relatives and caregivers are not presently permitted to take minors into licensed premises. The existing restrictions are very much honoured in the breach.

The definition of 'responsible adult' in clause 3 of the bill states:

'responsible adult', in relation to a person who is under the age of 18 years, means a person who is of or over the age of 18 and who is —

...

- (c) a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person;

The member for Shepparton in the other place and Mr Drum raised the matter of minors being on licensed sports premises — say, after a football, cricket or tennis match or whatever situation. Certainly Mr Drum understood — I am not sure the member for Shepparton did — this would cover the coach, president or secretary or whoever is in charge of minors at the premises at a particular time. I can speak with some authority on this because I have been involved in sport administration for a long while. I was secretary of the Brighton Union Cricket Club for 34 years, and I can assure you —

**An honourable member** interjected.

**Mr PULLEN** — A very good secretary, and a very good club which is coming up to its 100th year in 2007! I can say it was always a worry making sure the kids were under control and so on.

The responsible adult provisions expand the grounds for minors being on licensed premises but do not expand the current restrictions on minors being able to consume liquor on licensed premises. The act currently provides that a minor may consume alcohol if they are having a meal and in the presence of a parent, spouse or guardian, and this restriction will not be changed by the responsible adult amendments. A minor having a meal will not be able to consume alcohol if they are accompanied by a responsible adult who is not a parent, spouse or guardian.

Section 22 of the act currently provides that the director of liquor licensing must not grant a licence or a bring your own (BYO) permit in respect of premises which in his or her opinion are primarily used as a drive-in cinema, petrol station, convenience store, mixed

business, milk bar, pinball parlour or children's play centre et cetera.

I will move on to vending machines, which is a concern of the opposition and the reason why The Nationals will be voting against the bill. I must say I was quite surprised at what I heard coming from Mr Atkinson and Mr Drum in relation to vending machines. I notice Ms Lovell is not in the chamber and she is the spokesperson on consumer affairs. I know last week she was in Papua New Guinea no doubt doing some good work, and she was not able to lead the opposition in the debate on this issue. The role was taken by Mr Atkinson. He did a reasonable job, but he also said some silly things. I have no doubt a lot of the work has been done by Ms Lovell. Of course in her first attempt to speak on consumer affairs issues, she got a dreadful mauling by the Minister for Consumer Affairs when he made his ministerial statement on consumer affairs. It might be good that she is not here.

An article in the *Age* had the heading 'Drink-vending bill wacky: Libs'. I would have changed it around to 'Wacky Libs: drink-vending bill'. The article is very important. It says:

A new law that would allow hotel bars, nightclubs and other licensed premises to install alcohol vending machines has been condemned by the state opposition as an irresponsible, wacky and dangerous proposal.

... Liberal consumer affairs spokeswoman Wendy Lovell said yesterday her party would try to amend the legislation in a bid to prevent the introduction of the machines.

Ms Lovell said the machines would encourage minors to drink, allow drunk people who otherwise wouldn't get served alcohol to keep drinking and cost bar staff their jobs.

Time is running out, so I do not want to go right through this article, but it states:

Mr Lenders vigorously defended the government's move saying applications for vending machines would have to meet 'very onerous' conditions. He said liquor licensing staff were developing a set of guidelines for them, and the machines would only take tokens not cash.

Coming back to Mr Drum's point:

The machines would also need to be seen from the bar so bar staff could watch who was using them and would not be allowed in hotel halls or in bistro areas.

Mr Atkinson said a person could get, say, six tokens and get intoxicated. But that could happen anyway. Mr Drum, being in a football club, would know that one person could go up and buy the drinks anyway and give them to the other intoxicated people. The introduction of tokens will not make any great difference as far as that is concerned.

I want to touch on a couple of other ideas of why the opposition and The Nationals are so far behind the times. There are automatic hot-drink machines and automatic gaming machines so you can place a bet on a racehorse whether at the race track or the TAB. I am convinced they are far behind the times — you have to move with the times. It certainly will not cost any jobs. I often wonder if people did not move with the times, would we still be sending carrier pigeons and using smoke signals rather than telephones and emails? There are protections to ensure these measures are good. As I have mentioned in this house before, when I went to Shepparton, Ms Lovell's shop was shut. I looked in the window and I reckon I could see, because the Liberal Party is so far behind the times, a copy of the *Argus* and the *Sporting Globe*.

**An honourable member** interjected.

**Mr PULLEN** — While liquor-vending machines are seen to be inappropriate in public areas and otherwise unlicensed businesses, there are situations where such machines may be appropriate and effectively controlled in existing licensed businesses. For example, they could put one in Mr Drum's hotel room. What did you drink out of the fridge? There will be no worries, because they could put it in the vending machine.

**Hon. D. K. Drum** interjected.

**Mr PULLEN** — Why not? It should not be any problem whatsoever.

Under the current legislation, the existing licensee could install a liquor-vending machine on licensed premises without any further approval. That is not what Ms Lovell thinks, but that is the situation. To ensure effective control the bill provides that specific consent from the director is required for the supply of liquor through a vending machine on existing premises — that is, supply is subject to conditions set out in the licence. The consent of the director is also subject to approval of the minister. The act currently provides for a range of offences in respect of the misuse of the evidence-of-age document. There is presently no offence related to the false application to the director of liquor licence for the proof-of-age card.

I want to touch on a couple of other points that Mr Drum brought up particularly in relation to minors. We know they go to the beach or park to drink, and someone else may have bought the liquor. I checked with the library, and I was told the current fine for supplying liquor to under-age people is \$511. We are moving with the times — there are protections in

having vending machines. This is good legislation — it increases the fines enormously to catch out people who supply liquor to under-age people. I support the bill and oppose the amendment, and I think The Nationals should support it.

**Hon. C. A. STRONG** (Higinbotham) — Before I start I want to take up some of Mr Pullen's points. He said we need to get with the times — that vending machines sell soft drinks, chocolate bars and we have email and so on. But the point is — and that is why the opposition has a problem with vending machines for alcohol — that alcohol is a mind-altering drug. It is not a soft drink, it is not a chocolate bar, and it is not an email. It is a mind-altering drug, and we do not believe it is appropriate for it to be available in vending machines.

I would like to reflect a little on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. I would like to say that very early in my time here, along with a number of people from both sides of the house, I was involved in a review of the former Liquor Licensing Commission with the old parliamentary Public Bodies Review Committee. The history of the commission is fascinating. I recollect some of the history we learnt at that time. At the beginning of the last century the commission was set up with the purpose of closing down many of the little grog shops that were totally unregulated around the country. There was a vast amount of alcohol available at the goldfields and throughout many towns and villages throughout Victoria, and it became a very significant problem throughout the state. Members of the former Liquor Licensing Commission went out in a stagecoach; they drove around Victoria identifying grog shops all over the place and closing them down to try and create a society where alcohol was not as rife as it was in those days. If it is consumed to excess, alcohol has a very detrimental effect on society, and that was the very mainspring behind the setting up of this body — to limit the availability of alcohol.

It is fair to say that from doing a very good job in those days of significantly reducing the extent to which alcohol was available across the state, the Liquor Licensing Commission then became a bit of a regulator in terms of concentrating perhaps too much on the number of outlets that were available rather than on the responsible use, serving and consumption of alcohol — something which has changed over recent years. We have very significant programs in place for the responsible serving of alcohol. We have significant programs and penalties in place for proprietors of licensed premises who serve alcohol to intoxicated people. We have set in place a whole series of

programs — education programs and so on — to try to explain to people that alcohol is a mind-altering drug. If used in moderation alcohol can be very pleasurable and enjoyable, but it should not be used to excess, because it carries very significant dangers — dangers that we see every day in the carnage on the roads et cetera. As we all know from the statistics, it can overly affect young people who might have a few drinks and rush off in a powerful car to do drag racing and so on and have their lives tragically cut short.

Society has gone a long way towards ensuring that people understand the dangers of alcohol and use it responsibly. Society has also gone a long way in restricting the sale of alcohol and has put a whole series of provisions around the sale of alcohol to ensure that it cannot be purchased by young people and by people who are intoxicated. Perhaps 'cannot be purchased' is too strong, but it makes it more difficult for alcohol to be purchased by those people. I believe that is a very good thing.

The old Public Bodies Review Committee recommended that it did not support in any way the extension of packaged liquor licences to a wider variety of establishments. In some countries, for instance, you can buy packaged alcohol at service stations and so on. Packaged alcohol is available in some countries in a much greater series of outlets than it is in this state and this country.

**Hon. Andrew Brideson** interjected.

**Hon. C. A. STRONG** — Maybe Mr Brideson can do that. But clearly making it too easy for people who are unsupervised to get alcohol is a danger. This is the problem with vending machines. Under this bill vending machines can go anywhere in licensed premises. I note that the bill extends licensed premises to include places like food halls, supermarkets and so on. It makes the definition of a licensed place much broader. I do not have a problem with that, because I do not think there is a problem with having a glass of wine with a meal. Despite having the best will in the world, with people saying there will be supervision, that people will be placed in the sight line of the bar and that it will be illegal for somebody in charge of licensed premises to allow an intoxicated person to use an alcohol vending machine — and all of that is great — it is not going to work. The supervision and carrying out of these things in practice is going to be very difficult. We have responsible serving of alcohol at the moment. You are not supposed to serve alcohol to somebody who is already intoxicated, but we all know it happens. Who makes the judgment as to whether they are intoxicated or not? The person behind the bar makes

that judgment when a person comes up and says, 'Give me another drink'. But when the person behind the bar is looking at a vending machine that might be 3 or 4 or 5 metres away, how do they know whether that person is intoxicated or not? How do they know that that person is over 18? Is there going to be a little thing on the machine that says, 'Feed your drivers licence in before you feed your money in'?

**An honourable member** interjected.

**Hon. C. A. STRONG** — Yes, or are we going to have a breathalyser on the vending machine? How are we going to manage that? It is all very well to say it will all be looked after, but anybody who lives in the real world knows that will be a problem. They know that this will be abused. They know that the most vulnerable to alcohol in our society — that is, young people — unfortunately have a desire to binge drink. They are very innovative in their ways of getting around all these restrictions. Half the fun of being a young person is to get around the restrictions that adults put in their way. We should not think any of these things are going to stop young people using the vending machines. They will find a way — whether they be tokens or whatever they are, they will find a way. We know that teenagers love to binge drink. They love to get the alcohol and drink it to excess. For some reason it gives them a kick, and this will simply make it easier. Alcohol is a mind-altering drug that has a very significant effect on our young people. We are putting it out there in vending machines where it will be easier for them to get. It will be easier for them to get it unsupervised and easier for them to get it when they are intoxicated or near intoxicated. It is a foolish move.

We should think back to why the Liquor Licensing Commission was set up in the first place. It was set up with the logic of our forefathers who said, 'If we are going to control the drinking problem within our state, we have to be more careful about how easy it is for this product to be purchased and consumed'.

This bill is going totally in the wrong direction. People say, 'This is keeping up with the modern world, where everything is new and comes out of vending machines and you do not need to deal with people to buy things', but the truth of the matter is that alcohol is different. It is not a bottle of coke or a chocolate bar — it is alcohol. It is something that a kid can go and get out of a machine, he can take two or three containers away, jump behind the wheel of his car but not be as in charge of it as he should — and be killed in an accident. That is what is going to happen because that is what alcohol does.

It kills people, yet we are going to make it available in vending machines for our children to get and make it easier for them to kill themselves. It is madness. We should not be providing alcohol in vending machines when we know that young people of that age are not responsible consumers of it. You could argue if we were in a society where people responsibly consumed alcohol, where somebody who wanted a glass of wine with their dinner could get one out of a vending machine, but we know that a significant proportion of young people who are most at risk unfortunately see binge-drinking as the thing to do. We will be aiding and abetting them in that process to kill themselves on our roads, and it is absolute stupidity that the government is doing this. There is absolutely no reason for the government to do this. Nobody is clamouring for it — in fact, people are clamouring against it.

In conclusion I find clause 14, which deals with the approval of a vending machine being in a licensed premises, to be quite amazing. It is headed 'Restriction on insertion of licence condition permitting vending machines' and states:

The Director may only specify in a licence that the licensee may sell liquor by means of a vending machine if the Director has the approval of the Minister to do so.

I remind the minister that if a teenager who gets alcohol from the vending machine that the minister has approved goes out on the road and kills himself, then the minister will be held responsible. I would not like to be that minister, and I do not think Parliament should allow that minister to have that responsibility — because he will be responsible for approving the location of that vending machine, the products from which some teenager uses to become intoxicated, goes onto the roads and kills himself. How will the minister then hold up his head? What will the minister say to the parents of that teenager?

This provision in the bill is disgraceful. I see no reason for its inclusion, and I would strongly support any amendment that would wipe out this provision that will allow alcohol to be bought from vending machines. I strongly support and urge the Council to support any amendment that will prohibit the sale of alcohol through vending machines. It is simply not appropriate in the society in which we live today. With those few comments, I conclude my remarks on the bill.

**Hon. S. M. NGUYEN** (Melbourne West) — I would like to make my contribution on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill.

**An honourable member** interjected.

**Hon. S. M. NGUYEN** — Sure, I support it! It was very important that this bill was introduced because of the number of young people involved in what has become an under-age drinking problem in Melbourne. In last Saturday's newspaper there was a big article about under-age drinking, about young males and females drinking heavily in nightclubs and in many other social venues. In support of the bill there is a lot of available information about young people buying alcohol from restaurants, bars, hotels and wineries. It is part of the government's responsibility to control the availability of strong liquor. It is a matter of great concern that every day we see young people abusing drugs and alcohol. That has become more and more common in everyday life.

As a member of the parliamentary Drugs and Crime Prevention Committee I have paid a lot of attention to this issue. The committee is preparing its report at the moment after it investigated how to control the issue better. Members of the committee have visited many places in Australia, including Sydney, Brisbane, Adelaide and Perth, and we know that the problem is not only confined to Victoria but is a social problem everywhere in Australia as well as in many parts of the world, like Europe, USA and Canada.

Every place has a different method of controlling this issue. For example, in Australia we make sure that young people are at least 18 years of age before they can legally drink alcohol. In the USA, however, the age limit is different in that anyone under 21 years cannot buy or drink alcohol. In some places in Europe such as Austria young people under 16 can buy alcohol in the supermarket. In Australia 18 is the age where they can drink and buy alcohol. The second-reading speech says:

... the key findings of the Victorian youth alcohol and drug surveys conducted in 2002 and 2003 by the Premier's Drug Prevention Council:

Ninety-one per cent of all young people surveyed had an alcoholic drink in the past 12 months. Although half of these describe themselves as social drinkers, 3 per cent see themselves as heavy drinkers and 3 per cent as binge drinkers.

Eighteen per cent of young people are putting themselves at risk of short-term harm on a weekly basis.

Twenty per cent of young people surveyed reported that they intend to get drunk most times or every time they drink. A further 27 per cent intend to get drunk some times.

The median age for having a first full serve of alcohol is 15 years of age.

This is of significant concern. The government is keen to respond to the survey done by the drugs prevention

council. We have to make sure that this is under control because it is easy for many people to be harmed — for example, at many nightclubs young people fight and sometimes stab or kill each other. Many of these incidents are related to alcohol. To control this we need to implement a tough policy. The second-reading speech also mentions:

The major amendments which are designed to address under-age drinking include:

substantial increases in the maximum penalties for offences relating to supplying liquor to minors; for example, the penalty for a licensee who supplies liquor to a minor increases from \$2000 to \$6000;

a prohibition on liquor licences being granted for premises which are primarily used by minors;

restrictions on the sale of liquor through vending machines, which will only be allowed on licensed premises. The director's consent to supply liquor through vending machines will be subject to stringent licence conditions dealing with such matters as the placement of the machine where it can be supervised and restricting access to the machine by minors; and

a new offence of falsely applying for a proof-of-age card or assisting another person to apply for one.

This is the tougher penalty that the government will produce. Now with Christmas and the New Year coming up all the wholesome activities will be happening in the next few weeks. A lot of people will misuse and take advantage of these things. Many young people will sneak in to buy alcohol. This penalty goes from \$2000 to \$6000 — a major penalty. It is a big fine for the licensee of the premises.

Also, we would like to control the vending machines. There are provisions about the machines being under supervision of the owners, so we will make sure that people cannot serve minors. The vending machines have to be installed and located near the bar rather than in the unlicensed area. People have to use their identification cards. Some young people who have a false licence may be able to buy alcohol, but this will be more closely monitored by the police. We want to ensure that those people under 18 years do not have a false licence or false identification to buy alcohol.

In the second-reading speech there are some suggestions that parents play a very important role in supervising their sons and daughters. Families have to take care of each other. Parents share the responsibility. Today they have to play a major role to look after and educate their children. When children go to friends' birthday parties, New Year parties or other celebrations they have to understand something about alcohol. Parents have to educate their children to be aware of

what they can and cannot do. Recently many students have had big parties to celebrate the end of year 12. Many young people get drunk at these parties and it should be part of the parents' responsibility to keep an eye on their children.

Also, the bill increases the enforcement powers of the police. It provides for:

increases in the maximum penalties for specified offences; for example, the penalty for selling liquor without a licence increases from \$5000 to \$12 000;

increases in the number of offences under the act which can be enforced by infringement notices or on-the-spot fines;

increasing the maximum fine that can be imposed by VCAT on a licensee from \$10 000 to \$30 000;

expanded search and seizure powers in relation to premises which are believed to be in breach of the act; this includes allowing licensing inspectors to seize documents relating to the supply and purchase of liquor; and

allowing the police to require licensees to produce details of the directors of a licensee company or the details of the committee of management where the licensee is a club.

So now with these new police powers people can get on-the-spot fines, like car parking. On-the-spot fines can be as much as \$100 if people do not obey the local law. If people sell liquor without a licence, they can be fined \$12 000.

In conclusion, the government has taken responsibility before the Christmas and New Year period. The bill also allows for dry area polls to be conducted, and it also goes towards helping the police and the community to be involved in looking after younger people better. As a member of the Drugs and Crime Prevention Committee I welcome the bill and congratulate the government on doing something positive to look after young people. I commend the bill to the house.

**Hon. D. McL. DAVIS** (East Yarra) — I am pleased to make a contribution to the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. In doing so I indicate that the opposition supports some aspects of the bill, but bitterly opposes other aspects. As was moved in the other place, Ms Lovell will move an amendment. The opposition is concerned about the aspect of the bill that authorises the use of vending machines. To my knowledge this will be a first in Victoria where vending machines will essentially be unregulated and unpoliced.

**Mr Lenders** interjected.

**Hon. D. McL. DAVIS** — I note the minister says that a former Premier wanted to put one in Sessions. I will be interested to see whether alcohol vending machines are put in Parliament House.

**Hon. R. G. Mitchell** interjected.

**Hon. D. McL. DAVIS** — I have a fridge, and if I purchase alcohol, it is from a licensed supplier.

#### **The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! I ask Mr Davis to speak through the Chair. Mr Mitchell is not in his place.

**Hon. D. McL. DAVIS** — The bill allows the proper regulation of the sale of alcohol, which is one of the primary aims of the current liquor control legislation. The key purposes of the bill are to make various changes concerning under-age drinking; enhance the enforcement powers of members of the police force under the act; increase the penalties that apply to a number of offences under the act; widen the categories of infringement notice offences; and make a number of other technical changes. As I say, it is the issue of vending machines that most concerns the opposition.

We are not opposed to sensible changes to the law that allow the proper and unregulated sale of alcohol, and I support the tradition of this Parliament reforming regulations and laws that go back to the Cain government and the Nieuwenhuysen report that has both allowed a sensible method of sale through a whole range of different outlets and a more civilised and satisfactory regime in this state. I support the provisions of the bill that introduce new offences relating to the false procurement of proof-of-age cards, which makes a good deal of sense. As a member who represents the area of Boroondara in particular, including the dry zone, I indicate my concern that schedule 3 allows for voting in dry areas to be conducted by way of postal vote. The changes, while they will be conducted by the electoral commissioner and expenses paid by the applicant, will, in my view, weaken the protection that applies to Victorians who live in those dry areas.

