PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

27 February 2002

(extract from Book 1)

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By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Temporary Chairmen of Committees: Ms Barker, Ms Davies, Mr Jasper, Mr Kilgour, Mr Loney, Mr Lupton, Mr Nardella, Mrs Peulich, Mr Phillips, Mr Plowman, Mr Richardson, Mr Savage, Mr Seitz

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
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Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr B. E. H. STEGGALL

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Allen, Ms Denise Margret [4]	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
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Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
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Bracks, Mr Stephen Phillip	Williamstown	ALP	Maclellan, Mr Robert Roy Cameron	Pakenham	LP
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Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
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Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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WEDNESDAY, 27 FEBRUARY 2002

Wednesday, 27 February 2002

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Lake Mokoan: decommissioning

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria hereby sheweth that Lake Mokoan is too valuable an asset to ever be decommissioned. We can show that:

(a) The lake is capable of providing a large and economically viable store of water for irrigation, stock and domestic use.

(b) It is a vast ecological resource providing extensive habitat for many rate and endangered species.

(c) It has a beneficial and far-reaching impact on the general economy of the region.

(d) It contributes significantly to land values in the area.

(e) The speculation surrounding the lake's future is detrimental to the area.

(f) The rehabilitation of the area would be a prohibitive expense on taxpayers and the local community and its subsequent management would be a liability.

Your petitioners therefore pray that Parliament agree with our position and formally declare that Lake Mokoan will not be decommissioned.

And your petitioners, as in duty bound, will ever pray.

By Ms ALLEN (Benalla) (4745 signatures)

Libraries: funding

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria respectfully requests:

that the Victorian government immediately invest substantially more in public library services for the benefit of all Victorians.

that the Victorian government increase funding to public libraries for the purchase of books;

that the Victorian government increase funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas.

And your petitioners, as in duty bound, will ever pray.

By Mr LUPTON (Knox) (599 signatures)

Laid on table.

Ordered that petition presented by honourable member for Knox be considered next day on motion of Mr LUPTON (Knox).

MEMBERS STATEMENTS

Kevin Terry

Mr ROBINSON (Mitcham) — This morning I pay tribute to Mr Kevin Terry, the former president of the Laburnum Angling Club in my electorate. Mr Terry died on 11 January after a prolonged battle with cancer. Kevin Terry demonstrated an exemplary commitment to the Laburnum Angling Club, which in late 2000 celebrated its 40th anniversary. He represented his members' interests and those of all anglers with great passion. He articulated their needs clearly and with tremendous experience.

Kevin Terry did not let his illness slow him down. Last year he still participated in the City of Whitehorse annual festival with his beloved tin boat. Until the very end of his illness he was heavily involved in improvements at his family home in Blackburn. On behalf of all residents in the Mitcham electorate I extend my sympathy to his wife, Nancy, and the family.

Newcomb Secondary College

Mr SPRY (Bellarine) — I commend Newcomb Secondary College and James Harrison Secondary College on the manner in which they have handled their merger following the closure by the Bracks Labor government of James Harrison at the end of last year. The two principals involved, Alan Davis from Newcomb Secondary College and Toni Sharkey from James Harrison college, and their respective staffs, and the school councils, headed by David Kilfoyle and Adrian Innes, have managed the process without a hitch, including tracking every student from James Harrison at the start of this year.

On Thursday last week I had the pleasure of attending a school council meeting to witness the way the combined council was functioning. The president of the combined councils, David Kilfoyle, clearly had the full confidence of his colleagues, and the continuing principal of Newcomb Secondary College, Alan Davis, together with his staff, will continue to ensure a full curriculum is delivered to all students under their care.

The one sour note that lingers over this merger is the lack of financial support being provided by the Bracks Labor government. A figure of $2.5 million was earmarked for improvements to James Harrison college before Labor closed it. To date the government has allocated a mere $50 000 to ensure the transition for students has been seamless. James Harrison was a secondary college distinguished by the range of vocational subjects it offered students. The opportunity exists for the government to provide sufficient resources to ensure those subjects continue to be made available at Newcomb Secondary College.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — The government and its Minister for Transport stand condemned for failing to publicly commit to funding its share of the proposed second Murray River crossing at Echuca–Moama.

After two years of extensive investigation, the Vicroads–Road Transport Authority study group has prepared an environment effects statement (EES) supporting its preferred option of the C1 or central site. The EES cites one of the advantages of the preferred option as being that it provides an opportunity to stage the works. It has been suggested that those works — the upgrading of Sturt Street, Echuca — could be staged over 20 years, a proposal that is totally unacceptable to the people of Echuca–Moama.

I wrote to the minister on 15 June, some eight months ago, seeking written confirmation that the Victorian government is committed to its share of the funding and that, if the C1 option is formally accepted by government, construction will not be staged over 20 years, as canvassed in the EES. So far I have not received a response to that letter.

I wrote again in similar terms to the minister on 17 December, and as of today, some 10 weeks later, I still do not have a response to that letter.

For a government that promised honest, open and accountable government, the silence is deafening. What has the minister got to hide? Why does he not respond to his letters? What does the government not want us to know? I again call on the minister to commit, on the record, to funding Victoria's share of the cost of the Echuca–Moama bridge.

TXU: tariffs

Mr MAXFIELD (Narracan) — I rise this morning to talk about how another Kennett privatisation has gone dreadfully wrong. The TXU price rises in rural Victoria, forced on country users by the way the Kennett government privatised the power industry, are something that is very sad.

Honourable members interjecting.

The SPEAKER — Order! The honourable Leader of the Opposition!

Mr MAXFIELD — Fortunately, the Bracks government has committed $118 million to fix up another Kennett government mess. However, I also think that TXU has behaved quite badly in the way it has raised prices. Even though it is only committed to 16 per cent, in some cases it has put up off-peak rates to very high levels, and it has caused some concern amongst consumers. I call on TXU to show its obligation to consumers and rural users and look at having a better tariff structure and not dramatically pushing up off-peak power rates. Off-peak usage is an important use of our power resources when the power stations are idling over at night. We must encourage the use of off-peak power.

It is very sad that the Kennett government has created a situation that has allowed TXU to not only purchase a property, but also to then behave in a most appalling manner. The opposition stands condemned for failing to support rural users. Why should country people be penalised because of a fanatical commitment to privatisation by the Kennett government which clearly hated rural people — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr MAXFIELD — The opposition across the other side of the chamber once again shows its contempt for rural users.

Elgin Marbles

Mrs SHARDEY (Caulfield) — We in the Liberal Party recognise that the Parthenon of Athens is of paramount importance not only to the Greek nation as a cultural treasure but as an historical monument of the world and as a universal symbol of freedom and democracy. The Parthenon Marbles are not freestanding works, but are an integral architectural part of one of the most significant monuments of the ancient world. In 1801 agents acting for Lord Elgin removed approximately half the Parthenon sculptures and took them to London, where they are now part of the British Museum's collection.

Now that the Olympic Games will be held in Athens in 2004 and the Hellenic government is building the new Acropolis museum, we in the Liberal Party believe that the time has come for a means to be found for these sculptures to be reunited in Athens, where they will be displayed in the context of the Parthenon.

We in the Liberal Party have started a petition which invites Victorians and Australians to request the government of the United Kingdom to urge the British Museum to change its current position. I will be writing to each member of the parliamentary Labor Party to invite them to participate in the signing of such a petition, thereby ensuring bipartisan support for this action.

Ballarat: government investment

Mr HOWARD (Ballarat East) — I wish to talk about the success in development over the last two years of the Ballarat region, where there is a very positive feel around our community at the moment because of the great many developments that are taking place, and this is very much a result of the active support of the Bracks Labor government. It was celebrated in a 24-page lift-out in the Ballarat *Courier* last week, recognising a billion dollars worth of investment in the Ballarat region in 2002.

The SPEAKER — Order! The display of newspapers is inappropriate.

Mr HOWARD — If I may quote from this article, it refers to issues that Ballarat and regional people know about, including the State Revenue Office, a very significant $5 million development by this government that is to be opened this coming week.

The Camp Street development, another great development being opened for use in this coming week, receives $30 million, a significant commitment from this government. The Wendouree West renewal project — —

Honourable members interjecting.

Mr HOWARD — What did you do about Wendouree West? The honourable member for Ballarat West will tell you: nothing! This government has provided $3 million for the Wendouree West renewal project. Education has received $22 million worth of capital works this year; and in transport there has been significant progress, with a $3 million commitment from this government for the fast rail project. Conditions are clearly right for the Ballarat region to seize opportunities, as is claimed in this 24-page lift-out in the *Courier* of last week. People in the Ballarat region know that this is in part — —

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

Austin and Repatriation Medical Centre

Mr DOYLE (Malvern) — I raise a matter concerning the Austin and Repatriation Medical Centre, which is the largest public hospital in Victoria and the subject of the government's largest infrastructure project in its term in government. As of today the centre still has not produced an annual report for the year 2000–01 — eight months after the reporting date and five months beyond the statutory requirement provided in the Financial Management Act. One would have thought, given the public accountability it claims, that the government would have done something about the fact as we resume for these sittings that our largest public hospital should have produced an annual report for the year 2000–01.

At the moment I am awaiting a decision from the Victorian Civil and Administrative Tribunal relating to the document called 'Hospital Highlights'. In seeking to block the release of the document the government argued as its main contention through Mr Mark Dreyfus, QC, that such information was already available through documents like annual reports, and had expert testimony to their arguments from senior management at the Austin and Repatriation Medical Centre. At the same time the Austin had not released its annual report, and it was not until yesterday that another of our major institutions, the Royal Melbourne Hospital, tabled its annual report.

It is nonsense to suggest that health information is available in a timely way. This is one more example of how this government has no idea of how to run the health system or keep our hospitals accountable to the public they serve.

Joshua Synot

Ms BEATTIE (Tullamarine) — I wish to congratulate a young man who attends the Sunbury and Macedon Ranges Specialist School in my electorate. Joshua Synot was recently awarded $2000 by the Victorian Education Trust academic excellence awards. He will attend the sister school to Sunbury–Macedon Ranges Specialist School, Glyne Gap, in East Sussex, England. Glyne Gap is a world leader in the diagnosis and treatment of children with learning difficulties. As part of the project Joshua will make his own travel

arrangements and keep us in touch with his progress with a daily video photo via the Internet.

This award is also a great tribute to the untiring efforts of Peter Redenbach, the principal of the Sunbury and Macedon Ranges Specialist School. Peter is a great advocate for equity for his students attending the special school. I would like to pay tribute to both Joshua and Peter, and of course Joshua's family, who are all very inspirational people and are going forward with children with learning difficulties and are interested in equity and justice for those children.

Gannawarra: farm rates

Ms BURKE (Prahran) — I would like to congratulate Denise Smith and the Shire of Gannawarra ratepayers. They have just won the first round in their court case against the Gannawarra shire. I think it is a disgrace that these residents of rural Victoria could not get their minister to support them in the iniquitous situation of their rates. They owe $300 000 back rates to the Gannawarra shire. The minister has much to be ashamed of seeing that he did not at any time support these residents, and yet the court in its first round of hearings has seen immediately the problems they are dealing with.

It is an absolute disgrace that you could have a Minister for Local Government who when people came to discuss a fairly decent argument about how they had not been treated fairly — there are farm rates all over Victoria and yet Gannawarra shire does not have them; three councils in the whole state do not have them — did not assist those community members in any way. There was no mediation. He could not even get the council to pull the parties together.

It is an absolute disgrace. I wish those residents well and hope that they get a fair and equitable rating system. This should have been watched carefully by the minister and the Valuer-General. The ratepayers have been completely disregarded, and I hope the minister will take this court decision seriously.

Delatite: boundary review

Ms ALLEN (Benalla) — Talk about hypocrisy! I am going to talk about the Delatite shire, which was a mess left behind by the Kennett government and one that the Bracks government has cleaned up. Everybody remembers how back in 1996 the people of Mansfield marched in the streets to protest against amalgamation with the then Benalla shire. Everybody knows exactly why Mansfield was amalgamated with Benalla — purely and utterly so that the previous member for Benalla, Pat McNamara, could have his own shire; and everybody in the Benalla electorate knows that because it is actually referred to as 'Pat's plot'.

Over the past two and a bit years since I have been the member for Benalla, the Mansfield and Benalla councillors have worked very diligently. The Mansfield councillors particularly have worked very hard to ensure that they are able to split away from Benalla and form their own shire. Subsequently the Minister for Local Government listened intently — as I did — to both sides of the argument and put the councillors through a series of hoops, and they jumped through those hoops so professionally and so diligently that on 7 February the minister was able to announce a panel to facilitate the split.

I congratulate Crs Don Cummins, Steve Junghenn, Jessica Graves, Will Twycross, Geoff Oliver, Ken Whan, Eric Brewer and Peter Brown for their diligent work.

The SPEAKER — Order! The honourable member for Cranbourne has 20 seconds.

Cranbourne–Frankston Road: traffic control

Mr ROWE (Cranbourne) — I raise the matter of the Cranbourne–Frankston Road, Langwarrin, and the fact that another single-vehicle fatality occurred along this road just recently. This road is a first priority for Frankston City Council. The issue has been raised on numerous occasions.

The SPEAKER — Order! The honourable member's time has expired. The time set down for members statements has expired.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Government: performance

Dr NAPTHINE (Leader of the Opposition) — I grieve about the irresponsible and uncontrolled spending by the Bracks Labor government. This government is spending hard-earned taxpayers' funds as if it was a drunken sailor back from six months at sea. I also grieve about the failure of the Bracks Labor government to deliver strong economic growth to Victoria. There is no doubt that only one conclusion can be drawn — that Victoria is sadly losing under this Labor government.

Yesterday we saw the sad spectacle of the Bracks Labor government being taken for a ride by the public transport companies here in Victoria. Unfortunately the taxpayers are paying $110 million for the ride being given to the Bracks Labor government.

The government has been absolutely irresponsible in giving over $100 million of taxpayers' funds to these large multinational transport operators. Not that I blame the transport companies; the transport companies are acting in the interests of their shareholders and they are protecting the interests of those shareholders. Unfortunately the Bracks Labor government is not interested in protecting the interests of the Victorian taxpayers, the Victorian travelling public and the Victorian communities.

The Bracks Labor government has completely failed the people of Victoria on this issue. It has failed the taxpayers, it has failed the travelling public and it has failed the test of good financial management.

Let us look at the history of this franchising arrangement. The public transport franchising arrangement was entered into after an open and transparent process. The companies involved in the bidding for transport provision in Victoria were large multinational companies with significant experience of delivering public transport services right across the world. Those companies came to the franchising arrangements with a bevy of consultants, lawyers, accountants and transport experts. They pored over the information that was freely available to them on patronage, fare collections, logistics, fleet management and engineering data. All of the data on public transport operations in Victoria was open and available for these multinational companies and their consultants and experts to look at.

They looked at it for months as part of that process. After that they submitted in a competitive tendering process. It was open, transparent and competitive and the outcome was that the transport services were franchised out to these large multinational companies. The question is: was that process delivering better transport services to the people of Victoria and was it a good process? Rather than take my word for that, let us use the words of the current transport minister reported in the *Herald Sun* of 31 October 2001. I quote from the article:

> Melbourne's public transport system has never been as efficient, according to the latest performance report of Victoria's public transport operators.

A quote from the minister is as follows:

> Customer satisfaction with public transport in metropolitan Melbourne has risen to its second-highest level since monitoring began in October 1998.

On 14 January this year a press release from the Minister for Transport said — and this is a direct quote:

> The two train and two tram operators were rewarded for their achievements in meeting and exceeding performance indicators for all services, receiving a total of $4.2 million in bonus payments.

So, in October 2001 and in January this year we had the Minister for Transport saying that services were more efficient, that customers were better satisfied, that more services were running on time and were meeting all the performance standards, to the point where the government was providing bonuses to those public transport companies. By the measure applied by the Minister for Transport, these companies were performing well, delivering services above and beyond expectations and satisfying their customers.

The question now is: are the operating contracts sound contracts? What better place to find this could there be than the audit review of government contracts of May 2000, otherwise known as the Russell report. The report, commissioned by the Labor government, says about the public transport contracts:

> The review considers the franchise agreements for trains and trams establish an excellent benchmark for government contracts, not only in the transport sector but across the whole public sector contracting activity.

Bill Russell in his audit of government contracts says the tram and train contracts are excellent contracts and provide a benchmark for government contracts with the private sector. That is what the government's own audit review says. That is what the Labor mate says, so that is what the Labor Party thinks of those contracts.

The report goes on to say:

> The franchising of tram and train services in Melbourne promises to deliver significant benefits for the community. Subsidy costs are set to be substantially reduced, at the same time as new investment significantly improves the rolling stock and new incentive regimes sharpen operators' focus on operational performance and patronage growth.

All the evidence from the Minister for Transport says that services are improved, efficient and deserve bonuses. The Labor government's review of the contracts says the contracts are sound, and indeed a benchmark on which other government contracts with the private sector should operate. That is what the government said about these contracts.

What has happened recently is that private companies have seen a government that has weak leadership, a

government that does not understand how to manage money, a spendthrift government and a government that is a soft touch. Private companies have come in and taken the Minister for Transport and the Premier to the cleaners, and taxpayers are footing the bill. This is the great train robbery of Victoria and taxpayers are paying because this government is weak, does not understand how to deal with the private sector and has leaders with no economic nous and no experience in dealing with the business sector.

The government has no experience at the Premier's level, no experience at the level of the Minister for Transport, no experience in dealing with government contracts, and no experience in dealing with the private sector — and it is being taken for the greatest ride of all time.

Honourable members interjecting.

Dr NAPTHINE — The government did not even have to worry about a ticket machine, because the taxpayers are paying the bill of $110 million for the incompetent mismanagement of this matter by the Minister for Transport, the Treasurer and the Premier. The taxpayers have been done over by a lazy and incompetent government that does not know how to deal with the private sector.

Mr Maxfield interjected.

The DEPUTY SPEAKER — Order! The honourable member for Narracan is not in his seat, and I ask him to remain silent.

Dr NAPTHINE — The honourable member for Narracan will not have to worry about his seat in future!

It is incumbent on this government to release all documents and agreements relating to this massive secret deal it has made with the private transport operators. The government promised the people of Victoria that it would be honest, open and accountable. It has now done a massive secret deal with the private transport operators that could cost taxpayers more than $100 million and it needs to come clean on the nature of that deal. All those documents should be released and made available to the people of Victoria, including any new agreements with the transport operators.

The opposition will certainly be asking the Auditor-General to examine this issue, because the evidence is that the government was saying previously that under the franchise agreement the transport system was operating efficiently, effectively and well and was providing better delivery of transport services at a lower cost to taxpayers. Its own audit review of government contracts states that those were outstanding contracts that should be a benchmark for future contracts. But now this weak, lazy government has done a deal with the transport operators, which I believe have absolutely taken the government for a ride!

That is not the only area in which this weak, lazy government has failed to deliver proper outcomes for Victorians in terms of financial management. Since the election of the Bracks government, expenditure has increased by $4.3 billion — that is, it is up by 22 per cent. This government is being absolutely irresponsible in its expenditure of taxpayers' funds. It is a high-taxing, high-spending government and the losers are the people of Victoria. This government is spending like drunken sailors. A 22 per cent increase in expenditure in a bit over two years is absolutely outrageous and shows that this government has no sense of financial responsibility and no ability to control expenditure within government departments and by its ministers.

This government is absolutely out of control on expenditure. At the same time as we have had a 22 per cent increase — a massive blow-out — in expenditure the growth rate of this state has slowed from 7.4 per cent per annum under the previous government to only 2.4 per cent under this government. So the growth rate has declined and expenditure has blossomed. The growth rate of 2.4 per cent is the slowest economic growth rate in this state since 1991–92 — back in the Cain–Kirner era. This government has taken us back to the old Cain–Kirner school of economics: massive expenditure on the Bankcard!

Mr Maxfield interjected.

The DEPUTY SPEAKER — Order! The honourable member for Narracan should control himself or leave the house.

Dr NAPTHINE — We have expenditure blow-outs, slowing growth rates, a significant increase of 17 700 people unemployed in this state in the past 12 months, no major projects, no vision, no agenda and no leadership. We have the laziest government that Victoria has ever seen. It is no wonder that Victoria is losing under Labor.

Mr Maxfield interjected.

The DEPUTY SPEAKER — Order! I will not speak to the honourable member for Narracan again.

Insurance: public liability

Mr RYAN (Leader of the National Party) — I grieve this morning on behalf of Victorians, but country Victorians in particular, on the issue of public liability insurance. This issue is causing a crisis across country Victoria for volunteer groups and not-for-profit organisations. It touches upon those many groups and entities that are the backbone of the communities for those of us who live in the country. The practical fact is that the spiralling cost of insurance premiums is absolutely killing these groups.

I will quickly refer to the following list of events and organisations: the Thorpdale Potato Festival, the Southern 80 Ski Race at Echuca, the Murrabit Riding Club, where the charity ride was cancelled, the Serpentine Bowling and Tennis Club, the Natimuk Climbing Company, Grampian Adventure Services, the Goulburn Valley Car Club, and the list goes on and on. It also includes the Man from Snowy River Bush Festival, the Australian Climbing Instructors Association, Volunteering Victoria, the Victorian Tourist Operators Association, Waratah Beach Surf Life Saving Club, and on and on. I will not keep reading out the list, but they are some of the organisations that have contacted me and my office to echo their concerns about the spiralling cost of insurance premiums. Some of those organisations — not all of them by any stretch — have had to close down, while others are grappling with the issue of public liability insurance, which is an issue we have to face in Victoria, particularly in country Victoria.

The National Party has recently arrived at a series of propositions that it believes would substantially assist with the current problem. I will quickly run through them. They form two components: the first of them is to provide an exemption from liability for the acts of volunteers in small community organisations. Yesterday I announced to the house that the National Party will during the course of these sittings of Parliament introduce legislation to protect volunteers and will later consider further the issue with regard to small community organisations. But the essence of these proposals is to bring in legislation that will provide the sort of indemnity we believe volunteer groups so badly need.

The practical fact is that people are being dissuaded from volunteering their services throughout country Victoria because of a fear about of public liability insurance and the additional fear and associated concern about being pinned with regard to some aspect of personal liability. We want to exempt volunteers from that risk and therefore enhance the capacity of people to continue to contribute to our great organisations around the state.

Those two elements comprise the first component of what we are proposing by way of addressing this issue. They address the issue in an indirect sense in that the protection for volunteers has been a long time coming. It will of itself not necessarily have a direct impact upon the public liability insurance issue, but it is something that is long overdue in any event, and we are moving to bring it in while this opportunity presents.

The second element of our proposals is in relation to the mechanisms which are used for the purpose of calculation of damages in claims for personal injuries. To run through those very briefly, we propose that there be a package of amendments to our existing law here in Victoria which would have these basic elements: we would introduce a threshold of $36 000 for claims. That threshold would have no application to property claims, but would only apply to personal injury claims. We would look to incorporate within that $36 000 an entitlement to not only special damages — namely, loss of income, loss of earning capacity and reimbursement of any medical expenses which have been incurred — but would also incorporate in that claim a payment for general damages for the injury itself. It would be all-embracing therefore, to get over that threshold of $36 000.

At the other end of the scale, we propose that there be a cap of $4.5 million introduced at the top of the claims that are brought within Victoria. We propose that various amendments be made with regard to the actual reductions for the measure of damages awarded.

These would include the alteration of the discount rate from 3 per cent to 6 per cent for the purpose of calculating future economic loss. It would entail the abolition of interest on damages, which has already occurred in both the accident compensation legislation and the Transport Accident Act. It would incorporate the abolition of damages compensating a plaintiff for the need for volunteer services where those services are not having to be met by the plaintiff him or herself, and a deduction for non-refundable gains to thereby avoid double dipping.

Through the combination of these factors we believe there would be an impact on the way insurance premiums are calculated, because ultimately the amount of money having to be paid out would be reduced, the risk would accordingly be reduced, the amount of money that insurers need to guard against having to pay out by way of their risk would therefore be reduced, and ultimately all would benefit.

Various other issues are associated with this. Having put that proposition out for public consideration, the practical question is, 'Where are we now?'. The answer is that we are in limbo; we are going nowhere with this issue at the moment. Unfortunately while this state of affairs persists groups and organisations of the nature of those to which I have already referred are either hitting the wall or are at risk of hitting the wall, because they simply cannot continue to stagger on under the weight of the insurance premiums we are seeing emerge.

Only recently Jim Linton, a constituent of mine in Foster, estimated that the community in a town like his, with a population of about 1200, is now paying out about $30 000 a year through its various community and volunteer organisations because of this issue with public liability insurance premiums, and it cannot go on. Solutions are being sought, and that is the key to this matter. We have to get past the stage of simply talking about the problem, which has been the tendency over the course of these past couple of months. We have to get to solutions.

In the course of examining that important aspect I wish to touch upon several things. The first is that we have to get the insurance industry to engage in this debate. I stand in this most public of forums to say that the insurance industry is to be condemned for its failure to engage in this debate. We cannot get insurers involved, but they need to get involved, to get their hands dirty and to get some proper conversation going with all levels of the community on these issues. They have to understand that they are now in the role of providing an essential service for bodies such as volunteer groups and small community organisations — and also, I might say, for those involved in adventure tourism and various other elements of private enterprise. Those organisations simply cannot conduct their affairs without having public liability insurance. They have based their activities around the presumption of being able to get that insurance and being sure they are indemnified.

If you are going to operate an activity on Crown land in this state you must be able to produce a public liability insurance indemnity policy, otherwise you simply will not be able to do it. If you are down at Wilsons Promontory and you want to be any one of the 30-odd organisations providing services in that place, you must produce a policy, otherwise you will not be allowed to trade. Therefore the insurance industry must understand that it is providing an essential service and that it is a very important part of the debate. Insurers cannot stand off from it as they have been doing; they have to engage in it.

On 25 February Deloitte Touche Tohmatsu, through its financial services division, published its 2002 interim insurance survey. I might say it is interesting because, apart from anything else, it includes responses from respondents described as including 21 leader insurers, 19 top brokers and 14 top reinsurers. I am delighted to see that at least for the purpose of giving something to this organisation these entities have been prepared to cooperate to some limited degree, because otherwise this paper could not have been produced. The document itself contains some interesting statements. It states:

> Public liability increases have increased by an average 28 per cent for renewals over the last six months. Insurance companies are no longer willing to underwrite the risks due to the high frequency and size of the claims. It is a similar story in the indemnity areas for professionals and company directors.

In the body of the document is the statement:

> The events of September 11 caused a further reduction in capacity and resulted in insurers focusing on the need to achieve appropriate rates for the risk being insured. This has lead to the current spike in premium rates.

It states further:

> Underwriters have walked away from some risks, which has forced brokers to find alternative sources of capacity that can only be obtained with a large increase in rates.

We need those insurers in the marketplace talking to the public at large about the bases of those sorts of commentaries. I do not think it is nearly good enough that we should be hearing from the insurance industry via the sort of document issued by Deloitte. It should be about the insurers out there, either by themselves or through their representative organisations, being prepared to participate realistically in this debate, and I call upon them to do so.

The insurance industry should answer some fundamental questions. Firstly, in relation to public liability claims, what percentage of the value of overall claims paid in the last two financial years, or some other convenient significant period, do claims of under $25 000 or under $35 000 represent? Secondly, can the industry estimate the savings on overall claims paid, which would be affected by the introduction of the thresholds referred to in the manner proposed by the National Party? Thirdly, can it estimate, even in approximate terms, what effect the placing of a cap of $3.5 million up to $4.5 million would have on reinsurance costs? Fourthly, is there a practical way of estimating the cost effect on overall claims of the proposed changes to damages? These are some of the questions that I ask the insurance industry to answer.

The industry has a responsibility to do it. It is not fulfilling that responsibility and it needs to get involved.

From the perspective of the legal profession, I have had conversations with Ian Dunn from the Law Institute of Victoria. I have known him for many years; I have great respect for him and his views. He is concerned that we are jumping into this too quickly. I do not want to patronise him for one moment, but I hope the legal profession will engage in this discussion positively. It has commented today and I look forward to further comment from the profession.

The fact is that with the Workcover legislation in 1985 and the Transport Accident Commission legislation in 1987 we had to come to grips with the fact there was not enough money coming into the pool and too much money going out. Changes had to be made. The then Labor government made changes to those systems and since then conservative governments have preserved those systems, which saw changes being made to common-law rights. We are now faced with the prospect of facing up to similar circumstances in this important area.

Finally, I refer to the government's part in this. This government is lost in relation to this issue. It is in a state of denial. When the National Party started talking about this issue last year this response from the then Minister for Small Business, the Honourable Marsha Thomson in another place, was reported in an article in the *Weekly Times* of 29 August last year:

> But so far Victorian small business and consumer affairs minister Marsha Thomson has refused to buy into the debate, arguing it was not a state issue.

The National Party called for a forum to be conducted on Monday, 24 September. The government was mute. Surprise, surprise, some weeks later the government announced it would conduct a forum on Friday, 21 September last year! What an extraordinary coincidence! The National Party suggested a register of interests be put in place to make sure that people affected were able to register their concerns. Nothing happened until a couple of weeks ago. Surprise, surprise, on the web site a register has been established so organisations can get in touch and do what the National Party suggested months ago.

Above all else the government needs to get the insurers involved for the reasons that I have mentioned. It has enough clout in the offices of this Parliament to call the insurers to account and get them engaged in the discussion. The government could also get the Labor states of Australia together. At least in Western Australia the Premier of that state has proposed a five-point plan, which this government is probably not aware of, to deal with this issue. It includes, coincidentally, legislation to protect volunteers in the manner proposed by the National Party. The government can do that. It can get some options running in the way the National Party has done, seeking public comment on them. The government should stop trying to palm it off to the federal government, which has a role in bringing people together, but ultimately the solution lies at a state level and the government of Victoria needs to be more proactive about it.

The National Party has made a start. The propositions it has advanced in the community have been well received. The government needs to pick them up and run with them. Recently the Premier wrote to me noting the proposals, but I have heard nothing more from him about them. We need to get involved. We need to support the volunteers with legislation that the National Party will soon introduce. But for heaven's sake, do something.

This is an area where country Victoria in particular is in severe need of positive action by the government to address an issue which is threatening to destroy its way of life. They need to do something before it is all too late.

Legislative Council: select committees

Mr HOLDING (Springvale) — I grieve this morning for the Victorian people, who are ill served by an upper house that is unwilling to perform its proper function within the Victorian parliamentary system. Let us consider the context. For seven years the upper house did nothing to fulfil its proper role within the democratic Victorian parliamentary system. For seven years it did not amend a single piece of Kennett government legislation, and it muzzled the powers of the Auditor-General. It failed to oversight any of the disastrous contracts in the area of privatisation which this government is now having to bail Victorians and private companies out of. It failed to exercise any of the diligence that a proper house of review would have performed.

The upper house failed to scrutinise the pathetic and low standards in ministerial conduct and in government and public probity that were set by the previous government. In essence it failed to fulfil any of the roles that a proper house of review functioning as a second chamber in a bicameral system anywhere in Australia would have been expected to do. It did not amend the Auditor-General's legislation when it passed through the chamber. Honourable members will remember that the Honourable Graeme Stoney fell asleep during one

of the divisions and missed it, but even so that was not enough to stop that legislation from passing through the Parliament. The upper house did not establish any inquiries into the Guandong share fiasco or into the KNF Advertising situation that embroiled the former Premier. It did not establish an inquiry into the Leeds Media contract, nor did it establish an inquiry into either the casino tendering process or the Intergraph scandal.

The upper house did not establish any inquiries during the seven years of the former government and did not amend any legislation. It did not establish any select committees. In short, the upper house did nothing to establish or oversight the standards of the previous government. It did not oversight its legislative program and did not safeguard the interests of Victorians when the former government was riding roughshod over their interests for seven years. Since the election of the Bracks Labor government in 1999 it has become a house of obstruction and a house of frustration; and now it is a Star Chamber. In recent months the Legislative Council has established two select committees, yet no select committees were established during the seven years of the previous government.

In recent months the upper house has had time to establish two select committees to inquire into what the opposition sees as matters of great statewide importance and interest. What are these matters of great public interest and of great benefit to the people of Victoria? The first committee inquired into the activities of the Frankston City Council in dealing with its central activities district. Of all the things being looked at and undertaken by local government throughout Victoria, of all the 78 local councils undertaking exciting projects to develop their areas and of all the things that could have been looked at by this committee, it chose to look at the Frankston City Council. It chose to look at Frankston because the mayor happened to be the federal Labor candidate for Dunkley.

The Legislative Council could not wait to see the outcome of the federal election; the upper house had to rush in and establish a select committee into the fascinating and arcane subject of the Frankston central activities district so that it could act as a witch-hunt against the former mayor of Frankston, the federal Labor candidate for Dunkley at the time, Mark Conroy. What startling revelations have been made by this committee? Nothing has been heard from the committee. There have been no revelations resulting in any proceedings, no revelations that will in any way affect the conduct of public business in Victoria, and nothing at all that would justify the extraordinary act of establishing that select committee.

However, with one select committee already under way, and in the opposition's enthusiasm to use this new device to establish a Star Chamber and subpoena witnesses using the coercive power of the Legislative Council, what has been done?

What did they do? They rushed in to create another select committee. The second select committee was set up to inquire into the appointment of the managing director of the Urban and Regional Land Corporation, the so-called Reeves inquiry. What was the great issue in relation to that? The allegation made by opposition members was that there was something inappropriate about the appointment of Jim Reeves to the position of managing director of the Urban and Regional Land Corporation.

Mrs Fyffe interjected.

Mr HOLDING — The honourable member for Evelyn interjects, 'Jobs for mates'. Within a few weeks of the inquiry being established a real job for a mate was revealed for none other than the inappropriately appointed chairperson of the self-appointed witch-hunt and Star Chamber set up by the Legislative Council to look into the Urban and Regional Land Corporation, the Honourable Neil Lucas, an honourable member for Eumemmerring Province in another place.

Mr Leigh — On a point of order, Madam Deputy Speaker, I do not want to interrupt the honourable member's speech, but I ask you to rule whether he is able to make remarks about a member in another chamber. My understanding of the rulings of this chamber is that the current remarks he is making are a little over the top, which is usually normal for Toxic Tim, or the honourable member for Springvale. I ask you to rule whether he is able to cast such aspersions against an honourable member in another place.

The DEPUTY SPEAKER — Order! At this stage I overrule the point of order. I have been listening carefully to the honourable member for Springvale. I am sure he is aware of standing order 108 and making reflections on other members of Parliament in other houses. I shall continue to hear him under those circumstances.

Mr McArthur — On a further point of order, Madam Deputy Speaker, in relation to the traditions of this house and standing order 95 I suggest you draw to the attention of the honourable member that he should not refer to or reflect on the proceedings of joint select committees or proceedings in the other place.

The DEPUTY SPEAKER — Order! I think the honourable member will take note of my earlier ruling and continue to speak inside the standing orders.

Mr HOLDING — I know the opposition is sensitive about the idea that its colleagues may have been the beneficiaries of mates deals during the life of the previous government. The Honourable Neil Lucas is not the only person who is the beneficiary of contracts awarded to them, often without tendering processes. Other so-called Liberal mates were also the beneficiaries of deals. I remember Karen Synon, the unsuccessful Liberal candidate for Williamstown who went on to become a Liberal senator before she was knocked off by the current Senator Tsebin Tchen. Karen Synon was the first assistant secretary in the former Department of Business and Employment.

We remember Russell Broadbent, a former member of the House of Representatives, who was a member of the Local Government Board. The daughter of the honourable member for Mornington directly benefited from a massive contract to her company, Troughton Swier, for privatising the electricity industry. We all remember these contracts. Also there was Peter Ross-Edwards, Digby Crozier, Saul Eslake, Peter Bennett and Paul Leeds. The list goes on of Liberal mates who were awarded contracts. The Honourable Neil Lucas was awarded a $100 000 contract in May 1995, and in August 1995 he successfully sought Liberal preselection for the seat of Eumemmerring Province. We all know the circumstances of the contract. He needed a job between ceasing as an officer in local government and hopefully, in his mind, becoming a member of Parliament.

Did the former government put the contract out to tender, seek alternative expressions of interest and test the market like these crusaders for privatisation would expect them to do to see what the market might offer? No, of course it did not. Former ministers put the fix in to make sure that the Honourable Neil Lucas was awarded a lucrative 12-month $100 000 contract — $100 000 to do what? To produce what sort of a report?

In 1997 when we in the Labor Party put in our freedom of information (FOI) request to find out the details of this contract, officers of the Department of Infrastructure could not lay their hands on any document that reflected the work for which the Honourable Neil Lucas had been paid tens of thousands — over $90 000 — of taxpayers' money. They could not find the report. Our FOI request had to be redirected backwards and forwards to try to locate just what document might have been produced by the Honourable Neil Lucas to justify this $90 000-plus expenditure of taxpayers' money. The department could not locate any document, report or memorandum that had been submitted by him which justified this massive amount of work.

The reason they could not locate any document was that there was no document. This contract did not result in a report being presented to government; it did not result in any benefit to the Victorian taxpayers. There was no evidence. There was no proper oversight showing that there was any benefit to Victorian taxpayers from the awarding of this massive contract.

Although there is in the FOI documents a massive list of invoices put in by the Honourable Neil Lucas, which were obviously duly paid in commercial terms, what was the value of the work? Some $92 427.61 worth of expense claims were put in by a now member for Eumemmerring Province, the Honourable Neil Lucas. It is worth remembering that this contract ended on 5 March 1996. Why did the contract end on that date? Because the former Premier called an election. The Premier had the Governor issue writs so that an election for both chambers could take place. The Honourable Neil Lucas had to surrender his contract — the contract had to be terminated — so that he would not be in breach of the office-of-profit provisions under the Victorian constitution. But before the contract was terminated the Honourable Neil Lucas made sure he got every cent he could out of the Victorian taxpayers. Invoices totalling $39 618.38 were submitted for December, January and February alone!

Mr Phillips — On a point of order, Madam Deputy Speaker, my understanding of the rules of this house is that it is unparliamentary and against the standing orders to be disparaging about another member of this Parliament. The honourable member for Springvale is clearly imputing that an honourable member in another place, the Honourable Neil Lucas, has in some way or another been dishonest in obtaining a contract, and certainly in reference to the work that he has performed. I ask you, Madam Deputy Speaker, to rule that it is disorderly to make those imputations. I ask not only that the honourable member for Springvale apologise to the honourable member in another place but that you sit him down and rule him out of order.

The DEPUTY SPEAKER — Order! There is no point of order. The honourable member for Eltham has drawn a number of conclusions from what the honourable member for Springvale said, but that is not what the honourable member for Springvale actually said. I am listening very carefully to the honourable member for Springvale. If he does offend against the standing order I shall pull him up.

Mr HOLDING — The honourable member for Eltham says it all. He could do nothing else but conclude from all the factual material that has been gone through that about $39 000 worth of expenses were put in for over the last three months, including invoices that were put in for the period when the Honourable Neil Lucas had made it clear that he was on holidays. He was on holidays but was still fixing the Victorian taxpayer up for the bill for this $100 000 contract. This contract was an absolute sham. It was a job for a mate set up by ministers in the previous government to make sure that somebody had a way of earning an income between finishing his public service and local government jobs and becoming a member in this place.

This person has absolutely no credibility as the chairperson of this inquiry, and as a consequence this witch-hunt, this Star Chamber established by the upper house, will do absolutely nothing to enhance the lack of credibility that exists — —

Mr McArthur — On a point of order, Madam Deputy Speaker, the honourable member is now directly flouting your advice and is making imputations about the character and motive of the Honourable Neil Lucas in another place. That is directly in contravention of the traditions and the standing orders of this place and the rulings of the Chair.

The DEPUTY SPEAKER — Order! I uphold the point of order and ask the honourable member for Springvale to conclude.

Mr HOLDING — It is quite clear that the Honourable Neil Lucas is an inappropriate person to hold the position of chairperson of this committee.

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

Public transport: administration

Mr LEIGH (Mordialloc) — I am delighted to be following the honourable member for Springvale because if he would like to talk about the sorts of issues he was just talking about, I can tell him: have I got one for you — and perhaps you will go back to your government and ask what is going on!

For the record, I will make all the information I have here available to the house. There need not be any frivolous points of order; all the material is here.

Ms Lindell — Deputy Speaker, on a point of order, I require that the honourable member for Mordialloc table now the purported evidence and documents that he intends to use. We have had experiences in the past where the honourable member has said that he will make documents available to the house but has failed to do so because no-one has actually asked him to do so. I ask now that the documents the honourable member is about to use be tabled.

The DEPUTY SPEAKER — Order! I cannot uphold the point of order. The Chair has no authority to ask a member to produce documents from which he has not quoted.

Mr LEIGH — In response to the accusations from the honourable member for Carrum, that is not true; I have always made documents available to the house. I would be interested to hear, if the honourable member would like to point out some examples.

Let us cut to the chase. I have investigated Mr Cunningham, the head of the rail projects group. Let us be perfectly blunt about it — I have investigated his company and I have found nothing wrong.

Mr Holding — How?

Mr LEIGH — I have looked at web sites, as does the honourable member for Springvale. I cast no personal aspersions — I do not know how well he does his job. I am not saying that he is a bad person or a good person — I do not know him.

Mr Smith interjected.

The DEPUTY SPEAKER — Order! I ask the house to come to order, particularly the honourable members for Springvale and Glen Waverley!

Mr LEIGH — My job today is to follow the Leader of the Opposition and talk about three projects that the Labor government is involved in and — like the rail projects reported on the front page of today's *Herald Sun* — it has botched. These have been botched big time.

First we have the airport rail link. What happened to that? It was one of the great visions of Premier Bracks. It was botched, cancelled — goodbye!

Mr Smith — Visions!

Mr LEIGH — It was to be a vision of splendour.

The next project is Spencer Street railway station, which is to be better known in the future under Premier Bracks as southern cross railway station. That change has been announced nine times by the Minister for Transport and four times by Premier Bracks. They are having a competition about how many times they can

go down there and announce the proposed name change!

The third project is the $550 million regional rail project. Would members like to know how many rail spikes have been delivered, how many new sleepers have been put down, how much of anything has happened to date — going on towards three years? The answer is: none — not one single bolt or sleeper, nothing!

Yet what we have here is the man in charge of the rail project, Mr Graham Cunningham. There is a saying, 'What a difference a day makes', but what a difference a couple of months or a couple of years make! For the record, and so they are available to the house, I will give members some quotes by the current Treasurer about exemptions to advertising public sector jobs:

> This is Joh stuff. This is straight out of textbook Queensland. You have the potential for the worst possible cronyism I think we've seen in any state in Australia.

Mal Sandon, a former honourable member for Carrum, said in regard to bonuses paid to a Mr Geoff Spring:

> The performance bonus of up to $38 000 means Mr Spring is getting a total package of over $250 000 a year. This is a totally outrageous amount of money.

The then shadow, now current, Minister for Health said:

> Under the present contract, Dr Paterson is being paid $220 000 per year with a $44 000 bonus on top of this.

He went on to say that that was 'outrageous'. Then:

> The Kennett government should be embarrassed about the huge performance bonuses which are more than the average worker or small businessman gets in a year.

Who said that? — John Thwaites. He then said:

> When the Kennett government came to office, the ratio of senior executives to public servants was 1 to 300. Today that ratio is 1 to 200.

For the information of the house, the ratio of executives to staff numbers in the rail project is one to three. John Thwaites again — —

The DEPUTY SPEAKER — Order! I remind the honourable member to refer to the member's seat rather than their name.

Mr LEIGH — The honourable member for Albert Park, now the Deputy Premier, then said, in regard to the executive salaries of senior hospital bureaucrats:

> This government has got it wrong.

Then Steve Bracks — yes, we have one from him too — said in regard to public sector performance bonuses:

> This government have got it all out of proportion.

He then said that performance bonuses must be:

> … moderate and spread across the system.

Well, today a senior executive officer of the state of Victoria gets paid $1.25 million over two years — $650 000 per year, including bonuses. What does Treasurer Brumby say? It is fascinating. Today's *Herald Sun* reports:

> Treasurer John Brumby said the government was fortunate to secure Mr Cunningham's services and his expenses were consistent with costs and entitlements.

An honourable member interjected.

Mr LEIGH — John Brumby said that, okay?

Ms Allan — The member for Broadmeadows.

Mr LEIGH — The Treasurer. Then we go to the interesting stuff — oh my, oh dear!

Mr Holding interjected.

Mr LEIGH — Madam Deputy Speaker, I suggest that, unless he has been promoted today, the honourable member for Springvale is interjecting out of his place.

Here is where it gets interesting. Under Labor governments this is where they tend to get cheap. They claim everything. On 650 000 bucks a year you would seriously reckon that you would claim the big things, wouldn't you — but would you worry about the little things? Clause 13 of the contract says that the provider is not entitled to disbursements or out-of-pocket expenses, but then clause 12.4 says exactly the opposite.

Here we go. From Barnwedge Holdings for the month ended 15 May 2001 — the claims are for cab fares: Docklands Authority, $10.70, $9.60, $9.71 and $12.68; Sydney AusCID Presentation, $14.34; travel costs — he took the Skybus, $12.00; he tried the airport link in Sydney, which is losing a bit of money, at $20 a ticket; and he paid $2.60 to take the train. This guy on $1.2 million is walking around with his pockets full of receipts for costs he is going to claim back from the state. Here is a good one for the house, and I know the honourable member for Gippsland East will like this one: parking for Anzac Day meeting, $6.50. He had to park somewhere on Anzac Day and claims that. Very fascinating!

Then we move on to the next one. For the month ended 15 June 2001 he claims cab fares for a meeting with NX of $6.72 — he went down there to talk about the money; a meeting with NX, $4.20; a presentation, $11.25 and $9.90; lunch with Baulderstone, $9.60 — they got a bit cheap that day; they must have had half a sandwich each — then a meeting at Docklands, $11.03 and $14.02; and a mobile phone cost of $8.25 for a Sydney visit. He has a calculator on his phone to calculate the cost when he is making a phone call! The cost of airport car parking for his visit to the CEO was $24. By the way, every month this guy is getting the total amount of approximately $32 405.66. Oh, what a job! I am going to apply for this one.

Mr Holding — Tell us again, Geoff.

Mr LEIGH — I will tell you again — $32 405.66. What an amount of money; what a great job! This is better than going on *Who Wants to Be a Millionaire*. Steve Bracks has already made this bloke a millionaire — the Premier of Victoria, I should say, Madam Deputy Speaker.

By the way, he excludes his phone calls from this. On 15 July there is an invoice covering a Sydney conference, with cab fares from the airport to the city and return amounting to $38.51. The cost of mobile phone calls is not printed. We cannot have those. The car parking charge for Melbourne Airport, listed as 'Business element' is $10. Breakfast is $15.

This is the new, open Bracks administration. Under the Kennett government you could find out who they had lunch with or what the lunch was, but under the secretive Bracks government it is exempt under freedom of information (FOI). My goodness me — exemption for a $15 breakfast! It's a secret. We do not know, but he has probably taken a food taster with him. Ferry travel is $8.40. Hotel accommodation is $249.75.

For the month of August he got $32 306.92. Cab fares for a dinner with Baulderstone amounted to $31.22. He went for drinks with Connex and he charged $7.39 and $18.31, but that was fair. Then there is his mobile phone bill, but again we cannot read about that — no, that is out. Car parking fees were $6 for a presentation at Docklands, $4 for a cocktail function in the city, and $8 for a presentation at Denton Corker Marshall. Travel expenses were not available. Under 'Entertainment' was $148 for lunch, but under the secretive Bracks government it is stamped 'Exempt under FOI Act 1982'. It is shameful. All these documents the house can have.

An Honourable Member — We have already got them.

Mr LEIGH — Then we go on. This is where it gets good. On 5 September he gets $49 500, but the next week, on 15 September, he got $32 149.07 — so over $81 000 that month.

An Honourable Member — For a week's pay?

Mr LEIGH — My goodness, I had better keep my travel cards in case I am going to make a claim. There were cab fares and Connex drinks — and we go on and on. We will finish with that one. Lunch was exempt under FOI, as I said.

What does this say about this government? Firstly, Spencer Street station is going nowhere, the airport rail link is cancelled and the government is still figuring out what spikes to whack in the rail and perhaps about a few other things they are going to do with the rail. We have not got to that yet. As they go they are spending the money. Remember that this guy does not have 1 in 200 public servants at $1.2 million, he has 1 in 3 — you can watch them at their desks all day.

This is very interesting to this side of the house. I cannot wait for the honourable member for Springvale and other government members to respond to this, given their crying a little earlier in the day. What we have here is Labor mates in the trough. If one recalls back to the 1980s, there were various people doing this — this is just a repetition of the past. As Frank Wilkes, a former Minister for Local Government, used to say, what happens is that the names and faces change but the issues never do. And let me tell you, I close my eyes and I see Rob Jolly and John Cain running Victoria, and tragically when I open them again I still see them running Victoria, because their apprentices are now in charge of the state. We have gone from the advisers advising the ministers to the ministers advising the advisers, so we have the Guilty Party advisers running Victoria.

Ms Lindell interjected.

Mr LEIGH — And off we go. We are back to the old days. Former Premier Joan Kirner picks up that phone and says to Steve, 'This is what we should do'. These guys are bankrupting the state. They are off again!

Mr Cunningham should have his contract reduced by at least one-third because frankly at least one-third of his job has gone. I have to say that tragically this is the blind leading the blind again. They are going down the same way. I have said to Liberal Party headquarters,

'Get the Guilty Party ads out. We've just got to change Steve and Joan around, because they are all back in charge again. And I have to say that is a great tragedy for Victoria.

I hope today the government will talk to Mr Cunningham, because in a couple of months series 2 of this will come out and no doubt we will have a lot more entertainment in the future. This is a tragedy for a great rail project with which something should be happening — and it is not under this bunch!

Australian Defence Industries: rural jobs

Ms ALLAN (Bendigo East) — I grieve for the continual loss of jobs in my electorate caused by the obsessive pursuit of the policy of privatisation by successive Liberal–National coalition governments at both state and federal levels. This anti-country policy has had a disastrous impact on jobs in country Victoria, particularly in Bendigo. Bendigo has suffered badly at the hands of the privatisation monster that has been created and inflicted on our community by Liberal and National Party politicians.

The latest chapter of this tragic story of the devastating impact of privatisation in Bendigo was the announcement last week by the managing director of Australian Defence Industries that another 95 jobs will be cut from its Bendigo factory. These job losses come after ADI was privatised by the Howard government in 1999, which came after an explicit promise by John Howard to the Bendigo community in the 1996 election campaign that, 'No, no, and no, we have no plans to privatise ADI'.

There was a rapid about-face once the federal Liberal–National coalition took government and ADI was put up for sale and sold off in 1999 to the Transfield and Thomson CFS consortium, which took over in late 1999. Since then we have seen the loss of jobs at ADI Bendigo.

Prior to privatisation ADI Bendigo employed about 500 workers. It was a major employer in Bendigo and was important to our local economy. It was important not just for the employment it provided for its existing work force but also for the promise of employment for many young people in the area, and obviously the skills and training in heavy engineering they could gain in that employment.

Prior to last week's announcement of another 95 jobs being slashed, ADI Bendigo had already lost 150 jobs since privatisation. Following the privatisation that John Howard promised would never happen, total job losses soared to 245 following last week's announcement. The responsibility for those job losses falls at the feet of the federal government. ADI Bendigo could be a thriving and vibrant plant. It could be a major employer through the development of the Bushmaster project, to which I will refer in more detail. However, the Howard government has really bungled the handling of the Bushmaster contract. The responsibility clearly falls at the feet of the former defence minister, Peter Reith, who is highly culpable for his mishandling of the contracts and the betrayal of the Bendigo work force.

The Bushmaster project is a critical project for the long-term future of ADI in Bendigo. The Bushmaster is a heavy artillery vehicle that transports members of the armed forces safely over dangerous terrain. It has been locally designed and manufactured by the Bendigo workers. They are rightly very proud of the research and the work that has gone into manufacturing the Bushmaster. On a couple of occasions I have had the opportunity to inspect and travel in this vehicle. Many honourable members, including the honourable member for Bendigo West, and many members of the Bendigo community have had the opportunity to watch this project grow and are proud and excited about the opportunities it may bring to ADI Bendigo.

In 1999, prior to its privatisation, ADI Bendigo won a $180 million contract from the Australian Army to manufacture 330 Bushmaster vehicles in Bendigo. However, tragically, three years after that contract was signed work still has not commenced on manufacturing those Bushmaster vehicles. The former minister and the defence department have stalled this project, which could create hundreds of jobs in Bendigo rather than resulting in the loss of jobs we have seen in recent times. In June 1999 it was planned that full production on the Bushmaster project would commence in 2000; in 2000 it was postponed to 2001; in 2001 it was postponed to 2003. During that time there has been a gradual loss of jobs at the Bendigo plant because it is not able to commence full production on the project.