**Mr Lenders** interjected.

**Hon. D. McL. DAVIS** — I have to say that there will be a weakening of the protection of that dry area, and I express my concern in the chamber today that in the City of Boroondara, the old Camberwell area as honourable members know it, those dry area polls have proved a protection for a lifestyle for many people who moved to that area specifically because they are able to feel more comfortable in that area. I make the point that postal votes are an acceptable method for some forms

of election, but with this highly charged issue in a dry area it will weaken protection for the community.

I return to the issue of alcohol vending machines and make a number of points. The Premier has spoken recently about schoolies week, and I note the Premier's Drug Prevention Council has made a number of important statements about regulation and the signals sent out about the consumption of alcohol by younger people. It is a set of steps taken by the Drug Prevention Council that the opposition supports in terms of its publicity and the sending out of the right signals to schoolies, for example, and other young people about the responsible consumption of alcohol.

I am thankful to the Premier's Drug Prevention Council for the information it provided to the opposition and to me with respect to not only schoolies week and a number of its statements recently, but more generally on its focus on alcohol and young people and the proper regulation and signals that need to be sent with respect to the responsible use of alcohol. At the heart of this bill is an inconsistency. On the one hand its objectives claim to properly regulate and make various changes to under-age drinking, and on the other hand the government is making points about schoolies week and the responsible use of alcohol. Clause 14 of the bill inserts section 25A into the act and basically allows open slather. It states:

The Director may only specify in a licence that the licensee may sell liquor by means of a vending machine if the Director has the approval of the Minister to do so ...

I note that the Minister for Consumer Affairs will be directly responsible for the regulation of vending machines. It is my wish that both the health and consumer affairs ministers consult the Premier's Drug Prevention Council before they take any steps to allow vending machines to be licensed individually in this state. It is, in my view, sending the wrong signal. It is also unfortunately a situation where vending machines will not be properly regulated.

I have today written to the Drug Prevention Council asking it to consider these clauses, and I hope it does so. That body, which has been appointed by both houses of Parliament, is one that I believe has broader responsibilities to the Victorian community. I welcome the work it has done and hope it has the foresight to continue its work in assisting the community, and younger people in particular, in the responsible use of alcohol. There has been a very slippery approach by the minister on this bill. On 29 July the minister in an obscure media release said:

The penalty for supplying liquor to a person under the age of 18 years would jump from \$2000 to \$6000 under the proposed reforms —

as he called them. We support that. He also said:

Other proposals included creating an offence for falsely applying for a proof-of-age card —

We support that. He said this would set up an arrangement —

prohibiting alcohol vending machines outside of licensed premises and prohibiting the serving of alcohol in venues which were primarily used by people aged under 18 years.

Let me go back to that: prohibiting alcohol vending machines outside of licensed premises. That announcement is about what the bill does. For the first time in Victoria's history the bill puts into legislation an arrangement that allows alcohol vending machines. All the minister has done is seize on an angle that might restrict them in one small way, ignoring the much larger issue that this opens up alcohol vending machines. In terms of media spin this deserves some sort of award. In terms of misleading Victorians it also deserves some sort of award. In future the minister should be more honest and direct about what a bill actually proposes.

I note there is not a lot of time left, but I want to make some comments about the issue of harmful use of alcohol in Victoria among younger people. The number of boys aged 12 to 15 who were making harmful use of alcohol increased from about 11 per cent in 1984 to 18 per cent in 2002; of 16 to 17-year-old boys it increased from 29 per cent in 1984 to 43 per cent in 2002. The number of girls between 12 and 15 years who were making harmful use of alcohol increased from 10 per cent in 1984 to 24 per cent in 2002; in 1984, 30 per cent of 16 to 17-year-old girls made harmful use of alcohol; and this increased to 47 per cent in 2002. That is an alarming figure — almost half the girls between 16 and 17 years of age! — and it indicates a significant shift.

Evidence is also emerging about the impact of this issue on the Victorian health system. I am thankful to the Premier's Drug Prevention Council for information that shows that the admissions to Victorian emergency departments for alcohol-related cases increased by approximately 20 per cent between 1999 and 2003. Yet we have a government here that is countenancing the virtually unrestricted supply of alcohol through alcohol vending machines. We as a community are struggling very hard to ensure that a proper set of signals has gone out. I believe the Drug Prevention Council should have a role in indicating to the government that this is not the

right signal to send out. We do not believe alcohol vending machines should be freely available during schoolies week in 2005 in hotel rooms at Lorne to younger people who may be in attendance. We expect that people are properly able to access alcohol and only able to do so where they meet lawful requirements — —

**Mr Lenders** interjected.

**Hon. D. McL. DAVIS** — And that will not be the case, Minister.

**Mr Lenders** — They get it from a bar fridge at the moment.

**Hon. D. McL. DAVIS** — Indeed! But they are responsible for what moves out of that bar fridge — are they not? — and it is recorded in the bill for that hotel room. That may well not be the case with alcohol vending machines that are either down the corridor or in the room and are not checked at the time of checkout. I have to say that I think the minister has put his finger right on the issue here. There will be no control by — —

**The ACTING PRESIDENT**

**(Hon. J. G. Hilton)** — Order! I ask Mr Davis to speak through the Chair.

**Hon. D. McL. DAVIS** — The schoolies week web site that has been put forward by the department in Victoria issues a series of warnings. It states you can get a fine of up to \$2000 if you use fake identification, and it could be confiscated by staff and handed over to the police. If you are drunk on a licensed premises, the staff must not serve any more alcohol. A person may be fined up to \$2000 for supplying alcohol to a person under 18 years.

**Mr Lenders** interjected.

**Hon. D. McL. DAVIS** — I am not sure how you will find a vending machine, Minister. In Lorne and Torquay there is a law against drinking in public places and sleeping in a car. In Torquay there is also a law against using glass containers in public places for non-alcoholic drinks. If you are on L or P-plates you must have a blood-alcohol count of zero. That means no alcohol in your blood. With a full drivers licence it is .05. This is the government's web site on schoolies week. I am going to be very interested to see what the web site will say next year about the sale of alcohol to schoolies at Lorne — schoolies from Victoria and from interstate — and how it will explain to those schoolies access to vending machines. I look forward to the minister's indications on that.

I think there is a contradictory message coming out of this government. I urge the Premier's Drug Prevention Council, which I have written to today, to act on this matter and ensure that the council has a proper chance to consider this. I would be interested in the minister's responses to whether these alcohol vending machine laws have been passed by the Drug Prevention Council for its opinion, as the government appears willing to do on things like schoolies week. We in the opposition are so concerned about this bill that not only will we seek to amend it but we will oppose this legislation and ensure that younger Victorians — —

**The ACTING PRESIDENT**

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

**Ms MIKAKOS** (Jika Jika) — I rise to speak in support of the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. It is important when we are having a debate about an issue as important as this that we have it in a rational way, supported by the facts. It is unfortunate that we have seen a deliberate attempt to a large degree by members of the opposition to mislead the public of Victoria about what this bill is about, what its intentions are and the fact that the government continues to be strongly supportive of responsible behaviour when it comes to alcohol usage, particularly by young people.

Alcohol is one of the most commonly used drugs in Australia. Estimates suggest that half of the population over the age of 14 years drinks alcohol at least once a week. In Victoria a recent study conducted by the Premier's Drug Prevention Council indicated that 91 per cent of the young people surveyed had consumed an alcoholic drink in the past 12 months. Half of this group went on to describe themselves as 'social drinkers'.

I note that we are having this debate today in the context of a lot of adverse publicity surrounding schoolies week, both in Victoria and in other states. In particular, a lot of concerns have been expressed about binge drinking and young people drinking huge amounts of alcohol whilst participating in schoolies week activities. I note that the Bracks government has joined with other state Labor governments to address the problems associated with schoolies week.

**Hon. Bill Forwood** — They are all Labor governments!

**Ms MIKAKOS** — Isn't that a good thing, too, Mr Forwood? We are working with the other state Labor governments to ensure that young people are

able to stay safe while participating in schoolies week activities.

In an article in the *Herald Sun* of 16 November Rob Moodie from the Premier's Drug Prevention Council talks about excessive alcohol consumption. The article states:

Males who drink more than six alcoholic drinks on any day and females who consume more than four drinks are putting themselves at risk.

The article talks about not only the risks associated with binge drinking itself but the greater risk that young women in particular are exposed to. According to the article, assault, drink spiking and rape are alleged to be common events on the Gold Coast during schoolies week activities. That is of great concern to me, and it is important that we get the message out to young people, particularly young women, that binge drinking means they are exposing themselves to a whole lot of other risks as part of losing control of the situation associated with drinking alcohol.

The statistics associated with this whole area have been of some surprise to me. I was surprised to read that 51 per cent of people under 18 years of age who had consumed alcohol in the past 12 months had indicated that their parents buy their alcohol for them. This statistic was supported by the findings of the report titled *National Drug Strategy Survey — Prevalence of Alcohol Use in 2002*, which was released only last week. The report indicated that parents were the most common source of alcohol, with 38 per cent of males and females indicating that their parents gave them their last drink. The report went on to indicate that the three main places for students to drink were: the family home, a friend's home or a party.

These findings appear to reflect Australia's fairly tolerant approach to alcohol usage. Some researchers believe that parents are so alarmed at the thought of their children using harder drugs, that alcohol is considered to be a lesser, and therefore more acceptable, evil. However, as is well documented, alcohol is responsible for most drug-related deaths in the teenage population and is associated with a variety of serious health risks.

Of course it is virtually impossible for a parent to prevent their teenager from experimenting with alcohol, and that is something I am not advocating. I do not think it is possible for any parent or responsible adult to eliminate the incidence of young people drinking alcohol. But there are effective methods by which to inform and educate young people about responsible alcohol consumption — that is, that if they drink, they

should drink responsibly, particularly when they reach 18 years of age and are able to drink legally and are also able to drive a vehicle.

The reason I am strongly supportive of this bill is that it proposes a range of reforms which will work towards reducing the access by young people to alcohol and the establishments that serve or sell it. The bill also seeks to enhance the enforcement powers of Victoria Police under the Liquor Control Reform Act 1998 and to make a number of amendments designed to improve the overall operation and administration of the legislation.

I move on to the issue that has been the source of contention among opposition members — that is, the provisions relating to and the regulation of vending machines. We have heard a lot of assertions by opposition members that these machines would lead to unrestricted access to alcohol by young people.

Nothing could be further from the truth. For the first time in any Australian jurisdiction the sale of liquor from vending machines will be strictly regulated. It is important that the opposition understands and recognises that under the current act there is no such regulation. Under the current legislation an existing licensee can install a liquor vending machine on licensed premises without any further approval. So when opposition members talk about these provisions with their typical scaremongering, they have to accept the fact that it is actually the current legislation that is deficient in this regard and that this is something we are seeking to fix up.

We are seeking to regulate this area for the first time. The bill provides that any application for the installation of a vending machine will require the approval of the director of liquor licensing and will be subject to stringent conditions set out in the liquor licence. As an added safeguard, the consent of the director will also be subject to approval by the Minister for Consumer Affairs. So vending machines will only be able to be installed in licensed venues and will have to be effectively supervised and controlled.

I note further that the director has wide powers under the act to insert any conditions on licences with respect to vending machines. These conditions can relate to where the machine is to be situated and by what means the machine can be operated by consumers. These safeguards will be effective in regulating access to liquor vending machines on a case-by-case basis.

As I said, it is important that we have a rational and informed debate which is supported by the facts in this case. If we look at what the facts are, we clearly see that

this area is unregulated, and that is an area of concern to the Bracks government. We are seeking to tighten up the availability of these types of vending machines and make them subject to strict controls and safeguards.

I note also that the bill provides for increased penalties and a greater disincentive to committing breaches under the legislation. We are increasing penalties so that they are commensurate with the penalties applicable in other jurisdictions, and that again shows that this government is serious about ensuring the responsible provision of alcohol in this state.

I will not go into the offences and penalties, because they have already been indicated during the course of debate. But I note in passing that the bill broadens the definition of 'responsible adult' to include other significant relatives such as grandparents, aunts and uncles, and caregivers. This acknowledges that families come in all forms and that care giving responsibilities are not restricted to parents. The changes in this area just reflect the reality of the situation that currently exists.

The bill also makes some changes to the restriction on the sale of alcohol in premises used by minors — such as amusement parlours, children's play centres and the like. It is highly appropriate that these types of premises be prevented from selling alcohol. The bill also creates new offences relating to a person using false material in support of an application for a proof of age card or for another person to knowingly supply false documents to a person to use in support of an application. This is another protective measure aimed at making the sale of alcohol to minors more difficult.

The bill contains a range of other matters. I will not go into those; they have already been touched upon by other members of the government, but quite clearly the provisions I have spoken about indicate that we in the Bracks government are very concerned about the misuse and abuse of alcohol, in particular by minors, and we are strengthening the current regulatory regime that applies to these matters. As I indicated, that also extends to the regulation of alcohol vending machines for the first time in this state. It is important that the opposition and The Nationals think seriously before they move to oppose this legislation. They would be sending the wrong signal to the Victorian public about what their position is on these issues. It is important that we have a properly reasoned and informed debate and that people understand that far from the accusations levelled at us by the opposition we are tightening up the provisions in this area.

It is very well-thought-out legislation, and I congratulate the Minister for Consumer Affairs for the way he has brought this bill to the house. As members would be aware, he put out an exposure draft last year and gave an opportunity to the Victorian public and stakeholders to consider the proposed legislation. The government has taken on board a range of comments and concerns raised in their submissions in putting this bill before the house. I commend the bill to the house, and I urge members opposite to also support it.

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I rise to make a great contribution to this bill in the sense that we are about to have some rationale for this debate, unlike the previous speakers who have been shallow in their approach.

**Hon. R. G. Mitchell** interjected.

**Hon. RICHARD DALLA-RIVA** — Again we hear an interjection from Mr Mitchell, who struggles to understand society and community issues. He really struggles in that regard. I note that again the government is going down the hard-edge line. This is from a minister who conducts raids throughout the state into towns where he makes it very clear he is going to take very much a Jackboot Lenders type of approach to it. That is well known and has been recorded during questions in this house where he has made it very clear. He has come in and quite proudly talked about the fact that he is prepared to send many troops into small country towns to conduct belt-up raids right across the state.

Again we see the same type of legislation here before the house. To quote a previous speaker who rambled on, 'We do not believe in the misuse and abuse of alcohol by minors in relation to under-age drinking', yet at the same time the government is sticking in vending machines that allow for the misuse and abuse by minors. The fact is the government sits there and says it is going to deal with the misuse and abuse of alcohol by minors, but this legislation brings vending machines into areas where there is going to be absolutely no control. The previous speaker spoke about increased enforcement.

**Hon. R. G. Mitchell** — They are not in kindergartens!

**Hon. RICHARD DALLA-RIVA** — I look forward to Mr Mitchell's very shallow contribution further on. Absolutely there are increased fees applicable to this bill, but there is not one skerrick of evidence that suggests an increase in the level of enforcement. It talks about the police, about the increase in the fines, but that

is irrelevant. There is no methodology applied to this bill in terms of how you enforce it. How are you going to put in extra vending machines? I know what this government wants to do, because there is a fee attached to all these vending machines. That is what it is about. The bottom line is that this is another grab for tax. This is another shallow approach by the government to take more tax from Victorians. It puts it under a smoke screen and in particular this time it is about putting vending machines throughout the state. I suggest these vending machines will be absolutely everywhere.

*Honourable members interjecting.*

**Hon. RICHARD DALLA-RIVA** — This government has a history. They are ranting and raving over there like stuck pigs. The reality is that they know this is the true case. They cannot handle the fact that they are about to rip more money from the Victorian taxpayer by imposing these ludicrous vending machines.

**Hon. R. G. Mitchell** interjected.

**Hon. RICHARD DALLA-RIVA** — Thank you for the interjection, Mr Mitchell. He talks about the great man, Jeff Kennett. We all agree he was a great man. If members opposite want to talk about him, they should come over this side and join the Liberal Party, because that is where he was. They currently have a leader who will be remembered for no other thing than that he has done nothing for the past five years. At least our leader was a progressive-type person.

The government is putting in legislation which actually takes away the appropriate controls over the service of liquor to minors; there was no service of liquor to minors. That is correct. It is about to bring in vending machines throughout the state. The previous speaker on our side, Mr Davis, spoke very eloquently about schoolies week and gave examples of the concerns about that. I very much welcome his concerns as shadow Minister for Health about the approach of this bill in the broader context. The reality is that this government continues to run around with an ad hoc approach. Even if you look at, for example, part 3 regarding the constitution of the authority, it has gone away from the previous act that had a consultative type of approach. This is another instance of the Jackboot Lenders approach. He is going to ram people into the authority. He will put people there who are his mates. We know the government puts its mates into positions. The government has a long history; it has put a lot of its mates into positions.

**Hon. M. R. Thomson** interjected.

**Hon. RICHARD DALLA-RIVA** — I note the minister is getting very fired up there; she is almost matching the colour of her red top! It is interesting to note that this government rams its mates into positions, and what it is about to do now is stick more of its mates into 14-month contracts for \$500 000, or three-year contracts for \$300 000, or whatever it is; and it will put whoever else is remaining in the bridal party into one of the other positions it can find. That is what it is about. It is about setting up factional deals, of which it has too many, and it will lose a lot of its members. It is planning to put its factional mates into positions like this. Why else would it change the situation from having community involvement to having the Governor in Council making appointments on the advice of the executive. Who is going to give the advice? It will be the minister. The government will ram its mates into positions again. We look forward to the bill being discussed further in the committee stage when it comes up for amendment.

**Hon. KAYE DARVENIZA** (Melbourne West) — I am delighted to make a contribution to this important debate and speak in support of this very good piece of legislation. What a lot of drivel we have heard from the other side! Mr Dalla-Riva's contributions are never much good, but that has to be the worst contribution from him I have ever heard. That was outrageous. If that is the best the opposition can come up with in the form of making a contribution to this debate and speaking against this bill, it ought to be ashamed. Mr Dalla-Riva should not even be in this house, because that was such an appalling contribution.

This bill is a good bill, because it is about making it tougher for people to sell alcohol to people who are under age. It is about toughening up the law. It is about getting tougher on those who forge identification (ID) cards for young people to get access to alcohol and on those who present forged IDs.

Let me talk a little bit about vending machines. The Liberals and The Nationals are in here arguing that one of the reasons for their opposing the bill is that the government is going to regulate the use of vending machines that supply alcohol.

**Hon. W. A. Lovell** interjected.

**Hon. KAYE DARVENIZA** — No, Ms Lovell, that is so wrong! Let me tell you, Acting President, Ms Lovell is wrong. If Ms Lovell is going to vote against this bill, she ought to get it right. Alcohol vending machines currently exist, but they are not regulated. We are the first state in Australia to put forward legislation that will regulate the use of vending

machines that supply alcohol. What this bill is about is toughening up the legislation to make it more difficult for under-age drinkers to access alcohol. That is what this bill is about, that is why it is a good bill, and that is why it is outrageous that The Nationals and the Liberal opposition are opposing this legislation.

We have heard from both the Liberals and The Nationals about the problems associated with schoolies week, with young people going out and drinking excessive amounts of alcohol. Mr David Davis gave some of the statistics — I do not know whether or not they are correct — on younger people being able to access alcohol. I know we as a community and as parents are concerned about this, and I know that members of the government in this house are certainly concerned about this. If those on the other side are as concerned as they purport to be by their pathetic contributions to this debate, they should be supporting this very important legislation. The Bracks government has been prepared to go out and consult widely with the community in both rural and regional Victoria and the metropolitan areas; it has consulted with those in the hotel and club industries and with those who provide services for people who have problems with alcohol, and those people's contributions have been informative and have become part of the forming and drafting of this important piece of legislation. We have said as a government that we believe there should be tougher rules and regulations on young people being able to access alcohol. We have said there needs to be regulations on the operation and supply of vending machines that supply alcohol, and that is what this bill is about — it is about making it harder for young people to access alcohol.

This is a very good piece of legislation. Others before me have gone through some of the details of the bill, some of the amendments that will increase the maximum penalties for supplying alcohol to minors, the prohibitions on liquor licences being granted to people operating premises used primarily by minors and the increases in the penalties, which will mean more appropriate consequences for providing minors with alcohol and being in breach of this legislation and the regulations. This is strong legislation. It is a piece of legislation that is about protecting our young people and ensuring that there are restrictions on the availability of alcohol to young people. It is a good piece of legislation, and I commend the bill to the house.