The constant delays in the contract negotiations with the Australian Defence Force and the former minister, Mr Reith, have caused great anxiety among the Bendigo work force. Their concerns have been sadly justified with the announcement last week of the 95 jobs to go. We must examine the role of the former minister in his handling of and his role post-politics in the defence industry. The former minister and his department were involved in the negotiations to advance the Bushmaster project. Those negotiations have been stalled, as I outlined, for a number of years, and that has put the jobs at risk at Bendigo.

Now the former minister has taken up a very lucrative position with a rival company to ADI Bendigo, which is planning to manufacturing a rival vehicle to the Bushmaster. As honourable members know, that company is Tenix. The former minister left Parliament with his nice parliamentary pension — his payout from the Parliament — and took up this lucrative position with Tenix as a lobbyist while Bendigo workers have been put out of work because of the delays caused by him and his department when he was in charge. Honourable members can see how the Bendigo workers have been betrayed by the former minister.

The new federal defence minister, Senator Robert Hill, needs to immediately guarantee that the Bushmaster project for Bendigo will go ahead so that the remaining workers are protected and so ADI Bendigo grows back to the vibrant plant it was. Honourable members need to remember all this in the context of a promise by the Prime Minister that he would never privatise ADI Bendigo. In breaking that promise he has betrayed the Bendigo community and the workers at the Bendigo plant.

The role of the former Victorian Premier in the destruction of ADI Bendigo should also be looked at. The former Premier boasted that he played a major role in pushing for the privatisation of ADI Bendigo, along with the coalition members for Bendigo at that time. The former Premier was quoted in the *Bendigo Advertiser* during the 1999 election campaign as saying:

> This move by the federal government to privatise the Australian Defence Industries is something we have been involved in for a long time.

The then Premier was boasting of his involvement in privatising an industry when people on this side of the house — including the honourable member for Bendigo West, the Minister for Local Government — know what privatisation will mean for Bendigo workers: it means they will lose their jobs, because privatisation is an anti-country policy that does not work for country workers.

Today ADI Bendigo is faced with a very uncertain future. That uncertainty could be put to rest if the new defence minister, Senator Hill, can immediately guarantee the future of the Bushmaster project and the manufacturing of those vehicles at ADI Bendigo. The latest announcement of job losses was another tragic chapter in a long book of privatisation in Bendigo. Another example is the privatisation of the Bendigo railway workshops to Goninan, which ultimately led to its closure.

The privatisation of ADI Bendigo and the privatisation of the Bendigo railway workshops are quite clearly linked. In 1995 the former Premier, along with his cronies the then Liberal members for Bendigo East and Bendigo West and a current National Party member for North Western Province, forced privatisation onto the local work force. He forced it to take the offer of privatisation. The workers knew that it was not going to be a good deal for them. The Minister for Local Government, who at the time was a candidate for the seat of Bendigo West, knew it was not going to be a good deal for those workers. They were the lone voices against the Premier and against his cronies — his mouthpieces in Bendigo — yet the former government pushed ahead with privatisation in Bendigo.

What has happened now? Today the privatised railway workshops in Bendigo have now been closed for 12 months. The anniversary was celebrated on 16 February this year, just gone. So we now have the closure of Goninan in Bendigo — the former Bendigo railway workshops — which prior to privatisation had a strong work force of 350 people. The lesson from that is that privatisation has closed Goninan and it has certainly been a disastrous policy for its Bendigo work force.

What we got from the privatisation inflicted on Bendigo by the Howard government and the Kennett Liberal–National government here in Victoria was a promise of over 1000 jobs in Bendigo. The former Premier promised that the privatisation of the Bendigo railway workshops would create a second ADI. At the time ADI had a work force of 500; the former Premier promised a work force of 500 to the Bendigo railway workshops. Those 500 jobs never came through — and they have gone, vanished. We have had the closure of the Bendigo railway workshops, and the ADI factory is now down to a work force of less than 200. So from a promise of 1000 jobs in Bendigo made by the Howard government and the Kennett government we are now left with less than 200. Quite clearly the Bendigo community has been betrayed by the privatisation mania that was pursued by the federal and state Liberal–National Party governments.

That privatisation mania continued with the privatisation of the electricity industry by the former Liberal–National Party government here in Victoria. Country people knew, when the privatisation of Victoria's electricity industry was proposed, that that would ultimately mean they would face price hikes. They knew that it was not going to be a good deal for them. They knew that because of their remoteness and the greater distances that have to be travelled in country Victoria they were going to be the losers in this

privatisation deal, yet the former government manically pursued the privatisation of the electricity industry. And where was the National Party?

Where was the voice of the National Party sticking up for the country people — its people, the people it purports to represent? Where was the National Party on this issue? It was silent. National Party members walked away from country people.

Now the National Party hypocrisy on this issue is exposed. We have comments from the Leader of the National Party, who was reported in the *Bendigo Advertiser* of 23 February as saying that he sympathised with the power users who faced huge increases but that power reforms had delivered huge benefits to the Victorian public. Isn't it interesting? It is very kind and very good of the Leader of the National Party to put his hand on his heart and express sympathy for people in country Victoria. It is a real shame he did not show that same sympathy and pity for the people of country Victoria when his party was in coalition government with the Liberal Party, when he should have stood up to the Liberal Party when it wanted to push privatisation onto country Victoria.

His sympathy is meaningless; it is hollow; and it reminds country people of his role and his party's role in the privatisation of the electricity industry in Victoria. Country people are well aware of and awake to the Jekyll-and-Hyde routine that is constantly played out by the National Party. In opposition they say one thing; they bleat about country Victoria and say they are the ones who represent country Victorians — yet in government they jump into coalition with the Liberal Party, roll over and adopt whatever anti-country policies are pushed by the Liberal Party onto the National Party. Country Victorians, and country Victorian workers in particular, are the ones who suffer because of these privatisations.

In Bendigo we have also had the added impost of City Link with the privatisation of our road into Melbourne. We are now paying a Melbourne entry tax on a road we have always travelled on. It has been there for years, yet the former government put a lovely, great big toll on the entry into Melbourne of people from Bendigo and central Victoria. Country Victorians are paying time and again for the privatisation policies of the former government.

One can only speculate on what would have happened if the former government had been re-elected in September 1999. Had it been returned to office one can only wonder what would have been next on its agenda. We know that hospitals were next on its agenda because of the absolute failure of the privatisation in Mildura and at the Latrobe Regional Hospital. We know from the Schools of the Future program, the self-governing schools model, that the former government was proposing to move into privatisation of our education system, and we know the disastrous effects of privatisation already inflicted on the prison system.

The former government had already been exposed on what it wanted to do in government, but thankfully its program was halted. Country Victorians in particular, who led the swing against the former government at the last election, put a halt to the policies of the former government and elected a Bracks Labor government, which listened to them, understood their concerns and wanted to bring country Victoria along with the rest of the state. Country Victorians were treated with disdain when the former Premier called country Victorians the toenails of the state — —

Honourable members interjecting.

Ms ALLAN — He went on ABC radio and called country Victorians the toenails of this state, so it is no wonder that country Victorians turned against the former government at the last election. Certainly Labor has a big task ahead of it to turn these things around in country Victoria.

Timber industry: East Gippsland

Mr INGRAM (Gippsland East) — I grieve for the timber communities of my electorate and all those impacted on by the abysmal handling of the timber industry by the Department of Natural Resources and Environment and the Victorian and federal governments.

Politicisation of the management of forestry is the major reason we are in the situation we are in today. For various reasons past and current governments have not wished to acknowledge the truth about natural resource management. You cannot concentrate harvesting effort into smaller areas without an impact. I will say that again in another way: new reserves cannot be created without an impact on the available resource in other areas. That is a clear fact. The response of managers to the impact of creating reserves will determine the long-term outcome.

Today I would like to go back about 15 years and refer to a particular reserve that was created in my electorate — the inclusion of the Rodger and Bowen areas in the Snowy River National Park, a move that clearly illustrates the point I would like to explain. In 1979 the Snowy River National Park had an area of

about 30 000 hectares. Over the next 10 years that area tripled to 98 000 hectares. Included in that area were some of the best areas of ash and mixed species hardwood forest in the state.

There is no arguing that future generations of Victorians will say that it was probably a courageous decision in an area that will be recognised as having one of the best national parks in Australia. The people of Orbost and East Gippsland, however, have seen no benefit from the creation of that national park. It is conservatively estimated that that reserve has locked up about 50 000 to 60 000 cubic metres of high-grade ash and mixed species sawlog — that is, sufficient resources to provide one very large sawmill with full-time sustainable harvesting by rotation forever. That would create about 40 direct jobs in the mill. In addition, three to four contracting crews would be able to work through that area forever.

So we are talking about 9 to 12 contracting crews working on the ground; six timber trucks and their drivers; and two to three department workers to manage the forest. Support industries would include suppliers of fuel, tyres, trucks, machinery, welders, teachers and shopkeepers right throughout the town. As a conservative estimate that totals 60 to 70 jobs in one town in East Gippsland that should have been lost 15 years ago, but the government created that national park and said that we can move that effort into harvesting in other areas of native forest.

The result is that we have had to try to get that timber from lower grade forest, but we have not been able to do it, so governments have fudged the books to cover up that lack of resource. This was not only the previous government, it was the last two governments — the last Labor government and the last Liberal–National Party coalition government. They fudged the books in a conspiracy with the department to allow new reserves to be established without acknowledging the impact that is having on a very valuable industry in my area.

The result is that because of 15 years of mismanagement, corruption, nepotism, ministerial interference and bungling of one of the major industries in my area the current adjustment is going to cost my area 6.3 per cent of total employment.

In 1983 I was working in the Smith Brothers Sawmill at Brodribb. That was about the time that the politicisation of the forest debate got into full swing. This coincided with the squeeze on the industry and the impact of the pine industry — we were cutting green scantling at the time. A lot of changes were forced on the industry at that time, culminating in the regional forest agreements (RFAs), which were supposed to add certainty to the forest industry and the environmental movement. Under the RFAs 900 000 hectares of new reserves were established in Victoria, most in my area of East Gippsland.

Governments have made gutless decisions up front, failing to recognise that eventually there would be a cost both to the environment, because of the pressure on the resource which is causing unsustainable harvesting, and to those in the industry, because of the pressure on them to drive ever harder to produce the available resource out of an area that probably should never have been logged in the first place. That pressure is driving further reliance on the harvest of residual wood instead of on the traditional sawlog industry. To harvest the sawlogs the people in the industry have to take more and more residual wood to basically prop up the economic harvesting.

We are expecting a miracle from the last-ditch so-called restructure package, yet we still have not seen a detailed plan. This package will have to be handled very, very carefully, because if it is not done properly it will have a major impact right across the state. In Orbost at the moment for $40 000 you can buy a three-bedroom house within walking distance of shops, schools and the centre of what is left of our town.

I ask all honourable members here to consider the plight of a displaced timber worker at Orbost, 400 kilometres from Melbourne, with a $40 000 house. Even if he totally owns his house, if he has to sell that house to move to Melbourne because there are no jobs locally he will not have the financial resources to set himself up. Currently there are timber workers who own their houses fully who are going to the bank and getting advances on the collateral they have on their houses so they can buy a ticket to Western Australia to work in the mines. They will leave the town, we will have empty houses, the businesses will shut down around them and the impact will be much wider.

I congratulate the government on taking a strong stance and at least addressing the situation, because previous governments have not had the courage to do it. Let us look at how we got into this situation. It was incompetence — incompetence by governments, senior bureaucrats and ministerial advisers. These people were told about the issue of sustainable yield. Both the previous government and the one before it were told about it by people within the Department of Natural Resources and Environment (DNRE) and by people within the industry. Worse still, it was kept under wraps. There has been an active effort by people — including executive-level DNRE managers — to make

direct threats to licence-holders and peak groups by saying they will increase the royalties and remove the access to the licences if they go public with this situation. The message was clear: disclose the nature and the size of the errors and you will not get your licences.

This seems to be a common practice in natural resource management. Unfortunately in my previous occupation as a commercial fisherman I came under direct pressure from the fisheries department for the same thing. As a licensee you cannot break the law, you cannot do anything wrong, but you are forever under that threat. Regrettably that is still going on, and it is still going on not only in the timber industry but also in the fishing industry. The current director of fisheries seems to be quite apt at using his influence to kill off some people who do not have the same view as he does.

The available resource was deliberately overstated to allow previous governments to declare large national parks. We have to look at the RFAs, and I condemn both state and federal governments for signing the RFAs without adequately addressing the available sawlog volumes, even after the issue was raised at a number of forums and in submissions that I have seen. Both governments signed those agreements, and the federal government cannot avoid its role in them. It needs to come on board as well.

The ink is barely dry on the last RFAs, and some are in my area, and there are still some questions about whether the figures we had left to us are accurate. There is some concern about the resource figures the government has released on the Tambo forest management area and whether they are accurate.

When considering how we got into this situation, the main issue is the politicisation of the public service and the fact that over the past 15 years both state and federal governments have politicised the public service. If you do not say what the minister wants and give the message the minister wants to send, you either do not go forward in your position or you get sacked. I have had direct communication with officers of the DNRE in Victoria who have indicated that that is the case.

Let us look at the stupidity and the reality of implementing national competition policy in the timber industry. In the export woodchip market we have two major buyers, yet national competition policy directs all forest management areas to compete against each other and to bid and prostitute themselves to those two companies, which drive the price down and give less royalties and income back to the government, the community and the industry. This is an absolute disgrace, yet it goes on. It is most disappointing. I have seen this policy being driven right across natural resource management, including fisheries and the water industry. National competition policy only works when you have a large number of buyers and a small number of sellers, not the other way around.

Let us look at the privatisation of the Strzelecki forest. The now private Strzelecki forest was planted because the department knew there was going to be a shortfall in the resource available. It planted the Strzelecki forest, and the previous government flogged it off and set up a new mill on it. Now timber mills are facing this cutback because the resource that was planted to enable them to move on from the shortfall of the 1939 regrowth is not available. They cannot go into the Strzelecki forest now because it has been sold off to a private business.

Timber communities deserve answers about how and why they got here, but we also need solutions. One of the important solutions that I see coming out of this is that we need an independent auditing agency for all our natural resource management. It has to report to Parliament. It cannot report through the minister, because the Department of Natural Resources and Environment will cover up its mistakes. We need someone who can tell us whether the figures are accurate so the community can have faith in how the resources are managed.

The interesting thing with the establishment of marine parks is that the Department of Natural Resources and Environment is telling the government that we can shift effort. That is the same issue and the department is saying exactly the same thing as with the establishment of the major national parks in the terrestrial area on the impact of the timber industry. We need someone to look at that and ask, ‘Is this true?’. If we have the same situation 5 or 10 years down the track, are we going to be compensating the fishing industry in the same way and having our sustainable fisheries collapse? This is a disgrace. The federal government needs to acknowledge its obligation to the signatories to the regional forest agreement. The states need to forget their state–federal rivalry. The infighting between different parties at both the state and federal levels is happening at the expense of timber communities in Victoria.

I was in Canberra at the office of the federal minister for forestry last week when this was announced. The minister had not even been told of the impact it had made; I had to give him the information which had come through for me. How can someone who is a signatory to the RFA not be briefed until after the announcement is made? In areas of the midland I think

the state government is probably in breach of the RFA by not continuing with sustainable harvests.

Vicforests needs to be set up in an area with a strong reliance on the timber industry. In my view that has to be either Orbost or Bairnsdale in the electorate of Gippsland East. The timber industry deserves certainty. The government needs to legislate on the area available for sawlog harvest in exactly the same way as it has legislated on the area set aside for reserves and national parks. It has to protect that land mass and give the certainty to the industry that was supposed to be given to it in the RFA, which has failed.

It is disappointing that I have to get up here on this issue. The legislation on the Bowen River and Roger River areas passed through this house with contributions from three speakers: the previous member for Gippsland East; the lead speaker for the Liberal Party and the current Minister for Environment and Conservation — and 10 years down the track that has potentially cost my area 60 jobs. I think it needs to be addressed.

Former Minister for Community Services: performance

Mrs ELLIOTT (Mooroolbark) — I grieve today for the children in Victoria in need of protection and care who were betrayed by the former Minister for Community Services, the honourable member for Pascoe Vale. This betrayal was characterised by denial, deceit, evasion, blame shifting and sheer incompetence — all those characteristics of the minister.

Mr Maxfield — On a point of order, Deputy Speaker, I am very disturbed about the suggestions the honourable member is making about the minister.

Mrs ELLIOTT — I withdraw those comments — all those characteristics were ones the minister had at the time — —

Mr Maxfield — On a point of order, I do not regard that as being a satisfactory withdrawal.

The DEPUTY SPEAKER — Order! The honourable member for Narracan cannot ask for comments to be withdrawn in relation to the minister. The minister will have to do so herself. It is traditional that members of the opposition often speak rudely about ministers, but personal attacks are certainly not appropriate.

Mrs ELLIOTT — As I said, Deputy Speaker, I withdraw not the words but my ascribing them to the minister personally.

The Drugs and Crime Prevention Committee was given a reference in April 2001 to inquire into the inhalation of volatile substances, and a discussion paper was released in 2002. It was revealed in the daily press that in its submission to the Drugs and Crime Prevention Committee an agency which looked after wards of the state with funding from the state government had a formalised policy of supervising children who were chroming.

Let us make no mistake about this: these children were as young as 12. They were, in the main, wards of the state. Long-term chroming can result in brain, heart, lung, liver and kidney damage, and ultimately possibly in seizures and even death.

Predictably a furore erupted in the press, on talkback radio and in conversations among people about this very important issue. What was the response of the then minister? On 22 January the former Minister for Community Services, now the Minister for Senior Victorians, said she had not known about the formalised policy of supervising chroming by children at the welfare agency. However, she did admit that public servants in her department had known, and she said, ‘I will find out. I will have an inquiry into why I was not told’. In other words, she blamed her department, but persisted in saying she had not known that that particular agency was allowing children to chrome while they were supervised by staff at the agency.

On 23 January 2002 Mr Chris Scandolera revealed that in 1999, when the minister was the shadow minister for community services, he had told her that these practices were taking place at that agency. He said he had had many conversations with the minister; she had expressed deep concern but had not done anything about it. The former minister and her department accused Mr Scandolera of lying. Later the former minister admitted that Mr Scandolera was telling the truth, that she had had those conversations with him but she had forgotten about them when she became a minister. The heat of the debate intensified.

The Premier was still saying that the minister did not know; the minister was still saying she did not know. By 24 January the minister had shifted to a semantic definition. She said there was a distinction between ‘supervised’ and ‘monitored’ chroming and that she had known that chroming at the agency was supervised but she had not known it was monitored. That would be

almost risible if it were not so tragic. The average citizen would find it difficult to see any distinction at all between monitoring and supervising something as injurious to children's health as chroming.

On 25 January the agency concerned said, in bewilderment, 'The minister must have known because she personally presented us with an award for achieving service quality improvement in best practice initiatives in placement and support services'. In the foreword to the document accompanying that award the minister stated:

> I congratulate the organisations, staff and volunteers involved in the development and presentation of the innovative work described in this booklet.

The only problem for the then minister was that that document accompanying the award actually detailed the practice of supervised chroming at that agency, yet the minister maintained that she did not know. So she presented an award, apparently documented, for a policy about which she had not read even though she praised it in the foreword to the booklet.

Also on 25 January in an ABC radio interview with the minister a previous interview from 2001 was played in which a senior person from the agency involved talked openly and freely about the so-called harm minimisation policy of supervised chroming. The interview was there for anybody who happened to be listening to radio frequency 774 to hear and to be aware of what was going on.

In the interview on 25 January, when the earlier interview was replayed to her the minister said she did not have time to listen to the ABC every day. But the minister had all the resources of a department and extensive media monitoring available to her. She should have been aware of that particular interview. Her staff should have — indeed, must have — brought it to her attention. So the minister then moved to admitting that, yes, she had known about the supervised chroming at that agency.

Then, on 1 February Cr Reade Smith, a Mornington Peninsula shire councillor, former policeman and youth worker, said that he had written to the minister — with a copy of the letter to the Minister for Health — informing her that these practices were rife in welfare agencies. The minister's response was, 'I did not read that letter. I simply passed it on to the Minister for Health'. What sort of a minister is this under the Westminster system who does not read the mail which is sent to her or who does not have staff to bring it to her attention?

So against the former Minister for Community Services are these strikes: strike 1, when in doubt blame the public servants; strike 2, when in doubt blame the whistleblower, Mr Scandolera; strike 3, when that does not work move to semantics and the difference between 'supervising' and 'monitoring' of chroming; strike 4, when you are caught out blame being too busy to either read the media monitoring or listen to the radio; and strike 5, plead ignorance — that is, 'I did not read a letter, therefore I cannot be accused of knowing about the practice of supervised chroming'.

Section 65 of the Children and Young Persons Act 1989 is very clear about the responsibility of any Minister for Community Services in relation to children in need of protection. Indeed, section 65 is headed:

> Minister to be responsible for children in need of protection.

Subsection (1)(d) provides that the minister has a responsibility for:

> the promotion of the development of a clear definition of the respective responsibilities, in relation to children at risk of harm, of protective interveners, community services and other persons and bodies working with children and their families in a professional capacity …

The former minister failed in her duty of care. These children — damaged, sad, without homes of their own, and in many cases without families who are able to care for them — are cared for in homes to which the minister delegates her responsibility towards these children. The minister failed those children.

The tragedy of all this is that the then minister, rather than facing up to the fact that there was a problem with substance abuse among very young children in our society, ran for cover and did not act as a minister should under the Westminster system. In the end the position of the former Minister for Community Services became untenable. She was not dumped by the Premier as she should have been, but was moved to a sort of twilight zone, a nether region, where she still gets a ministerial salary, a ministerial car, staff and a ministerial office, but has virtually nothing to administer. She let down Victorian children at risk, and she let them down badly.

Let us hope that the new Minister for Community Services does better than that — that she puts a premium on honesty, openness, transparency and facing up to the issues of damaged children in the state of Victoria.

Public transport: ticketing system

Mr ROBINSON (Mitcham) — I grieve this morning about the damage inflicted by the previous Kennett government on the public transport system in the state of Victoria. In particular I want to draw attention to the absolute debacle known as ticket machines. It is interesting to note that in the contributions this morning — and there have been a number — about the public transport situation and the action the government took yesterday, honourable members opposite failed to mention ticket machines at all. It is not surprising perhaps that they do not want to be reminded of the debacle that the ticket machines represent.

It is a stark failing of the previous government that we were left with this mess. Nowhere in the electorate of Mitcham is it more evidenced than at Nunawading railway station. That station was in the news prior to Christmas because Connex, the train company with the franchise that covers the Mitcham electorate, had announced an intention to reduce staff at that station along with a number of others. But thankfully in recent days Connex and the Public Transport Union have reached an agreement under which Connex will retain staff at that station. That is to be greatly welcomed and I congratulate both Connex and the Public Transport Union. How galling it must be for honourable members opposite that, of all organisations, the Public Transport Union has stepped in to fix a mess that the former government helped create!

Last Friday I met with Connex executives, in particular Mr Reges Henian, who is the managing director of the parent company, Melbourne Transport Enterprises. He is a very experienced practitioner in the public transport field and has dealt with ticketing and public transport systems around the world. I would invite and recommend that honourable members opposite with an interest in this field sit down and talk with him. What came out of that discussion was his very strong belief, which he could demonstrate, that the woes of the system are very heavily connected to the defects in the ticketing systems that the franchisees rely upon. The ticketing machines generate the revenue which is the lifeblood of the public transport system.

In early 1998, when the machines were introduced and were first being rolled out, the former government intended that the machines would complement off-station ticket purchases — the ticket agency system — but at that time there were two colossal blunders. Firstly, an inadequate network of off-station agencies was created and, secondly, as everyone knows, the design of the machines was hopelessly deficient. They were not vandal proof, they could not handle lots of coins and their repair procedures were incredibly slow. We had a situation, certainly at stations in my electorate, where the procedures were so badly worked out that the security crews or armoured car crews would come along during the very peak hour of the morning to empty the cash boxes, so the long line of commuters waiting to purchase tickets would have to wait while the crews opened up the machines and emptied them of coin. That is how badly the system was designed.

The machines that were installed at Nunawading railway station performed very poorly. They broke down constantly and there were many complaints. I received dozens of complaints which I detailed to the house in various contributions prior to the last election. But the situation was compounded grievously by the failure and the stubborn refusal of the Onelink company, or OLT, to allow for an expansion of the ticket agency network at Nunawading. For some considerable time leading up to late 1998 and 1999, OLT had been approached by Russell and Lorraine Tiplady, the proprietors of the Nunawading newsagency, to create a second ticket agency at Nunawading. Their interest in that was understandable. They are located precisely opposite the station area, a short walk across a pedestrian crossing. When the machines would not work they had many commuters coming in and asking, naturally enough, if they could buy tickets.

The minister at the time, the honourable member for Mornington, gave the official reason for the application by the Tipladys being refused. In a letter dated 13 July 1999, he said that the situation of the Tipladys:

> … has not changed (i.e. low traffic flow and the close proximity of an existing Metcard agent).

Their application had been refused at the very last minute. They had been led to understand in the negotiations with the Public Transport Corporation that they would get an agency.

This was palpable rot. Low pedestrian flow was the official reason quoted by the minister. The unofficial reason was that as the defects in the ticket machines became more apparent through 1998 and 1999, the Onelink company became very concerned that a greater number of agencies meant a loss of revenue through the commission structure on those ticket sales. It determined that it would curtail the extension of the ticket agency system and try to retain increased revenue though machine sales only, to the extent that it closed down ticket windows at staffed stations in proportion to the machines introduced. So even though we had staff

on stations able to sell tickets, they were instructed by the Public Transport Corporation, as a consequence of negotiations entered into by the previous government and the contracts signed, to close those windows and force people to use the defective machines. It is hardly good marketing!

The election of the Bracks government changed the situation at Nunawading. Early in 2000 Russell and Lorraine Tiplady of the Nunawading newsagency were given permission to sell tickets. An agreement was signed, and they have been providing tickets as an off-station agency since that time. I am pleased to report that they are selling bucketloads of tickets. They are selling them like there is no tomorrow. They are ordering tickets every three or four days when the average is to order them every two to three weeks, which gives a lie to the former minister's claim that Nunawading was a point of low pedestrian flow. There is a direct proportion between the number of tickets an agency that close to a station will sell and the performance of the machines at the station, and the machines at Nunawading station continue to grossly underperform. At this rate Russell and Lorraine Tiplady will be able to retire early because the machines are still defective. The Tipladys, probably alone in this state, are grateful to the former Minister for Transport for his gross incompetence in overseeing the contract as it was.

Companies like Connex want more agency sales and less ticket machine sales. They want to ensure that the agency sales complement machine sales across the system at stations near Mitcham, and I certainly will be working with Connex to ensure that we can develop agency arrangements at all stations to overcome the problems with the ticket machines with which we seem to be stuck.

The ticket sale problems led Connex to consider staff reductions. We did not believe that was possible at the time it was announced in December because another thing that the former government proudly flagged was the so-called passenger charter, which the former minister unveiled in October 1998. It reads in part:

> In addition, operators will be legally required to maintain staffing levels at manned stations.

I defy anybody to read that and to conclude anything other than that stations like Nunawading, not a premium station but a staffed station at the time the franchises would be entered into, would be continually staffed at the existing level. However, the government of the day said one thing with its passenger charter and did another. The passenger charter was not enshrined in the contracts, so although companies went around proudly vouching that staffing levels would be maintained there was no contractual basis to it. So when Connex and other companies went to the government last year and said, 'We are having enormous cash flow problems and we wish to reduce staff', the government was not in a position to do anything to force those staff to be retained. Thankfully, as I said earlier, the public transport union and Connex were able to reach an agreement where staff at Nunawading will be retained.

The Liberal Party is confused and embarrassed by this, and no more so than a member in another place for Koonung Province, Mr Ashman. He has been circulating a petition in recent days asking for signatures to force the government to improve staffing levels at Nunawading. Apart from putting this petition out — it was almost outdated by the time it was put out because agreement had been reached — it does Mr Ashman no credit to be taking this stance. However, I congratulate him; he has been in Parliament for 16 years and has finally discovered where Nunawading station is within his electorate, and that is a good thing! He wants the Labor government to fix up what is essentially a mess he helped to create. After all, he supported ticket machines; he supported the break-up and sale of the system.

ANZ: Blackburn

As a member for Koonung Province Mr Ashman supported the strangulation of the agencies through a deficient cash flow. Thankfully, those problems have been addressed by the government's action. However, Mr Ashman makes an interesting claim in his letter to members of the community. His letter states:

> On an issue where the state government has no jurisdiction the member for Mitcham, Tony Robinson, saw fit to be part of a sit-in over the closure of the ANZ bank in Blackburn. Where is he on this issue, which is clearly within state government control?

By that he means staffing at Nunawading station. I am pleased to advise him that I have been meeting with the managing director of Management Training Education, trying to work our way through this problem in a constructive fashion, and I support the government's efforts through its actions yesterday to provide some security for the franchisees, which seems to be a lot more than what he has done in the past and is doing currently.

The letter from Mr Ashman refers to an ANZ bank sit-in which I led recently on behalf of some Blackburn traders because the ANZ closed its Blackburn branch on 8 February along with five other branches. The closure contradicts repeated assurances from the bank

over the past few months. I will go through those. Going back to February 1999 Mr Peter Hawkins of the ANZ wrote to me saying:

> ANZ understands its obligations to the communities in which we operate. In July 1998 we announced our decision for no further branch withdrawals from any communities and are seeking ways to provide new facilities in communities where we had a former presence.

In February 2001, just over a year ago, Mr Hawkins stated:

> We do not have any plans at this stage to change our representation in the Mitcham electorate …

Then he quoted Mr John McFarlane, the chief executive officer, who said:

> … we expect there to be more outlets at the end of this process (the current restructuring program) than less: we expect them to be probably smaller on average than they are today but there will be more of them.

Mr Hawkins — there was no stopping him — was quoted in the *Herald Sun* of 25 August as saying that an international six-month study of banks had allowed the ANZ bank to realise the error of its ways. He said the ANZ had finished culling branches, though some still needed to be relocated. He said it was also possible the number of branches would increase.

Almost four months after Mr Hawkins claimed boldly and virtuously that the ANZ understands its community responsibilities, it closed its Blackburn branch. This demonstrates a dangerous contempt of the public and supreme arrogance. To this day both Mr McFarlane and Mr Hawkins have refused to explain why the bank said one thing and did the opposite. The Blackburn traders are white hot with anger about this because the closure of the Blackburn branch is an enormous inconvenience for them. We do not expect any help from the Liberal Party in taking this battle to the banks. The ANZ bank has advised that it briefed the Liberal Party members in the area on the intended closure. It puts the lie to Mr Ashman's claim — —

The DEPUTY SPEAKER — Order! The honourable member should refer to honourable members by their correct titles.

Mr ROBINSON — It puts the lie to the claim by a member for Koonung Province in the other place, the Honourable Gerald Ashman, who has implied that we should leave this with those who have the responsibility. In that case the honourable member for Koonung Province would no doubt be referring to Mr Phil Baressi, the federal member for Deakin, which covers the Blackburn community. In a letter from Mark Tolson dated 30 January the ANZ bank claims:

> … we were able to contact the representative of the Legislative Council —

I understand that is an honourable member for Koonung Province, Mr Ashman —

> and the federal member for the local area who were fully briefed on this matter.

Despite being fully briefed on this matter what did the member for Koonung Province and the federal member for Deakin do — absolutely nothing! They sat on their hands pretending the whole issue was not going to inconvenience anyone and would go away. Sadly the issue is not going away. The inconvenience created by the closure of the branch of the ANZ bank is real and hurts a lot of decent, hardworking traders in the Blackburn community.

I conclude my contribution by saying that the ANZ's contempt for the Victorian public has reached a new level. As long as the claims by Mr Peter Hawkins and the chief executive officer, John McFarlane, that the bank would not close more branches is so starkly contradicted by the bank's actions, those individuals and other managers in the bank will stand exposed as frauds. They cannot have it both ways. They cannot go out and say that they have finished closing branches and with their hands on their hearts say that they understand the inconvenience and the needs of communities, yet do nothing and say nothing when their bank does the opposite. They need to address the problem urgently, otherwise they will stand exposed as frauds.

Minister for Senior Victorians: responsibilities

Mrs SHARDEY (Caulfield) — I note that the honourable member for Mitcham was supported by only two of his colleagues. It is a pity he did not get more support.

Today I grieve on behalf of elderly Victorians, whom I believe have been given a slap in the face with the appointment of the honourable member for Pascoe Vale as the new Minister for Senior Victorians. I say this for two important reasons. The first reason relates to the Berry Street chroming issue. The house heard a dissertation by the honourable member for Mooroolbark which proved that the former Minister for Community Services was incapable of looking after the welfare of young people in this state and those in state facilities. What hope, therefore, do elderly Victorians have under her incompetence? The real tragedy is that at least part of the welfare of elderly Victorians will be

in the hands of someone most believe should have been sacked by the Premier.

Not long after the honourable member for Pascoe Vale was appointed Minister for Senior Victorians she had the opportunity to show her interest in senior Victorians. In Warrnambool on 14 February, the Thursday after her appointment, she had the opportunity to attend two functions to show that interest. The first was the official opening of the Timboon MPS, which the previous Minister for Aged Care was going to attend. The current minister did not take her place on that occasion and a parliamentary secretary attended instead. The second was an important home and community care conference held in Warrnambool. The previous minister had given an undertaking to speak at and open the conference, and one would have thought that if the new minister were interested in the welfare of senior Victorians she would have attended that conference, but she was nowhere to be seen. In my view she has failed in her duty of care to senior Victorians.

The second reason why senior Victorians have had a slap in the face with the appointment of the honourable member for Pascoe Vale as the Minister for Senior Victorians is probably more important. In reality the Minister for Senior Victorians should be called the Minister for Nothing. Yesterday the minister had great difficulty in answering a question relating to the welfare of senior Victorians in relation to the home and community care program. The reason for this is that the media spin of the Premier's cabinet reshuffle came undone last week with the news that the responsibility for aged care services has been secretly transferred from the Minister for Senior Victorians to the Minister for Health. In my view this sounds the death knell for aged care in this state. A memorandum to senior staff in the Department of Human Services showed that the Minister for Health now has control of at least 95 per cent of the aged care budget and that aged care has now been subsumed by the health portfolio.

The Premier's statement that the Minister for Health lost the planning portfolio to focus entirely on health has been shown as totally deceptive. The fact is that the Minister for Health has secretly become the de facto minister for aged care.

And perhaps we can look at the way in which this has been done. I refer the house to the *Aged, Community and Mental Health Division Policy and Funding Plan 2001–2002*. The budget detail for the portfolio in the budget overview on page 35 of the document shows total expenditure for the Aged and Home Care Output Group is $685 million.

In the area that the new Minister for Senior Victorians will take responsibility for, the Positive Ageing program — and she is not taking responsibility for the whole of that program anyway — the expenditure for that program is a mere $1.6 million out of the portfolio's total of $685 million which is the total expenditure for this portfolio. So the new minister has total responsibility for programs which amount to less than $1.6 million. This makes her ministerial position almost a total sham.

I turn to major programs, of which there are seven and for which the new Minister for Senior Victorians has responsibility for just one. One can go further and turn to the detail of programs. The list of activity descriptions of programs run by the Aged and Home Care Output Group commences on page 74 and lists 61 specific programs by name and number over the next six or seven pages. As one turns these pages and sees the program descriptions, as I am doing now, one looks for some programs for which the Minister for Senior Victorians will take responsibility. However, all the programs I see will now be the responsibility of the Minister for Health, because most of the aged care programs are being subsumed by the health portfolio.

At the bottom of page 79 — the sixth page of the list — there is one program for which the new Minister for Senior Victorians is going to take responsibility — Positive Ageing. It is a very good program that concerns Senior Citizens Week, and it is a most important program. On the list's final page — page 80 — I found two more programs for Positive Ageing. The first relates to the administration of the Seniors Card, and the second concerns general Positive Ageing responsibilities. Falls prevention, which was part of Positive Ageing, is not a responsibility of the new minister because that too has been passed to the Minister for Health. In this situation one can see that it is almost a sham that we have a person who is called the Minister for Senior Victorians, yet she has responsibility for 3 out of 61 programs that come under the aged care portfolio.

In fact the Minister for Senior Victorians is now simply a figurehead with no responsibility for service provision. She is the Minister for Nothing. This means also — which I think is very important and a tragedy — that there is no dedicated minister looking after the needs of senior Victorians. There is no direct line of responsibility through the aged care division to a Minister for Aged Care. There is no longer a minister dedicated to this portfolio. In my view, the reality is that the Bracks government has demoted the status of older people by effectively robbing them of a dedicated minister. Under this arrangement aged care will always

be at the back of the funding line because there is no minister to argue the case of older Victorians before the expenditure review committee. There is no minister to argue the case in cabinet because the minister responsible for the aged care programs is in fact responsible for the health portfolio, and we all know the mess that portfolio is in.

The time and effort of the Minister for Health will be spent trying to clean up the mess that he has made since he was appointed to that portfolio. I have been led to understand that he probably will not reside at 555 Collins Street: he will use the Deputy Premier's office, so in the day-to-day running of this portfolio there will be no-one there for the bureaucrats to consult over important issues of aged care.

Older Victorians have no-one representing their concerns. They could try raising them with the Minister for Senior Victorians but, as we know, she has no authority. The fact is that, as our population ages and the needs and concerns of older Victorians need to be focused on in a very strong way, they are left for dead. They deserve the attention of a competent and dedicated minister, not a cabinet cast-off.

The future challenges for aged care are enormous. The 1997 projection for Australians over the age of 65 was 12 per cent of the population, but it is expected to rise to between 24 and 26 per cent by 2051. The highest annual growth rate for this group is expected to occur between 2011 and 2021 when the peak of baby boomers will reach retirement age. The previous government recognised the challenges that an ageing population would deliver, and for this reason we took a number of very important steps.

In 1992 the Victorian government created a unified aged care program and appointed a dedicated minister for aged care. The milestones are enormous. The previous government was responsible for the establishment of aged health and extended care services and redevelopment of the state's role in long-term care. The previous government was responsible for the establishment of a statewide health service framework, which provided locally accessible services. That government was also responsible for the enhancement and expansion of community-based responses.

I have a very good suggestion for the Minister for Senior Victorians. I suggest that she resign as a minister and donate the $1 million that it costs to keep her in that office to a number of worthy causes which this government promised it would deliver on, but has so far failed to do.

I shall mention some of those causes. Firstly, the Western Port nursing home needs a couple of million dollars if it is to meet the 2008 accreditation standards; the nursing homes at the Colac hospital need $11.2 million if they are to reach the 2008 accreditation standards; Grant Lodge at Bacchus Marsh needs $3 million; Mount Alexander hospital needs $4 million to $5 million for its nursing homes; Wonthaggi and District Hospital needs $3 million to bring its nursing home up to standard; Lyndoch is looking for $1 million; and we all know about Dunolly, because it even asked the federal government for money because the state government did not deliver.

These are important initiatives which the government promised but has not delivered on. I believe the minister should resign her portfolio and donate that money to a much worthier cause. In my view this government has created an absolute sham. The Minister for Health does not support elderly Victorians and regards them as bed blockers. We have all heard that story over the past two years. The Minister for Senior Victorians should resign her position now.

Timber industry: sustainability

Mr MAXFIELD (Narracan) — I grieve today about the perilous state of some of our forests because of the mismanagement of the Department of Natural Resources and Environment and the Kennett government's seven years of failure to address the issue of logging in this state. Cutbacks to DNRE certainly created major problems which the government is currently dealing with. This issue brings me to the stark realisation that when things happened under the Kennett government, Jeff Kennett just said, 'Well, that's just economic rationalisation, like it or lump it; if you lose your job you suffer'.

Because of the current problem with the timber industry the Bracks government is providing a rescue package to work with local communities to alleviate the difficulties created. This is an example of a committed Bracks government delivering for all rural people as well as for the whole of the Victorian community.

I shall identify some of the key issues and look at where we are at in the timber industry. I have a large number of sawmills in my country electorate, and I am acutely aware of the difficulties being caused by the opposition.

Ms Asher interjected.

Mr MAXFIELD — I hear the comments of the Deputy Leader of the Opposition, who apparently is referring to herself as a oncer in her position as deputy leader.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Narracan should ignore what is coming across the table and continue with the debate.

Mr MAXFIELD — I take your advice, Mr Acting Speaker. This issue is very important, and it is a shame that members opposite are not treating it the way it should be treated. Many people's careers and livelihoods are on the line as a result of mismanagement. It is not something to make jokes about or to laugh about; this is a very serious issue. There are many loyal, hardworking timber workers out there who have been led down the garden path. We have an obligation to deal with and fix an issue that for seven years the Kennett government pretended did not exist.

I go back to the time when the former Minister for Health, Marie Tehan, managed to close hospitals, sack nurses and make hospitals dirty, so that we as a community suffered lowered standards in health care. What did the former government do? It moved her across to the conservation area and put her in charge of forests. Talk about rewarding failure! As a result we are now wearing the legacy of not only the problems she created in the health portfolio but also the problems in the Department of Natural Resources and Environment. When she was the minister in 1995–96 she renewed logging licences for 15 years without knowing how much timber was available. What minister could do that?

She rejected the call for an independent audit of sustainable yield. People in the industry went to her and said, 'We want an independent audit because we do not think the figures are right'. Did Marie Tehan listen to those in the community and in the industry who said the figures were not right? No, she dismissed their concerns and proceeded to sign off 15-year licences without worrying about whether they could be honoured and whether the timber was available. Many in the timber industry knew the figures were dodgy. It is a shame that not only Marie Tehan but the entire Kennett government ignored this issue. And where were the members of the National Party, the so-called protectors of rural Victoria? They were sitting in cabinet enjoying their leather seats and saying, 'Yes Jeffrey; yes Marie Tehan; we won't stand in your way'.

What is the current opposition's view on this issue? During question time yesterday the honourable member for Gippsland East asked about the restructure of the timber industry, and a government member asked a question about the same issue. What did members of the Liberal and National parties do on this issue during question time? They were absolutely silent. They were not willing to raise the issue in this place because they know that they are as guilty as hell.

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Narracan to be careful about the language he uses. He has used unparliamentary language, and I ask him to note that.

Mr MAXFIELD — I must confess that I am passionate about the jobless and the livelihoods of people in my electorate. What does the Leader of the Opposition — —

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Narracan not to make light of the subject. I ask him to note that passion has nothing to do with using unparliamentary language.

Mr MAXFIELD — What does the Leader of the Opposition want on this issue? He seems to think we should go on with business as usual. Does he want to keep logging at the current rate? If so, it would mean that in a few years instead of a 50 per cent cutback in some areas it may be a 70 or 80 per cent cutback. What does he mean by 'business as usual'? I suppose he means he wants to log other areas. What is the position of a certain member of the other place, the Honourable Philip Davis from Gippsland Province? It appears he wants to log other conservation areas. He has not detailed what other areas he wants to log for more timber. Perhaps he wants to log Wilsons Promontory National Park. The Kennett government tried to privatise the park. Perhaps he wants to send the timber trucks in.

Why does he not detail it? He says, 'Let's log other conservation areas'. What does the shadow minister for conservation and environment want? That is another issue because he has made outrageous promises to the conservationists. He has in effect said, 'We'll look after you. We'll protect the forest'.

So we have this bizarre situation with a shadow minister who is silent in the public arena, but privately saying one thing to some people. The Leader of the Opposition and other opposition members are saying different things to the timber communities. They do not know what they stand for or what their position is. In some cases they are silent; in other cases they are all over the place.

The federal government is a co-signatory to the regional forest agreements so you would think that it would have a role in this. The Bracks government put in $80 million as part of the restructure, but what has the federal government said on this issue? Is it coming

forward to assist? Has it said, 'We'll match the $80 million. We want to ensure that we can have a viable timber industry. We need to have further value adding. We want to protect rural communities by creating new industries or enhancing and value-adding existing industries.'?

Where has the federal government been? It has been absolutely silent! It is not coming forward to support the timber communities because as far as it is concerned, like the Kennett government, if the issue is not in central Melbourne then it does not count. The federal government is not interested in looking after the timber communities. A huge number of people in my area work in the timber industry. They know the state government is coming forward with a proposal to assist them, but where is the federal government's matching proposal? It is completely and utterly silent!

I turn back to part of the problem with the Department of Natural Resources and Environment. I make it clear that even though I am bitter, annoyed and disappointed by the behaviour of the DNRE, a lot of the DNRE workers on the ground out in the forest are fantastic people and have done a wonderful job in difficult circumstances. I place on record that my criticism of the DNRE does not go down to those workers. The upper levels of the DNRE have failed to respond to the issues that have been raised. When a DNRE worker from the ground sends some information through to Melbourne it disappears into the bureaucracy. It does not get to the minister; it just gets hidden in a DNRE that has failed.

One of the reasons that the DNRE failed is that the Kennett government ripped $20 million out of it. It sacked worker after worker. It went through the place with a dose of salts because it could then say, 'We didn't know that there was a problem because we didn't have the staff there'. What a great way to run a government: to sack the workers and then claim that you did not know! It insults the intelligence of rural communities that they are expected to believe the Kennett government's $20 million cut was good for the communities and the timber industry. Of course it was not.

Also, the Kennett government's secrecy was instilled into the DNRE — that is, 'Don't talk to each other. Don't communicate. Keep it hidden. We can't have bad news getting out. We can't have the truth getting out. Clamp it down'. That was the sort of secrecy that the Kennett government permeated throughout the DNRE bureaucracy.

Today, compared to the failures of the previous government, look at what the Bracks government is doing. This is where I am proud to stand here to say that we will not fail. We will not abandon our communities. We are going to do everything we can — for example, at the moment we have the harvesting aspects of the DNRE. We know the DNRE has failed so rather than try to reform a sinking ship in this area we are going to create Vicforests. The board of this new entity will include a member from the entire industry and it will monitor and run the harvesting. I urge honourable members on the other side of the house to get behind Vicforests. This is going to be of great benefit. The idea was proposed back in 1998, but of course fell on deaf ears during the term of the Kennett government. The previous government was not interested in setting up Vicforests or having the system working properly because — heaven help! — the real figures and the real information might come out. The Bracks Labor government's decision to support Vicforests is one that I strongly stand behind. I am sure that the new entity of harvesting will be one which will show great dividends to our community.

Let me use an example of where we have gone wrong. The timber industry has been sending logs to sawmills and logs unsuitable for sawing have been chipped. However, there are some real problems in the way chipping is currently managed and Vicforests will address those issues. I table copies of photos from an article which appeared in the February edition of *National Forest and Timber*. The pictures highlight a B-double and explain that the B-double is loaded with logs to go to Geelong for woodchipping. The funny thing about this is that a sawmiller sent this article to me and said, 'There are logs on that truck that I could use in my mill. But what's happening? They're going off for woodchipping'. I visited a dump of logs in the forest two weeks ago. The timber had already been earmarked — —

The ACTING SPEAKER (Mr Kilgour) — Order! If the honourable member for Narracan stated that he was tabling documents in the Parliament then they need to be cleared by the Speaker; or was the honourable member just making them available?

Mr MAXFIELD — I was presenting them as an example. I was not tabling them, unless the house wishes them to be tabled.

The ACTING SPEAKER (Mr Kilgour) — Order! That is fine. The honourable member for Narracan may continue.

Mr MAXFIELD — I visited the dump of timber and it was earmarked for woodchipping. As I went through the heap it was clear to me that a significant

amount of timber was large and suitable enough to be logged and sent to the mills for sawmilling.

An honourable member interjected.

Mr MAXFIELD — I have lots more to talk about and I will have to have an extension of time.

I want to make quite clear that we now have timber that should be going through the mills but is going for woodchipping. We will immediately be able to create new jobs by ensuring that every log that can be milled is milled. That will create a significant number of jobs.

The government's rescue package will assist with value adding. Quite a few mills do not do enough value adding. Rather than have a bit of hardwood timber going off for a house frame for which pine can be used that hardwood can go for furniture manufacturing, for high value adding, because there are a lot more jobs in creating furniture out of timber than there are in making frames for houses. We can use our excess pine to make frames for houses.

It is clear that there has been mismanagement. This government is focusing on the real issue — that is, making our logging timber industry sustainable. By value adding and supporting better use of our timber we will create extra jobs to offset some of the job losses. This is the Labor government looking after workers and looking after our rural communities. I am proud to be a member of a government that is standing up for rural communities. Labor is committed to doing what is required to assist industry. On top of that, we will have a task force look at growing new job opportunities in rural Victoria. This task force will go into the communities where we are losing jobs and it will assist with value adding and with bringing in new industries.

Yes, we will lose jobs but we will get a lot of jobs back through this government's focus. My plea to the opposition members is for them to assist the government as an absolute minimum by lobbying the federal government. If the state government is putting in $80 million why will the federal government not put in $80 million? I call on members opposite to lobby the federal government and get it to match the state government's $80 million so we can have a $160-million package to assist our rural communities. This is what our communities deserve and need. I am proud to be a member of this government, which is looking after our communities.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired. The honourable member for Evelyn has about 5 minutes.

Timber industry: sustainability

Mrs FYFFE (Evelyn) — I grieve for the timber industry of Victoria. The Bracks government has nailed the lid on the coffin for several rural communities and more than 20 rural towns. Rural communities have been slapped in the face by the Premier and the Minister for Environment and Conservation and no sweetener offered will ease the pain being felt by the workers, their families and their communities — $80 million is less than was spent on the ambulance royal commission. Of that $80 million, $25 million will go to setting up Vicforests. Approximately $10 million will go into other bureaucracies to establish the arrangements for the rest of the money and so on and so forth.

The government is hiding the fact that 500 000 hectares have been taken from the industry for the mapping of the forests and stream bank management. The government has taken away 40 per cent and left 32 per cent unsustainable. Labor is blaming the Kennett government but the Bracks government is the one making the decisions on the box-ironbark. Who is the government going to blame when those jobs are gone?

Bracks's axe is sharpened, chopping down a proud, independent industry. Bracks is chop, chop, chopping away at this industry and it will be chopped into oblivion and become extinct. The Premier's axe will kill rural towns one by one. All he cares about is Ballarat, Bendigo and Geelong; there is no concern for rural Victoria.

This government promised more jobs for rural and regional Victoria and the result is less jobs. There is a lack of commitment to plantation timber. The government is big on rhetoric and low on action. The government is being hypocritical — it was elected on a policy of reducing woodchips. The honourable member for Gisborne was elected on 'No woodchips' — where is her voice now? Sawlog production has dropped by 25 per cent, but woodchipping increased by 60 per cent last year. This government is in a unique position: it has shafted the timber industry, stabbed the environmentalists in the back and cost the taxpayers $80 million.

Did the government talk to anyone? Did it talk to the federal government? Did it talk to the industry? No! It is hopeless mismanagement and a total disaster.

The government's own report talks about it being clear that the sawlog prices paid to the government have not been set on a transparently commercial basis. It refers to 'a fair return to the state for resources supplied'.

What city-based, desk-bound bureaucrat dreamt this up? The government is going to cut licences and then sell timber to the highest bidder. Who in their right mind thought this up? It will be another blow for the timber industry if the government takes away the licences and then puts the timber on the open market. Is that the intent of this government — that the timber mills will have no security? Who will invest in Victorian timber with this action coming through?

The more than 20 timber towns affected include Daylesford, Seymour, Gisborne, Bairnsdale to the border, Smythes Creek, Neerim South, Orbost, Cann River, Colac and Portland. The government says the number of jobs to be affected is 600. The Victorian Forest Industry Association says 1500 direct jobs and it could go as high as 6000 indirect jobs.

A timber mill in my area on-buys logs from other licensees as well as taking its full licence volume. The mill's financial commitments to purchasing value-adding equipment mean it will not be viable to run at lower production rates. Any drop in the supply of logs will mean the mill cannot maintain its current production rates and 22 people could lose their jobs. If that happens, 22 families will lose their living. If you live in Footscray or Altona and you lose your job it is very easy to travel to another suburb. You can travel from Altona to Essendon or over to Heidelberg and get another job while your family stays in the same house, your children go to the same schools and you enjoy the same social and sporting activities. However, if you have a house up in Orbost that is valued at $45 000 and you lose your job, it is 400 kilometres to the next job and that house will be worth almost nothing.

This government has no comprehension of the disaster that is going to occur in the small rural communities. Schools, shops, and small businesses that depend on the timber mills will collapse. The unemployment waves will be felt for years and years to come. The package is not enough for business owners to retire with dignity. It is very difficult for people who have been independent and self-supporting all their lives to have their livelihoods brutally taken away from them without sufficient advance warning. If the government had done this properly and consulted it would have discovered what was going to happen before making its premature and ill-advised announcement last week.

Question agreed to.

CONSTITUTION (GOVERNOR'S SALARY) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend section 7 of the Constitution Act 1975.

Read first time.

STATUTE LAW (FURTHER REVISION) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to revise further the statute law of Victoria.

Read first time.

CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Corporations (Ancillary Provisions) Act 2001 and certain other Victorian acts as a consequence of the enactment by the Parliament of the commonwealth of the Financial Services Reform Act 2001 and for other purposes.

Dr DEAN (Berwick) — Could I ask the Attorney-General to give a short indication of what is in that bill?