**Hon. DAVID KOCH** (Western) — I look forward to making this contribution to the debate on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. I commence by saying this

legislation before us today is very sloppy. It concerns this side of the house greatly, and I must admit that it would appear to be very heavy-handed legislation which offers more regulatory opportunities with higher penalties at the front end.

As we are aware the bill has four major objectives: to combat under-age drinking; offer greater enforcement powers by police under the Liquor Control Reform Act; increased penalties; and, of course, grow opportunities under infringement notices. I think we all accept that we have a responsibility to deal with, and are concerned about, the growing problem of under-age drinking in our community, and from my point of view, in regional areas, more than in the metropolitan area, where it has been flagged that these concerns are greater.

We know the responsibility should be greater than that of only parents, and we commend that part of the bill that stretches that responsibility across the extended family. But we are very disappointed that others are not made a little more responsible in relation to observing the undertakings of youth across our community. I mention in that context obviously those people in the sporting arenas: coaches, sporting club presidents and others in areas where many of our youth have a lot of their recreational activities. These people, be it in the basketball, netball, football or cricket arena, should also share the responsibility of assisting our youth through what many could see as a difficult passage of their lives.

We must remember that if these young adults, both male and female, participate in these activities when they are 17 years and 364 days of age, they are considered to be doing so illegally; but at 18 years and 1 day of age they have a legal right to participate in what in some cases is unacceptable behaviour. We would not for a second allow people who were not driving or who were only learning to drive a motor car one day before their 18th birthday to go and buy a motor car and take their friends with them on the next day, and yet in this case we are happy to have that cut-off on a particular day. I think there is an area here where further opportunities for introduction to the use of alcohol should be given to our minors in the run-up to their 18th birthdays.

The nine major amendments that are put forward here today are designed to tackle our under-age drinking concerns. I shall go through them — we are pretty aware of them. The bill proposes the trebling of the maximum penalty for supplying alcohol to minors from \$2000 to \$6000, which is a direct tax grab. It proposes the prohibition of granting licences to venues principally for the use of minors; I do not think there

would be anyone who would not support that amendment. It provides for the restriction of liquor sales through vending machines on licensed premises, where supervision, placement and limited access by minors will prevail. It also provides for further penalties for false proof-of-age applications; that is another area that certainly needs to be tightened up.

Other amendments further enhance enforcement powers for the police. These include selling liquor without a licence. Again the fines are ramped up from \$5000 to \$12 000; that is another direct grab. The bill also increases on-the-spot fines to cover new areas. It takes the maximum fines against licensees by the Victorian Civil and Administrative Tribunal from \$10 000 to \$30 000. There is a familiar ring here — the government is again reaching into the pockets of people who in the past have been recognised as responsible in the serving of alcohol.

The bill expands the search and seizure powers on premises and the seizure of documents by inspectors relating to the supply and purchase of alcohol and allows police access to records to identify directors, either licensees of the companies or certainly from those community groups and clubs that handle retail liquor. We do not, I do not, and this side of the house does not have a major concern with the last one. But I think where most of these initiatives are seen to be being put in place to assist the industry, in actual fact on many occasions those who have the responsibility for sales or the retail side will face greater penalties; greater search and seizure powers will be imposed upon them; and obviously police will have greater access to licensees' records and what-have-you. We do not think that is necessarily appropriate.

In regard to the vending machines, obviously we on this side of the house have major concerns. We certainly do not see them as the silver bullets to resolve this major concern in our community. There is absolutely no doubt that many publicans across regional Victoria and the metropolitan area would like to invest in vending machines, especially in that ready-to-drink market, which is now getting much of the market exposure for these alcoholic drinks.

Vending machines will be very hard to police. Many publicans have actually spoken to me about them. They are very concerned that video surveillance may be one of the most appropriate ways of handling the situation. They will not have the staffing levels, and they see that video surveillance may be efficient only where there are venues with single entry and exit points, where younger people in the community do not have the opportunity to get something out of the vending

machines and get out through another exit from the hotel. The manning issue certainly gives them much concern. They are also concerned about the penalties that are being imposed because they do not regard them as a realistic way of fixing up the problem at all.

There are a couple of other areas which I believe we should be looking at which have not been reflected in any of the debate today. One of them is the growth in the number of licensed venues certainly in regional Victoria, which I am in a better position to speak of. In Hamilton, for instance, in the last 13 years the number of licensed venues has increased from 20 to 40. In saying that, we also appreciate these venues do need a lot of policing. Licences are given out in good faith and we assume most of the legislation will be abided by, but on many occasions we do not have the police numbers to enforce the rules in the venues that hold these licences, especially in a lot of the sporting clubs.

These days hotels certainly do not want to get involved in 18th birthdays, for instance, whereas some of the sporting clubs see themselves as better positioned to take this on board. That is one area the government should certainly be looking at through its liquor control body — to see where these licences are, the growth in the number of licences and how the legislation will be enforced in those venues.

The other concern we all should have is what is proposed to be served from these vending machines. As we would appreciate, varying degrees or percentages of alcohol are present in the drinks available. There is absolutely no doubt at the minute that most of the drinks coming out of the mixed-drink or ready-to-drink market have a minimum alcoholic content of 5 per cent, and it is usually higher. I believe they now even go through to something in the order of 9 per cent.

There is no doubt whatsoever from the retailers' point of view that the higher the alcoholic content, the greater the acceptance by the buying community and therefore there are increased sales. With these higher alcoholic drinks there are greater social issues and more drunkenness amongst our youth. This area has not been touched on in the legislation. Will the alcoholic content of drinks available through vending machines be capped, or will it continue to be open slather as it is today?

Another issue is the de-licensing of portions of venues to accommodate 18-year-old birthday parties. Many people attending these parties are on both sides of 18 years. One publican told me that when he requires a licence for a public function he can get it through the director of liquor licensing in 12 days. In relation to

de-licensing a portion of his premises to accommodate a birthday for an 18 year old he cannot gain that from the agency without 35 days' notice. As he said, they can get licences easily, but they cannot de-license a portion of their premises quickly enough to accommodate 18-year-old birthday parties when they usually only get a fortnight's or at a maximum one month's notice.

Although we have been told that much consultation has taken place on this legislation, if we are serious about tackling the problem of under-age drinking there are many areas where the surface has only just been scratched. There is not a lot of responsibility being put at the youth end of this argument. We are looking at responsible people being the extended family. We are not looking at people who necessarily handle this portion of our community from a sporting point of view, which certainly should have had consideration. The opposition has major concerns and regrettably the legislation before the house is more heavy-handed regulation. It is an up-front and golden opportunity to raise more taxes for the coffers. The government may feel a lot better about that, but it is not going to assist with under-age drinking.

**Hon. W. A. LOVELL** (North Eastern) — I rise to speak on the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill. I would like to thank the Minister for Consumer Affairs and his staff for giving us a briefing on both this and the draft bill. I would also like to thank Mr Kotsiras, the member for Bulleen in the other place, who had the passage of the bill through the Legislative Assembly, and Mr Atkinson, who was the lead speaker in this house in my absence due to parliamentary responsibilities in Papua New Guinea. I would also like to thank all other members of the Liberal Party and The Nationals who made quality contributions to this debate. They have taken the subject of under-age drinking very seriously and have made very good contributions, unlike the trivialised contributions from members of the government. They offered weak excuses for why the government is introducing vending machines into this state. I particularly refer to Mr Pullen's pathetic ramblings — the most pathetic I have ever heard from somebody who claims to represent the government. The publicity I have been able to create surrounding the introduction of vending machines must have really touched a nerve when a government member has to resort to such low and personal attacks during a debate on such a serious issue.

The Liberal Party has consulted widely on this bill with industry, alcohol and drug and youth advisory committees. They have all had the same response —

that this bill does nothing to actually prevent under-age drinking. Everyone is concerned about the introduction of alcohol vending machines and for that reason the Liberal Party will be opposing this bill. A number of reports on under-age drinking have come out which have already been referred to in the debate. I will skim over them because I only have 15 minutes. If I have time I will come back to some of them and articles from magazines that are quite horrific on the subject of under-age drinking and the alcohol-pop-type drinks that are available to teenagers now.

We will go through all of our concerns in the committee stage, but our major concern is the government's introduction of vending machines. Although the government tries to say it is not introducing vending machines and is putting in strict controls, the truth is that there are no vending machines in this state at the moment. It is a grey area in the law. The act does not allow or disallow vending machines. The section the government is proposing to insert into the act allows vending machines. It clarifies that grey area and introduces vending machines by a backdoor method. It should have moved to prohibit them, not to allow them.

I spent some time on exchange in Japan and have personally seen the problems that alcohol vending machines create in that society. I was speaking yesterday to someone who had spent time in Ireland where there are alcohol vending machines in bars. This person was telling me that when they call last drinks at the bar everyone heads for the vending machine so it makes it very difficult for the bars to clear out after last drinks. People are still getting access to alcohol via the vending machines.

The government said the vending machines will be supervised by bar staff. I wonder if the minister has ever been into a busy nightclub bar because the staff behind the bar are certainly too — —

**Hon. Richard Dalla-Riva** — In the 1970s, I think.

**Hon. W. A. LOVELL** — You think he might have in the 1970s! I do not know. The staff behind bars in clubs that I have been to have certainly been so busy that they would not possibly be able to supervise an alcohol vending machine as well as supervise the customers they are serving. They are far too busy.

The government also said it will have tokens to access the machines rather than coins. Tokens can be purchased by someone and passed off to someone who is under age or they can be purchased early in the evening and used by somebody later in the evening

when they have become intoxicated and are in a state where they would no longer get service at the bar. It goes against all the principles of responsible alcohol service that we have preached in this state and that we try to enforce in this state. If someone is intoxicated and they approach a bar member, they are refused service. If someone is intoxicated and they have six tokens in their pocket and they approach a vending machine, the vending machine will not refuse them service, and they will be able to continue to access alcohol.

I have had a flood of emails in support of my position on vending machines in this state. I have been encouraged by the people who have emailed me and contacted my office to say, 'Well done. Keep opposing this, because this will only encourage under-age drinking in our state and add to other alcohol problems'. I would like to quote from an email I received from the Youth Affairs Council of Victoria, YACVic. This was in regard to our consultation. It is from Georgie Ferrari, the executive officer. She says:

My only comments would be concern around the alcohol vending machines. While your paper calls for tighter controls of these machines, YACVic would question their existence altogether. We see that they present a great problem for policing in terms of under-age drinkers and also could act as a hook for young drinkers as an easy, accessible and 'sexy' way to purchase alcohol.

The government needs to look at those comments and think about what Georgie has had to say. Georgie is doing a terrific job along with the rest of the YACVic committee. It has concerns about alcohol vending machines just as nearly everyone else in Victoria other than government members.

I would particularly like to raise the issue of under-age drinking in country Victoria where it seems to be more prevalent than it does in metropolitan areas. Part of that is because in country Victoria young people have less opportunities for entertainment. In many areas the local pub is the centre of the community's social activities. It may be that the local pub is the place that parents take their children for counter meals, but it may also be because the local pub sponsors the town sporting clubs, and after football, cricket or netball everyone heads off to the pub.

In our consultation I also received a letter from Dr Susan Sawyer, the professor and director of the Centre for Adolescent Health. In her letter she says:

Under-age drinking is currently a central concern in the field of adolescent health as misuse of alcohol is the highest contributor to preventable harm to young people. This issue is of particular relevance in non-metropolitan electorates such as your own, as rates are higher in these regions.

I also have a couple of articles here from *Youth Studies Australia*. In volume 18, no. 2, there was an article on youth suicide. The article entitled 'Nothing to do' starts out by saying:

Rural Australia has one of the highest rates of youth suicide in the world. In many cases the suicide of a young adult living in a rural setting, or an unsuccessful attempt of the act, has been attributed to drug and alcohol usage.

In volume 20, no. 3 of *Youth Studies Australia* an article headed 'Alcohol-related social disorders and rural youth', starts out by saying:

The consumption of alcohol is embedded in the cultural psyche of rural Australia. By their early teens most rural youth have tried alcohol and some consumed alcohol regularly. When they drink, the young often do so at hazardous and harmful rates, increasing their likelihood of being involved in social disorder as victims or perpetrators, or both.

It goes on to say:

The apparent high levels of alcohol consumption in rural Australia compared to other parts of the country are associated with values of 'self-reliance', 'hardiness' and 'mateship'. In some instances local hotels are the main source of entertainment in rural and remote areas. They provide a focus for the social interaction and often provide sponsorship for local sporting teams and community groups.

But the minister seems to think that alcohol vending machines would be a good idea in country Victoria. In a report on AAP on Wednesday, 10 November, the minister is quoted as saying:

Minister for Consumer Affairs, John Lenders, rejected the criticism saying 'Very few vending machine licences would be granted, and they would most likely be used in country hotels and motels and not by metropolitan venues'.

So although the problem of under-age drinking is far worse in country Victoria, the minister is willing to put young teenagers in country Victoria at risk by introducing vending machines into country hotels, but he is willing to protect metropolitan teenagers.

Clause 22, which amends section 90 of the act, has been raised by the industry as an area of real concern. Section 90 provides an opportunity to prosecute a licensee under the Victorian Civil and Administrative Tribunal (VCAT) where there may not have been sufficient evidence to prosecute in the Magistrates Court. There are concerns that an officer may walk into the premises and make an on-the-spot fine or report, and there is no need for that officer to notify the licensee of the report. What happens is many months later the licensee may receive a section 90 application without ever having known that they have even breached the act. The officer can refer that report to

VCAT at any time after the event. It is alleged by the police that they only refer matters to VCAT after three breaches, but the act actually allows it to be referred to VCAT after one breach. The industry is particularly concerned about this section, and I would like to suggest to the minister that he refers section 90 to the Liquor Advisory Council for review so that it can develop clear guidelines for the reporting of infringements and also for the issuing of applications for section 90.

The industry has several other concerns, and I will also cover those during the committee stage. One of them is clause 25, where plans are to be produced on demand by any member of the police force, and also clause 29 where the responsible service of alcohol certificates can also be demanded to be produced by any member of the police force. Members of the industry are concerned at these inclusions. They feel that these are things they do not want to have hanging around their bars. They want those certificates and plans stored in a safe area, and they do not want all staff to have access to them. They feel it would be reasonable for there to be a seven day or a similar short period allowed for the production of those plans and certificates. They are also concerned that by giving that authority to any members of the police force possibly some victimisation could occur and that that authority should only be given to an officer of a certain rank or a duly authorised officer.

They are also concerned about the new search and seizure powers, particularly the clause that allows up to 21 days for a copy of documents seized to be given back to the owner. The perception is that documents could be changed in that time. These days when photocopiers are so accessible, I think 21 days is an unreasonable period. There is no reason why a copy cannot be given to somebody immediately. Fines are also tripled, and some have been increased up to six times under this act. The industry is concerned about the reason these have been increased so much. Most infringements for under-age drinking occur in public places and not in licensed premises, as the Honourable Damian Drum told us earlier. Of the 4000 infringements issued last year, 2500 were in a public place — not on licensed premises.

I was pleased to see that there will be an increased penalty for falsely applying for or assisting someone to apply for a proof-of-age card. Whilst we all know that kids will be kids and try every trick to outsmart the bar staff and get service, I was pleased to see some responsibility placed back on minors who try to purchase alcohol. I encourage the government to support the amendments to be put forward by the Liberal Party.

**Mr LENDERS** (Minister for Consumer Affairs) — I will be brief in reply because I know the house will be going into the committee stage. In summary I thank all those who have spoken. It has been a good and long debate. The issue of drinking is always a very emotive subject, and the government's absolute priority here has been to discourage drinking among young people. There are two things, however, that I cannot but take up in reply.

This piece of legislation had an exposure draft that was out there for the entire winter season seeking public comment. While I appreciate the Liberal Party has views on the issue of vending machines, I find it extraordinary that through the entire winter when this document was out for public consultation there was not a peep, a boo or not the slightest sound from the Liberal Party on this issue. Then finally, after the public consultation, the bill is introduced into Parliament and there was a shadow cabinet meeting — it went, 'Boo!'. They made noises, they were scary. So I say yes, let us have a debate on a public policy, but let us not be asleep at the wheel, lazy on the job, not concerned with any of this and then come back with this issue.

The second point I make very briefly is that this is all about regulating vending machines so that we do not get whacky ideas like those from former Premier Jeff Kennett five or six years ago, before the change of government, when he wanted to put a vending machine into the Sessions Cafe of this building. This bill aims to stop that sort of thing so that we can regulate the supply of alcohol through the liquor licensing branch of the department and me, as the Minister for Consumer Affairs, so that the whacky idea of Jeff Kennett about having a vending machine in this building does not take us down the path of being like Tokyo, where you find a machine on every corner.

I urge the adoption of the second reading of this bill and look forward to a vigorous committee discussion on the individual clauses.

#### House divided on motion:

*Ayes, 21*

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Nguyen, Mr ( <i>Teller</i> )
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr ( <i>Teller</i> )	Viney, Mr
Mikakos, Ms	

*Noes, 18*

Atkinson, Mr	Drum, Mr
Baxter, Mr	Hall, Mr
Bishop, Mr	Koch, Mr ( <i>Teller</i> )
Bowden, Mr	Lovell, Ms ( <i>Teller</i> )
Brideson, Mr	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

*Pair*

Buckingham, Ms	Forwood, Mr
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**Motion agreed to.****Read second time.****Committed.***Committee***Clause 1**

**Hon. D. McL. DAVIS** (East Yarra) — I want to ask the minister about developing this bill and the purposes, objectives and approach to the bill. I note that under clause 1, one of the purposes is to make various changes concerning under-age drinking. I wonder what consultation within the government and within government agencies the minister undertook in terms of that purpose and the subsequent aspects of the bill that relate to that purpose. I note that the consultation he may have undertaken did not include the Premier's Drug Prevention Council. Perhaps the minister could explain why not.

**Mr LENDERS** (Minister for Consumer Affairs) — Mr David Davis asked who was consulted inside government. I am not going to go through a definitive list of who was consulted inside government other than to say the prime purpose of this is to go for prevention. Clearly inside government on all these issues departments have views. There is not only internal government comment, but most significantly this bill had an exposure draft that was out there in the community and that any agency outside government — any community organisation — could see. So the purpose was explicitly to reduce the inducements or the ease of access to alcohol for minors. There was clearly a contentious issue with the amendments on vending machines. Leaving that issue aside, the purpose was to talk about what ways we could do this without punishing the victims.

Rather than having draconian measures that deal with them once young people have become drunk, we have a response through Department of Human Services. We

have various plans to try deal with those issues of discouraging people from drinking. This was fundamentally about making it more difficult for access under the age of 18. That was the purpose.

**Hon. D. McL. DAVIS** (East Yarra) — To be very specific I ask the minister why he and his department did not consult with the Premier's Drug Prevention Council which is the premier agency across government, a body that has responsibilities in a sense beyond day-to-day politics, to look at these issues. I would appreciate a very specific indication as to why the government chose not to consult with the Premier's Drug Prevention Council.

**Mr LENDERS** (Minister for Consumer Affairs) — I am not aware whether the council Mr Davis refers to was or was not consulted. I am confident that the views of government departments were sought, and whether the Department of Human Services saw the need to consult the Premier's council I do not know. But I do know that this has been one of the most consulted pieces of legislation because of there being an exposure draft. I am absolutely confident that any stakeholders in the community that had views would have expressed those views to the government on the basis of the exposure draft.

**Hon. D. McL. DAVIS** (East Yarra) — I also seek from the minister an indication as to whether youth affairs was consulted.

**Mr LENDERS** (Minister for Consumer Affairs) — I think my answers to Mr Davis's first two questions answer that one adequately.

**Hon. D. McL. DAVIS** (East Yarra) — I wonder whether the minister would even at this late stage consider pausing for a moment to ensure that the Premier's Drug Prevention Council, the premier agency of its type in this state, would be able to look at the impacts of the legislation and the purposes, including:

- (1) to make various changes concerning underage drinking ...

Could it look specifically at that objective in terms of the introduction of alcohol vending machines? I wonder whether the minister would just consider pausing with this bill to make sure that that agency could look at it.