Mr HULLS (Attorney-General) (*By leave*) — You will probably recall that this bill was introduced into the federal Parliament for the regulation of financial services in this state. It has requested that by March a bill be brought into each house of the state parliaments around Australia. It will ensure that some of the requirements of federal legislation are mirrored in Victorian legislation.

Motion agreed to.

Read first time.

ELECTRICITY INDUSTRY (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Environment and Conservation) introduced a bill to amend the Electricity Industry Act

2000 to require holders of licences to sell electricity to disclose information about greenhouse gas emissions to consumers and for other purposes.

Read first time.

SENTENCING (AMENDMENT) BILL

Second reading

Debate resumed from 29 November 2001; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — The Liberal Party will support this bill because it is certainly heading in the right direction. We will have something to say about the contents of it, whether or not it is going absolutely in the correct direction and whether it is going far enough.

The concept of drug courts has been a much-discussed concept for four or five years now in Victoria. Diversion programs have operated under the CREDIT system in the Magistrates Court as a trial process for quite some time. I think everyone would agree that that CREDIT program has been working quite well.

The Liberal Party is and has been miles ahead of the government on this issue since the Napthine Liberal opposition began its policy making. In fact, two years ago or thereabouts it issued a policy called 'Combating drugs — a safer way'. As I am sure the government, which was once in opposition for quite some period, will agree, it is unusual for oppositions to get onto the front foot so early in issue policies. But the Liberal Party took the view that this was a very important issue and that as a consequence we ought to get out there and tell the public what we felt about it and show people that we are not just a negative opposition but a party which has positive ideas and is willing to put them on the table well before an election period.

This comprehensive policy on combating drugs, which was released on Friday, 11 August 2000, was to compare the opposition policy with that of the government. On page 8 under the heading 'Rehabilitation of users' the Liberal Party said as follows:

> A Liberal government would introduce statewide drug court divisions of the Magistrates and County Court.

It went on to say:

> After training, specific magistrates and judges would be qualified to sit as a drug court in any court throughout Victoria.
>
> The drug court division would have its own rules and complete sentencing flexibility —

I will come back to that notion in a moment —

> to allow inclusion of strategies — such as rehabilitation, detoxification, family or mentor programs.
>
> An advisory panel would be attached to these drug court divisions to assist the magistrate in setting an appropriate diversionary program.
>
> Reoffenders would return to appear before the same magistrate or judge and case management records would be kept by the panel and court for each offender.
>
> The magistrate or judge would receive reports and review the progress of sentence programs.
>
> Courts would have the power to order random drug testing as part of the sentence for those convicted of drug offences and for those on bail or parole for those offences.
>
> A significant number of people in custody have drug problems.

And then it went on to state-of-the-art drug screening and so forth. The most important point to make here is that this policy that was put out in August 2000 was put out well before Professor Arie Freiberg came on the scene, well before any reports flowed from him at all. I asked Professor Freiberg, whom I know very well and whom I think I can call a friend — perhaps not a buddy mate, but certainly a friend — if he had looked at this and he could not remember. But the report that came out was very well reasoned and picked up every single issue of the Liberal Party policy put out in August 2000.

What does this demonstrate? It demonstrates that there is a commonality between the parties on how we should go ahead. It certainly demonstrates that the Liberal Party under the Napthine opposition leadership put its cards on the table very early with this issue and was leading in relation to drug courts. That is not to try to deny that the previous government — that is, the Kennett government under the previous administration — was not a great fan of drug courts. I know, because I was the parliamentary secretary, that the former Attorney-General was not a great fan of drug courts, and that is not in any way of concern to me. She and I had discussions, and I greatly respected her views on this issue.

Drug courts are very expensive, and all sorts of things, but the point I am making is that you move on and the Liberal opposition is a party which is constantly working its policies through. They are policies that belong to the Liberal Party as it stands in this Parliament as the opposition now. It is firmly

committed to drug courts. It demonstrated that well before the government came out with its proposals.

One thing that annoys me I must admit, and I understand that it is done for political capital, is that this government would be absolutely mortified if, for example, it had to stick to every policy, attitude and statement it made while in opposition. Once you have an election you have new honourable members and new leadership. You go into government and you have to make certain decisions. Sometimes you can be incredibly hypocritical — and the Liberal Party would say that this government has been incredibly hypocritical — but in relation to drug courts, which is one of those areas the two parties do not fight over at all because of their importance, it is important to recognise that the Liberal opposition put its cards on the table very early on in a detailed fashion and made its position quite clear. Whether Professor Freiberg picked up some of these ideas or quite independently came to these ideas, it shows that they are good ideas and have basically been adopted in total in the new legislation.

It is important to go through what is in this bill, because having said what is in the bill the Liberal Party would have to say it would have done it differently. I am not suggesting that anyone has the sum panacea or the correct formula for a drug court. If you look at the United States of America, for example, there are 11 or 12 different states with drug courts and they are all completely different, although they are all driving towards the same object. So, there is no one particular formula, but we would have done things differently.

The first thing that we said right at the start was that the notion of having a special court for drug offences was a bit silly. You will recall that before the Freiberg report came out the Attorney-General put out press releases about drug courts and made it quite clear he was going to have a physically and geographically separate drug court. He mentioned places where they would be, such as in Dandenong, and I cannot remember the others.

Mr Pandazopoulos interjected.

Dr DEAN — Yes, I agree, it is a great place to have it — at Dandenong. Not that we are suggesting Dandenong is doing the right thing, but because the minister at the table and I share geographically some areas of interest in relation to Dandenong — —

The ACTING SPEAKER (Mr Kilgour) — Order!

Dr DEAN — The important point to make is that we said right at the start to the Attorney-General, 'You have got it wrong. You know, everybody gets things wrong, and that is definitely wrong. It is quite silly to have separate geographical courts where that is a drug court and it operates as a drug court and that is it'. What you want is a division of the court and magistrates moving around. It has nothing to do with buildings or pieces of concrete stuck in the ground. It has to do with a magistrate who is particularly skilled, with a set of rules which are quite different from the normal rules, and with back-up expertise to deal with these people who are committing crimes as a consequence of the drug habit. They need to be treated quite separately and seriously.

I am very pleased to find that Professor Freiberg agreed that the Attorney-General had got that wrong and that we had got it right. Now it is important to note that as part of the program it will be a division of the court. We believe it should be a division of both the County Court and the Magistrates Court, but I believe that at this stage the government is just running it as a division of the Magistrates Court. That means that you train magistrates. First of all you do not go out and say, 'Right, you are going to be a magistrate in the system', because this system requires people who are absolutely dedicated to it. I hope the way the Attorney-General or the Chief Magistrate will proceed will be to say, 'Put your hands up if you want to be part of this program', because this is a gruelling life for a magistrate. Let us not beat around the bush here. To be a magistrate in a drug court is going to be a gruelling and very difficult life demanding an enormous amount of emotion, time and energy way beyond court hours.

Firstly, you have to find out which judges or magistrates want to do it. Having found magistrates who are dedicated to doing it, they have to get the training they need. They have to take everything they learnt about being a magistrate — where they sit on a bench, listen to different views, make a judgment, then disappear on to the next case — throw it out the window and start again, because everything they have learnt about being a judge or magistrate will almost be a barrier to them. They will fulfil a different role.

That training is important It will be hard because they will have to undo many things they have learnt as part of their experience and training. Once the magistrates are trained they can then appear wherever there is an appropriate list based on people who are committing crimes because of drugs.

The next part of the scheme under the legislation, with which the opposition totally agrees, is that magistrates will not be able to put together a sentence or treatment order to assist with the rehabilitation of someone who has committed a crime because of drugs unless they have the assistance of experts who know what drug

addicts respond to. This is not going soft on criminals but is recognising the reality that this person is breaking into people's houses because he is a drug addict and that will continue for so long as he is a drug addict. Therefore, for the community's sake we have to try to stop them from being drug addicts. That is why a magistrate involved in this process will have to have expertise available. As the opposition suggested, and as has been picked up by Professor Freiberg and is now in the legislation, that will consist of a panel of people who have expertise in rehabilitating people with drug habits.

It is important to remember that the magistrate will be doing something that is completely anathema to judges. One of the most important principles in being a member of the judiciary is that if you have sentenced someone or if you have heard a case against someone, it is better if next time they offend someone else hears it. It does not mean that you cannot hear it again, but it is better if someone else hears it because you should not allow the previous experience of that person to interfere with your judgment on this offence. Every offence is separate so every offence should have a fresh start and a new judge.

That will be completely different in the drug court. The drug court will be a case management process. It is important that if a person breaks the treatment order or the sentence, whatever it is called, they come back before that same magistrate because that same magistrate will be attending to this person. The magistrate will be taking a personal interest in the way this person responds to the judgments he or she gives. That is an important part of the process and is accepted all over the world as being a major difference.

How then does the magistrate go about sentencing? This is the first area of the bill with which the opposition disagrees. It is not such a disagreement that we will vote against it or move to amend the bill. However, we would go about it differently. I had better be careful what I say, because I know one of the public servants, whom I greatly respect, is listening to this debate, but the Attorney-General has done what ministers tend to do — that is, allowed the draftspeople to go for it. When people who draft legislation talk about legislation they love to prescribe everything. They like to have prescriptions such as if you give a seven-day sentence here you cannot give another sentence for another two weeks, but if you give another two weeks sentence you have to take into account that day and you have to make it a 10-day sentence, and they churn it through. We were probably just as guilty when in government of allowing this to happen.

Ms Pike — No!

Dr DEAN — Probably, but at least we admit it, which is more than the government admits about its own hypocrisy. This has been a mistake. The whole point of this sort of legislation is that the magistrates are told they have a blank canvass. They have had the training, they have the panel, they are responsible for this person, and they are case managing them. It is up to them and we should trust them with it. The government should not tie their hands and feet by telling them what they can and cannot do and when they can and cannot do it. Obviously if they have given a suspended sentence of two years they cannot suddenly say, 'We are sending you to jail for 10 years'. There are maximum chop-offs.

This is an opportunity for the judiciary to show to the whole world and the community, which sometimes lack faith in their judgments, that they have the wherewithal to make this work. It is like the famous saying: if you want something done well give the responsibility to someone. Telling someone it is their responsibility tells them they had better perform because it is all up to them. They have accepted it and had better perform. If you say, 'Here are all the rules; you choose between the rules', somehow the person does not have that same commitment. They say, 'I have the rules; my job is to just choose between them'. That is not what this is about and it should not have been done that way.

It should not have been as prescriptive. It should have been a blank cheque for the magistrate within certain bounds to achieve the goals with the assistance of the panel. It is called flexibility in sentencing. In looking at the prescriptive nature of the legislation, I have a different view of flexibility in sentencing in a drug court than does the government. The legislation is quite complex and prescriptive.

Having said that, the notion of the treatment order is an excellent idea as is the up to two years deferred sentence. Say someone is convicted and given 18 months. The treatment order has to be agreed to for that sentence to be suspended. If the treatment order is mucked up, the magistrate will have the discretion to put back that 18 months. Any time a person puts up their hand and says they do not want to go on to it, then into the 18 months they go. That is good and an excellent way to proceed. I am pleased that it is not just a matter where if a person fails the treatment order they go back into the 18 months. Although it is overly prescribed, I am pleased that the magistrate can say, 'Right, you are in there for seven days then you are coming out, and we will see whether I give you a second chance'.

The magistrate has to have that flexibility. The magistrate has to be able to do basically anything he or she needs to do. He has to be able to say, 'Right, we will get your parents down here. We will get the panel person down here. You are going to jail for seven days. At the end of the seven days you are coming back here with these people and you will tell us whether or not you want to go on with this treatment order. You will be coming back every month or every two months, and I am going to check up and see what you are doing, because I am your worst enemy, but I am also your best friend'.

That is the way they do it in the United States: they cajole, they intimidate, they encourage, they congratulate — they use their position as judges. If you ask someone who is a druggie who they respect, you find that the only person in this whole process whom they really have a bit of fear of and a bit of respect for is the judge. All the workers are out there saying, 'Oh, we want you to do this', and, 'We want you to do that. Let us talk it through', and all the rest of it, but if the drug user is not that committed or is having problems in the end they do not have that same respect. But the judge is the guy — or the woman — who has the power, and the drug user will listen. That is why you have to have the magistrate doing this job.

I know some of the colleagues I used to work with years ago are most concerned about having magistrates and judges performing roles like this. Their view of the judicial procedure is that a judge decides on the facts, end of case, nothing further to do with it, next case. That is the pure judicial process, and my former colleagues are worried about this. But the judge does have the power; the judge does have the influence; and he or she is in the best position ever to make this work. And that is why they have to be the best people.

As far as the treatment order suspension process is concerned, as I said, I think it is a good process. Again in my view it is a pity that it was restricted to that. It is a pity that the only alternative available for a magistrate is to say, 'I sentence you to X. That is deferred, and here is the treatment order'. It is too restrictive. For example, a magistrate might say, 'Look, I am not going to put you into jail at all. There is no suspended sentence. I do not think that is the way to go with you, but I am sentencing you to a treatment order type of thing or maybe I will fine you some amount of money; however, I suspend that'.

It may be that the magistrate says, 'What I am sentencing you to is a week here, a week there and a week somewhere else. Then we will come back and we will think about it again'. But magistrates will not be able to do that, because they will have to have suspended sentences. That means that this can only be used for people who are really at the serious end. If you are going to send someone who is a drug addict and who has committed a crime to jail, then that person is getting into serious territory. And Professor Freiberg makes it clear that this is for the most serious end of offenders; it is not for the soft end. I think that is a mistake.

I have read the American material, and the Americans say drug treatment orders are for the heavier end because they cannot justify the expense for the lower end. They say we should let the police do that because this is such an expensive exercise, we had better stick with the heavier criminals. That is a shame. This process could be used for the lower end. Think of this: it is pretty well accepted that the chances of getting someone out of the drug habit is much better if you can get them early. It is much easier if they have only just exhibited to us that they are about to go down the crime road on drugs, and we grab them early and put them into this sort of process. What I am concerned about is that those people will not be in this process.

These people will miss out on the process, and yet they are the people who are most likely to benefit from it. I am not saying that at the top end the two-year imprisonment-type people should not have a crack at the process, although I do say you get to a point where because this is an expensive system you have to say, 'Look, this person has spent five or six years in jail and this is their 20th offence; they have gone back onto drugs eight times. We would love to have an intensive program for them but we cannot afford it'. People have to understand that.

People in the community think, 'Why aren't you just taking a person and sticking with them for the rest of their lives to protect them?'. The answer is, 'We do not have the money to do that'. It is the hardest thing for a government to say to the community, 'We just do not have the money'. In fact, all governments prefer not to say that. They squirm around on the end of a hook and say, 'This or that is the reason', but they do not want to say, 'We just do not have the money'. I sometimes think people would appreciate a lot more directness from governments. They should be able to say, 'For heaven's sake! You know we have limited taxes. You know it is a choice between a school and an intensive program for a person who probably will not rehabilitate for the rest of their life, so we have to choose the school'. Governments have to say such things.

I sometimes think we should treat our constituents with a bit more realism because they understand about

limited finances. If there is one thing mum and dad understand it is about not having enough money. I sometimes think we should just tell the truth. I am now saying straight out that one of the reasons we cannot push this program to everybody is that it is incredibly expensive and we just do not have the money. It is the same with legal aid: there are people missing out on legal aid who on all the criteria ought to have legal aid, but there is just not enough money. We can argue about priorities, but we cannot argue about the fact that the cake is of a certain size and that is it. No-one can do anything about that, unless they want to put up taxes, and that is something that people generally do not want to do. That is my second disappointment.

My first disappointment is that the legislation does not offer true flexibility in sentencing because it is overly prescriptive. The second is that it is limited to a dual treatment and sentencing order, whereas it should have been much more flexible. That is a great shame. My third disappointment is that the measures will be restricted to people at the top end, who will be harder to rehabilitate. It will not be open to some people at the bottom end, particularly people whom the police, in their wisdom — —

Mr Wynne interjected.

Dr DEAN — Yes, but this is the system that can actually take someone and make a change. We know CREDIT is limited.

Mr Wynne interjected.

Dr DEAN — Yes, it is okay. I understand that the concept is that the police and CREDIT should look after the bottom end, but on the issue of flexibility there are some young people of whom the police should be able to say, 'This person is so much on the edge we want the discretion to place them in the drug court because we believe neither we nor the CREDIT program will do it'.

Mr Wynne interjected.

Dr DEAN — Well, if you do that, it is very important.

Ms Pike — There are other services.

Dr DEAN — Yes, we have just been discussing that. There are other services, but the whole point is to make the system as flexible as possible.

Ms Pike interjected.

Dr DEAN — Yes, I am sure you are doing your best. The problem is whether that is good enough.

I note that it is a pilot program. I know why it is a pilot program, and so does everyone: it is a pilot program not because we do not think it is going to work, because it is working throughout the United States of America and everywhere else, and there is no way we are not going to have drug courts, but because the government does not have the money at the moment to make it a full program. It is a very expensive program. It is a pity the government could not have broadened the pilot program straightaway.

I also think the restriction to postcodes will lead to a lack of flexibility that will cause problems. If people want to be part of the system, as some of them might, they will have to change their residence and rent a house in another postcode area so that they can get into the system. Whenever you have arbitrary, non-discretionary cut-offs — that is, 'Are you in this postcode area or not?' — there will always be a problem, and I think there should have been more discretion.

If we are going to choose who does and who does not get into the program, and some people will be chopped out and be unable to get into the program, we should have a realistic process that is based on need as distinct from a postcode. Quite often governments have to restrict things, and the way to do it is by looking at need as best they can. The Attorney-General has allowed the public service in its enthusiasm to have squares and lines, divisions and borders, which is what they like to have because they are clean, crisp and clear. But the drug court is not a clean, crisp and clear process; it has to be a process that you make up as you go along. It has to be a bit messy, and public servants do not like that. The government has been sucked in; it has not put its fist down and said, 'Look, we are going to leave the edges open because that is the only way this is going to work'.

I sincerely hope some of the things I have pointed out, which I believe need to be changed to make the system work better, are adopted. I sincerely wish the system well. We will be watching incredibly closely, as I am sure will the government.

I recommend the article headed 'Drugs courts: issues and prospects' in the Australian Institute of Criminology publication *Trends and Issues*, edition 95, September 1998. It gives some terrific statistics from the United States of America. I will read one paragraph, which I think is important. It is about comparatively recent United States experience. Up until 1998 the

Americans had put 65 000 people through their various state courts. The article says:

> The first 'modern' drug court to incorporate mandatory treatment began in Miami (Dade County) Florida in 1989.

This is why I think the suspended sentence play-off should not be so limited. We should be able to have a sentence that is just treatment-order based, saying, 'You will do this, you will do that and you will do the other thing, and then you will come back before me'. That is what they do in the United States of America. The article continues:

> Two important changes from the earlier 'case processing' drug courts were made. First the sentencing judge, rather than a probation officer, monitored the offender's progress.

That is what they realised was important. I went to the United States and looked at all that.

> Second, offenders could stay in the program even if they violated its conditions of participation. In the United States, laws vary from county to county, not just from state to state, so that the way in which drug courts operate across the country is enormously varied.

Then there is a wonderful piece which talks about what the judges actually do. It says:

> Such individuals are identified —

that is, the people who should go on to the program —

> as soon as possible after arrest and if accepted are immediately enrolled in an outpatient program.

That is different to our situation — they go immediately on to a program.

> The contact between the offender and the judge is frequent and intense, establishing a close bond between the two. In this environment the role of the judge is very different from the traditional court process. In the drug court the judge 'assumes the roles of confessor, taskmaster, cheerleader and mentor. They exhort, threaten, encourage and congratulate participants for their progress or lack thereof'.

That is an important passage on what this is all about.

Honourable members interjecting.

Dr DEAN — They may think it is a joke on the other side of the table, but we do not. I look forward to this legislation having an effect, but I certainly hope my suggestions are taken up.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Ansett Australia: assistance package

Dr NAPTHINE (Leader of the Opposition) — In view of today's unfortunate announcement relating to Ansett I ask the Premier: what is the state government now going to do to help the Ansett workers?

Mr BRACKS (Premier) — I welcome the question from the Leader of the Opposition. I learnt this morning from a phone call I received from Solomon Lew at 8.30 a.m. that the Tesna syndicate was issuing a notice of termination to the administrators of Ansett Mark 2, given that the administrators had drawn a line in the sand for a not-negotiable deadline of tomorrow, 28 February. That deadline could not be met, largely because signatures were not obtained and arrangements and contracts were not secured for the terminals, particularly the Sydney terminal.

Mr Honeywood interjected.

Mr BRACKS — It was a sensible and appropriate question, and I am answering it openly. Everyone in Victoria and everyone in Australia would be disappointed to learn that the Fox–Lew Tesna syndicate is now not going ahead with the purchase of Ansett and is therefore relinquishing its rights to be the first bidder for that business. That is regretted, certainly, by the Victorian government. We stood by the Fox–Lew syndicate; we were instrumental in asking the syndicate to be involved from the outset and for its interest in it; we also stood by it in the process of developing the project; and we were also prepared — if it was a viable operation — to offer to that syndicate, as we offer to new businesses in this state, some assistance with payroll tax relief as part of that process.

I understand that the administrators have issued a statement today which includes details of Fox–Lew Tesna pulling out of this arrangement and which also indicates that they are prepared to now seek other bidders for the business of Ansett Mark 2. There are three particular avenues from which they will seek interest for the business of Ansett: one is the Patrick stevedoring company; the second is Virgin itself, which is still in the marketplace as a competitor to Qantas; and the third is Singapore Airlines, with which they want to resume negotiations.

We will, as we have done from the outset, work with the administrators to see if the administrators can find an arrangement for Ansett Mark 2 to get up in the air again. It has been the consistent and solid commitment

of this government to do everything possible it can to get Ansett up and running again.

We stand ready to do that again. If you look through the list of those people who have offered support and assistance to see that Ansett gets up and running again, it includes the administrators who took the brave and important decision to fly the airline; the creditors — including the ACTU — who had the courage and foresight to get behind it; and the members of the Fox–Lew syndicate themselves. It includes the Victorian government and other state governments that are prepared to do a lot of hard work to get the syndicate up.

Dr Napthine — I raise a point of order, Mr Speaker, on the matter of relevance. I appreciate the information that the Premier has given in response to a very genuine question, but the question related to what the government is now going to do for the Ansett workers. I would appreciate an answer to that question.

The SPEAKER — Order! The Chair is not in a position to direct the Premier on how to answer the question. The Premier was relevant in his answer and I will continue to hear him.

Mr BRACKS — I reiterate my earlier point in answer to the question from the opposition leader. We will work with the administrator. We do not want to totally give up on the potential new bidders for Ansett, and if there is any hope, we will be working with the administrators to see if Ansett can get up and running again. If it cannot, we will stand by with our employment assistance program and other programs in this state to support and assist the many workers and their families who have been involved with Ansett in the past. The honourable member for Tullamarine is here and I know that she holds a consistent and prevailing view that anything that can be done should be done. She has received assistance herself in her electorate and she has worked with the government to ensure that we do the best we can to get Ansett up and running again.

In conclusion, I reiterate that many people have tried to get Ansett up and running again — the Victorian government, creditors, the Tesna syndicate and the Ansett administrators. But there is one missing — we know which one is missing — and that is the federal government!

Honourable members interjecting.

The SPEAKER — Order! I ask the house to return to the good manners it was displaying before that outburst.

Mr BRACKS — I list three particular matters which show the contempt which the federal government has for this ongoing business of Ansett: it got in the way of a rescue by Singapore Airlines in the first place; it dragged its feet on any package of assistance and support; and the head of the National Party, the federal minister for transport, described Ansett as a carcass swinging in the breeze! That is what he said!

Dr Napthine — On a point of order, Mr Speaker, I put it to you that the Premier is now debating the question and I ask you to bring him back to answering the question — what is he going to do for the workers?

The SPEAKER — Order! I ask the Premier to desist from debating the question and to conclude his answer, as sessional orders also require succinctness.

Mr BRACKS — Could I just reiterate that we will certainly work with the administrator in seeking new business opportunities and new purchasers for Ansett itself. We will work with the work force and with those people who will be displaced if that is not successful. However, that does not absolve the federal government, which has been negligent in this matter. It has secretly wished this to fail and, regrettably, it has been successful.

Crime: victim assistance

Mr WYNNE (Richmond) — Will the Attorney-General inform the house what initiatives the government is implementing to fix up the mess the Kennett government made of delivering services to victims of crime?

Mr HULLS (Attorney-General) — When we came to government we made a number of commitments in relation to victims of crime. The first was that we would reinstate compensation for pain and suffering for victims of crime. Indeed we have done that, and we have allocated $60 million over a period of four years. We also indicated that we would review all government services to victims of crime. The previous government left services for victims in an absolute mess. It callously cut compensation for pain and suffering for victims, and that resulted in the increasing demand for victims services.

It made no provision to meet that demand. The Bracks government is turning this legacy around. I am pleased to announce the release today of the report *Review of Services to Victims of Crime* dated February 2002. This review has been headed up by the honourable member for Burwood, and I thank him for the excellent work he has done.

The review found — this is very important — that there has been duplication of and even competition between some services, while gaps exist for services elsewhere. It found there are differing service standards and referral protocols, creating an enormous amount of confusion for victims. The report also indicates a lack of information exchange between service providers, no incentive for providers to integrate services, a need for much more accountability when it comes to the use of private providers, and also a need for comprehensive research and monitoring.

The review points out these problems and comes up with a number of solutions. It recommends the establishment of a new agency to be called the Victims Support Agency to oversight the delivery of all government services to victims of crime — not just some, but all government services. That agency would manage policy, research, program management and evaluation for all services. It also recommended that that agency be supported by a consultative committee to ensure ongoing community consultation and feedback on services.

The government will certainly have a look at the recommendations and will respond to them in the not-too-distant future. However, in the interim I am pleased to announce that a further $1 million will be made available for counselling during any transition phase to recognise the genuine needs of some of the most vulnerable members of our community. Can I say that I, and I am sure also victims, get sick and tired of the bleating and moaning from the opposition, which had the audacity when it was in government to throw victims on the scrap heap and cut compensation for pain and suffering. We well remember the warnings that we issued in relation to that scheme. I recall an article — I have dug it out — that was written at the time, when the former Attorney-General conceded — —

Dr Napthine — On a point of order, Mr Speaker, the Attorney-General is now breaching two standing orders: one on debating and the other on succinctness.

The SPEAKER — Order! I am of the opinion that the Attorney-General has been succinct in his answer. However, I ask him to cease debating and come back to answering the question.