**Mr LENDERS** (Minister for Consumer Affairs) — The safeguards are in on the vending machines. If Mr Davis seeks a chance for reflection before any licences are given for vending machines on the assumption that this Parliament passes this legislation, I can assure Mr Davis that we would be incredibly

reflective. We would pause. We would not be idly giving out any licences. This requires both the director of liquor licensing and the minister to sign off so there will be no hasty issuing of licences.

Certainly I say again that this bill has had an exposure draft, so there has been more time than almost any piece of legislation in the state of Victoria out for consultation and feedback. I do not recall getting feedback from those agencies. The opportunity was there. But certainly if this bill is passed, we will not be hastily issuing any licences. I will go into what criteria we would use before we would issue a licence when we get to the clauses on the vending machines.

**Hon. D. McL. DAVIS** (East Yarra) — In light of the minister's comments I must say I am concerned, because I can only form the conclusion that neither youth affairs nor the Premier's Drug Prevention Council were consulted about this. Perhaps the minister would enunciate quite specifically for the chamber what social impact studies or examinations were undertaken and what the results of those were.

**Mr LENDERS** (Minister for Consumer Affairs) — Again this particular bill had an exposure draft which meant that any stakeholder or any person in the Victorian community could make their own assessment of it. The government does not as a matter of course do social impact statements on every piece of legislation. No government to my knowledge has done. Obviously though there is long discussion and every department feeds into it. This government's prime concern is the issue of young people and drinking and what we can do to enhance this legislation. Without a social impact statement we would know that regarding vending machines, as they apply in places like Tokyo, our laws are not adequate to deal with them. That is why we are bringing in the power to give us the capacity to deal with them. We are conscious of a number of social issues that need attention. But certainly I did not seek any social impact statement, and I think the fact that there was an exposure draft in our community, and all parts of government had a chance to contribute to the discussion, means we de facto had a statement of that sort.

**Hon. D. K. DRUM** (North Western) — Clause 1(a)(iii) refers to the increase in penalties that apply to a number of offences. Why did the government not look to increasing penalties associated with other infringements, such as for minors? We have elected to go down a path where penalties will be increased only on licensees and nothing has been done regarding penalties for minors.

**Mr LENDERS** (Minister for Consumer Affairs) — I am happy to answer Mr Drum's question. The policy underpinning this is that it is government philosophy to discourage minors, be it through education or other programs, predominantly through the Department of Human Services and other areas. The purpose is not to penalise young people for drinking; it is to make it harder for people to get access to drink. Criminal sanctions for drinking were not part of the policy discussion, they were simply to deal with the availability issue. Education and others matters are more appropriate to the substance abuse issues that are generally run by the Department of Human Services. We consciously chose not to deal with the penalties for drinking; we chose in this legislation to make it harder to get access to drink.

**Hon. D. K. DRUM** (North Western) — The minister said it was a conscious decision not to impose those penalties, so a deterrent did not come into it in relation to increasing penalties threefold as is the case with licensees. So the increase from \$50 to \$150 for individuals was not thought about?

**Mr LENDERS** (Minister for Consumer Affairs) — That is correct. My view as minister was to deal with the licensing of alcohol. The other issues are far more appropriate for other ministers, particularly as to whether government has a view on those areas and with other legislation. My area is dealing with the distribution of alcohol, not in a sense with what people do once they get access to the alcohol.

**Hon. A. P. OLEXANDER** (Silvan) — I would like to ask the minister about the very long period of the exposure draft that he has already discussed in the chamber. During that period did the Youth Affairs Council of Victoria provide a submission in response to the exposure draft of this legislation?

**Mr LENDERS** (Minister for Consumer Affairs) — My understanding is that it did not.

**Clause agreed to; clauses 2 to 4 agreed to.**

**Clause 5**

**Hon. W. A. LOVELL** (North Eastern) — Clause 5 refers to extension of categories of premises not to be licensed. Will the minister clarify what premises would come under this clause?

**Mr LENDERS** (Minister for Consumer Affairs) — These are premises primarily designed to attract young people. The provision will give greater discretion ultimately to the director. If something is obviously designed only for young people who are not entitled to

drink, the most logical example would be if someone were to seek to have a licence at a secondary school, or something clearly associated with a secondary school, it would give a further head for the director in issuing discretion to take that into account. It was seen to be an omission, which the industry drew to the government's attention, and it has been put into this bill.

**Hon. W. A. LOVELL** (North Eastern) — Sometimes in country Victoria we have sporting clubs that may have one senior team and several junior teams. Will the number of junior members versus senior members be taken into account; and could a football or netball club be ruled out of having a licence because they have more junior teams than senior teams?

**Mr LENDERS** (Minister for Consumer Affairs) — The clause is designed to give further criteria for the director of liquor licensing to take into account when a determination is made. Obviously down the track if that determination is challenged it becomes an issue for the Victorian Civil and Administrative Tribunal to take into consideration whether it was appropriate. Those issues are ones that in the end are not for the minister to decide, but are at the discretion of the director. Certainly the policy behind the clause is not to stop sporting clubs raising money. We have various criteria in place for a club which can be in or out, but the clause is primarily designed so that in an area that is overwhelmingly aimed at young people, and young people only, and overwhelmingly where the people would not be allowed to drink under our public policy terms generally, the provision would be another reason for not allowing a licence. It would be one of discretion, but the purpose is not to make it difficult for clubs; it is to deal with the ones that are overtly and are very strongly designed for young people only.

**Hon. W. A. LOVELL** (North Eastern) — I hope that will not prevent any sporting clubs from gaining a licence so they can use their premises to raise money. Will the minister clarify that nominated schools will not be given a licence, which would prevent schools from getting a temporary licence to run a dinner dance or to have a bar at, say, a fete or other fundraising event?

**Mr LENDERS** (Minister for Consumer Affairs) — Again, they are all issues for the director of liquor licensing, not for the minister. This provision is overwhelmingly designed for young people. If a school wants to have a cabaret or a dinner dance, which are clearly for adults, it can be licensed for the purpose of fundraising. That would be an issue for the director of liquor licensing, or ultimately the Victorian Civil and Administrative Tribunal. Such functions would clearly not be meant to be caught by this. It is the ones that are

overtly aimed at young people and overtly seek to almost by stealth get those young people into drinking or challenge them to drink. If there is an obvious case, it would go to the director. The director would have enough guidance from Parliament that it does not want people drinking if they are not allowed to.

**Clause agreed to; clauses 6 to 10 agreed to.**

#### **Clause 11**

**Hon. W. A. LOVELL** (North Eastern) — At the bill briefing we asked a number of questions about clause 11 that were unable to be answered. Can the minister clarify the number of appointments he expects to be made to the new Liquor Control Advisory Council?

**Mr LENDERS** (Minister for Consumer Affairs) — I thank Ms Lovell for her question. When I became Minister for Consumer Affairs one of the things that struck me about the existing council was that it was a very good council for the 1980s when it was set up in the post-Nieuwenhuysen liquor reform environment where it particularly specified that persons — and I do not have the list in front of me — from numerous functional groups and organisations be appointed to it. Clearly an amount of bureaucracy was involved with those formal appointments, but more so to the point whether 20 years later they are the appropriate balance of people. It goes to Mr Drum's earlier point of what is the objective of the legislation. My view is that there is an inexact number of people there. Clearly we want to see what the needs are, what the sector wants and what the community wants. I would certainly have a view that part of the purpose is to streamline the whole-of-government approach, and that on any advisory council to me as the minister responsible for liquor matters we should also include the same people or organisations that advise on a whole-of-government approach in other areas, whether it be in health or other relevant departments. Part of this is to make it more flexible. It is a ministerial advisory council, not a statutory body. It does not have statutory functions, but can advise the minister to give more flexibility so we can have a more coordinated whole-of-government approach and be more flexible to changing needs in the community rather than having a very rigid system that was set up to replicate what was the view of the Parliament at the time of the Nieuwenhuysen reviews in the 1980s.

**Hon. W. A. LOVELL** (North Eastern) — How many appointments does the minister expect to make initially?

**Mr LENDERS** (Minister for Consumer Affairs) — I certainly have not formed a view as to what the initial number would be. I would seek advice from my department as to what the appropriate number would be. This is one area that will primarily create more flexibility. There is no hidden agenda. My view on such committees is that once there are more than about 10 members, it is hard for them to function properly. I would have a view that it would be something under that figure, but I would certainly seek advice from the department, particularly how we incorporate getting a whole-of-government approach. If there is a pertinent number of people from other areas, I would be looking more at their output and what we are seeking to achieve from this rather than be guided by a fixed set of numbers. I do not have a view on the number.

**Hon. W. A. LOVELL** (North Eastern) — Will the minister advise us if the members will be remunerated, and if so if he has any idea how much that will be and what the term of appointments will be?

**Mr LENDERS** (Minister for Consumer Affairs) — I would not envisage the members would receive any payment for their service. As for terms, I am totally open to that. Generally, in government people are on boards for two or three years so there is some continuity. Again I would be more guided by what other ministers are doing in the drug prevention areas than by any fixed formula for consumer affairs.

**Hon. W. A. LOVELL** (North Eastern) — Will the minister advise if there will be representatives from the industry appointed to this committee?

**Mr LENDERS** (Minister for Consumer Affairs) — Without having formed a firm view I would certainly think of it as being a representative committee. Even though the prime focus is prevention, you would certainly want some of the practitioners who are dealing with this industry on a day-to-day basis. This industry obviously has a number of associations, whether it be the Australian Hotels Association, the packaged liquor people or Clubs Victoria, and there are a number of people who are stakeholders in this. I have not formed a view about who should be on it, but clearly a committee with balance is a better committee at giving advice than one without balance.

**Clause agreed to; clauses 12 and 13 agreed to.**

**Clause 14**

**Hon. W. A. LOVELL** (North Eastern) — I move:

1. Clause 14, lines 4 to 9, omit all words and expressions on these lines and insert—

“**25A. Licences and permits do not authorise the use of vending machines**

- (1) A licence or permit does not authorise the licensee or permittee to sell liquor by means of a vending machine.
- (2) The Director must not include in any licence or permit any authorisation or condition that purports to allow the licensee or permittee to sell liquor by means of a vending machine.”.

Amendment 1 will test amendments 2, 3 and 4, which I foreshadow for clause 30.

During our consultation on this bill the issue of vending machines was raised with the Liberal Party by most people within the industry and by the alcohol and drug advisory committees and youth advisory committees. The general view is that alcohol vending machines are not a good idea in this state, and having had personal experience of them in Japan while I was there on exchange, I would be in agreement with that opinion.

I agree that at the moment it is a grey area in the law; the act does not particularly stipulate that machines are not allowed, but it also does not allow them. I believe there are no vending machines in Victoria at present. Clause 14 allows vending machines to be used for the sale of alcohol in Victoria. I believe the government has gone the wrong way on this clause and that it should have included a clause that prohibited the sale of alcohol through vending machines. That is what the Liberal Party has moved as an amendment to the clause.

The amount of press that this has stimulated just shows how deeply people feel about this issue. Whilst I was in Canberra getting a briefing before my trip to Papua New Guinea I came across an article in the *Sydney Daily Telegraph* about vending machines in Victoria and I was quoted. I was rather chuffed about that article.

*Honourable members interjecting.*

**Hon. W. A. LOVELL** — The heading was ‘Loony plan for pub vending machines’. I think that shows how seriously this issue has been taken. It is not often that state politics are reported interstate. For that article to have been reported in a major Sydney daily paper shows just how strongly people feel about this issue. I would urge government members to support this amendment.

*Honourable members interjecting.*

**The CHAIR** — Order! I ask Mr Smith and Mr Atkinson not to interject across the chamber.

**Hon. W. A. Lovell** — I would like the minister to please clarify for us that there are no vending machines in Victoria at present. I also ask him how many applications he has received for the sale of alcohol via vending machines, why the government has moved to introduce vending machines rather than prohibit the sale of alcohol through vending machines, where the vending machines are likely to be allowed — —

**The CHAIR** — Order! Ms Lovell has asked about four questions — is the minister okay with that?

**Mr LENDERS** (Minister for Consumer Affairs) — Firstly, Chair, I assume Ms Lovell is moving her amendments. The government will not support the amendments. In saying why we will not support the amendments, I will answer her questions.

I find it interesting she quotes from a New South Wales newspaper, which state has vending machines, basically unregulated, all over the place. We do not want to be like Tokyo; we do not want to be like Sydney; we want to regulate these machines.

I repeat in all seriousness the example I used in concluding the second-reading debate: if my information is correct, former Premier Jeff Kennett wanted a vending machine for alcohol in this place. Were it not for the sage counsel from the then Speaker and President, we would probably have one in this place.

The reason I say that — obviously I get a bit of joy in the hypocrisy from the Liberal Party, but it is a serious question — is the law was uncertain on this and therefore we have acted to regulate vending machines — —

**Hon. W. A. Lovell** interjected.

**Mr LENDERS** — I take Ms Lovell's point. We have not acted on this lightly for a couple of reasons. Firstly, in the exposure draft, which the Liberal Party ignored, we got comments from a number of community organisations. Some opposed it totally, some said we should do it with restrictions. Ms Lovell represents a rural electorate, and I find her comments quite interesting. The only two reasons why we have not categorically ruled this out is, firstly, some of the very small town pubs in the country have put the case to us that they do not want to keep a big range of stock. They do not want to keep 60 items of stock. They want to deal with the basics, whether it be a bit of — —

**Hon. David Koch** interjected.

**Mr LENDERS** — Mr Koch should go into a few of his small country towns and listen to the stories. What they have said is that some of them, as small business people, do not want to remain with big stock. They would rather someone else, like a brewery or Southcorp, put a vending machine in with a range of stock. Ms Lovell is out of touch with her own community.

I do not accept their argument. I, as minister, would not approve of those vending machines for the various reasons on the terms they say, because you would want to make sure they were adequately supervised, you would want to make sure the restrictions were as tough as any other packaged liquor place.

But part of the reason you do not want to categorically rule this out is that you might have small business people in country towns who will supervise but who do not want to take the whole stock line themselves. That is one reason. The second reason why you would not categorically rule it out in all circumstances — —

*Honourable members interjecting.*

**Mr LENDERS** — I find it amazing, Chair, that Mr Koch and Ms Lovell, who purport to represent small country towns, who purport to say — and Mr Atkinson is a bit silent on this one — they represent the interests of small business, would so categorically rule out small business even having this point of view and putting it to government.

As I say, I, as minister, will not approve those types of machines because I would want to be absolutely satisfied that they were supervised with the same rigour as we expect supervision of bar staff.

**Hon. W. A. Lovell** interjected.

**Mr LENDERS** — Ms Lovell says, 'Why do it?'. I take up the interjection — come in, spinner! — and say it is because times change; there may be a technology in the future that gives us satisfaction that we can deal with it. Sure, one option would be to just put this prohibition into the bill and then come back to Parliament later on with it. But if we are actually trying to deal with future changes, trying to deal with new technology in these areas, it gives us a scope. But the checks and balances in here are extraordinary.

The first check and balance is that normally it is the director of liquor licensing who does it. For only the second time in the liquor legislation we are requiring a sign-off from a minister as well as from the director. We are requiring the two of them, which means the government takes it with a great deal of seriousness,

because we do not want — willy-nilly — vending machines being approved. We want to have the toughest standards possible, so the director and the minister need to do it.

Secondly, on Ms Lovell's point of, 'How many applications have you had?', we have not had a lot. I mentioned the one about Jeff Kennett wanting to put one up in Sessions Cafe upstairs. We have had a couple. We had one, I think, for one at Flinders Street station. That is why we have the clause in place now. We do not want it to come out of New South Wales. There has been uncertainty about whether we have had the power. We have said no to them, but have been uncertain whether we have had the power to say no. So we are putting the power in here, that clearly the director and the minister can say no to them. We want to deal with the problem before it becomes a bigger problem.

I can assure the committee that I as minister would not imagine I would be signing off on probably any of these in this term. I would need to be satisfied there had been a lot of new technology, and I would need to be satisfied of all the social issues that have been raised in this debate. But we as a government do not just want to rule all these things out.

Chair, I am incredibly disappointed at Ms Lovell and the Liberal Party — not for having a contrary view, but for not taking advantage of the exposure draft provision to raise that view in a timely way in the community but to wait until the last minute and come out negative, to argue against it and trying to create fear. I can assure the community none of these licences will be approved unless it is absolutely clear that the same stringent tests apply as now apply under our current regimes. I do not envisage that during the life of this Parliament any of these will even be approved, because I am not satisfied at this stage that the technology or the safeguards are in place.

The liquor licensing commissioner has talked about vouchers, tokens and things, which I think go part of the way. But we need to be absolutely assured, and I do not think there will be a licence approved during my time as minister, because the technology needs to change and we need to be satisfied. But we are not putting our heads in the sand and saying no forever. We are saying, 'Let us keep an open eye on liquor; let us keep it relevant, let us keep it up to date with technology and what the community does, rather than just go into the dark ages'.

**Sitting suspended 6.30 p.m. until 8.03 p.m.**

**Hon. W. A. LOVELL** (North Eastern) — The minister told us in his wind-up before the dinner break that he probably did not intend to give permission for any vending machines in this term of Parliament. Is he prepared to give us a guarantee tonight that he will not allow any, or will not give permission for any vending machines in this term of Parliament?

**Mr LENDERS** (Minister for Consumer Affairs) — Chair, as I said before the dinner break, I would not be satisfied on the current technology or on the current applications before us to actually give approval for them. But the whole purpose of inserting this provision in the bill is that our starting point is to control vending machines, unlike the previous regime, where a former Premier tried to put one up in the Sessions Cafe dining room of this building, until he was restrained by the then Speaker and President.

Leaving that aside, they are exactly the circumstances we are trying to deal with — that we actually have a more rigorous control. No, I will not categorically rule out any during the rest of this term of Parliament, but I would say that on the current information around and on the current technology around I would certainly not approve any — on what is there at the moment.

**Hon. W. A. LOVELL** (North Eastern) — The minister has now said that he will not rule out approving vending machines for alcohol in this term of Parliament. He has told us before that he has had only a few applications, none of which he would approve, so we find that he has legislated to allow vending machines without the demand for vending machines being required. Can he please put on the record now for us exactly how many vending machines distributing alcohol there are in Victoria at present?

**Mr LENDERS** (Minister for Consumer Affairs) — Firstly, just to absolutely set the record straight, Ms Lovell said we are legislating to allow vending machines. On the contrary; we are clarifying the law to control the distribution of vending machines so we do not become another Tokyo, that we do not become another Sydney or another parliamentary Sessions Cafe.

We are regulating the laws so we can have control over these machines, like we do with all other forms of liquor distribution. The purpose of this is to give us the same capacity to control the sale of packaged liquor as we have for packaged liquor stores. We are clarifying the law and making it more consistent. We are doing that not just by providing the same terms and conditions as the director of liquor licensing has for normal legislation but, as a further step, by giving the minister

an oversight capacity to disallow what the director may do. We do that in only one other area of liquor licensing. Contrary to what Ms Lovell says about making it easier, we are regulating it to make it harder. As I have said to this chamber, a small number of applications have come forward in Victoria, and we are acting decisively to stop it from becoming a flood, as has happened in other parts of Australia and Tokyo.

**Hon. W. A. LOVELL** (North Eastern) — How many vending machines distributing alcohol are there in Victoria now?

**Mr LENDERS** (Minister for Consumer Affairs) — As I said when answering Ms Lovell's question before the dinner break, a small number of applications for machines have been disallowed by the director of liquor licensing using her discretion, and there was a question whether she had the power to do that under the law. To my knowledge, there are very few, if any, vending machines in Victoria. Certainly there are none that I have approved of. But we know that over the border there are vending machines, and we know — —

**Hon. W. A. Lovell** interjected.

**Mr LENDERS** — Ms Lovell talks about New South Wales as if it is some kind of haven, whereas 5 minutes before the dinner break she was gleefully showing the newspapers of New South Wales which claim we have whacky laws. It is a bit strange for a Sydney newspaper to say we have whacky laws given that New South Wales has vending machines everywhere, and we are trying to put in place laws to regulate vending machines. I do not envisage having vending machines around Victoria. If the technology changes radically so we can have the same tests as we do now, the provision is there for the director of liquor licensing to use her discretion and the minister to use his discretion to allow them in those circumstances. But I would not imagine that we would find vending machines in Victoria within the next two years.

**Hon. W. A. LOVELL** (North Eastern) — I take that to mean there are no vending machines distributing alcohol in Victoria at the moment.