Mr HULLS — We are actually turning around the legacy that was left to us in relation to victims of crime. The former government was warned that its policy of cutting compensation for pain and suffering for victims of crime would not work. That was acknowledged by the former Attorney-General, no doubt with advice from the shadow Attorney-General, as he now is. The former Attorney-General made it quite clear that the system was not perfect and said she would conduct a review of victims services.

Dr Napthine — On a point of order, Mr Speaker, you have already ruled that the Attorney-General, when he went to reach for that document, was debating the issue. He is going down exactly the same track. I ask you to bring him back to order.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the Opposition. The Attorney-General was providing information to the house. I will continue to hear him.

Mr HULLS — So, the former government said it would conduct a review of the system. That review was never conducted. Our review shows that the legacy of the Kennett government was totally inappropriate. We are turning that around and fixing up the mess. In the meantime we are putting an extra $1 million into counselling services for victims because we care and the other mob doesn't.

Timber industry: sustainability

Mr RYAN (Leader of the National Party) — Will the Minister for Environment and Conservation open up special protection zones, as is provided for under the regional forest agreements, to at least in part relieve the pressure placed on rural timber communities that have been devastated by last week's loss of timber resource?

Ms GARBUTT (Minister for Environment and Conservation) — What rural Victoria understands and this house has to understand is that the pain being caused to the industry and to communities now is pain inflicted by the previous government's cover-up of the figures. We have exposed the fraud of the previous government and the cover-up by the previous government.

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition benches to quieten down. The Chair is having difficulty hearing the minister.

Ms GARBUTT — Jobs are going because the timber is not there, because the previous government allowed overcutting, refused all requests for inquiries and simply covered up. We have been prepared to open up those figures to scrutiny, to shine the spotlight and to put the industry on a sustainable footing. The previous government was quite prepared to let that industry rush

towards destruction without exposing the figures to any scrutiny.

It is absolute hypocrisy for the Leader of the National Party, who was a member of the previous government and was part of the cover-up, who helped sign the three regional forest agreements (RFAs) when in government, to now come back and say that they were wrong. Are you going to tear up the RFAs? Is that what you are suggesting? The opposition clearly has absolutely no plans, no policies and no leaders when it comes to this sort of issue.

I have to point out to the house that the previous government signed three of the RFAs and signed the revised code of forest practice and put it through this house. Don't you know what you signed?

The SPEAKER — Order! I ask the minister to address the Chair and come back to answering the question.

Mr Ryan — On a point of order, Mr Speaker, on the question of relevance, I am perfectly well aware of all that the minister is saying. I am simply asking about special protection zones under those forest agreements.

The SPEAKER — Order! I do not uphold the point of order.

Ms GARBUTT — Clearly the previous government has inflicted this pain on the timber industry, on the rural communities and on the communities that rely on the timber industry for their livelihood. This government is quite prepared to support the industry, to support the communities and to support the workers as they make that transition to a sustainable footing.

For the opposition now to be claiming that the woods are in the special protection zones (SPZs) or somewhere else is absolute nonsense. You signed the RFAs that protected them!

The SPEAKER — Order! I ask the minister to address the Chair and not the Leader of the National Party.

Ms GARBUTT — The SPZs that the honourable member is referring to were put in place by the previous government. They can be swapped under the RFAs — we can have a look at that — but the wood will not be there. If you are clinging to that as a hope, then the answer is that you are wrong.

The problem is that under the RFAs the resources were not examined within the areas where the timber industry is allowed to log. You refused to examine those figures!

The SPEAKER — Order! I have asked the minister to address the Chair, not the Leader of the National Party.

Ms GARBUTT — It is quite clear that the responsibility lies with the previous government, which refused to examine those resources and refused to come clean on what was there and what was available to the timber industry in the long term. The previous government simply refused to give the industry that resource security.

This government is absolutely committed to having a sustainable timber industry. We have committed $80 million to get them there and we will fix up the mess that the previous government left.

Schools: retention rates

Ms ALLAN (Bendigo East) — I refer the Minister for Education and Training to the latest excellent figures on retention rates in our school system and ask: how does this performance compare with other states in Australia and what progress is the Bracks government making in fixing up the mess the Kennett government made of education?

Ms KOSKY (Minister for Education and Training) — Unlike the previous government, for the Bracks government education is the highest priority. We consider it to be so important that since coming to office we have made a major investment of $2.2 billion. We have made that commitment for a purpose. We believe that education is critical for young people so that they have high skills and enter better jobs and as such we have much stronger economic growth. That is why we make the investment and that is why this government has made it its highest priority.

The record investment of $2.2 billion is now paying dividends, which is fantastic for Victorian students. Students are now voting with their feet. The figures speak for themselves and are demonstrated in the Australian Bureau of Statistics results on retention rates in schools released today. They show that Victoria is the best performing state of any of the states across Australia, excluding the Australian Capital Territory, and that we are the most improved state in the country. We are leading the nation in increasing the level of educational attainment in this state. For our young people we now have the best retention rates across the nation. We have the highest retention rate.

We have the highest retention rate of all schools of any state in Australia — 79.3 per cent from years 7 to 12. We have seen an increase in the year 7-to-12 retention rate in government schools from 69.8 per cent in 1999 to 73.7 per cent now — the best of any state across the nation. We have had an increase in year 10-to-12 retention rates in government and non-government schools — again the best of any state across the nation.

Under this government, 4 per cent more year 7 students are continuing on to year 12. Over a seven-year period under the Kennett government we saw retention rates drop by 10 per cent. So under the Bracks government retention rates are going up; under the Kennett government retention rates went down. We are very proud of the record, but it has not happened by accident. This is the first time that Victoria has been the best state on all measures for a very long time. It is a great outcome for students but it is also a fantastic outcome for our teachers who put in the very hard work.

As I said, it has not happened by accident. We have put in $2.2 billion extra investment since coming to office; we have put 225 extra middle-year teachers and 200 extra student welfare coordinators in place and $65 million into improved pathways in the post-compulsory schooling years. We have increased the provision of vocational education and training (VET) in schools so that now 26 000 students do VET in schools subjects. We have put in an enormous amount of effort, and I want to acknowledge the previous Minister for Education who did a fantastic job, and now the students are voting with their feet and we are very proud of them.

Public transport: operator contracts

Dr NAPTHINE (Leader of the Opposition) — My question is to the Premier. Given that the Labor government-initiated Russell review of public sector contracts found that the transport franchise agreements established an excellent benchmark for government contracts across the whole of the government sector, why is the government now throwing millions of dollars of taxpayers' money at the transport companies to rewrite those contracts? Who is right — you, or Professor Russell?

The SPEAKER — Order! The latter part of that question is out of order. I ask the Leader of the Opposition to phrase it in the third person through the Chair.

Dr NAPTHINE — Given that the Labor government-initiated Russell review of public sector contracts found that the public franchise agreements established an excellent benchmark for government contracts across the whole of the public sector, why is the government throwing over $100 million worth of taxpayers' funds at these multinational transport companies to rewrite these contracts, and who is right — the Premier or Professor Russell?

Mr BRACKS (Premier) — There is a very simple answer to this. The previous government mucked up — and mucked up very badly. But we understand that it is not just about laying blame — although that is important because they mucked up; it is also about fixing the problem, and that is what we are setting about to do. I congratulate the Minister for Transport for his initiatives in fixing up the mess we inherited from the previous government.

There is a telling commentary in today's *Australian* by Mr Alan Wood, the economics editor, who is not always a critic of privatisation. What he said is telling and is a fair and balanced analysis:

> … the Kennett government's privatisations were often rushed, flawed and based on getting the highest price without due regard for the quality of service.
>
> The difficulties of the private train and tram companies have a lot to do with excessive haste in the privatisation process, over-optimistic business plans and an appalling ticketing system.

I think Alan Wood is right. He would usually be on that side, supporting privatisation. He realises that you mucked up — and you mucked up badly. You should at least have the gumption to accept your responsibility. We have to fix it up; you mucked up.

The SPEAKER — Order! The Premier, addressing his remarks to the Chair.

Mr BRACKS — It gives us no pleasure to use the state government resources in this manner when we could be continuing to fix up education, health and public safety, but we have an added responsibility, and that is to fix up the mess that was left by the last government.

Drugs: rural Victoria

Mr MAXFIELD (Narracan) — I refer the Minister for Health to the government's comprehensive $77 million drugs program and ask: what is the latest action the government is taking to reduce the problems caused by drug abuse in regional Victoria?

Mr THWAITES (Minister for Health) — I thank the honourable member for Narracan his question. The discredited former Kennett government did almost

nothing to tackle drug abuse in regional Victoria. It did not provide one extra detox bed for young people in country Victoria, not one. There was not one residential bed for young people in country Victoria for detox. It did not provide rehabilitation across country Victoria. As a government, it did not care, just like the opposition does not care now. It plays politics with drugs, but it will not deliver the services that are needed.

Last week I was very pleased to announce with the honourable member for Bendigo East that we would provide 6 new drug treatment beds for Bendigo, 4 detox beds and 2 supported accommodation places. The Deputy Leader of the Opposition just says 'Good'. That is a very interesting point, because an article in the *Bendigo Advertiser* last week reports an honourable member for North Western Province in another place criticising this program.

I am pleased the Deputy Leader of the Opposition supports this, unlike an honourable member for North Western Province in another place. I point out that the people of Bendigo are not fooled by that National Party member. The group instrumental in obtaining the funding slammed the honourable member in another place. It said that rather than criticise the establishment and size of the facilities, it would hope there would be widespread bipartisan support for such facilities in Bendigo. How true!

I am pleased to make more announcements today about more initiatives on drugs. I announce today a further initiative in Warrnambool, which I am sure the Leader of the Opposition is happy about. I announce a $150 000 grant to the Western Region Alcohol and Drug Centre to help establish a rural centre for addictive behaviours. It is an excellent proposal and is one many local people have supported. The Labor candidate in the area, Mr Rickie, and others are strong supporters of this proposal. This will enable in a rural environment research to be done to ascertain the links between the lack of social networks in the area and drug and alcohol addiction.

There is more. I am pleased to announce an $800 000 grant over three years for new drug services in Gippsland. This new service will link detox services in hospitals with support services at home. It will enable a person to go through withdrawal in a medical environment but then be supported and go through rehabilitation at home. That program will enable many people in country Victoria to be cured of their drug addiction. It is something I am pleased to announce, and I thank the honourable member for Narracan and other Gippsland members, including the honourable member for Gippsland West, who has raised these issues in the past, and the honourable members for Gippsland South and Gippsland East. I am sure all the members representing the Gippsland region will support this initiative.

From a starting point of zero this government has demonstrated that it cares about the drug problem. That is why all around the state it is putting in place drug treatment beds and drug rehabilitation services to help people be cured of this very damaging habit.

Hugo Boss Australia Pty Ltd

Ms ASHER (Brighton) — If the Minister for Manufacturing Industry was so proud to announce 10 new Hugo Boss jobs in September last year as being 'a vote of confidence in Victoria', how does he describe yesterday's announcement of the loss of 120 Hugo Boss manufacturing jobs?

Mr HULLS (Minister for Manufacturing Industry) — I thank the honourable member for her question. I was expecting a question from her yesterday congratulating the government for announcing 1000 new jobs in the manufacturing sector as a result of $71.5 million of new investment. I expect the letter congratulating the government on that is in the mail.

In relation to Hugo Boss, the honourable member may or may not be aware that Hugo Boss AG has decided to purchase the Flair group's 50 per cent holding in Hugo Boss Australia Pty Ltd. The purchase arises as a result of the German parent company having an option to buy out the Australian operation at a time of its choosing. Of course it is regrettable that it has made this decision. Indeed, my office has been in touch with the company, and it makes it quite clear that the 120 people who will lose their jobs will receive their full entitlements.

As the honourable member would know, manufacturing in this state is very strong. She would well be aware that there are over 24 000 more jobs in the manufacturing sector now than there were in October 1999. I say again: there are over 24 000 more jobs in the manufacturing sector now than there were in October 1999.

Having said that, as the honourable member would know, and as I think the then Minister for Industry, Science and Technology, the Honourable Mark Birrell, made clear, those companies and manufacturers that are high value added, innovative and export focused will continue to thrive and expand, but companies that are low value added, rely on high volumes and are not export focused will struggle.

In relation to Hugo Boss, the specific example given, that company will still have a presence in Victoria, but it has decided that its manufacturing enterprise cannot continue to operate here. After having spoken to members of that firm, though, my office informs me that they have a huge vote of confidence in manufacturing in this state. They are well aware that this government has a vision for manufacturing, to make this state a centre for manufacturing excellence. I am sure the opposition would have spoken to Mr Kanat, who has made it quite clear that he wants to set up another enterprise in Victoria. The government will work with him to ensure that occurs. The government is well on track to achieving its vision to make this state a centre for manufacturing excellence.

Ovine Johne's disease

Mr HARDMAN (Seymour) — I refer the Minister for Agriculture to the difficulties faced by the sheep industry in managing the fallout from the Kennett government's ovine Johne's disease program. I ask him to inform the house of what action he has taken to support Victoria's sheep industry to manage the disease.

Mr HAMILTON (Minister for Agriculture) — I thank the honourable member for his question. This has been a very important issue and is simply another example of the Bracks government doing the decent thing.

Honourable members interjecting.

Mr HAMILTON — Members of the opposition should not laugh because this is a good outcome. There is no doubt that the outcome of this action by the Bracks government has been supported by all sectors of the industry, including strong support from the Victorian Farmers Federation, the industry group and the ovine Johne's action group. It is a good outcome.

The importance of the reviews undertaken to determine the right outcome for this problem should be noted. There were a number of reviews because, on any fair-minded assessment, this government inherited a mess — it was an absolute mess! We had a problem with an industry group which had a debt of almost $16 million that, at the current rate, was going to take about 45 years to pay off. On any assessment that was an absolute mess. The government had to address that and get a solution which enabled the industry to make progress, to manage the disease and to remain part of the national ovine Johne's program.

Because of the good information available from the reviews we were able to convince the whole of government that there was a sound basis for writing off the $16 million debt. That certainly would not have happened if the argument had not been strong and sound. I am proud that our government was able to work through this very difficult problem in a responsible and appropriate manner.

The end result is that the industry is in a position to make decisions for itself in future management. The government has put in place a structure which will ensure that the debt does not get out of hand ever again and that the industry is able to use a whole range of management techniques, including vaccination and on-farm management, but most importantly it has implemented a system that will ensure that the industry gets the best possible range of advice in order to make decisions.

The problem with the previous program was that that step was not there. The industry did not have a system where good advice could be assured at any time. That good system is now in place because this government worked closely with all the players in the industry to conduct a review. I thank the members of the Environment and Natural Resources Committee, under the chairmanship of the honourable member for Keilor, for their useful work.

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth!

Mr HAMILTON — The noisy corner over there knows very well that this was a good decision. I would expect all honourable members on both sides of this house to support this decision because it is the right one. It is the decent thing to do, and the Bracks government has done it.

Employment: ALP election commitment

Ms ASHER (Brighton) — I refer to recent job losses in Victoria and also to Labor's election promise of a 5 per cent unemployment rate. Will the new Minister for Employment advise the house whether this promise will be met?

Mr PANDAZOPOULOS (Minister for Employment) — I thank the honourable member for her question. During the election campaign this government was prepared to set targets, particularly in the area of education, and it focused on achieving them. We put in place a very large employment program to assist with developing employment opportunities.

We are very much aware that the federal government also has a big role to play in employment programs and getting people into work. For example, any Ansett workers who might be out of work will have to use up all their entitlements before they are eligible to receive training and support to help them move on to other work. The state government has programs to assist people, particularly the long-term unemployed, in targeted programs, and these programs help us to work towards targets. For example, this government started the community jobs programs: $31 million was allocated to train people on projects and to get them into work.

Ms Asher — On a point of order, Mr Speaker, it was a very simple question, but the minister is debating the issue. Will the promise be met?

The SPEAKER — Order! I do not uphold the point of order. The minister will come back to answering the question.

Mr PANDAZOPOULOS — The Deputy Leader of the Opposition wants to know about our strategies. Our strategies are employment-based programs — that is, the community jobs program, youth employment, multicultural education programs and an expanded community business employment program. There are many programs. If any state is going to meet any of those targets it will certainly be Victoria, because we have the second-lowest unemployment rate. Of concern is that Ansett is the absolute classic example of a federal government — a rotten government — that does not care about preserving jobs and has done nothing to save that airline.

Dr Napthine — On a point of order, Mr Speaker, the minister is clearly debating the question. I ask you to bring him back to order.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the Opposition.

Mr PANDAZOPOULOS — When we set targets we certainly strongly focus on them. In order to get good jobs growth around Australia you need the support of the federal government, and as we have seen with Ansett it has been absolutely lousy and rotten.

Secondly, no-one would ever have predicted the impact of 11 September, which caused a shock wave around the world. Here we have the new economic experts telling us that 11 September has not sent shock waves around the world economy, nor has Ansett in Australia. The effects of Ansett have been even bigger than 11 September on the decline of the tourism industry throughout Australia. Those two big whammies have affected many targets. We have certainly focused on targets. We want more Victorians in jobs. All we want is a more supportive federal government.

Docklands: investment

Mr MILDENHALL (Footscray) — Will the Minister for Major Projects inform the house of the government's progress in delivering its vision for the Docklands project?

Mr BATCHELOR (Minister for Major Projects) — Clearly the honourable member for Footscray wants to hear about good news, because in Victoria major projects are good news. In particular, the Docklands project under Labor has been going ahead in leaps and bounds. It is fantastic news what is happening at Docklands under Labor, and it illustrates a stark contrast between the Bracks government and the current opposition. The only major projects they have under way is how they will get rid of their leader; they are obsessed with it. That is in stark contrast with us — we have billions of dollars worth of major projects under way. We are growing Victoria, and together with our major projects we have billions of dollars worth of projects under way, and all the opposition can do is plot and scheme on how to get rid of their leader.

The Docklands project is taking shape. It is going ahead in leaps and bounds. I can report to the Parliament that $4.7 billion worth of projects are under contract and approximately $1.7 billion worth of projects are either completed or currently under construction. This is a terrific pat on the back for the previous administration of this area by the current Minister for Gaming when he was Minister for Major Projects. He did a great job in major projects, and the way he has brought on the Docklands development is an example of that.

Companies such as MAB and Mirvac have already sold some 1200 apartments. Residents have already started moving in to the new MAB Quay Towers. They appreciate the benefits that Docklands will bring. The first residents of the Mirvac Yarra Edge will move in from August–September this year. They will understand and appreciate the beauty the Docklands development will bring, and take advantage in particular of the 30-metre public walkway that is being developed around the Yarra River and Victoria Harbour. There will be public access to the water's edge. We are opening the area up and making it available to the people of Melbourne through this fantastic 30-metre public walkway.

People have appreciated the Yarra through the developments at Southbank, but the new development

at Docklands will be a fantastic and vibrant dynamic element that will attract not only residents to take in the Yarra and Victoria Harbour but also tourists and visitors from far away.

Lend Lease was appointed the successful developer of Victoria Harbour in May of last year, and already $1.8 billion worth of work has started on its mixed-use development with the construction of the National Building of some 56 000 square metres, which is due for completion in 2003.

The first of the new developments at Batmans Hill, such as the $150 million Watergate Place development, was announced in June last year. In all areas work is developing. At Batmans Hill the Folkstone Leighton consortium has signed up for $130 million worth of commercial and retail development. This is the first on the Collins Street extension. This will be a major advance to the Docklands project. The government is taking Collins Street over the railway line down to the bay. It will be a terrific development. It will grow developer interest in the Batmans Hill precinct and add significant development to the Docklands project.

This is a $40 million project to extend Collins Street. Demolition is under way. In terms of extending Collins Street down into the Docklands, we expect that this project will not only provide improved access but will encourage further development.

Honourable members interjecting.

Mr BATCHELOR — I hear honourable members opposite shouting their opposition to these developments. We have delivered on Docklands; they could never do it. The Docklands development is part of — —

Mr McArthur — On a point of order, Mr Speaker, I draw your attention to the requirement for succinctness. The minister has been answering the question for some 7 minutes. He is just re-announcing a project that has already been announced about 14 times! It should not take that long.

The SPEAKER — Order! I do not uphold the point of order. I ask the minister to conclude his answer.

Mr BATCHELOR — The new development undertaken at Docklands is demonstration that this project, together with a whole host of others that are badged under our Growing Victoria strategy, which incorporate the Linking Victoria projects, is part of the $6 billion worth of major projects in Victoria which are under way and delivering for the people of Victoria benefits which the Kennett government could never deliver.

The SPEAKER — Order! The time for questions without notice has expired, and a minimum number of questions has been answered.

Mr McArthur — I raise a general point of order, Mr Speaker, in relation to the phrasing and framing of questions in question time. I draw your attention to rulings by Speaker Plowman in 1996 and 1998 where Speaker Plowman ruled that questions should not merely seek information which is published and readily available.

I suggest, Sir, that if you take the time to have a look at a number of the government questions today — particularly the question in relation to the announcement on ovine Johne's disease, the question we have just heard to the Minister for Major Projects about the government's vision for major projects, and the question on education — you will find they all sought information which has been widely published and is readily available not only to members of Parliament but to primary school children.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Monbulk. I listened carefully to the questions that were asked in the instances referred to. On all occasions they sought to know what government action had been taken in those areas of concern.

SENTENCING (AMENDMENT) BILL

Second reading

Debate resumed.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Sentencing (Amendment) Bill. This is important legislation because it touches upon an issue which is crucial to all of us in Victoria — that is, the increasing incidence of drug-related crime.

The reality is that we have had a proliferation of drug-related crime in the state. I am pleased to say that there has not been an expansion of criminal activity in general, but an increasing percentage of that criminal activity is directly related to drugs. All of that is on the one hand. On the other hand the bill proposes new mechanisms for approaching this issue and dealing with associated problems in the prison system, which perhaps we have not dealt with as well as we might have over the years.

The National Party does not oppose this legislation. One of the issues we would like to see addressed ultimately, and I mention this at the outset, is that there needs to be a greater opportunity in our prison system to enable those who are within that system because of drug-related crime to receive specialist programs of treatment. However, that is another debate for another day; this legislation concerns the treatment of those who come before the courts for drug-related offences.

We support the notion of a specialist drug court. As outlined in the second-reading speech, drug courts operate in various Australian jurisdictions — namely, New South Wales, Queensland, South Australia and Western Australia. They also operate in other countries around the world including the United States of America, Canada, England, Ireland and Scotland. I am sure there are other jurisdictions where this basic model has been employed.

Members of the National Party support the basic principle of Victoria having a specialist drug court program, particularly when it is increasingly apparent that current sentencing systems are not addressing the fundamentals of the problems that are underpinning much of the activity which brings drug-affected people before the courts. We need a system that is styled to those needs, because by addressing them we are much more likely to get better outcomes for everyone, both the drug-affected persons who are guilty of committing the offences in the first place and the people who are the critical part of this equation — namely, the victims of those crimes. There is also a larger community issue here, and it will be better addressed through the introduction of the system contemplated by this legislation.

In that sense it is a shift away from the way the system has operated to date. In Victoria we have, under governments of all persuasions, gradually moved to differing treatment for those who are in the criminal system because of drug-related crime. I suppose that one of the most successful examples we have seen in relatively recent times has been the diversion programs where we have had the opportunity to see how people have responded positively to being channelled out of the criminal law system and into another mechanism for the treatment of their drug problem with a longer term view of getting them off the habit and keeping them out of the criminal justice system. This is an extension of that program.

Of course, when you get involved in legislation of this nature it is always a prospective moot point as to whether it is courting the soft-on-crime philosophy. I must say I do not think that is the case in this instance. There is always the discussion that revolves around the notion of how you balance the concept of administering justice so that the criminal is punished and there is a demonstration to the community that that sort of conduct will not be tolerated, and how you then put into the mix the aspect of rehabilitation. This legislation is directed at the latter part of that three-part process. The rehabilitative aspect of the manner in which these people have been treated over the years is perhaps not as strong as it might have been, and that principle has given rise to this piece of legislation.

I might also say that an inordinate percentage of people within our prison population are there because of drug-related crime. A high percentage of the repeat offenders who are part of the process of having been allowed out at the conclusion of sentence on one day and soon after find themselves back in again are there because of drug-related crime. In those senses this legislation will go to addressing issues that arise with a core problem in the prison population in particular, and in the criminal system at large.

What is contemplated here is a three-year pilot to be based at Dandenong and to take effect from March this year. I pause to say that while I understand in a sense the need for a metropolitan-based start to this, I am disappointed that there is no element of it which extends to the country. In fact, ironically, it would in many ways have been easier to have run it in the country rather than starting it in Melbourne, because I anticipate that in Melbourne there will be greater difficulties in the general administration of the program out of a place such as Dandenong than there might have been in one of our major regional centres where, whether we like it or not, we have to contend with problems that are born of the drug issues. Be that as it may, I hope that if the pilot proves successful the government will see fit to extend it to country regions as quickly as that can be done because there is a need for it. If it is successful, I hope the country areas see the benefit of it sooner rather than later.

The legislation contains a structure which details how the court will work. It will be a new division of the Magistrates Court, as opposed to setting up a completely new facility altogether. I think that is sensible because it avoids the duplication which might otherwise have arisen. The National Party is pleased to see that doing it this way will lead to the best use of resources. The magistrates who will comprise the drug court division will be assigned to it by the Chief Magistrate.

One of the principal features of this bill which is of attraction is that the drug court magistrate will have

responsibility for the ongoing supervision of offenders. That is an excellent initiative. In a sense it is akin to the association which has been developed in the civil system in particular whereby a case can be followed through by a judge as its various stages unfold. In this instance the court will have a capacity for ongoing supervision of offenders. This means that an offender will face the same magistrate each time the perhaps inevitable breakdown of the process occurs. Whether we like it or not, the practical reality is that there will be people who are unable to comply in the first instance with the terms of the orders made under the legislation; I will come to that in a moment.

Therefore, it is a good idea to have the same magistrate deal with offenders at each stage of their appearance before the court under the guise of this particular piece of legislation. It will not simply be a case of that which now happens — that is, the sentence is imposed, the offender moves into the system and magistrates may or may not have the fortune or otherwise of bumping into those same offenders in different scenarios at a future point in time. On the contrary, here magistrates will have a direct capacity for the ongoing supervision of what is involved.

A drug court team will be introduced. This is also a good initiative. It means that a mix of people who have the expertise to deal with the issues pertinent to drug users will be available to the magistrate and the court. The team will include a case manager, a clinician, specialist community corrections officers, and a dedicated police prosecutor and defence lawyer. Having been a long-time defence lawyer I anticipate that this will be a rather taxing role for the individual concerned; nevertheless it is a good idea to have a tight group involved as the drug court team and directly associated with the operation of the court under the control of the magistrate assigned to the task. As I read the legislation, there is to be a very close nexus between the magistrate and that team to ensure that this notion of supervision is able to be executed at its best.