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

*Ayes, 17*

Argondizzo, Ms  
Carbines, Ms (*Teller*)  
Darveniza, Ms  
Eren, Mr  
Hadden, Ms  
Hilton, Mr  
Jennings, Mr

Mikakos, Ms  
Mitchell, Mr  
Pullen, Mr  
Scheffer, Mr  
Smith, Mr  
Somyurek, Mr (*Teller*)  
Theophanous, Mr

Lenders, Mr  
McQuilten, Mr

Viney, Mr

*Noes, 17*

Atkinson, Mr  
Baxter, Mr  
Bishop, Mr  
Bowden, Mr  
Brideson, Mr  
Coote, Mrs  
Davis, Mr D. McL.  
Davis, Mr P. R.  
Drum, Mr (*Teller*)

Forwood, Mr  
Hall, Mr  
Koch, Mr (*Teller*)  
Lovell, Ms  
Olexander, Mr  
Rich-Phillips, Mr  
Stoney, Mr  
Vogels, Mr

*Pairs*

Buckingham, Ms  
Madden, Mr

Strong, Mr  
Dalla-Riva, Mr

**The CHAIR** — Order! As the result of the division is ayes, 17, and noes, 17, the votes are tied. It devolves on me to give a casting vote, and I give my casting vote to the ayes, so it is 18 votes to 17. The amendment is therefore lost.

**Amendment negatived.**

**Clause agreed to.**

**Clause 15**

**Hon. W. A. LOVELL** (North Eastern) — Clause 15 refers to plans required to be submitted for the licensed premises.

*Honourable members interjecting.*

**The CHAIR** — Order! There is too much noise in the chamber. I ask members who wish to have conversations to have them outside.

**Hon. W. A. LOVELL** — Clause 15 refers to plans or depictions of licensed premises being lodged with the director. I am told that currently plans are held by the director of liquor licensing. Will the plans continue to be held by the director?

**Mr LENDERS** (Minister for Consumer Affairs) — The intention would be that rather than having the more ad hoc nature that it is at the moment, the plans would be called in to the director of liquor licensing. The director would certify the plans and then return them to the individual licensees. So they would still have them on the premises and you would be able to check. It would be a very commonsense and practical solution to the issue.

**Clause agreed to; clauses 16 and 17 agreed to.**

**Clause 18**

**Hon. W. A. LOVELL** (North Eastern) — Clause 18 introduces a whole new range of application fees. At the bill briefing we were unable to get any idea of what these fees will be. The industry is concerned about the cost of these fees. Can the minister set out what value the fees will be set at and assure the industry that these will be cost recovery only?

**Mr LENDERS** (Minister for Consumer Affairs) — The intent of these application fees under clause 18 is cost recovery, as we have actually been saying to the industry in the various briefings and discussions we have had with it. But, of course, because they are subject to the regulatory impact statement process, in the end they go out, and there is a 28-day period — I think it is 28 days — for comment on them. So the intention is cost recovery, and there is a regulatory impact statement process on them, which obviously keeps people focused on the fact that they actually are cost recovery.

**Hon. W. A. LOVELL** (North Eastern) — Will these be subject to automatic indexation every year?

**Mr LENDERS** (Minister for Consumer Affairs) — Yes. Like all departments that are caught up under it, the Department of Justice would have all the annual checks that are on it, but yes, it would be caught up by the annual indexation.

**Clause agreed to; clause 19 agreed to.**

**Clause 20**

**Hon. W. A. LOVELL** (North Eastern) — Clause 20 gives power to the director to correct mistakes on a licence or vary a licence at any time. The industry is concerned about the amendments the director may make to their licences and would like to know if they would be notified prior to the amendments being made to their licences.

**Mr LENDERS** (Minister for Consumer Affairs) — This clause is designed basically to deal with the clerical issues that generally the licensees themselves would want rectified. If it is a major change it goes through the normal licence variation processes. This is specifically designed to expedite the correction of clerical errors.

**Hon. W. A. LOVELL** (North Eastern) — The industry feels this clause is an invitation for lawyers. It believes if amendments are made, especially to figures on a licence, it could have quite a severe impact. The

industry would like to know if there is any avenue for appeal once the amendments have been made.

**Mr LENDERS** (Minister for Consumer Affairs) — There are two things about this. Firstly, there is also a Victorian Civil and Administrative Tribunal review process in all these issues of liquor licensing. Periodically that is one of the standard things: the director's decisions are often taken in to VCAT. I cannot let pass Ms Lovell's comments about the industry this, the industry that. It goes back to what I said when I spoke on clause 1, in my summation of the second-reading debate and also in the second-reading speech itself. This process has involved an exposure draft. It has involved long discussions with the industry, by me, by my office, by the department and by the director of liquor licensing. A lot of things the industry brought up we have either withdrawn from the bill, modified or referred to the advisory council to consider once it is set up. I find it all a bit interesting to hear that the industry says this, the industry says that. The industry has talked with the government. It has disagreed with us on the level of some penalties. There are no ifs or buts about the fact that the industry did not like the penalties going up to the New South Wales levels and there was an area of disagreement. But as with most of these administrative issues, that is one of the things about an exposure draft: you get the feedback on what will and will not work and what will be a burden. I am intrigued to hear about 'the industry' as Ms Lovell keeps referring to it when the industry has had dialogue with the government. It has communicated its views, and other than the fairly fundamental difference over the level of penalties, I thought the industry believed we had a reasonably good bill.

**Clause agreed to; clause 21 agreed to.**

**Clause 22**

**Hon. W. A. LOVELL** (North Eastern) — Clause 22 makes amendments to section 90 of the Liquor Control Reform Act. I know the minister is well aware that the industry is extremely concerned about section 90 and the way it operates at the moment. I ask the minister whether he will refer section 90 to his new Liquor Control Advisory Council for review and for it to develop guidelines for issuing a section 90 application?

**Mr LENDERS** (Minister for Consumer Affairs) — The industry did have a lot of issues with some of the original proposals to change section 90, and particularly Clubs Victoria and other parts of the industry had grave concerns with them. I thought their concerns were not well founded because the original section 90 has all the

powers the industry was concerned with. However, in a sign of good faith we removed from section 90 all the areas other than minor administrative ones and undertook to Clubs Victoria in particular that we would refer this as a general issue to the advisory council upon its establishment. The concerns the industry expressed to Ms Lovell were dealt with between the exposure draft and the final bill. The industry's concerns with the original bill were removed from the exposure draft and we gave a commitment to parts of the industry, particularly Clubs Victoria, that we would refer the ongoing issue to the advisory council so it could report back in a more measured way to government.

#### Clause agreed to.

#### Clause 23

**Hon. W. A. LOVELL** (North Eastern) — Clause 23 refers to the increase in fines under the act. As the minister has said, they have been upgraded to the same as New South Wales. I believe there is evidence from other states that increased fines have not worked and there are fewer violations in Victoria. What underpins the decision to increase fines to up to six times their current amount?

**Mr LENDERS** (Minister for Consumer Affairs) — I must admit I am amused by the backflips by Ms Lovell on some of this. At the start of this debate we had the case put to us that the community is demanding various things, in this case regarding vending machines, and therefore we should listen to the community. In this particular case Ms Lovell is saying everything is okay. If you listen to the community's views on what we should be doing about under-age drinking, the community is not satisfied that the sanctions are correct in the industry about selling alcohol to under-age patrons. I am amazed that a party that has put forward an amendment on vending machines despite the assurances given by the government is now saying that the government is too hard on these areas. Publicans who follow the law have nothing to fear from this legislation because they will not be fined. We have actually made it easier for publicans to enforce the law because we have enhanced the capacity for identification cards and made it tougher to forge them, and the penalties are higher for forging them. These penalties bring us into line with the other major jurisdiction New South Wales, which is something the industry asked for; it wanted harmony across states. We are clearly of the view that the levels of under-age drinking are unacceptable. We need to act as a Parliament. One way we can deal with it is to make it tougher for people to get access to alcohol, increase

the fines for publicans who do not do that and impose penalties for people who abuse vending machines.

I should put this on the record now: Ms Lovell asked me before the division whether there were any vending machines in Victoria and I said not to my knowledge; the answer is there is one operating in Victoria that received a permit previously.

**Hon. W. A. Lovell** — Where is it?

**Mr LENDERS** — I will get the information. It is in an apartment complex somewhere in the inner city. It has terms and conditions which limit it to people in that complex. I can get the details for honourable members. When I answered in the committee stage earlier I was not aware that one had been approved.

**Hon. DAVID KOCH** (Western) — I would like to raise with the minister an issue in relation to his concerns in curbing under-age drinking. I believe very strongly that his earlier comments indicated a degree of flippancy in relation to the consultation I had undertaken in regional Victoria, which I did not appreciate. I have spoken at length with many publicans about vending machines and under-age drinking. Many of the publicans in regional Victoria are very conscious of the concern we share this evening. I suggest their major concern is aligning our penalty process with New South Wales. In many cases if any of the licensees in smaller regional hotels such as Hawkesdale, Kirkstall, Digby, Balmoral, Goroke, Rupanyup, Marnoo, Timboon and Woodside in Gippsland, which are predominately family-run businesses, were found to be breaching provisions under the penalty regime put forward this evening, they would be taken out of business. There is no doubt about that. My colleagues on this side who have some rapport with rural Victoria, which regrettably the government does not have, would know the penalty regime would take those hotels out of business. It is certainly not very family friendly. Is there an appeals process that would give these smaller operators an opportunity to stay in their chosen business under this current legislation?

**Mr LENDERS** (Minister for Consumer Affairs) — I cannot let the last remarks pass. There is only one person in this house besides Mr Viney and myself who has milked more cows — and that is Mr Vogels. So as far as empathy with rural Victoria is concerned, there are a couple of dairy farmers on this side.

On the material point on clause 23, as Mr Vogels would understand, this is not mandatory sentencing as was supported by the former Country Liberal Party government in the Northern Territory. We are talking

here of the Magistrates Court. I refer honourable members to part of clause 23 which states:

- (1) For section 91(1)(b)(iv) of the Liquor Control Reform Act 1998 substitute —

“(iv) an order imposing a fine on the licensee or permittee not exceeding \$30 000;”.

These are maximum penalties that the Magistrates Court will take into account depending on the nature of the offence. Ms Mikakos is far more the expert on this than I am, but the whole principle is when the court is making a determination of the penalty it will take into account whether it is repeated offence and the nature of the offence.

So for the discretion of a court we have maximum penalties which take into account whether it is a small business and whether it is a first occasion. If people are not satisfied with that, they can appeal from the Magistrates Court to other courts. They can certainly appeal to the Supreme Court — and I look to Ms Mikakos for guidance — and probably the County Court as well.

Mr Koch's concerns are addressed here because it is not a mandatory sentence; it is a maximum sentence. There is a discretion of the court. A court is required when making a decision to take into account all those circumstances, and if a person is still unsatisfied with the court, they can appeal to a higher court. That is our justice system. There is nothing unusual in this, and it is an appropriate way of dealing with penalties.

**Hon. DAVID KOCH** (Western) — I bring to the minister's attention that although many in these smaller hotels would very much like to be involved with vending machines, if that came to pass they see that the affordability from their point of view against the penalty is not worth entering into, and I do not think this has been given consideration in the whole process.

**Hon. B. N. ATKINSON** (Koonung) — I am concerned about the minister's attitude to this whole committee stage. I think his approach to the committee stage has been extraordinarily and absolutely patronising. He has also presented to the house something of a moveable feast. He came into this house absolutely belligerent at the end of the second-reading speech, saying that Jeff Kennett, the former Premier of Victoria, had suggested we were going to have vending machines in this Parliament. I happened to be here at the time, and I have absolutely no knowledge of that, neither do any of my colleagues. Then when it came to the third-reading speech, when it came to this committee stage — —

**The CHAIR** — Order! I remind Mr Atkinson that we are on clause 23.

**Hon. B. N. ATKINSON** — Exactly.

**The CHAIR** — Order! We are in the committee stage. Does Mr Atkinson have a question on clause 23?

**Hon. B. N. ATKINSON** — I do, Chair, have an issue on this, but I also — —

**The CHAIR** — Order! We are not back in the second-reading debate. Does the member have a question on clause 23?

**Hon. B. N. ATKINSON** — The minister has referred to a range of things in his answer to questions about this particular clause, and I am addressing some of those issues. It was specifically to these clauses as well that he introduced some of the matters that I am talking about. In the context of this, he brought to this committee stage a comment where he changed his position on whether Jeff Kennett had been involved in vending machines. He has also talked about the fact that there were no vending machines in Victoria, there were no applications, but all of a sudden in this committee stage, in this discussion of clause 23, the minister has found one. It is a moveable feast. This minister is changing position in this debate, and at the same time he has been extraordinarily patronising to the spokesperson for the Liberal opposition on this issue. In terms of these penalties, the Honourable Damian Drum — —

**Hon. R. G. Mitchell** interjected.

**Hon. B. N. ATKINSON** — Mr Mitchell — what an intellect he is!

**Hon. D. McL. Davis** — Not!

**Hon. B. N. ATKINSON** — Not! The Honourable Damian Drum raised earlier in this debate the issue that these particular penalties that have been raised, and significantly raised, for people serving liquor and for people involved in the sale of liquor, yet there is no additional responsibility on young people who are under-age drinkers seeking to buy liquor despite the fact that they might go through all sorts of mischievous and fraudulent processes to buy liquor. Yet here we are in this particular clause increasing — —

**Hon. R. G. Mitchell** interjected.

**Hon. B. N. ATKINSON** — How the bloody hell did you get preselected for your seat?

**The CHAIR** — Order! There is no need for Mr Atkinson to be offensive across the chamber, and Mr Mitchell can also desist from interjecting.

**Hon. B. N. ATKINSON** — It is not a matter of offence; it is a matter of fact, Chair. The issue for the minister, as the Honourable Damian Drum asked earlier, is why there has been no indication of additional penalties for young people who are involved by devious means in acquiring alcohol, either by their own hand or indeed through other people. Why are we putting small business at a greater risk of prosecution and indeed increasing the penalties involved for small and medium enterprises on the basis of these clauses? Why is the government taking these punitive measures?

**Mr LENDERS** (Minister for Consumer Affairs) — I will respond. Firstly, if Mr Atkinson casts his eye back to clauses of the bill, he will find that there are increased penalties for young people who forge identification cards and all the things that go with getting ID cards. So if he casts his eye back to clause 7, which we have debated, in answer to his question: it is there.

In response to Mr Drum, he specifically asked me the question about why we were not increasing penalties imposed on the drinkers, for want of a better term, and I responded to Mr Drum that we had made a policy decision — this was about reducing access to it — and that was a separate issue that we dealt with by other parts of government where the police help other areas, so we did make a distinction. In my answer to Mr Drum I said we made a policy choice, and Mr Atkinson might not agree with it, aimed at the distribution of alcohol rather than the people who drank it. But also in response to him, clause 7 gives greater penalties for people who are nefarious and devious.

The final thing that I cannot let pass is I would have thought it was the obligation of a minister in this place, without sounding patronising, were he to give Parliament the wrong information and it was drawn to their attention, that they have to bring it to the attention of Parliament.

**Hon. D. McL. Davis** interjected.

**Mr LENDERS** — Mr Davis says I should be on top of my game beforehand, but I will assure the committee that if I do make a mistake — and my answer to Ms Lovell was that, to my knowledge, there was none, and during the division it was drawn to my attention that there was — I think that is perfectly appropriate and non-patronising behaviour of a minister.

**Hon. B. N. ATKINSON** (Koonung) — Thank goodness he found out before the debate finished!

I draw the minister's attention to the event at the end of every school calendar year — that is, schoolies week. One of the interesting things about that particular event is that so many young people congregate in particular locations, usually at holiday locations. They stay in motels or hotels, and essentially a significant feature of schoolies week, sadly — and I do not support this by any stretch of the imagination — seems to involve a significant amount of drinking. I suggest that the minister's position on vending machines now makes it far easier for those young people to obtain access to alcohol without any supervision at all.

In the context of the penalties outlined in clause 23, who will be responsible for the payment of fines? Who will be liable to prosecution in the event that young people access alcohol without the knowledge or the supervision or the effective control, if you look at the vending machines issue, of the person who actually holds the licence?

**Mr LENDERS** (Minister for Consumer Affairs) — Part of my reticence and part of my stating in this place why I would need an enormous amount of convincing as to why you would license a vending machine is for the very reasons Mr Atkinson raises. One is the issue of who has access to the alcohol, firstly, and we are trying to protect young people here, so you need to satisfy that hurdle; secondly, obviously the presumption would be it would be the licensee in these particular places, so there is a range of those particular issues.

This is the reason why in response to questions, predominantly from Ms Lovell, I said what the very limited circumstances would be where you would ever give a licence, for those very reasons raised by Mr Atkinson, so I do not think it is black and white. On the particular question of whom would be responsible for each and every one of those, it would presumably be the person supervising or in control if a licence were given, but as I said, a licence for a vending machine would be given in rare circumstances. The main scope of clause 23 generally deals with the penalties across the sector of hundreds or thousands of hotels and whatever clubs we have in Victoria; obviously there are thousands of them.

It is to deal with those. It is to bring it into line with the jurisdiction of New South Wales, and it is also to send a very strong signal into the community, whether small businesses or whatever, that we want to help stop this — that it is one of the tools in our armoury to do this. That is the purpose of it and in the end most of the

questions from Mr Atkinson and Mr Koch have inquired about whether there would be adverse effects on small business.

These are discretionary things in courts, and you would assume courts would take into account how small the business is, whether it is a first offence and things which you would traditionally expect our courts to do. The only difference here is that the maximum penalty that a court can put in place, which is different from what it is now, is three times the amount, and if the courts think that it is an extreme case, they will do that, but from any inspection of the current penalties it will be found that courts do not always go to the maximum — sometimes they go less.

**Hon. B. N. ATKINSON** (Koonung) — We are trying to decide who should waltz. To arrive at a position of increasing penalty units one must assume the minister believes that the current penalties are inadequate or that there is currently some situation where the courts need to be sent a message that they are not convicting. I wonder if the minister could elaborate on what he sees as the current position in terms of penalties that are applied by the courts to small business, and what is the justification for increasing in this clause penalties to these small and medium enterprises?

**Mr LENDERS** (Minister for Consumer Affairs) — Firstly, clause 23 does not say ‘increases to penalties for small and medium enterprises’; it says ‘increase to penalties’. The whole purpose of all of this is that our community expects us to have sufficient penalties if people are grossly abusing the law. We have a message coming through to our community that some of the larger organisations, not small businesses, think that to take a \$6000 or \$10 000 hit on a penalty every now and then is a worthwhile business cost.

This is not a clause targeted at small business; it is designed to make the sanctions at the top end of the scale. If you were dealing with someone who employs two or three people in any of the towns that Mr Koch suggested or you are dealing with someone who is employing hundreds of people with a much larger turnover in metropolitan Melbourne, clearly the maximum penalty for the two gives the courts more discretion if people are simply prepared to wear the penalty as a business cost which, I am told anecdotally in our consultations, some places are. This is not a reflection on whether the courts are tough enough; it is a reflection on the community standard that a big organisation which takes a small penalty as a business cost needs to get the message that the penalty is larger

and the court has the discretion to apply it to that organisation.

**Hon. W. A. LOVELL** (North Eastern) — The minister seems to be having a bit of wagger each way, both in this legislation and in his answers to the questions we have put to him in this committee discussion.

On the one hand we have legislation here saying that we are enhancing enforcement and protecting under-age drinkers while on the other hand the government is introducing vending machines which will make alcohol available at the press of a button. The minister is saying that he cannot envisage a situation where he would license a vending machine while also saying we already have a licensed vending machine here in Victoria. As part of his answer he talked about the vending machine that already exists in Victoria. I would like him to clarify that he will come back to the committee and inform us of that machine’s location and the date of approval of that licence.

**Mr LENDERS** (Minister for Consumer Affairs) — On the one hand, if we are having a bit all ways it is simply because we have had a community consultation and have tried to get a bit of balance. Having it all ways? Crikey, our community is saying and even this very debate has said that penalties should not be increased too heavily for small business — we hear that message, so the courts have a discretion. On the other hand we are hearing that it is unacceptable for large businesses to be taking these penalties on the chin, so yes, in one sense we are having it all ways but that is because we are talking about community and there is a difference between a small pub employing four people and the appropriate penalty, and a large pub employing 400, so in those areas I do not accept the contention that we are having it all ways.