There are various key elements contained in the bill. The magistrate will have the capacity to make a drug treatment order. The purposes of that order are set out in the legislation. It is worth while quoting them to make the distinction between these forms of orders and orders that are otherwise normally made in the system. They are: to facilitate the rehabilitation of the offender by providing a judicially supervised, therapeutically oriented, integrated drug or alcohol treatment and supervision regime; to take account of an offender's drug or alcohol dependency; to reduce the level of criminal activity associated with drug or alcohol dependency; and to reduce the offender's health risks associated with drug or alcohol dependency.

The mention of the word 'alcohol' is also important in this. There is the general tendency to talk about these issues as being drug related per se, as opposed to including within the general definition notions of alcohol dependency. In fact, when you talk to those who have the vocational task, as I would describe it, of caring for people who are in the grip of this sort of problem, so many who have that role will tell you that alcohol dependency issues are huge issues in our community which very often are not accorded the significance which should attach to them.

Indeed, many who work within the system have said to me about alcohol dependency issues that, whereas they have a different impact upon individuals which in some ways is perhaps more insidious than that which is readily apparent through drugs, the question of alcohol dependency simply does not get the significance that it should. So often I hear them say that, particularly in the context of young people. It is a challenge for us as a community to face up to these issues and accept the fact that among our young people the notion of alcohol dependency is a difficulty that we as a community need to grapple with better than we do now. Nevertheless, the import of it all is that drug and/or alcohol dependency will be very much at the forefront of what these orders are intended to relate to.

The drug treatment order (DTO) is different in nature from an existing sentencing order in that the bill emphasises the role of the DTO in protecting the community through the rehabilitation of offenders who commit crimes to feed a drug or alcohol addiction and the consequent reduction of drug-related crime. It is a custodial order, which is also an important point. In the first instance a custodial order will be made in concert with additional orders which, in effect, will mean that the custodial component of the order will be suspended to enable the other aspects of the order to take effect. Nevertheless, there will remain in the court a capacity to have that custodial component of the order take effect.

That is important because, like it or not, that punitive element of the order needs to be there as a matter of last resort. The harsh reality is that with the best will in the world you can do so much to assist people who are caught in the clutches of this problem, but they need to know for their own welfare, and the community needs to know from the perspective of its important interest in this, that if all else fails that custodial order will apply and those earlier concepts associated with sentencing to which I have referred will take effect. It is an important

component of being able to properly say that this is not a soft-on-crime option, because that big stick, that heavy-duty club, is in the cupboard of powers available to the presiding magistrate, and if necessary the custodial order will be employed.

The people who will come within the ambit of this legislation will be drug or alcohol-dependent offenders whose dependency has contributed to their offending and who have an extensive criminal history. More importantly, it will apply to those offenders who, if it were not for the making of the DTO, would have received a sentence of immediate imprisonment for their offences.

I am pleased to see that that is where the operation of this pilot will commence. I understand the logic of that. But I hope with the fullness of time this process can be extended to catch particularly younger people at an earlier stage without their having to get to the degree of affliction that this legislation presently contemplates. As I say, I accept that for the purpose of running the pilot you need to start with those who are in deepest. But ultimately there is a clear capacity for the principles underpinning this to be extended to have the appropriate impact — a positive impact — upon those who are in the system at an earlier point in time. I would be interested in the government's comment insofar as that principle is concerned.

The people who are to be eligible must plead guilty. That in itself is a very significant element. One of the great successes of the diversion programs is that the people who can take benefit from those programs have to own up to and accept the fact in a very public way that they are guilty.

I digress for a moment to say that over the past few days there has been debate in the public arena about gaming legislation and proposals to amend it in different ways. I do not want to talk about that in any detail, but I want to make this point. One of the great aspects of this legislation is that it homes in on the individual who is suffering the problem. It goes directly to the people who are suffering the difficulties which are giving rise to the crimes which they perpetrate on the community.

Still one of the great challenges in the gaming industry is getting programs to focus on the individual. For people who are caught with a gambling addiction you can tinker with all the equipment you like, but the end result is the fact that if they are truly caught with an addiction the only way to deal with them is to identify them as individuals with a problem and to then have those people accept that they have the problem and are going to do something about it.

What this legislation is predicated upon is that before you can get into the system and have the opportunity of being subjected to a DTO, which gives you an option you will not otherwise have, the first line of entry is that you must plead guilty and therefore accept the fact that, by definition, you have a problem. Once that occurs the gate prospectively opens and you have the capacity to be offered an opportunity to be dealt with under a DTO. It is a very good aspect of this process.

It will not be available to people who are guilty of having committed sexual offences or violent offences involving the infliction of actual bodily harm. I have not looked at the formal definition of those words 'actual bodily harm'. I do not know whether in the second-reading speech that term is intended to reflect the definition contained within the Crimes Act or other legislation, but nevertheless I support the import of it: that people who have committed crime within those general categories have sacrificed their right to be involved in this form of legislation and they should properly be excluded.

The corollary of that is that I do not believe the public, which I believe will be generally supportive of this initiative, would offer such support if it felt that people who were guilty of those offences were entitled to participate in this program.

Mr Baillieu — It's going to be a big test, though, isn't it?

Mr RYAN — It is, it sure is.

As I have already remarked, the persons who are to participate in this trial have to reside in an area in the vicinity of the drug court. That is the practical application of the pilot scheme, and I can but reiterate my concern that there is no country involvement at this stage, but we will see how things pan out. We have the problem and it will have to be accommodated.

There are two basic components to the DTO: the first is an order for the treatment and supervision of the individual, and there is a capacity for the court to impose orders that are reflective of both elements, treatment and supervision. There is a provision which allows this period of the passage of that component of the order to be reduced if the program imposed by the court expires or the individual has fulfilled it prior to the allocated time. Again, that is a good idea. It is a bonus penalty system where, if people are applying themselves and are demonstrably able to benefit from the way in which those programs have been applied to

them, it seems sensible to offer the carrot as well as the stick, in having imprisonment hanging over their head if they do the wrong thing. If they do the right thing it is a good idea to give them that benefit.

The second part of the order is a custodial component but, as I say, that is effectively suspended while the first part of the order carries on. That is necessary if this whole process is to be seen to be working properly. There is a general capacity in the court to vary the terms of the DTO and also a provision in the legislation which limits appeals from any variation orders that might be made. That is a fair thing, bearing in mind that the persons concerned have signed up for this program voluntarily at the outset. They pleaded guilty and put their names forward, and having done so they have to wear the system as it is. Part of the system is that the court has the capacity to vary the orders. If the court then chooses to vary the orders the individuals can hardly be heard to complain about it. So there are provisions in the legislation that restrict the capacity for appeals, and the National Party supports that.

Insofar as the other features of the bill are concerned, the principal feature is that this pilot program is pretty innovative. There are aspects of the structure within the legislation which are unique to Victoria: it addresses head-on an issue which we have to come to grips with as a community; it makes a better attempt at it than perhaps we as a community have done before; it is in accord in the broad sense with that which has applied in other parts of Australia and globally, though with refinements that are pertinent to Victoria. It does have the shortcoming of not having immediate application apart from within metropolitan Melbourne, but time will tell how that applies.

Very importantly, it reflects the fact that communally we are recognising the benefit of approaching these sorts of issues — at a particular level and with particular individuals, I emphasise — on a basis of harm minimisation being an appropriate approach. It will occur here within a limited vein, but it is worthwhile pursuing this pilot program because there is no doubt we are grappling with issues here that even a decade ago would not have been contemplated to the extent that we now have to face them, and it is on that basis that the National Party does not oppose this legislation.

Mr WYNNE (Richmond) — I rise to support the Sentencing (Amendment) Bill and wish to formally welcome to the government table my colleague the Minister for Finance. I am a bit lonely here, but it is a delight to have the Minister for Finance here at the table to listen to this debate. I know it will be of interest to him in his other capacity as the honourable member for Dandenong North because the drug court will be initially piloted at Dandenong. I know he has been a very strong supporter of this initiative. Thank you for that indulgence, Acting Speaker.

This is an important initiative by the government, and I thank both the honourable member for Berwick and the Leader of the National Party for their contributions to this debate today. It is clear that this piece of legislation enjoys bipartisan support, and that is quite important. When people view the hubbub of parliamentary debate — certainly what they see of it on television — essentially what they see is a conflictive situation. However, there is no doubt that on a range of measures that the government has put forward, particularly important initiatives such as this legislation concerning drug courts, the level of reasoned discussion and questioning that has occurred in today's debate is indicative of the way we can conduct ourselves around such important issues.

Drugs and drug-related crimes are serious issues facing the community and our criminal justice system. The Bracks government is turning this state around in terms of establishing what will be regarded many years down the track as one of the most comprehensive approaches to the scourge of drugs in our community. The government is committed to safety on our streets, in our homes and workplaces, and has tackled the problems of drug addiction in a creative way.

We are tough on crime. In the last sittings the government passed legislation to increase the penalty for commercial drug trafficking to life imprisonment. That is an option that is available to the courts and sends a clear and unambiguous message to the community that this government, and in a bipartisan way this Parliament, repudiates those people who seek to traffic in drugs and cause such misery not only to the individual but to the community as a whole.

Drug offenders come into contact with the criminal justice system through community services, treatment agencies, the courts and correctional authorities, placing very heavy demands on all those areas of government. As the Leader of the National Party said in his contribution to the debate, we are well aware that at least two-thirds of people in prisons at the moment are there for drug-related offences. It is a very heavy burden that is placed on the community. The high rates of offending and recidivism result in multiple uses of resources which obviously has a devastating effect not only on the individuals concerned but also on their families and the community generally because of this pernicious need of people who are drug addicted to

essentially feed their habits primarily through illegal means. It is a challenge for the government and for the community.

We need not go past today's question time to show just how comprehensive the government's program has been in laying out a strategy to address the drugs problem, whether it is in central Melbourne, of which we are all very well aware, or my own electorate of Richmond where we have had to address drug addiction issues in a sophisticated way at a community level. The government has committed $77 million to comprehensively fight the drug strategy. Today's announcement by the Minister for Health about supporting people with drug problems in regional centres — he indicated two important initiatives of detoxification and treatment beds, one in Bendigo and one in Warrnambool — shows a clear recognition that this is not a Melbourne-focused problem but a Victorian problem. That initiative today would have been welcomed by both sides of the house.

During the election campaign Labor said that the implementation of a drug court was one of its high priority areas. In October 2000 Professor Arie Freiberg of the University of Melbourne's criminology department — indeed my old alma mater but unfortunately I did not have the opportunity to study under Professor Freiberg — was commissioned to review Victoria's sentencing laws. It is well understood that Professor Freiberg is regarded in this state, in Australia and internationally as one of the key leaders and experts not only as a practising criminologist and academic, but also with a particular interest in the whole question of sentencing and sentencing options.

Mr Lenders interjected.

Mr WYNNE — The Minister for Finance said he was taught law by Professor Freiberg at Monash University. Professor Freiberg's appointment has been recognised by the honourable member for Berwick as an excellent appointment and as somebody who is well qualified to undertake this task.

Two references that were raised for Professor Freiberg's review were the establishment of a drug court and the sentencing options for offenders convicted of drug-related crimes. In response to these references Professor Freiberg considered the question of whether Victoria should introduce, on a trial basis, an innovative court to deal specifically with drug offences. I think it is important to quote from the paper of Professor Freiberg. He stated:

> Drug courts are innovative in that they represent a move away from a focus on individuals and their criminal conduct to offender's problems and their solutions. They differ from traditional courts in that they rely on the magistrate's authority to deal with offenders.

Following the release in August 2000 of the discussion paper for public consultation, the government set up a range of consultation forums throughout the state. Many people who attended those sentencing forums expressed strong support for the establishment of a drug court in Victoria. The Victorian drug court model is unique to the Victorian situation. As has been indicated by the Leader of the National Party, there are drug courts that are tailor-made to the particular circumstances of each state. They have been established in New South Wales, Queensland, South Australia and Western Australia.

The bill amends the Sentencing Act 1991 to create a drug treatment order and to amend the Magistrates' Court Act 1989 to establish a drug court division of the Magistrates Court to provide for the referral of cases to the drug court.

The honourable member for Berwick indicated in his contribution to the debate that the bill was too prescriptive in relation to the capacity for the magistrate to provide alternative sentencing options. In responding on behalf of the government, I indicate that there is available a range of alternative options, and they are for people who are sentenced at the lower end of the drug-offending continuum. Such options obviously include diversion, the court referral and evaluation for drug intervention and treatment (CREDIT) program, and a very interesting scheme which I have talked about previously in the house which has been piloted in my own area, in the City of Yarra.

Care, Collaboration and Innovation, a scheme run in concert by Crime Prevention Victoria and Victoria Police out of the Fitzroy and Collingwood police stations, deals with first-time offenders.

Rather than going through the mill of the criminal justice system, these people are provided with the opportunity to establish direct relationships with outreach workers — who work essentially seven days a week and virtually 24 hours a day — and to link back into community support programs, whether it be housing, social security, the health system generally or to their families. This has provided some excellent early results in terms of diverting people away from what can, for many young people, often be a spiralling run into many of the worst aspects of drug addiction. Such options are open to the courts, and certainly open to the police, by way of diversion activity. This particular proposal is targeted at the high end of drug offending.

As I have indicated, the program will be piloted for three years and will complement the existing diversion programs including, obviously, the Victoria Police cautioning programs and the CREDIT bail program. The new court will deal with the more serious offenders who are not eligible or suited to current drug diversion programs and who, in the opinion of the magistrate, would otherwise obviously receive a prison sentence.

The drug treatment order (DTO), a custodial order with a maximum duration of two years, will be included in the sentencing hierarchy. So it is for very serious crimes. We are talking about the potential for a two-year sentence hanging over the head of somebody who goes into this program. The DTO consists of two parts: the treatment and supervision part, dealing with conditions; and the custodial part, the term of imprisonment to which the offender would otherwise have been sentenced. The custodial part consists of the period of imprisonment of up to two years that the offender may have received if a DTO had not been made. When making a drug treatment order, the drug court must impose a sentence of imprisonment which can be activated in the event of breach or cancellation of the order, which is self-evident.

The contribution by the Leader of the National Party was important. He indicated that the person coming before the court will clearly have recognised the seriousness of the offence for which they are appearing before the court and will have pleaded guilty. The person will know that if they do not concur with the conditions that are part of the drug treatment order and if they do not cooperate with the respective organisations that will be providing support to them the outcome will be a period of imprisonment.

Offenders are eligible if they plead guilty to the offence for which they are before the court.

As well as the requirement that a sentence of imprisonment is appropriate for this offender, the magistrate must also be satisfied that the offender is clearly dependent on drugs or alcohol. The question was raised by the Leader of the National Party, 'What are the circumstances of someone who may be essentially addicted to alcohol?'. Clearly they fall within the category that can be addressed within this drug treatment order.

As we know, many drug users are classified as polydrug users and may not necessarily be specifically addicted to heroin. They may be addicted to marijuana, heroin, alcohol and a range of other drugs, so the situation is more complex. So, the question of a person's dependency is very clearly indicated.

A particular feature of this court is that the offender remains under judicial supervision and must report back to the court when the court requires. I think this is going to be a fascinating aspect of this proposal, because essentially there is going to be a relationship built up between the offender who is under the DTO and the magistrate and support staff, which I will touch on in a moment. It is going to be most interesting to see how that one-on-one relationship manifests itself in practice.

A question was raised about postcode restrictions and who might be able to access the court. The reason for the postcode restriction is that we want to pilot the program within a particular geographic region. It would make no sense to have someone on a DTO living in Broadmeadows and having to appear over in Dandenong perhaps once a week or once a fortnight on the order of the magistrate to assess how that person is going on the drug treatment program.

Mr Baillieu — By electoral roll?

Mr WYNNE — No, it will be by postcode.

Mr Baillieu interjected.

Mr WYNNE — I assume the person will have to identify themselves as to the bona fides of their address.

Failure to comply with the drug treatment order will result in a range of internal sanctions that may be applied such as a curfew and perhaps even a short burst of, say, seven days in prison rather than the ultimate sanction of being incarcerated.

The drug court will have the power to cancel the drug treatment order if the offender is unsuccessful, thereby activating the sentence of imprisonment. The court will also be able to recognise the successful progress of an offender by varying the conditions which it may initially have imposed. So, there are quite a lot of options within the drug treatment order itself.

As we have indicated, it will be piloted initially in Dandenong for a period of three years. The Leader of the National Party has indicated what options are available for it to be expanded out. He indicated that some country regions may be seeking to take up that opportunity. We take that on notice. It is a pilot project at this stage and we want to see how it emerges over the next couple of years, but from the government's point of view we do not see it as being restricted to the metropolitan area alone. Hopefully there will be opportunities to expand the program, if it proves to be the success we hope it will be, to other parts of the metropolitan area and into regional areas.

We are delighted that a number of magistrates have expressed keen interest in engaging in the pilot program. Obviously they will require further training and support. Whether in the first instance that is done on a one-off basis with the magistrate concerned and ultimately becomes a feature of our judicial college — for which, as honourable members may be aware, we advertised in the papers last weekend for a chief executive officer — remains to be seen. Certainly, however, from the consultations the department has had with the judiciary magistrates are very keen to engage in and are interested in the better outcomes that may arise from the drug court proposal.

I am very pleased that we have bipartisan support for this initiative of the government. We need to understand that simply locking people up who are drug or alcohol addicted is not the answer. This government has put together a comprehensive package to try to deal with the question of people who are drug addicted in our community, whether through educational programs in schools, prevention programs, diversion programs or quite harsh penalties for those people who seek to peddle the most pernicious of drugs. Indeed the penalty on the statute book and available to the judiciary is life imprisonment for those who traffic in drugs.

The proposed legislation is just another feature of a comprehensive strategy the government has in place to pilot a drug court to offer alternatives to magistrates and to offer real alternatives to offenders who perhaps previously were facing prison. Here is an opportunity provided by the government and the courts for them to clean up their lives — to get on and have a more productive life. I commend this bill to the house.

Ms McCALL (Frankston) — You were quite correct, Mr Acting Speaker, and the honourable member for Richmond was quite correct: the opposition is supporting this bill. At the risk of sounding a bit like a devil's advocate I would like to put some of the issues raised by the establishment of a drug court in proportion, and particularly on a worldwide basis.

I am told that as of today's date in the United States of America there are 300 different drug courts in 52 states, not all of which participate.

An honourable member interjected.

Ms McCALL — Well, 51 or 52, whichever way you want it. The paper from which I am quoting counts 52 states.

Some significant things have come out of the establishment of the drug courts in America, the first of which was established in 1989. One of the comments that has come from an evaluation done by the American government in recent times is that:

> … none of the programs had been thoroughly and systematically evaluated in terms of costs and benefits, and more information would be needed on this, as well as on the longer term likelihood of relapsing and recidivating —

an American word —

> before it can be firmly established whether these courts have diminished costs or simply delayed them.

There are some issues we need to focus on here. First, the issue of definition. During question time the Minister for Health talked about drug addiction and curing drug addiction. It is a misunderstanding to believe that you can ever cure an addiction. Having an addiction means, by its very definition, that you will never be cured. Those who are dependent on drugs — those who are addicted — may learn to be less dependent on them, and alcoholics may be weaned off the use of alcohol, but the word 'addiction' implies that once you are, then you are addicted.

I would hope that what we are looking for in the drug courts is the opportunity to discourage those who have not reached the stage of addiction from continuing their antisocial behaviour. We should therefore view the drug courts in the light of prevention rather than cure. They should in some ways act as part of a package of deterrents that establish that people who persist in antisocial behaviour as a result of their dependency on drugs will end up in a much more severe environment and will potentially end up serving custodial sentences behind bars for an indefinite period of time.

One of the things I did when this bill was first introduced into the Parliament was to take the time to talk about it with various groups in my electorate. Frankston has unfortunately gained a bit of a reputation — not all of it justified — for having local drug issues. I have taken some time to meet with those who are, if I can put it bluntly, at the sharp end — that is, those involved in the needle exchange and those involved in community health. I commend people such as Rob McIndoe and Sean Swift for their excellent work at a community level, and I commend in particular Caz McLean. Caz is the one who reminds me consistently and constantly — and I thank her for it — that there is in fact no cure for the drug problem, but there is a way we can manage it more effectively.

I commend the government for the introduction of a pilot program in Victoria, although there are many other countries and other states that have done it ahead of us. It is a step along the way, and I have no hesitation in supporting it. However, there are issues relating to

that step that still concern me. I am a great supporter of the diversion program currently in place at the Frankston Magistrates Court. It is extremely effective. It starts at the young end — the prevention end — with those young people who regrettably get onto the treadmill of involvement in petty crime for which they are arrested. Under the diversion program if they plead guilty and accept some sort of community order supported by the victim, the magistrate and the police, they do not have a charge recorded against them and they do not go to jail. That is an excellent form of prevention and an excellent initiative, and I commend those in the Frankston area who have been responsible for it. It is going exceptionally well.

My concern about the drug court and the way it is to be structured is that it will be dealing with people who are a long way down the track. I will quote from an article published by the Australian Institute of Criminology which states:

> Studies of offenders show that most begin committing crimes before they begin using illicit drugs.

My concern is that we may now be saying, 'They are taking drugs and we think we can get them off them. It does not matter that they have a past record of criminality before the drug taking. We will put them in the drug court and they might change their behaviour'. I am nervous about that, because there is substantive evidence both here and overseas that that may not necessarily be a cure and that it may in fact just be a sop to the issue.

One of the other things I discovered after talking at great length with my local drug groups is that a lot of people who are dependent on alcohol and drugs — not all of them — will grasp at any straw for any reason at any time, and they may not be totally genuine. I am not suggesting for a minute that all of them would not be genuine, but there is a suggestion that, if you present someone who is very drug dependent or very alcohol dependent with what may be seen by some members of the community as a soft option, they will take it for any reason at any stage.

I issue that as a word of caution because the community dictates very heavily that the impact of crime on the community as a result of addiction or dependency on alcohol or drugs is one of its major concerns. It is also a big community safety issue and an issue that concerns women in the community, particularly older women who live on their own. There is a fear that those who commit those crimes may — with the approval, support and supervision of the Magistrates Court and the drug court — take a softer option to stay out of jail but may end up still being a risk in the community. That is something we have to look at very carefully.

However, there is also a positive side. Some people who are alcohol and drug dependent are the carers and rearers of families — they are women in the main — and if this is a way of maintaining the family unit and keeping families together, then that will be seen as a very positive side. However, I still say: let us be very cautious. There is a group in my electorate called Families Anonymous. The organisation is well known throughout the world. It was an American initiative and is not dissimilar to Alcoholics Anonymous. Clearly it would be inappropriate for me to discuss in this chamber what goes on at those meetings in detail, but these people are from the families of adults in particular who are drug dependent and in some cases alcohol dependent.

When I met with them and talked about the issue of a drug court I put to them alternative ways of assisting their loved ones by changing their behaviour, and I asked for some input. I am sure you will understand, Mr Acting Speaker, if I am a little cynical, but the response I got from the majority of them was, 'Sounds terrific, but will it work?'. Many of those families have been on the receiving end of the behaviour of drug-addicted or drug-dependent family members and have had to endure living in fear for their lives, being worried about phone calls in the middle of the night saying, 'If you give me another $50 I will stay away and it will save me from going off and committing another crime', and watching them being sent to rehabilitation and detoxification time after time.

It has not worked — not because their families have not been willing to support them, but simply because, as I said at the beginning, an addiction is an addiction. These are fantastic initiatives, but I must caution that they should be only part of the solution. Perhaps my cynicism grows the longer I am in politics, but I hope they do not become a vehicle for those who are not genuinely concerned about changing their behaviour to cop out from the system.

My erudite colleague the honourable member for Berwick went through more of the legal issues in the bill. I am concerned that it will be at the extreme end of behaviour that the system kicks in. I am a great believer in education and prevention rather than hoping for a cure. I am aware that there are a large number of other people who wish to speak on this bill. I support it as a step along a very long path, but none of us suffer from any illusion that this is going to solve the problem. The pilot program will be based in Dandenong and those

who live within a reasonable radius of Dandenong will have access to it.

I look forward to having the opportunity of seeing whether we can pilot it at the Frankston Magistrates Court where we have so successfully set up and run the diversion program and where we have fantastic infrastructure at a local level, so this may be a very logical place to see whether it can work. I urge the government to look very carefully at the overseas models; to look at the evaluation that has already been done; and to be aware of the continuing skills-based training that will be needed for magistrates and those involved in the entire process. I urge all of us to keep looking for a solution. Let us not just assume this is it.

Mr STENSHOLT (Burwood) — I also rise to support the Sentencing (Amendment) Bill. This is very much a part of the government's comprehensive strategy for tackling the problem of drugs, which are a scourge on our society, and we are pleased that the Bracks government is making a very strong difference here in implementing strong initiatives and providing new programs across the board in order to tackle this pervasive problem. The actions being taken include education, prevention, treatment and rehabilitation as well as law enforcement.

Over the last couple of years a succession of bills have come before the house seeking to implement the comprehensive strategy that the Bracks Labor government has put forward in respect of drugs. This particular bill tackles it from an innovative point of view, by focusing both on law enforcement and rehabilitation. Drug usage, as we all know, is widespread in our community. The drug epidemic affects people without any fear or favour. It can be found in all areas of our society, in all districts and in many families. It can even be found within our own families or the family next door or down the street. We have all heard many horrendous stories — people have turned up at our offices and talked to us, some of us have visited support groups, or we have heard them first hand from within our family circle or our circle of friends and acquaintances.

Many of those who have been associated with drug dependency have moved from actions within the family circle to petty theft and more serious crime to support their drug habits. The pattern of progression is well and truly established and can be seen in the many cases that we are all aware of — where offenders or dependent people enter the criminal system, which traditionally has been equipped to deal only with the crime rather than the underlying causes.

Of course many people associated with the legal system — from the police through to the courts — have tried valiantly, using all sorts of mechanisms and means, to ensure that people who are drug dependent are given the best possible chance for rehabilitation to deal with the cause of their crime rather than simply treating them as ciphers who have committed a crime and dispatching them forthwith. Magistrates have attempted more tangential approaches, but they have been constrained by a lack of resources or specific integrated mechanisms to address these problems.

There have also been efforts by the police in cautioning or referring minor offenders to the court referral and evaluation for drug intervention and treatment (CREDIT) program, but until now there have been very few mechanisms to deal with drug-dependent people or offenders who have entered into more serious aspects of crime. This bill is an attempt to provide an innovative response to this very difficult problem. As Professor Arie Freiberg said in his paper on this subject:

> The almost intractable problems of drug offending require creative solutions because our traditional responses have been only partly successful.