I say that we are actually out there engaging with the community and trying to find a system with judicial discretion to deal with penalties that are appropriate for a four-person pub but are not necessarily the same for a 400-person pub, so I reject that contention.

On the issue of the one licence that is out there, I take members back to the entire reason for doing this — that is, to give us the capacity to regulate this area so we do not have more coming through. I am quite happy to give Ms Lovell the name, address, the date and time — everything about that permit that is on the public record; I am happy to give that to her as there is nothing to hide on that. Our point here is not the licence, our point is that there may be thousands of other licences unless we actually regulate them.

**Hon. DAVID KOCH** (Western) — What are the anticipated estimates on revenue gain due to the increased fee structure that has been put in place?

**Mr LENDERS** (Minister for Consumer Affairs) — Certainly I have not seen any calculations of that — it is not part of our criteria for doing it. Our criteria is that the community is saying the penalties at the top end are not enough; under-age drinking is a problem and yes, this cost is not enough. People out there say to us — and a lot of small publicans will say to us — that for a large pub employing 400, the penalty of \$6000 or \$7000 for a night's trade is often a business decision that it will make.

Increasing the penalty levels is something that gives the courts the discretion to take into account the size of the organisation, so liquor licensing is not a revenue-raising stream for us. All excise from the sale of liquor goes to the commonwealth, not to the states. As to our liquor enforcement regime and fines, I would be stunned if they even covered the cost of running the liquor licensing regime and all the advertisements and things about safety. The aim is not to raise revenue; the aim is to make it harder for young people to have access to alcohol. That is its aim.

**Clause agreed to; clause 24 agreed to.**

#### Clause 25

**Hon. W. A. LOVELL** (North Eastern) — Clause 25 refers to the director specifying that a plan of a licensed premises must be submitted. At the briefing on the bill we were told it was anticipated that over time all licensees would be required to submit a plan. Could the minister give us a time frame for that implementation?

**Mr LENDERS** (Minister for Consumer Affairs) — The reason the time frame was not put in was that this was one of the things in discussion with the Australian Hotels Association and other industry groups where there were concerns. In understanding what these plans are, members should picture some of their old pubs that might actually have a plan showing where the pub or licence area ends — sometimes this is not as clear cut with beer gardens and other things — and where the non-licence area exists. Clearly for the police when they are enforcing the liquor laws they need to know where it is they are going, if there are number limits and all those sort of things. Some of this is uncertain — with the new ones it is not an issue because it is all on the plan.

So our issue is: how do we have a good compliance regime? The industry has said to us that to have everyone hand in these plans quickly where there is not

an issue or a problem with the area is a big cost to business. This is one of the things the director will negotiate with the industry about over a period of time — and I imagine this will be probably over years though it is really her call. When she does this, it is her individual discretion. But I imagine where there is a problem area, she will call the plan in. Where they have police complaints, she will call them in. They are the priorities. But over a period of time, you want all the plans in and with the new technologies it is easy to keep them so that when the liquor licensing police go into any pub, whether it is the smallest pub in Mr Koch's electorate or the largest pub in the eastern suburbs of Melbourne, they know exactly where the line is, who is allowed to be in that area, and what the licence is for. It is to assist with compliance, and the director will negotiate that time with the industry in the terms she and industry work though.

**Hon. W. A. LOVELL** (North Eastern) — So the minister is confirming that all licensees will be required to submit plans.

**Mr LENDERS** (Minister for Consumer Affairs) — The clause says:

The Director may, at any time, require ...

Certainly this empowers the director to make that requirement. But that is what we said in consultation with the industry: this will be done to achieve the objective over a phased period of time to allow the industry to do it in due course. Any pubs that change hands require plans. For some of the ones that do not require it, obviously that is a timing issue that she needs to consider, but the legislation empowers her to do that. The timing of it is in her hands.

**Clause agreed to; clauses 26 to 28 agreed to.**

#### Clause 29

**Hon. W. A. LOVELL** (North Eastern) — Clause 29 refers to a member of the police force being able to demand upon request for inspection the copies of certificates of responsible service of alcohol courses being undertaken. Clause 25 also refers to a member of the police force being able to demand a copy of the plan. The minister would be well aware of it, because I know the industry has discussed with him its concerns about these sorts of plans and certificates being available to all bar staff and people who may be working on the premises. These are certificates and plans that they would envisage being locked away for safekeeping. Bars are messy places. There is a lot of water and spillage of different drinks around the place. These are not the type of certificates or plans that they

would envision leaving lying around where anyone has access and where they could get lost. Would the minister be prepared to give licensees a time period to produce these certificates or plans rather than have to produce them on demand?

**Mr LENDERS** (Minister for Consumer Affairs) — The community requires the responsible serving alcohol qualifications for bar staff or for packaged liquor staff, particularly in a time when there is concern about under-age drinking. We believe it is an operational issue for the police as to when they ask for them or not. I do not think it is for the minister to say to the police force, ‘You will not for a certain time demand the evidence you require’. I would expect that the licensing police develop relationships, particularly with the small country pubs and the like. They work together and do a lot of things together. I would not expect that the police would abuse this. The certification is required to give the community satisfaction that a pub is being run in a way that shows it takes responsible serving seriously. I am not prepared to give any undertaking that that will not be implemented. The purpose of this bill is to make it harder to have under-age drinking; this is an integral part of it. I have confidence that the licensing police will do this correctly. I think that perhaps the director, the industry and the police could talk through any protocols, but my view is that the legislation pass this place and be proclaimed as soon as possible.

**Clause agreed to.**

### **Clause 30**

**Hon. DAVID KOCH** (Western) — In relation to vending machines and the alcoholic content of the drinks they will serve and supply, is the government prepared to cap alcoholic drinks from vending machines at something in the order of 2.5 per cent alcoholic content, since we are aware there is a direct correlation between the alcoholic content of drinks and the marketing of those drinks and also a further correlation of social issues and drunkenness with highly alcoholic drinks?

**Mr LENDERS** (Minister for Consumer Affairs) — Part of Mr Koch’s question presupposes that these machines will be made more readily available. I think I have allayed a lot of his concerns by what I said the terms and the conditions would be. Of course the lower the alcoholic content of any product, the less risk, but for these machines, even under the limited circumstances I have organised, the tests would never be less rigorous than they are at the moment before any permit came into place.

I think the low alcohol is far more a general policy discussion of stopping youth drinking rather than the supply issue. The supply issue is that if a person is legally able to purchase alcohol, they can purchase alcohol regardless of the level of the alcohol. It has never been a public policy agenda to make a distinction as to the percentages of alcohol. In deference to the publicans in his electorate who the member empathises with, it would add even more regulation to them if we made it a general rule that different age categories were entitled to different levels of alcohol. That is not a policy area we have looked at as a government. That is new to me, but I think the member’s main concern is addressed by how strenuous we would be on licences if we gave them.

**Hon. DAVID KOCH** (Western) — If we are speaking about the restriction of under-age drinking and the effects of under-age drinking I would have thought that it was paramount for consideration that lesser content drinks be available through this medium. We know currently that the mixed-drink market is catering for in excess of 9 per cent and that those drinks and products should be made available across manned bars instead of being freely available through vending machines. Would the government consider that at a later date?

**Mr LENDERS** (Minister for Consumer Affairs) — My role as minister for the Liquor Control Reform Act concerns the selling of liquor. The policy parameters we use in that area are that you can sell or you cannot. On the other risk mitigation strategy, I would prefer to seek guidance, probably from the Minister for Health or the minister for police. The Minister for Health would probably have greater carriage on how we were to deal with the whole issue of youth under-age drinking and substance abuse. I would prefer to deal with that as a policy issue led by them, but the issue is a valid one. Under-age drinking is a scourge that we need to address and our policy is that we want to do it by persuading and educating people rather than necessarily imposing harsh sanctions on the young people themselves.

**Clause agreed to; clauses 31 to 34 agreed to.**

### **Clause 35**

**Hon. W. A. LOVELL** (North Eastern) — I refer to new section 133B that is to be inserted into the act. It allows for a 21-day period in which any documents that are seized during search and seizure processes can be taken away and copied. It allows 21 days before a copy has to be given back to the licensee. Again this is a bit contradictory in that the licensee has to produce documentation immediately, but the police can remove

documentation but not give copies back to the licensees for three weeks. There is a perception out there that three weeks is a long period, and in that time documents could be altered. I have a lot of faith in our police force and do not believe that that would happen, but I think we also need to protect our police force from those types of perceptions. Why has the minister allowed 21 days for the return of those documents?

**Mr LENDERS** (Minister for Consumer Affairs) — There is a similar compliance level across most areas of consumer affairs legislation. It is the same way we deal with documents. We are trying to standardise it across the many consumer affairs acts so that we have a common procedure. The basis of the procedure ultimately is, as Ms Lovell said, that if a taxpayer or publican has issues with it, then there are avenues through the courts or through police discipline to deal with it. The public policy balance is whether you go soft on people who break the law or go too hard on people who break the law. We think we have the balance right. This is standard across consumer acts, and if there is any particular perception of the police force then there are internal ways of dealing with that. We want to give the liquor control police powers so they can act and be accountable for it. This is common with other consumer affairs acts.

**Clause agreed to; clauses 36 to 38 agreed to.**

### Clause 39

**Hon. W. A. LOVELL** (North Eastern) — Clause 39 provides that when the chairperson is absent from Victoria or is unable for any reason to perform his duties of office that the deputy chairperson must act as chairperson. Is there any time limit to the vacancy, or could this continue for some period?

**Mr LENDERS** (Minister for Consumer Affairs) — There is no time limit. Fundamentally it allows for temporary absences. Occasionally we will put a time limit on it, but this clause clarifies when a person is out of the state so that the liquor licensing authority can continue. There is no particular intention for a time limit. It is simply to enable the deputy chair to act.

**Hon. W. A. LOVELL** (North Eastern) — Currently under the act if the chairperson is absent and the deputy chairperson fills in, then it allows for the remuneration that the chairperson would have received to be paid to the deputy chairperson. This appears to have been removed in this clause. Can the minister clarify whether the deputy chairperson will be remunerated as the chairperson?

**Mr LENDERS** (Minister for Consumer Affairs) — The deputy chairperson will be remunerated as the chairperson, as is currently the case.

**Clause agreed to.**

**Reported to house without amendment.**

**Report adopted.**

### *Third reading*

**Mr LENDERS** (Minister for Consumer Affairs) — I move:

That the bill be now read a third time.

In so doing I thank members for what has been a lively debate. It is good to have a debate in this place with many speakers and with a bit of passion and life. I thank the house for the debate and urge the bill a speedy passage.

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

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

**House divided on question:**

### *Ayes, 21*

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Nguyen, Mr
Carbines, Ms	Pullen, Mr
Darveniza, Ms	Romanes, Ms
Eren, Mr	Scheffer, Mr
Hadden, Ms	Smith, Mr (Teller)
Hilton, Mr	Somyurek, Mr (Teller)
Jennings, Mr	Theophanous, Mr
Leanders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Mikakos, Ms	

### *Noes, 17*

Atkinson, Mr	Hall, Mr
Baxter, Mr	Koch, Mr
Bishop, Mr	Lovell, Ms
Coote, Mrs	Olexander, Mr (Teller)
Dalla-Riva, Mr	Rich-Phillips, Mr (Teller)
Davis, Mr D. McL.	Stoney, Mr
Davis, Mr P. R.	Strong, Mr
Drum, Mr	Vogels, Mr
Forwood, Mr	

### *Pairs*

Buckingham, Ms	Bowden, Mr
Madden, Mr	Brideson, Mr

**Question agreed to.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

**PLANNING AND ENVIRONMENT  
(DEVELOPMENT CONTRIBUTIONS) BILL**

*Introduction and first reading*

**Received from Assembly.**

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

**BUILDING (COOLING TOWERS AND  
PLUMBING) (AMENDMENT) BILL**

*Introduction and first reading*

**Received from Assembly.**

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

**WORLD SWIMMING CHAMPIONSHIPS  
BILL**

*Second reading*

**Debate resumed from 18 November; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).**

**Hon. B. N. ATKINSON** (Koonung) — As a spokesperson with the opposition Liberal Party I have tremendous admiration for many of the people who are involved in sports administration throughout Victoria and Australia. I believe that the situation where we have bipartisan support for so many major sporting events in this state is something that we all ought to be very proud of.

In the context of the swimming championships that are enabled by this legislation I place on record the Liberal Party's very strong bipartisan support for the conduct of this event as another one of the major sporting events that have been attracted to Victoria —

**The PRESIDENT** — Order! We will have less chatter in the chamber. There are about seven conversations going on, and it is impossible for Hansard to hear the comments of the Honourable Bruce Atkinson. I ask those who are having conversations to leave and reduce the noise to allow Mr Atkinson to continue.

**Hon. B. N. ATKINSON** — This bill enables the swimming championships to be conducted in Victoria. As I indicated to the house before the President intervened about the noise in the house, there is no doubt the bipartisan support we have for major events such as the swimming championships has been to the benefit of Victoria as a state and, indeed, Australia as a nation.

Over the past weekend we have noticed the Federation Internationale de Natation or FINA event, which showcased Australia's finest swimmers and provided, as many of these major events do, significant surprises in terms of winners in those events. Every one of the swimmers who participated in the event deserves congratulations. The fact that we are even able to hold that particular event on this occasion against considerable competition from other venues and other cities right around the world — certainly in terms of the swimming championships we are competing in the world market — speaks volumes for Melbourne's reputation as a sporting capital and our ability as a state to put on major sporting events.

In many ways the FINA event becomes a significant lead-up event to the Commonwealth Games in 2006, and in many ways the Commonwealth Games — notwithstanding that they are a very substantial and significant swimming event in their own right — become a significant lead-up event to the world swimming championships. The swimming championships alternate between cities; it is part of a bidding process. As Melbourne has been successful in bids for a wide range of sporting events for this city, it has again been successful in netting a very significant event. It is an event that has world recognition and attracts considerable media attention, attracts the premier swimmers in the various events, and in the case of these swimming championships also attracts people from other disciplines, including water polo, open area swimming — as well as, obviously, pool swimming — and synchronised swimming. I would have to say that from my point of view to some extent synchronised swimming is something of an acquired taste, but there is no doubt that it is an event that has a considerable following.

**An honourable member** interjected.

**Hon. B. N. ATKINSON** — I know a number of people who have been involved in synchronised swimming — particularly from the Nunawading swimming club area — and who have participated at the Olympic Games and other international meets and have advanced their sport very strongly. While I find the event not necessarily one that would drag me

through the turnstiles initially, I certainly appreciate the skills of those people who participate in it, and I certainly admire what has been achieved by Australian athletes, albeit in this case swimmers, in taking that sport forward.

The bill before us essentially establishes a legislative framework to stage the swimming championships. The date of the championships is yet to be fixed, because they are part of an international program and bidding process. Melbourne has netted the swimming championships for 2007, and while a date is yet to be set, it is anticipated that they would be in the first quarter of 2007. It is anticipated that the event will be held at the Melbourne Sports and Aquatic Centre. As I understand it, there will be some examination of whether or not some other venues might be included in the swimming championships, but it is more than likely that the aquatic centre will be the primary venue for these events, and for the major swimming program it will be the key venue. There will also be an open water swim at St Kilda. As part of the logistics of staging this major event a number of temporary pools are planned to be erected at the Melbourne Sports and Aquatic Centre to facilitate the championships, which, as I have indicated, will include synchronised swimming and diving, and one looks forward to those with a great deal of enthusiasm after the results of the recent Olympic Games meet in Athens. It will also include water polo.

The main provisions of this legislation establish the 2007 World Swimming Championships Corporation as a public authority with responsibility for planning and staging the event. I indicate to the house that in the context of this total package of legislation the opposition will be supporting the bill. As I said, the opposition has a bipartisan position on major sporting events. We recognise that they bring to Victoria tremendous economic and social value and the opportunity to showcase what is one of the best states in the world to live, a place to do business and a place to pursue your interests and to express the choices you have as a person. In terms of sporting opportunities there is probably no place better in the world than Australia, and, arguably, no place better in the world than Melbourne to pursue any range of sports that you wish to pursue.

The opposition certainly recognises that this event is a significant coup for Victoria and that the government ought to be congratulated to the extent that it has gone out and sought the opportunity to host this event and has achieved that opportunity for Victoria and for Victorians.

As part of this legislation, with the establishment of the World Swimming Championships Corporation a board will be established which will have between 9 and 11 members, 4 of whom will be nominated by Swimming Australia. There is a matter of contention about that that I wish to raise in this debate, but certainly that is the provision of this legislation before the house.

The bill will come into effect not later than 1 May 2005. Essentially that allows sufficient planning time towards 2007, which, as I have said, indicates that the swimming championships are likely to be held in the first quarter of 2007. It might well be possible that the exact date will be announced at the next swimming championships, the next meet, and it might well be possible to establish the corporation ahead of May next year. But in any event, the government proposes to establish the board of directors by no later than 1 May, and the opposition believes that is appropriate in forward planning of the event.

The legislation also provides that the chief executive officer (CEO) of the corporation will be appointed by the board in consultation with the minister. We accept that it is important that the minister has confidence in the person who is appointed as the chief executive officer of this corporation — the person who will primarily ensure that the event is staged successfully in Melbourne. Beyond that position, however, the board of directors of the swimming championships corporation and the CEO will be the people who will make other appointments to the organisation. It is my understanding that a year out from the championships the staffing levels are expected to be 28 to 30 people, rising to about 100 people during the event itself — obviously not counting volunteers who might well be expected to be part of this very significant and exciting event.

The legislation provides authorisations for financial management of the event, which will initially be funded by budget provision. But that budget provision will no doubt be offset, as anticipated by the government, by income from the staging of the event — obviously from the sale of tickets and so forth, from sponsorships and from the sale of certain merchandise associated with the event. The legislation also provides for the creation of advisory committees of at least three members who may advise the minister, particularly, on areas such as heritage, environment, traffic or planning issues. As I have indicated, the advisory committees will report to the minister and not to the board, and they can be required by the minister to undertake public consultation on issues. That public consultation is seen to be a sensible move. From a Liberal opposition point of view I indicate that we have some concern that those

advisory committees have to report to the minister rather than to the board of the corporation.

Had I had some sort of carriage in this area I would certainly have sought to have those advisory committees report back to the corporation as well. That would have been far more appropriate. I accept that some of the issues that the advisory committees might investigate or examine, such as planning matters to do with parking or traffic issues, may have implications or ramifications beyond the corporation itself. Indeed they would obviously have an impact on or consequence for the City of Port Phillip, particularly the residents, and they may also have some implications for other government agencies — one thinks of the tram service and the transport agencies generally.

It is recognised that these matters might concern other government agencies and so forth, but, nonetheless, I would have thought it would have been prudent to ensure there was a direct line of report from those advisory committees to the corporation to inform the corporation of their decision rather than their having to circumvent the board, as it were, and report to the minister.

The legislation also provides powers to the minister for the declaration of land to be used for the events and for access, allowing for an access period of up to 16 weeks. It also provides powers to vary planning and other laws, including the building acts, to facilitate the event. For instance, while the primary event is to be held at the Melbourne Sports and Aquatic Centre and the open water swim is to be held at St Kilda, it is likely that an area of land for the establishment of temporary warm-up pools and so forth will need to be excised from public land for a short duration, and this provision in the legislation allows for that. It is also likely that aspects of crowd control and the management of the area in terms of concessions and other facilities to ensure safety and security will require certain areas to be alienated for a short period of time. There is a provision to allow for that, and the opposition certainly has no concerns about that.

The legislation also includes provisions which deal with unauthorised broadcasting, the sale of unauthorised goods and the unauthorised use of logos and trademarks, which are consistent with the provisions adopted for the Commonwealth Games. In other words, the licensing requirements and the ability to enforce licences associated with the Commonwealth Games have essentially been adopted for the swimming championships as well. The international governing body for swimming has proprietary and licensing rights, and this clause is designed to protect it as much

as the government in terms of the conduct of this event. Pursuant to the protection of those rights there are powers in the legislation to enable the police to seize offending merchandise and materials, and there are provisions which specify the remedies. The court will have the power to make an order for an injunction, damages or forfeiture against people who might transgress the provisions dealing with the intellectual property rights relating to the games.

There is a recognition that it is not appropriate or in anybody's interests, particularly given the goodwill that is provided by the sponsors of these major events, to allow guerrilla marketing whereby companies or individuals seek to gain exposure to their products or services through some sort of association with the swimming championships when they have not contributed any investment to the conduct of the championships, and in some cases they infringe the rights of people who have become sponsors of the championships and have contributed on behalf of all Victorians to the establishment of the games so they can proceed as another successful event for Victoria.

The opposition believes it is appropriate to protect the interests of those people who support major events. The opposition believes it is appropriate to ensure that these events proceed while respecting the integrity of the licences, trademarks and intellectual property rights that attach to these major events. I would suggest that that is integral to Melbourne being able to achieve other bids in the future. One has only to upset one international governing body with a meet that does not respect the trademarks, logos and intellectual property rights to find a very much harder road to run in terms of trying to achieve other events in the future. It is certainly an appropriate process from our position.

The opposition has consulted on this legislation widely. It has talked to the Port Phillip Council; the Victorian Diving Association; Australian Water Polo; the Victorian Institute of Sport; South Melbourne Soccer Club, which has adjacent facilities; Vic. Synchronised Swimming; the Melbourne Sports and Aquatic Centre; the Academy of Sport Health and Recreation; Dr Jeff Walkley from the Royal Melbourne Institute of Technology; AUSSI Masters Swimming; Swimming Victoria; Victorian Water Polo; the Australian Grand Prix Corporation; Save Albert Park; VicFit and VicSport.

I would suggest that by and large the responses received by the opposition have been supportive of the conduct of the swimming championships, have recognised the value of this event for Victoria and are consistent with the opposition's own view that this is a

significant event that deserves the bipartisan support that we so readily seem to achieve when it comes to major sporting or cultural events here in Victoria.

The one area of concern apart from the advisory committees, which I have commented on, is in respect of the open water event at St Kilda.

St Kilda is an outstanding venue for the open water swim. Some of the facilities in the St Kilda area are absolutely superb. Certainly the outdoor dining, the promenades, the opportunities for viewing the event and so forth are absolutely marvellous, and there is no doubt that St Kilda as a tourist destination is a very significant part of Melbourne's and Victoria's offer and it is to be commended for that.

The one concern that has been expressed to me by a couple of the organisations — and I dare say it is a matter that must exercise the government's mind — is the issue of water purity when the event is actually held. It has certainly been pointed out to me that at the time this event is held, very often in the case of St Kilda beach in particular — there are a number of bayside beaches where this is an issue, but certainly St Kilda is one of the key ones, and in the context of this bill it is obviously the whole centre of the issue — when you have a prolonged dry period in Melbourne followed by significant rains that actually flush the streets and the drainage system, the E. coli count increases dramatically. There is a significant issue with water quality in the St Kilda beach area after major rainfall that follows a prolonged dry period. That is an issue the government needs to consider. I do not know whether there are some environmental strategies that it can put in place to ensure the water quality in the short term to protect the integrity of these events, but it is an issue. It certainly has been raised with me by those industry associations. I would certainly not want to see this event in any way besmirched by the fact that environmental conditions at a particular point in time diminished the open water swimming event.

I indicated the board of directors will have between 9 and 11 members. Most of them will be appointed by the minister, and four of those people will be nominated by Swimming Australia. In fact one of them will be the executive director or chief executive officer of Swimming Australia, and another one would be expected under this legislation to be the chairman of Swimming Australia. It has been indicated to me, particularly by the polo people, that it would be prudent for the government to also include a water polo representative on that board of directors because of the logistics involved with running the water polo tournament, which is likely to run over the entire course

of the swimming championships. The championships will, for all intents and purposes, run for two weeks. I think the exact number of days is 12, but for all intents and purposes it will run for a fortnight. The water polo events would run for most of the duration of the championships, and I am advised that in terms of the fixturing and staging of that particular sport it would be advantageous for the government to also include somebody from that discipline on the board of directors. I am advised there are some very well-qualified people for that position. Indeed one person who was involved in the Perth swimming championships not so long ago has extensive experience in managing a major event such as this. It would be an advantage to Victoria to have that person contribute to the decision making, administration and organisation of the swimming championships, but certainly a particular contribution through their expertise in water polo.

I have been through this correspondence several times to see if I could find the buts and the exceptions, but essentially I was pleased that the very first item of feedback that I received from my consultation process was from Save Albert Park. It is now an incorporated body. It thanked us for the opportunity of having some input. It recognised a number of aspects that were significant in the conduct of these events. By and large I think there was an acceptance that this particular event was probably good for Victoria. The group's contribution to me was an interesting letter in terms of a number of issues that it canvassed. Clearly as an organisation Save Albert Park is steadfastly opposed to the grand prix, but I think it recognises that events like the Commonwealth Games, which will also involve the Melbourne Sports and Aquatic Centre, and certainly the swimming championships, do have some value to Victoria. The group was a bit concerned about the level of commitment the government might have to consultation with it on local issues and pointed out that it had been overlooked on a number of occasions in terms of consultation on other major events. It expressed pessimism about whether or not its views and positions might well be considered in the context of the world swimming championships.

As I said, I do not think the Save Albert Park group has an outright opposition to these events. I think it recognises, like the Liberal opposition would recognise and like most Victorians would suggest, these sorts of events do a lot to showcase Victoria, not just as a sporting capital, but indeed as a good place to do business, a great place to live, a great place to pursue your interests, skills and capabilities, and a fantastic place to visit as a tourist, be it from another state or another country. I am sure Victorians will welcome all

those people who participate in the world swimming championships in 2007 and also all those people who come to support the swimming contingents at those championships. The opposition certainly looks forward to running a very successful swimming meet as part of those 2007 championships. I commend this legislation to the house.

**Hon. D. K. DRUM** (North Western) — I take great pride in rising to contribute to the debate on this bill because hopefully we will be able to run the event when we are in government in 2007. We are very happy to see the way it is all coming together, and we are very grateful to the current government for securing these championships. I am sure the bill will enjoy bipartisan support and total support throughout the Parliament. At the beginning of my remarks I would like to thank Di Bunnett, who, on behalf of the department and the minister, made herself available to take me right through the particulars of the bill. The Honourable Bruce Atkinson has done a great job in going through the machinery part of the bill and all the various details of how the corporation will be formed and so forth. I will spend a little bit of time on that, but I hope I will not be duplicating his speech too much.

We really do appreciate the opportunity this government has brought to Victoria and to Melbourne. We are convinced this will be a great event in 2007. There are two windows of opportunity for the event to take place in early 2007. The date has not yet been set, but it could be late January, early February or late March, early April in 2007. I am sure whenever it happens it will be a great event. I shall talk about some of the specific parts of the bill. It is obviously setting in place the nuts and bolts of how the corporation will be established. The corporation's main objective will be to deliver the championships, together with Federation Internationale de Natation (FINA) and also Swimming Australia.

The key goals are to promote Victoria and Melbourne as a venue for major international events. We take great pride in what this city has to offer in relation to the presentation of great sporting events with the AFL Grand Final, the grand prix, the Boxing Day test and it goes on and on. We consider ourselves extremely lucky. When you go for a walk around that sporting precinct and look at our facilities — at the Melbourne Sports and Aquatic Centre (MSAC) and the Yarra which can host sporting events — you realise that we are blessed to live in such a sporting capital. These championships will only go to further enhance the reputation we have built up over the last few decades.

The corporation's key function is to assume any existing obligations under any arrangements with FINA and Swimming Australia and to negotiate and enter into agreements. A lot of the parts of this bill and the powers being granted to the corporation are extremely consistent with the set-up that has been put in place for Melbourne to host the 2006 Commonwealth Games. Just as we accept that the structure that has been put in place for those games is fit and proper we also accept these arrangements are likewise.

The corporation will also have to manage and control various venues. It will enter into arrangements and manage existing sporting facilities. Contracts such as sponsorship and other agreements as well as the associated penalties for false advertising and ambush marketing that were applicable under the Commonwealth Games provisions will also apply under these swimming championships. We fully support these steps to bring about a financially successful championship event that is going to be the envy of the world.

The corporation will be able to delegate its powers to the chief executive officer, and as Mr Atkinson pointed out, it will also have the largest say in appointing a chief executive officer and employees. The board of management of the corporation will consist of 9 to 11 people. Four members must be nominated by Swimming Australia of whom two must be the chief executive officer and president.

The minister will be able to issue directions — again this is consistent with the Commonwealth Games arrangements. The board members will have immunity for anything done in performing their duties providing they are done in good faith. We fully support that.

That board of management will sit on the corporation for a period of five years. That effectively should see the championships come and go even allowing for the two-year lead time and two years post-games to wrap up all of the various organisations, agreements, sponsorships and so forth and to reinstate any of the facilities that have been altered in any way. That period of five years is quite sensible.

The corporation will appoint the chief executive officer, and it is required to consult with the minister before making that decision. The advisory committee which will be appointed for a period of three years will enable the minister to have his own group of people who will work very closely with the board of the corporation. But the advisory committee will report back to the minister. We are quite satisfied that the advisory committee can consider reports and report back on any

matter associated with the declaration of championship venues or the establishment and development of any of the facilities. They can balance up any of the issues.

Additional facilities are obviously going to be needed to be built to facilitate so many people coming to Melbourne in the one area of swimming. There will not only be all the sprinters and open races but also the water polo teams. Because of the duration of the games and the number of players involved in each of the teams up to three temporary swimming pools, 33 metres in length will need to be built. It is quite a significant investment in temporary pools. It will be incumbent upon the government to make sure that it finds the best possible future home for these temporary pools. We were told during the briefing that these pools will be able to be constructed in a fashion so that they will be able to be pulled apart and put back together in hopefully another local government setting. They will form a great legacy from the 2007 world championships. At the moment as part of the championship bid these additional pools will be set up in MSAC, but there is some slight possibility down the track these events could be put elsewhere such as the Rod Laver Arena. At the moment the intention is for those temporary pools to be built at MSAC and then post-championships they can hopefully find homes in other local government settings.

I want to touch on again how lucky we are to have these championships. We as Victorians and Australians have been blessed with a history in swimming that few other countries can boast. We certainly have always fought well above our weight limit for a country of only 20-odd million. We have such a rich history with people like Murray Rose and Dawn Fraser, who have been two of the most prolific gold medal winners at Olympic Games and Commonwealth Games. We have also grown up watching people like Shane Gould and Duncan Armstrong, and seeing Laurie Lawrence jump out of his tree when gold medals were won by sheer underdogs from within the ranks of Australian swimmers.

We were able to watch the Mean Machine go through four or five years of world dominance in the 4 x 100 metres and 4 x 200 metres, and we also saw the total dominance of Kieren Perkins in the distance races, along with Daniel Kowalski, who has done an amazing job mentoring so many young kids at the academies of sport right around Australia. He has even done some work coaching in America. Daniel Kowalski will play a huge role in helping these games to be as successful as they possibly can be. Grant Hackett and Jodie Henry obviously are real stars of the current day.

**Hon. B. N. Atkinson** — And Mattie Welsh.

**Hon. D. K. DRUM** — And Mattie Welsh. I always run the risk in starting to mention champions that I am going to forget a heap, so I will just make one great apology to all those champions I have not mentioned. We are so blessed in Australia to have been able to watch our success at each Olympic Games over the last 20 or 30 years, because we always get off to a flying start through our swimming teams being able to do so well at the start of each games.

When I was on a trip to America some years ago I went to the University of Southern California. They were absolutely in awe of the Australian swimming team and could not understand how a country as small as Australia could produce so many world-class and world champion swimmers, so the reputation of Australian swimming is certainly strong in the United States.

I lived in Perth at one stage, and they were lucky enough to host, I think, two of the last four world swimming championships. They have a lot of expertise over there that they will be able to impart to the Victorian administration to make sure that that expertise is not lost from one side of the Nullarbor to the other. I believe we can call on so much of the expertise from Perth because they have hosted successful games in the last decade and have done a very good job. They certainly will be able to let us know about the huge logistic program of building temporary swimming pools and hosting so many team events and open water events.

Whilst I share Mr Atkinson's concerns that the flushing of the stormwater drains after an extensive dry period can create an unhealthy environment at St Kilda — and I know it has happened and it happens every few years — we have to be careful because the timing of the world championships in the first quarter of that year coincides with those normal flushes that we get after a long, dry spell, so it is an area we are going to have to be concerned about. We need to know whether or not we are going to be able to put in place contingency beaches, possibly down the coast, where we will have a back-up venue with a different climatic environment. I believe we will have to put that in place to ensure that if we are unlucky and those environmental outcomes go against us, we will have a back-up venue for the open water events.

In closing, I would like to join with the Liberal Party and say that the National Party is absolutely delighted that this event is coming to Melbourne. I am sure we are going to put on a great performance and I look forward to being there and cheering on the Australians.

I am convinced that it is going to be a great event for Melbourne in 2007.

**Hon. J. G. HILTON** (Western Port) — I join with the opposition and The Nationals in welcoming this event to Melbourne; it is obviously going to be a terrific event. I would like to comment on Mr Atkinson's observation that he looks forward in 2007, as does the opposition, to welcoming the events to Melbourne. Obviously 2007 comes after the election in 2006, so maybe he has already acknowledged that he will still be in opposition in 2007 — maybe reality dawns at last!

People sometimes ask me why I represent Western Port Province, which is one of the great winegrowing areas of Victoria, when I do not drink. I could also say I am not sure why I am speaking on this bill when I do not swim, but I can certainly appreciate the commitment and dedication which all the people who contributed to winning this event put into the effort.

I was reading the second-reading debate in the Assembly, and I was particularly interested in the winding-up contribution of the Minister for Tourism. He made the point that Melbourne was competing against both Dubai and Rio de Janeiro to stage the event. He made the observation that although he did not have any detail of the quality of the bids, he imagined — and I think this is probably pretty right — that they put far more money into their bids than Melbourne was able to put into its bid. Obviously Dubai would not be short of money to invest in its bid, and Rio de Janeiro could probably point to some rather more exotic locations for the events than could Melbourne. I think the Copacabana Beach would also have figured prominently in its submission for the open water events.

Why did Melbourne win? Because it has a history of always doing these events very well. That history has been established over many events over many years.

**Hon. R. G. Mitchell** interjected.

**Hon. J. G. HILTON** — Mr Mitchell says, 'And a good government'. I am sure that was part of the reason as well. But also I think Melbourne can always guarantee that, in the vernacular, it will have bums on seats. Sporting events in Melbourne are always very well supported irrespective of the event. I think when we saw the Olympic Games in Athens we were all probably somewhat surprised that, certainly on the opening days, there were some empty seats, and some events had very poor attendances throughout. That would never happen in Melbourne.

During the rugby World Cup last year I attended a game between Canada and Wales that drew 25 000 people. I have always been of the view that even if you had the world chess championships in Melbourne, Telstra Dome would be filled. That is possibly a slight exaggeration, but I think it illustrates the point that Melbourne is terrific at supporting these sporting events, and any organisation contemplating sending events to Melbourne knows that they will get fantastic support.

The events that we are going to be watching in three years time will include the swimming events, the open water events and the synchronised swimming and water polo. Australia is pretty good at all those events, with the possible exception of synchronised swimming. I think I probably share Mr Atkinson's view that synchronised swimming is somewhat of an acquired taste. I think it is probably more ballet than sport, but in no way do I detract from the amount of commitment and dedication that people put in to being good at their particular events.

As an aside, I have always thought that in Australia we can be a bit arbitrary in the skills which we acknowledge. Just because people are not in high-profile sports does not mean that the commitment they have made to the level of excellence they achieve is any the less, and it should certainly be commended.

I have to say that in the Athens Olympic Games my favourite competitor was Grant Hackett. He was seen to be probably unbeatable in the 1500 metres before the event started, but during his heat it was obvious that things were not quite right. He actually looked as if he were tired and he had not won the event. Usually in heats he did what he was required to do to qualify, but this time it looked as if it were more of an effort. So I think there were some concerns — for those of us who waited up into the wee, small hours of the morning to see the actual final — about how he would go in the final.

Initially it looked as if he was going pretty well. He went into the lead as he usually does, and I thought, 'This is fine — in about 15 minutes or less we will be congratulating him again on his gold medal', but he did not increase his lead. In fact his lead was less than I am sure he would have expected, and he only just won. Of course it was revealed at the end that he had a significant health problem. He had been on antibiotics so the courage he showed to actually win in what was still an excellent time was a real testament to his courage and his commitment. I think that exemplifies the spirit with which Australians always view their sport.

The second event I am looking forward to is the water polo. Those of us who remember the Sydney Olympics would recall that the women's water polo team beat the USA by one goal in the final 10 seconds of play. That was probably one of the highlights of the games, but our recognition of people's contribution and their prowess tends to be rather fleeting because it would be doubted whether one person out of 1000 could remember the name of the lady who scored that winning goal.

Water polo is a very interesting sport; but it can be a very brutal sport. In the 1956 Melbourne Olympics there was the famous fight between the Russians and the Hungarians, and it is also a sport that could probably benefit from the third umpire who is very useful in cricket. In water polo, if we had an underwater umpire, that would make the sport a bit cleaner and fairer.

I do not want to say too much about the technicalities of the bill. It has been very well covered by Mr Atkinson and Mr Drum. It is great that we have bipartisan support on these issues, and we can all look forward to a terrific event. Melbourne's being awarded the event is a testimony to its ability to stage such events. We are going to have the Commonwealth Games in 2006 and the World Championships in 2007. All these things go to show that certainly from a sporting point of view, and probably in every other way, Melbourne is the place to be. I commend the bill to the house.

**Debate adjourned on motion of Hon. ANDREA COOTE (Monash).**

**Debate adjourned until next day.**

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The PRESIDENT** — Order! The question is that the house do now adjourn.

### **Bushfires: correctional centre site**

**Hon. RICHARD DALLA-RIVA** (East Yarra) — I wish to raise a query with the Minister for Corrections in the other place, and this relates to the development of the \$1.75 million plan to build an Aboriginal correctional centre in the fire-prone area in central or north-eastern Victoria.

This centre will be built on a 45-hectare site at Mount Teneriffe between Seymour and Euroa, and my understanding is that it will house about 21 Aboriginal

men who are on community-based orders as part of a program to keep indigenous people out of custody. I would like to make it very clear to the house that I support the concept that is proposed here. However, it has been raised on a number of occasions that the residents and in particular fire officers and the chief fire officer of the Country Fire Authority in that area have concerns about the area's high fire danger.

It has been alleged, and I have been there to see it, that there is limited access for emergency vehicles and no electricity or running water. There is a review of the wildfire risk assessment and management plan for the proposed facility, dated 3 September 2004, which outlines 14 opportunities for fire developing in that area. It also talks about establishing water tanks of 80 000 megalitres or thereabouts, and says that if there is a wildfire, the inmates are to evacuate to a particular building which will be a designated fire protection building and where everyone is meant to wait for the fire to pass. The realities are quite different, and the chief fire officer has alluded to this in an email which says:

The most important point to ask, is this the best site in Victoria for such a prison? As our experienced and long-serving local CFA members have said over and over again, it is not. The site is a death trap for the inmates ...

This should be a concern for the government and for the minister, and there is a state responsibility to care for those in our custody. There are significant fire dangers and risks associated with the development, and fears that the residents have if a fire is started in or around the centre are that not only their safety but that of the inmates and the officers would be at significant risk.

Since there is general community disquiet over the development of this new centre will the minister take action to ensure that the local residents of the community are made aware of the significant fire risks associated with the development of this facility, and will the minister take action to ensure that this particular facility meets those fire-protection standards?

### **Drugs: drink spiking**

**Hon. KAYE DARVENIZA** (Melbourne West) — I wish to raise a matter for the attention of the Minister for Health in the Assembly, and it concerns the spiking of drinks. This is a problem that I know members of this chamber are well aware of because it has been an issue raised in a number of debates held in the house. It is an issue that all parents of teenagers and young adults are particularly aware of. Especially of concern is the way that young women are preyed upon by the most

lowly type of predatory character who secretly puts drugs into women's drinks with the intention of sexually assaulting or raping them.

The government's drug and alcohol strategy has been supported by over \$100 million, of which \$12 million has been spent on the development of a range of harm reduction measures regarding amphetamines and the harm that can be done by using ecstasy. I congratulate the minister on these important initiatives.

My electorate of Melbourne West is a growth corridor and one of the fastest growing areas in the state. It is home to many young families, including a large number of teenagers and young adults who enjoy going to clubs and dance parties and doing all the things that young people do, including the consumption of alcohol. The matter that I specifically wish to raise with the minister is what action she or the Department of Human Services is taking to ensure that young people, particularly young women, are aware of the prevalence of drink spiking. I would also like to know how the minister and the department are letting young people know what action they might be able to take to protect themselves. What action is the minister taking to ensure that the predators who engage in this despicable behaviour and acts are properly punished and feel the full weight of the law? This is a particularly important problem for teenagers and young adults, particularly young women, because people who spike the drinks of others often engage in sexual assault or rape. I ask the minister to address this important issue.

### **Australian Motorcycle Grand Prix: future**

**Hon. R. H. BOWDEN** (South Eastern) — Tonight I seek the assistance of the Minister for Tourism in the other place, John Pandazopoulos. It concerns the continuing level of concern and disturbance in the community at Phillip Island. In recent months there have been several newspaper headlines in the local press. On 7 September an article in the *South Gippsland Sentinel-Times* headed 'Grand prix threat' states:

The state government will not renew contracts for the Australian motorcycle and formula one grand prix races unless Canberra offsets the events' huge financial losses.

Another major report in the same local newspaper of 26 October under the heading 'Battle set over grand prix costs' states:

A major clash over funding the Australian motorcycle and formula one grands prix between the state and federal governments is about to explode.

It further says, 'State demands federal money'.

Another article in the same newspaper of 21 September headed 'Grand prix demand' states:

Bass Coast council demands a state government guarantee that the Australian Motorcycle Grand Prix remains on Phillip Island.

Those quotations combine with the latest one I have of 9 November. An article in the *South Gippsland Sentinel-Times* of that date headed 'Island to lose bike grand prix?' states:

Phillip Island is set to lose the Australian Motorcycle Grand Prix, through massive cost increases and potent overseas competition.

These newspaper reports are continuous and quite alarming. There has been substantial investment over recent years on Phillip Island, in Gippsland and elsewhere in Victoria on the basis that this is an international event. It brings significant revenue, income and employment to the state of Victoria and in particular to the Phillip Island and south-west Gippsland area. It is a big concern. The indications are that the state government through the Minister for Tourism is attempting to obtain a large amount of funds from Canberra and that there is a very public stand-off between the state government and the commonwealth government.

I suggest the state government has the responsibility to be very careful and protective of this major international event. There is great disquiet in the community and real concern over the continuation of this event. We must keep it for Victoria. There are reports of strong competition from both Dubai and Beijing, which want this race. If the state of Victoria is not careful about taking cheap shots and involving itself in cheap stunts with the federal government, we will be in trouble. The question is will the Minister for Tourism make an urgent announcement — —

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

### **Motor vehicles: government fleet**

**Hon. J. H. EREN** (Geelong) — I raise a matter for the attention of the Minister for Finance, John Lenders. I have previously mentioned the importance of the Ford Motor Company and the vehicle industry to the local economy in Geelong. I am informed that there is a requirement for Victorian government employees to have a larger, safer and more flexible vehicle than a sedan in the government fleet, which addresses the occupational health and safety issues in rural areas due to road conditions, in particular the police who work in urban fringe localities and require the ground clearance.

Also, with our environmental and rural services we have deliveries of on-farm services such as veterinarian, weed control and soil and crop services involving paddock and on-farm driving where all-wheel drive and ground clearance are required.

The action I seek is for the minister and his department to take the necessary steps to ensure that the Victorian government contributes to increasing its use of locally manufactured vehicles and supports the Victorian motor vehicle industry and the local economy. The award-winning Ford Territory fills the requirement for Victorian government employees who need a vehicle capable of travelling safely over a wide variety of road conditions for which there has been no Australian-made option. I understand that the Territory meets all operational, commercial and policy requirements and would replace the less suitable vehicles with no net increase in emissions or cost and in some cases resulting in large cost savings. Therefore the action I am seeking is for the minister to include the Victorian-made Ford Territory in the government fleet.

### **Carers: government support**

**Hon. ANDREA COOTE** (Monash) — Within our community we have a looming problem which needs to be addressed by the government. My question is to the Minister for Aged Care, Gavin Jennings, who has taken on the mantle of responsibility for carers when we asked him to do so earlier in this government. This issue is about young carers. It is looming as an enormous problem for our community. At the moment it is hidden, and it is something that we need to expose and to talk about. We need to have a whole-of-government approach to dealing with the young people within our community who are caring for their parents or other family members to their own detriment. These people are caring for perhaps a parent who has a mental illness.

Recently I was at the carers annual general meeting. A lady there spoke poignantly about growing up in a household where she had a grandparent who lived with them who had a mental disability. She found later in life that none of her friends ever wanted to come and play at her place because there was a disabled person in the household, and it had ramifications for growing up in the wider community.

Today we have young people caring for parents with bipolar or other disabilities, and there is an enormous stress being put onto these young people. I refer to a brochure put out by Carers Victoria headed 'Children and young people with caring responsibilities: a policy and service development approach'. In it they call for

both the federal and state governments to have a whole-of-government approach to young people in the specific dealings that they have. These young people are affected for their entire lives, not only with their peers but also their employment opportunities and schooling; it has huge ramifications. The United Nations Convention on the Rights of the Child in 1990 enshrined the category of young carers.

I ask the minister in his capacity as the minister for carers what the Bracks government has done to ensure that there is a whole-of-government approach to this issue, and what specific programs have been implemented to develop, coordinate and implement strategies.

It is important that the community is aware of what is happening by the government's promoting a greater understanding of disability and illness, and of the needs of children, young people and their families who have responsibilities for care, which is fundamental to developing universal support. That comes from the brochure, and I welcome its publication. I call on the government to quickly implement a whole-of-government approach to this particular problem.

### **Emerson School: access**

**Mr SOMYUREK** (Eumemmerring) — I raise a matter for the attention of the Minister for Education and Training in another place concerning the prospect of purchasing property at 20 McNab Court, Dandenong North, to enable easy access for parents, teachers and staff of Emerson School in Dandenong North.

Heatherton Road, a very busy road, is the main east-west connection between the city of Casey and the city of Greater Dandenong. As I have said on numerous occasions in this house, the city of Casey is one of the fastest growing municipalities in Australia, and the city of Greater Dandenong has one of the highest number of jobs anywhere in the state — it is the manufacturing hub. Heatherton Road is an important road between the city of Greater Dandenong and the city of Casey.

The school is located on Heatherton Road. I visited the school a couple of months ago, and as I was entering the school my car was almost hit from behind. I understand there are many car accidents on Heatherton Road outside the school. It is dangerous. If the Department of Education and Training can purchase the property at 20 McNab Court, it would allow for another entrance to the school which would then alleviate some of those traffic problems.

During my recent visit Mr John Mooney took me around the school, which caters for the needs of kids with specific learning difficulties and learning difficulties in general. The school takes a multisensory approach to teaching, and many students who go to the school come from different parts of the south-eastern suburbs. It is a school with a tremendous reputation, and John Mooney is a professional who is dedicated to the school and its cause.

In view of what I have told the house I ask the Minister for Education and Training to investigate the possibility of purchasing the property at 20 McNab Court in Dandenong North.

### **Forests: herbicides and pesticides**

**Hon. J. A. VOGELS** (Western) — The issue I raise which is of concern to many is for the attention of the Minister for Environment in the other place, the Honourable John Thwaites, and concerns the sale of thousands of hectares of prime agricultural land in Victoria's south-west to the blue gum plantation industry. We all know that fewer dairy farms, for example, will have consequences for town communities, businesses, hospitals, schools and so on.

According to the Department of Sustainability and Environment, Victoria will have a plantation estate of more than 750 000 hectares within 15 years if the current rate of planting continues. There are 28 forestry investment companies operating in the state with the blessing of both the federal and state governments. Both levels of government have endorsed the 'Plantations for Australia: the 2020 vision' plan which has a target of trebling the country's plantations to 3 million hectares.

We all know there is a reason for this. However, it is causing angst among rural communities. The action I seek from the minister is for the Environment Protection Authority (EPA) to be the lead agency in monitoring and investigating what effect, if any, the use of pesticides and herbicides by tree plantation growers is having on local streams and waterways.

According to the plantation growers, they monitor the streams and waterways, even though by law they are not required to do so. In the Heytesbury region there is very little if any underground water, so farmers rely on surface run-off to fill catchment dams for both stock and domestic purposes as well as irrigation.

This region is also the catchment area for South West Water town water supplies. It is not sustainable to have as neighbours tree plantations with no testing regime

compared with what happens with dairy farming, beef and potato growing where produce is tested to the nth degree for chemical residues.

In 2003–04 Victoria exported nearly \$2 million worth of dairy products alone, with at least one-third coming from south-west Victoria. That was marketed, and rightly so, as clean and green, and that cannot be put at risk.

As there seems to be a doubt as to who is the responsible authority — local government, water authorities or the EPA — the action I seek from the minister is to clarify the situation so that the neighbours of plantation tree farms can rest assured that any herbicides or pesticides used do not impact on their agricultural pursuits, thereby putting their businesses at risk.

### **Disability services: early childhood intervention**

**Hon. C. D. HIRSH** (Silvan) — I raise a matter for the attention of the Minister for Community Services in another place. I want the minister to investigate the effectiveness of the government's new model of the output-based formula as it is applied to early childhood intervention programs.

This model is based on outcomes in terms of the numbers of children who receive a service rather than the outcome for the child, measured against a set of developmental criteria matching a norm. It is financially driven rather than needs based. Certainly all children throughout the state, in rural and regional Victoria as well as metropolitan areas who are in the 0 to 6 age range, and who require early intervention according to the current proper criteria, should participate in the program.

The government's model is commendable in that services have been spread across the state because they need to cover a range of assistance not only in specialist centres but in children's homes, their kindergartens and their child-care centres. The general aim here is to teach necessary skills to parents, kinder teachers and child-care providers in order that they can answer the needs of children who require early intervention services thus enabling these children to attend mainstream programs with their peers.

However, children with autism spectrum disorder almost always require a range of specialist services to enable their entry into regular settings in the first place, indeed even to function in a reasonable manner in a home setting. They have a range of difficulties: briefly; in communication with no speech, limited speech,

constant irrelevant speech and with a severely impaired quality of communication. Social interaction ranges from indifference to a need to join in and play with other children but with the inability of knowing how. Imagination and creativity is often lacking, with toys used specifically and only for their sensory involvement and sensory stimulation. They will often engage in spinning things, lining things up or flicking behaviour. They cannot engage in pretend play.

Behaviour can also be very difficult. They need early intervention in order to learn basic communication, social skills, play and appropriate behaviour so they can then join the mainstream rather than sitting in the corner of a mainstream kindergarten engaging in ritualistic behaviour, or being excluded from kinder because of tantrums and refusal to comply.

More money is needed for early centre-based programs as well as the commendable new directions of policy, and I ask the minister to review the current model with a view to extending centre-based programs for all children in this early childhood group who require it.

### **Primary Industries: Mallee staff**

**Hon. B. W. BISHOP** (North Western) — My adjournment issue this evening is directed to the Minister for Agriculture in the other place, the Honourable Bob Cameron. I raise with the minister his outrageous proposal to terminate 15 on-ground staff working in the Department of Primary Industries structure as catchment and agricultural services officers in the Mallee.

These people, who cover a wide area of the Mallee, are the last remaining link between the department and the community. These are people who are absolutely committed to the task of working with their communities to manage the pest plant and animal problems that still occur in rural Victoria.

The Bracks government's good neighbour policy in relation to its parks and public land will become an absolute joke as there will be no-one left to provide that vital interface between public land, with its weeds and pest animals, and the wider community.

As it slashes 15 positions, this decision flies in the face of the Bracks government's claim to govern for all Victorians — yet the pay packets of some Department of Primary Industries bureaucrats have skyrocketed by 45 per cent over the last 12 months! Try and tell our rural communities, who are very well served by the 15 catchment and agricultural services staff, that this is a sensible way to control weeds and pests in these

areas. We were told that 7 of the 15 people may be redeployed into areas such as fire services for Parks Victoria. However, we understand there are seven positions advertised, with most directed into the compliance area.

Here is a government not prepared to recognise the real worth of these employees who stop the problem occurring by working with the community to manage pests and weeds. Instead the government will employ compliance officers to drive around browbeating and fining farmers rather than working with them to solve problems. I call on the Minister for Agriculture to leave these staff in their current valuable positions in the communities they serve so well and to abandon the intention to move them into the compliance area.

### **Weeds: control**

**Ms HADDEN** (Ballarat) — I wish to raise with the Minister for Environment in another place, the Honourable John Thwaites, the matter of the control and eradication of the noxious weed, gorse, particularly in the Creswick-Sulky district. The action I seek is for the minister to ensure that the gorse eradication projects currently under way in the Creswick-Sulky district are not jeopardised in any way by a Supreme Court action which has apparently a 12-month wait for a final hearing on the issue of roadside responsibility. The gorse infestation is so bad in this area that the Department of Sustainability and Environment needs to follow up on roadside responsibility and landowners responsibility under the Catchment and Land Protection Act now and not in 12 to 18 months time after the completion of a Supreme Court trial and possible appeal.

I have had discussions with Landcare groups in the vicinity, and they complain to me that although Creswick has been known for over 150 years as the home of forestry, it is now referred to as the gorse capital of the district. The complaints are that on every access point into the township gorse is rife on every piece of Crown land along the roads and railway lines, particularly on the Great Divide rail trail.

The department is currently undertaking a gorse eradication program in the Sulky area: 61 properties have been identified, covering 342 hectares; 15 hectares have been mapped in the targeted area; 42 work plan agreements were developed in the six months to December last year; final inspections in February this year showed 75 per cent of land-holders had completed the works identified under the work plan agreements; and 20 per cent had works under way. Only four landowners did not carry out the works required under

the work plan agreements, and they were passed on to the compliance officer who served land management notices.

The issue of roadside responsibility is uncertain. It is creating a lot of angst not only with the landowners and the Landcare groups but also with the department. Six new projects have been developed by the department, making a total of 10 projects in this area. It is very important that the department's gorse project officers and the landowners carry out their work. There should be no uncertainty about roadside responsibility, because this noxious weed will go from strength to strength in 12 to 18 months. It needs to be dealt with now. This is the time of the year that weeds need to be sprayed. It is no good taking action against landowners' freehold land if the Crown land and roadsides are rife with weeds.

### Currawa Primary School: bus

**Hon. W. A. LOVELL** (North Eastern) — I wish to raise a matter for the attention of the Minister for Transport in the other place. It concerns the government's school bus safety initiatives and in particular the high-mounted flashing warning lights that provide a warning to approaching motorists that the bus has stopped and that students may be boarding or alighting the vehicle. Under the Bracks government's program about 1600 buses that are under a contractual agreement with the government have been fitted with warning lights. The companies concerned arranged for the lights to be fitted and then invoiced the department for reimbursement.

Currawa Primary School, a small school in my electorate, applied to the government for flashing lights to be fitted to its school bus. Because the bus is owned by the school it does not qualify for the government's program. The Currawa bus travels on the busy Midland Highway around the Nalinga area, and the school council believes flashing warning lights would help to improve safety conditions for students travelling on the bus. Currawa is only a small school consisting of 17 students from 11 families, and it is difficult for such a small community to raise additional funds. However, the safety of the students is paramount, and the school council has recently spent about \$2000 installing seatbelts on the bus.

It seems ridiculous that the government will install flashing warning lights on buses that are contracted to the department as school buses but will not install lights on buses that are owned by the school and are therefore, technically, the property of the department. Surely the safety of the students travelling on the Currawa school

bus should be treated as of equal importance to students travelling on buses contracted to the department?

I ask the minister to extend the high-mounted flashing warning lights program to include buses that are owned by schools so that the Currawa Primary School and other schools that run their own buses can qualify for this program that will improve safety conditions for the students who travel on them.

### Drugs: travellers

**Hon. S. M. NGUYEN** (Melbourne West) — I want to raise an issue for the attention of the Premier. In the past few years, especially the last 12 months, a number of Australians have been apprehended for possession of illegal drugs at, in and around Australian and South-East Asian airports. We understand that the people who risk such action incur the full force of the law. As a result of the events of 11 September security at airports has been tight to the point where it is near impossible to import illegal drugs.

The law judges such acts very harshly, and offenders are brought to justice. Some countries in South-East Asia treat such offences so seriously that they impose capital punishment on offenders. There may be some people in the community who are unaware of what goods are and that they are not permissible when travelling overseas. In addition many people are not aware of the many different procedures and penalties which apply in other parts of the world.

With the festive season fast approaching I would caution any individuals contemplating the possibility of smuggling illegal drugs into this country. Do not do it: the law will inevitably catch up with you. People who are thinking of travelling should make sure they check with the relevant authority about what they can and cannot put in their luggage. If in doubt, check it out. Do not in any circumstances accept any luggage from strangers, and please do not in any circumstances leave your luggage unattended.

I ask the Premier to take action. What is the Victorian government doing in terms of working with the federal government to educate travellers about what they can and cannot carry in their luggage? Will he advise me what the government is doing to alert people about the significant penalties which will apply should offenders seek to import illegal drugs?

### Responses

**Mr LENDERS** (Minister for Finance) — The Minister for Corrections in the other place received an adjournment question from Mr Dalla-Riva regarding an

Aboriginal corrections centre in a high fire danger area. I will refer that query to the minister.

The Minister for Health in the other place received an adjournment query from Ms Darveniza on the spiking of drinks, particularly of young women. I will refer that issue to the minister.

The Minister for Tourism in the other place received an adjournment question from Mr Bowden about a range of issues regarding the grand prix at Phillip Island. I will refer that to the Minister for Tourism.

In my capacity as Minister for Finance I received an adjournment question from Mr Eren regarding the Ford Territory vehicle which is manufactured by Ford in Geelong. His request to the government really was: what more can the Department of Treasury and Finance do to enhance that great vehicle? I am happy to inform Mr Eren and the house that as of today — so it is very timely; Mr Eren has been on this case for quite a while — the government will make the Ford Territory vehicle part of the Victorian fleet. Certainly the all-wheel drives that Mr Eren is very interested in are vehicles of choice for the government fleet, and we will be able to replace some of the imported vehicles we currently have, and some of the rear-wheel drive vehicles will be able to be part of the fleet. We have endeavoured to make Australian-manufactured cars our vehicles of choice, and with some all-wheel drive vehicles available, that is good news for Australian manufacturing. It will mean good-quality vehicles in government, as they are now a choice for government.

The Minister for Aged Care received an adjournment query from Mrs Coote regarding young carers. I will certainly pass that on to the minister for his attention.

The Minister for Education and Training in the other place received an adjournment question from Mr Somyurek. He spoke of the property at 20 McNab Court, Dandenong North, which is being sought by the Emerson School. As it is in my former electorate of Dandenong North, I am very familiar with this school and also the persuasiveness of Mr John Mooney, the principal, who is very passionate about his school and has a long commitment to education. I will certainly pass that issue of land acquisition for the Emerson School on to the Minister for Education and Training.

The Minister for Environment in the other place received two adjournment questions — one from Mr Vogels regarding plantation timber issues, and one from Ms Hadden regarding the gorse eradication works in her electorate. I will certainly pass those two issues

on to the minister for his attention. I am sure that he will deal with those promptly.

The Minister for Community Services in the other place received an adjournment question from Ms Hirsh regarding early intervention services, particularly for autistic children. She asked whether the output formula or other formulas are better ways of dealing with this. I will certainly pass the concerns and questions of Ms Hirsh on to the minister for her response.

The Minister for Agriculture in the other place received an adjournment question from Mr Bishop regarding agricultural services in the Mallee region. I will pass that on to the minister for his attention.

The Minister for Transport in the other place received an adjournment question from Ms Lovell regarding school buses and a number of features of buses and equipment and other specific issues. I will pass that on to the minister for his attention.

The Premier received an adjournment question from Mr Nguyen regarding illegal drugs, in particular the image of and messages about illegal drugs to members of a number of communities. I will certainly pass Mr Nguyen's concerns and question on to the Premier for his attention.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 10.41 p.m.**