He went on to acknowledge:

> There are no easy answers.

This bill is an attempt by the government, with the strong support of all sides of the house, as I understand it, to come up with an innovative response by establishing a drug court, a division of the Magistrates Court, and providing for a new sentencing order — a drug treatment order. In establishing these things the Bracks government is building on the experience of drug courts overseas and in other Australian jurisdictions — for example, New South Wales, Queensland, South Australia and Western Australia. It has had the advice of Arie Freiberg and the responses to his paper to allow it to pull together the elements of this bill, which aims to pick up the best of the other initiatives that have been developed and put into practice both in Australia and overseas.

Of course we must meet the public concern over drugs, and we are doing that with a wide range of initiatives. But also we have to see whether we can reduce or at least deal with these drug offenders and try to tackle the most difficult task of getting at least some of these people off their drug dependency and out of the continual downward spiral of repeat offending and ending up in despair and in jail, and ruining their lives and the lives of many people around them.

This is an experiment, and because it is an experiment it is very important to understand exactly how it will work. The bill before the house is a very comprehensive piece of legislation. The details of this pilot program and the processes which have been set out have been carefully thought through. It is quite important for people in the state of Victoria to understand how it will proceed.

One of the first requirements — this is in proposed section 18Z — relates to eligibility and when an order will be made in respect of an offender. Proposed section 18Z(1) clearly sets out that the offender has to plead guilty. This is a very important aspect, because one of the first things required in getting off any dependency — I am sure some of us, like me, have had experience of trying to give up smoking — is that you have to want to do it and show some goodwill and some evidence of a positive step. So the offender has to plead guilty to the offence and must be willing to enter the program actively.

It is necessary to make sure that people who enter the program do not have aspects of behaviour which threaten the community, so those who have committed sexual offences or have inflicted actual bodily harm will not be allowed to enter the program. Of course the court must convict the person because referral to the program is seen as a conviction.

It is not a diversion. It is a conviction of the person. The court has to make an estimation of the status of the person before it. They have to be people who are dependent on drugs or alcohol, and there has to be an understanding that that dependency has contributed to the committing of the offence. I am very pleased, as I have heard from others, that this includes dependency on alcohol. In terms of understanding drug dependency within our society we have to give strong recognition to the impact of alcohol. This is nothing new. I remember many years ago as a teacher and live-in assistant in a boys home picking up kids drunk on the streets on Friday nights. This dependency on alcohol is nothing new, but it is there. It is quite pervasive — more pervasive than many of us like to admit. It is important that it be tackled as part of any program — and not simply dependency on narcotics but also dependency on alcohol.

Furthermore in terms of eligibility, there has to be a detailed assessment report on the offender and the court must be satisfied that such an order is appropriate. The person on whom the drug treatment order is being made cannot be subject to a parole order, a combined custody or treatment order or a sentencing order from the County Court or the Supreme Court — in other words, a higher court. So the magistrate has to look at quite a large number of eligibility criteria conditions to ensure they are satisfied before the person can be entered into this program.

The program consists of two parts. As honourable members can see, in proposed section 18ZC there is a treatment and supervision part, or indeed a plan, and a sentence that is handed down. That is why it is proposed for the Sentencing Act. The sentence is to be suspended while the person is undergoing the treatment program, but you can see it hanging as a sword of Damocles, as it were, above the person while they are undertaking the very extensive drug treatment order program.

Let us not make any bones about it, this is not a cop-out because the bill outlines in great detail what the order is going to be composed of. This person is going to have to submit himself or herself to a wide variety of aspects. You can see under proposed section 18ZG that they have to submit to drug and alcohol testing as specified in the order. This can be on a regular basis. They also have to submit to detoxification or other treatment as specified in the order. Victoria now has far more detoxification and drug rehabilitation facilities than were available under the previous government as part of the comprehensive program and strategy that the Bracks Labor government is offering.

There is a further condition that the person must attend vocational educational, employment or other programs as specified in the order and submit to a wide range of treatment as necessary, whether it be psychiatric, medical or psychological. Indeed they will be given orders on whom they should or should not associate with, specified people to provide them with the wherewithal and the room to create a new life for themselves. The bill goes on to specify a whole range of sanctions and rewards which they can be offered by the magistrate conducting the drug court as well as the case conferences — in other words, it is a bit of a carrot-and-stick approach. It is not going to be easy. These people are dependent and cannot be expected to just appear in court and automatically turn over a new leaf. It is going to be a hard road for these people. That is why it is very much a pilot project.

There have to be some rewards to provide the incentive to people in this scheme, and if they comply, treatment conditions and supervision can be varied. Under proposed section 18ZK cancellation may even be used as a reward. There are also options for sanctions for people who are unable to comply or if there is recidivism into drug dependency. That can be that they have to remain at a specified place or have to perhaps

perform some community work. They can be imprisoned for up to seven days in a secure custody facility as part of a drug treatment order. Quite a wide range of provisions have been very carefully thought out in this pilot program.

The program also has a number of limits. The court will start off in Dandenong and initially, if I recall correctly, be available for 450 people. Implementation is not going to be easy. It is going to be hard for people, as has been discovered from experience in other jurisdictions. They have also discovered that there have been positives. For example, in the New South Wales program, in the first year or so 400 people began treatment but 24 were able to graduate — that does not sound a lot, but it should be remembered these are people who are dependent and who have a history of petty and other crime — and 165 or so remained within the system. This is from an Australian Associated Press report of 20 February 2001. Quite a number had left because it was very hard — in other words, they went back to the mainstream court system and served out their terms.

However, there have been some positives. Some 112 people were interviewed about how they had been going after four months on the program. Interestingly, their weekly spending on drugs had fallen from around about $1000 per head per week to $180 per head per week. These are people with long criminal records and a history of not being able to respond all that well to treatment so they are very hard to change, but the experience was showing up in New South Wales that it was starting to have an impact.

The Queensland drug court also showed similar experiences and was starting to show some results. Some of the graduates from the Southport drug court were featured in a ministerial media statement by the Attorney-General in Queensland in December last year. Two of the recent ones that he detailed in the media statement had been up on break and enter, stealing and receiving charges, which is typical of people in the drug cycle. Both young women were raising young children and had been fighting hard over 17 months to break the cycle of drug dependency and claim back their lives. A third woman appeared in the Beenleigh Magistrates Court on a charge of stealing. She was addicted to amphetamines. Over a period of 14 months, despite some setbacks which the drug court had to deal with by using the carrot-and-stick approach which I described earlier, she had been able to see herself as drug free. So there are examples where this has worked. Queensland is going through a similar process to that proposed by this bill. By the end of last year around 100 people had been placed on these orders, and some had graduated. It will be a hard process that will require very intensive and comprehensive work by the magistrates and the team of experts who are going to assist them and those on the drug treatment orders. Obviously we are beholden to the people of Victoria to try innovative solutions across the board. This is one aspect of us dealing with the drug problem in our society. I think it is a very important initiative and I commend it to the house.

Mr WELLS (Wantirna) — In joining the debate on the Sentencing (Amendment) Bill I reinforce that the opposition supports this piece of legislation. It is the second time in two days that I have risen to speak on a bill which has been a Liberal Party concept — the drug courts today and the alcohol interlocks yesterday — so it will be good when the Labor Party can come forward with some piece of innovative legislation that it can put its stamp on and perhaps get rid of that do-nothing tag which has been ascribed to it by the community.

The drug scourge in the community is a very prominent issue in the prisons. When you visit one of the adult prisons people tell you that between 65 per cent and 75 per cent of the prisoners are in there for drug-related offences, which is an horrific amount. Even more disturbing is that in a juvenile centre like Malmsbury they say that up to 85 per cent of the kids are in for drug-related offences. For a parent it is a horrifying thought that such a large number of kids are there because of some drug-related offence, whether they have had to break into a house or whether they have had to assault someone to get the money to provide money for their drug habit.

I will talk about the actual bill and then come to some of the concerns I have about it. In the second-reading speech I note that the initiative seeks:

> … to protect the community by focusing on the rehabilitation of offenders from drug addiction and drug-related crime, with the ultimate goal of bringing stability to offenders' chaotic lifestyles and reintegrating them into the community.

The theory is very good in that you are trying to say, 'Okay, we are going to assist a lot of these people by getting them on the right track, and in that way they will not go on and commit another offence'. My concern is that there always has to be in the minds of any community an element of punishment and if it is not there then people will lack faith in the judicial system, but I will come back to that later on in my contribution.

Drug courts are currently operating in New South Wales, Queensland, South Australia and Western Australia and have been established very successfully

overseas in Canada, England, Ireland and Scotland. The government tells us that it will take the very best parts of all those drug courts and make the Victorian model unique. As the honourable member for Burwood mentioned, it is a pilot scheme and will be set up for three years in the Dandenong area, which in most minds is an appropriate place to put it.

Magistrates will be assigned to the drug court by the Chief Magistrate. The role of the magistrate in a drug court will be different from that in a normal Magistrates Court because it will be a case-managing role. The drug court team will supervise offenders placed on a drug court program and will encourage compliance with the program. Specialist corrections officers, dedicated police prosecutors and a case manager to assist the magistrate will all be part of that drug court team.

The bill emphasises that the drug treatment order (DTO) is to protect the community through the rehabilitation of offenders who commit crimes to feed a drug habit. As I said, the theory of it is fine and most people in the community would say, 'Okay, let's at least give it a go'. However, it must be monitored closely. Victorians will be concerned about what sort of people will be eligible for a drug court — for example, I believe it will be for those who commit minor offences or not serious offences against a person. If a drug dealer or pusher knocks over an old lady and grabs her handbag and races off with the money in order to buy drugs, the way I read this legislation is that that person could be eligible to go into the drug court system if he or she pleads guilty.

I am not sure how the community would view that in relation to an older person being knocked over. I accept the discretion is with the magistrate, but we will be monitoring it closely.

Many people have approached me about this and have said, 'Why not give a custodial sentence with the drug treatment at the end of it'. If a person received a two-year sentence, perhaps one year could be served in custody with a 12-month drug treatment order at the end of that sentence. At least then the community could see that the person is being punished.

I will be interested in the views of the honourable member for Knox about another important issue. Rather than giving some people a drug treatment order perhaps they should receive proper drug treatment in prison under a custodial sentence. I know it is an expensive way of doing it, but it is one way for the community to be assured that the person is receiving appropriate punishment and that he or she, through this legislation, is receiving appropriate drug treatment. So when they are eventually released from prison hopefully they are clean and can remain clean because they have been through the drug rehabilitation process.

Another issue I raise is that the target group of offenders for the drug court will be those who have received a custodial two-year sentence, which they can convert into a drug treatment order. Today to go to prison in Victoria one needs to have done something very serious. Victoria still has the lowest custodial prison rate in the country, with 88.1 per 100 000 of the adult population actually going to prison. It is the lowest percentage by far of any other state in Australia. I still claim that to go to prison in this state a person has to do something seriously wrong.

While still supporting the bill, I indicate that a person given a custodial two-year sentence, which is converted into a drug treatment order, must have committed a very serious offence. Some people say, 'Hang on, maybe you should go to jail and we will sort out the drug treatment at the end of your sentence'. Once again we are relying on the magistrate to determine whether the person is suitable for that treatment.

The reason I raise the issue of magistrates is not to bag magistrates but because many people in the community are sceptical of the judgment of magistrates. I quote from some of the newspaper clippings that I have had on my desk. I refer to an article in the *Herald Sun* of June 2000 written by Mark Butler which states:

> Heroin dealers are escaping jail in what angry police have branded revolving-door justice. A *Herald Sun* investigation has found 60 per cent of street dealers walked free from courts this year.
>
> The average prison sentence for repeat heroin dealers — including some offenders who have been given up to seven chances — was five months.

Most people in the community would say that is pathetic. They have been given seven chances and yet they are given a custodial sentence of five months only on the eighth offence. The article also states that in 2000 heroin had claimed 130 Victorian lives, but that the sentences handed down include:

> 12 months jail to a man for his eighth heroin conviction.
>
> Three weeks to a dealer caught for the fourth time. He also had convictions for burglary and car theft.
>
> Six months to a trafficker in court for the sixth time. He also had convictions for theft and burglary.

The community would feel that magistrates are not fair dinkum and tough on some of these heroin dealers. The article goes on to say:

> In the worst heroin-afflicted suburbs, police estimate 70 per cent of all their work is generated by the drug trade.

I refer to an article in the *Herald Sun* of 9 October 2000 written by Andrew Bolt.

Mr Nardella interjected.

Mr WELLS — I would be interested in the attitude of the honourable member for Melton to sentences being handed down by magistrates on some drug dealers. Perhaps he supports the softer option for heroin dealers, but he should remember the damage they do to kids on the street. The community view is that many magistrates are dreadfully soft. Andrew Bolt make some good points. He referred to the attitude of some magistrates, stating:

> Tan Nguyen, too, should admire Ms Popovic. He'd already been convicted for possessing and trafficking in heroin when he appeared before her in August, charged again with the same crimes.

What happened when he appeared before her again? He was set free with just a demand that he be tested for drug use for two months to make sure he kept clean. The article refers to the case of another man named Truong. It states:

> Truong faced 26 charges, including three of trafficking in heroin and two of breaching a bond. But Mr Barrow gave him six weeks bail, adding if Truong took drug treatment and kept out of 'significant' strife he would not be jailed.
>
> The very next day Truong was arrested for possessing heroin.

He had already been given two chances, but the next day he was arrested for possessing heroin! The next week he was again arrested on heroin charges. How many chances do these people get before the message gets through that the community will not put up with their drug dealing. The very next week after that he was picked up for more drug trafficking. Yet Mr Barrow, the magistrate, on his second offence, let him go, so long as he kept out of significant strife. This man deserved to go to jail. The article continues:

> Not once was his bail revoked. Instead, in June Mr Barrow gave him another month on bail, and in sentencing him in August, ordered him to stay out of trouble until December.

How do some of these magistrates relate to the rest of us in the community. I refer to a further article in the *Herald Sun* of 1 August 2000 again written by Mark Butler. It refers to a magistrate's decision to free a heroin dealer caught with $80 000 worth of the deadly drug which has angered police and a victim support group. It states:

> Hout Dan, 30, was spared jail after he was arrested last month with more than 100 grams of heroin. He was placed on a six-month intensive corrections order when he appeared in Melbourne Magistrates Court …
>
> …
>
> 'What incentive is there for this bloke not to deal heroin?', one detective said.
>
> …
>
> 'We (police) have almost been conditioned that the retail trade in heroin has been legalised. Effectively, we've given up', the officer said.
>
> The *Herald Sun* revealed in June that many heroin dealers were escaping jail in what police labelled revolving-door justice.

The arguments that I have put forward and the cases that I have quoted from concerning some magistrates' treatment of drug dealers have also raised genuine concerns in the community. I guess that by supporting this pilot scheme the opposition will be watching the magistrates' determinations in many of these cases. We cannot have situations where drug dealers commit offences and breach drug treatment orders and — as has been determined before — the magistrate and the drug court say, 'I will sentence you to another seven days jail because of a breach'.

In the second-reading speech the minister talked about a serious offence or a serious breach of a DTO. He said that if you commit such an offence or breach an order a magistrate can send you up for up to seven days extra. I know that a magistrate can also cancel the order, but what determines a serious breach? I would have thought, and I suspect the general community would think the same way, that if you breach your DTO seriously then it should be cancelled and there should not be the option of expanding another jail term by seven days. The person may have already been given a couple of chances, yet he may have abused the treatment order again. I understand we are talking about some pretty hard cases. I can accept that, and I have no problems about giving such offenders one or two chances, but sooner or later you have to say, 'Enough is enough'.

The creation of drug courts was a Liberal Party initiative put forward a couple of years ago. The opposition supports it, and I have mentioned my concerns about the attitude of some of the magistrates and the way they deal with drug dealers. The opposition believes that in some cases they are not hard enough. However, we are watching this legislation, we will support the pilot program and we hope that some of the people who go through the drug court system — even if they are only a small percentage of offenders — come out as better citizens and that the pilot program will reduce crime in the long run.

Mr NARDELLA (Melton) — I am afraid that the honourable member for Wantirna, the shadow Minister for Police and Emergency Services, does not understand the bill. The cases he talked about were not examples of the offenders who will go to the drug court and be looked after by magistrates in this new division. The people who will come before the drug court have to have a proven drug dependency.

Ms Overington interjected.

Mr NARDELLA — That's right! That was the basis of his 16-minute contribution to the debate. He referred to the Mr Bigs of the world — those were his words — and all the dealers. He also gave an example of someone arrested in possession of 100 grams of heroin referred to in the articles by Andrew Bolt that appeared in the *Herald Sun*. Even if those people had a proven drug dependency or actually came within the requirements of this legislation they would not be eligible to attend the pilot program and be part of the process. The honourable member for Wantirna does not understand the bill.

The other point he made was that he does not believe in discretionary sentencing by the judiciary. That has also been a constant position taken by the opposition parties. Even when they were in government the position of both the Liberal and National parties was that discretionary powers should be taken away from the judiciary. The honourable member said magistrates cannot be trusted to make decisions, cannot be trusted to hear a case, to hear an argument or to hear the situations before them because they are Dumbos. He thinks it obvious that they have not had the experience and do not know and understand things as he does and that they cannot be trusted to make these decisions. Making point after point and citing case after case, he stated his position to the house. That is sad, because apart from whingeing, carping and not understanding — —

Mr Lenders — And whining!

Mr NARDELLA — Yes, and whining as well. The honourable member for Wantirna does not understand the bill and his contribution proves that the opposition does not have a policy other than to support the government's policy and this legislation. The opposition does not have a policy dealing with these immensely complex situations concerning people who are drug dependent.

Firstly, in his articles Andrew Bolt, intellectual genius that he is, does not explain the personal situations of the people who were convicted. You would probably find — I am just assuming here, just like the honourable member for Wantirna assumed or took for granted the views of Andrew Bolt — that many of these repeat offenders have serious drug problems. Secondly, these offenders sell drugs on the streets — especially if they return to the streets the day after they are caught a first time. I do not condone that, and neither does the honourable member for Wantirna, but they are returning to the streets to sell this crap in order to maintain their own drug dependency. That is how they feed their drug habits.

Thirdly, apart from his last example of the possession of 100 grams of heroin, most drug dealing involves smaller quantities. But that analysis is a bit too deep for intellectual geniuses like the honourable member for Wantirna and his mentor, Andrew Bolt, from the *Herald Sun*. The issues are extremely complex, and this bill tries to address them. The legislation concerns people who have a high dependency on drugs — hard drugs such as heroin, cocaine and other narcotics as well as alcohol.

Restrictions in the bill determine whether people do or do not come under its provisions, and it refers to having a consistent approach in dealing with such people who are obviously drug dependent. The drug court option means that if a person agrees to come under this option, they then deal with one magistrate. In a sense it is like case management, where you deal with one person, and if you transgress or have problems you then appear before the same magistrate. I agree with the honourable member for Wantirna when he said that the current system is disjointed. A person can attend, say, the Broadmeadows Magistrates Court and appear before a magistrate, then on another day can attend the Melbourne Magistrates Court and appear before a different magistrate, which makes the system extremely disjointed.

The legislation is about how to ensure that offenders, in particular repeat offenders, appear before the one magistrate, as was alluded to in the briefings. It is important to understand that this is not the total solution by any stretch of the imagination, but neither is anything else. There is no one solution. The initiatives that have been put in place over the past two and a half years have been a package of measures to not only reduce harm but also take dealers off the streets and help people who are drug dependent.

One of the most important things the government has done in dealing with the criminality of what we are discussing today is to put 700 additional police — they do not replace the police who have left the force — on the streets to try to deal with this problem. The

government has also provided rehabilitation beds in provincial areas where there were none before.

Ms Overington — Not one!

Mr NARDELLA — Not one, as the honourable member for Ballarat West says. The government is trying to deal with drug dependency by encouraging police to caution people who are found to have small quantities of drugs and then promote drug rehabilitation programs. The policy is about provision, treatment, rehabilitation, saving lives and law enforcement.

The policy has strong public support. Professor Arie Freiberg, who was commissioned by the government to investigate this issue, found that there was strong public support for the measures the government is taking. His report, *Drug Courts and Related Sentencing Options 2001,* demonstrates that support. Drug courts are not a new concept, they are in place in New South Wales, Queensland, South Australia and Western Australia, and Victoria has brought together the best features of those jurisdictions and put them into the bill.

The legislation is extremely important. There are no easy solutions. Locking up people for 3 weeks, as the honourable member for Wantirna spoke about, 3 months, 6 months or 2 years is not the solution unless we start to deal with the personal crises that these drug addicts are going through. Unless there is a dedicated independent jurisdiction, one that we trust and can rely on to deal with these matters, there will always be problems in this area. Any human activity is complex. We must support our police. I endorse the support the honourable member for Wantirna gives to police in these matters, but we must also have compassion in dealing with these damaged and broken people in our society. I commend the bill to the house.

Mr LUPTON (Knox) — The Sentencing (Amendment) Bill is a great step forward. As a member of the Drugs and Crime Prevention Committee since its inception in 1996 I was fortunate enough to travel overseas and have the privilege of visiting and examining drug courts in Los Angeles and to have discussions about the drugs issue with many organisations in many states of the United States of America.

It became apparent that while such a program is believed to be successful, people should know that no long-term statistics are available on how effective the treatment is. There are no long-term statistics available in the United States of America or England on how effective the treatment may be. When the committee visited a number of institutions it found that in the first year of the rehabilitation process 10 per cent failed, that 25 per cent failed in the next year, and so on.

We tended to find that after a period of five years nobody bothered to do a follow-up and keep statistics, so it was difficult to find any long-term effective treatment solution, be it through the drug courts or any other program. Interestingly when we visited the drug courts in the United States of America, particularly in Los Angeles, we were fortunate enough to sit in on actual hearings and later meet the justice involved.

While it has been indicated in the proposed legislation that a person will have to have a history of drug abuse, one of the most important things is that they will have to plead guilty. If they do not plead guilty they will not be eligible for treatment. The other very important aspect of this is that when people go through this drug court system they must want to be rehabilitated. It is no good putting somebody through the drug court system if they in their own heart do not want to be rehabilitated. That brings about a difficult situation, because some people on the spur of the moment can suddenly say, 'Yes I want to be rehabilitated'. For instance, in America it is a quick process. Once people are apprehended and found to be long-term drug abusers they are up before a drug court in a short time.

I do not know what the delays are going to be here in Victoria. If they are anything like the delays in the existing system, where a person can be apprehended and probably 12 months later go to court, it is not going to be effective. In the USA, within 24 or 48 hours offenders appeared before a drug court. While that system proved to be very good the situation became more difficult when the follow-ups took place and people were tested, using urine samples. This was when people tended to fail the tests.

We were fortunate enough to visit a couple of clinics where it became obvious that when people gave a urine sample they did everything in their power to fiddle with the tests by replacing the sample with other urine so they would not come up with a positive result. Once they came up as positive they were taken off the drug court program and faced a custodial sentence. I believe the overall effect of it was that people in the USA were keen on and positive about the concept. However, as I indicated earlier, no long-term statistics were kept on how effective the drug courts were going to be.

Magistrates — in the USA they are called judges — are basically required to become specialists in the particular area. I hope it will be the same in Victoria. I note that legislation has been passed requiring magistrates and judges to undergo refresher courses and to be trained so

that they keep in touch with the real world. I think that is what the honourable member for Wantirna was talking about earlier when he spoke about stupid decisions handed down by magistrates who do not appear to be in touch with the real world and what the community really believes.

The honourable member for Melton indicated before that the opposition did not have a policy. That is not correct. If we go back to the time when the Drugs and Crime Prevention Committee was doing its investigation into drug courts, the investigation was ongoing. It was only when the previous government lost office in October 1999 that the new government — the current government — chose not to renew that particular brief. Despite the fact that hundreds of thousands of dollars had been expended investigating drugs over a period of time and the committee had travelled around the world to provide information which was going to be produced in a report, this current government chose not to renew that brief.

Honourable members would be aware that all that information had to sit there; it could not be used because it would have breached parliamentary privilege. It required special legislation to enable those details to be provided to Professor Penington. Honourable members might also recall that while the material was released to Professor Penington for him to use in his current study, no matter how good and detailed the information was Professor Penington was not allowed to use the information. If he had been talking to members of the Victoria Police or people from the health or judicial systems he and his committee could have read the evidence but not utilised any of it. They had to call those people in, interview them, and then reinvent the wheel.

It was not fair for the honourable member for Melton to indicate that the Liberal Party did not have a policy, because the policy was clearly being followed in the guidelines and the brief provided to the committee. Had the current government given the same brief to the Drugs and Crime Prevention Committee I believe it would have gone down that path, continued the examination and come up with the final conclusion, because the work that had been done was significant and had already gone on for a couple of years. As I said, committee members travelled the length and breadth of the world — the USA, England and every state in Australia — to work out ways in which the drug situation could be addressed. Particular emphasis was placed on drug courts.

No matter what anybody says, in my opinion drugs are not a criminal matter. They are a community issue and have to be addressed as such. By using the drug courts we are providing an avenue for the offenders to be rehabilitated and go through the proper procedure so that they can hopefully be weaned off drugs. Regrettably — and I pick up the comments of the honourable member for Frankston — there is possibly no cure for the drug offenders; rather it is a matter of learning how to manage the problem. I believe drug courts are an ideal way to manage this situation. It is not going to be easy, and it is going to be expensive.

The honourable member for Wantirna indicated that he would like my comments on custodial sentencing. During its investigation the same Drugs and Crime Prevention Committee visited a number of prisons.

Let's face facts: drugs are probably more plentiful within the prison system than they are out on the streets. The drug situation in Victorian prisons and probably any prison in Australia is that they are very plentiful. While the prison authorities remove the rights of prisoners apprehended with drugs, the fact of the matter is that the drugs come in under various guises. Drugs have come into prisons in babies' booties, in babies' nappies, secreted on visitors' bodies and left in toilets. It is not easy to keep drugs out of the prison system. At the old Pentridge Prison it was quite common for people to throw tennis balls full of drugs over the wall. That is not possible at the new prisons such as Barwon because you cannot get close enough, but the drugs still get into the prisons on a regular basis. It is very difficult to keep them out, and I do not believe any governor of any prison in Victoria would say that his prison was drug free or he hoped to keep it drug free; they only do their best.

Under this drug court system magistrates will have the responsibility of trying to ensure that a drug offender adheres to the sentence imposed. The drug court will have a support staff. I believe that is a positive attitude because it gives an offender a lifeline, somewhere to go if they want to be rehabilitated. Hopefully it will not become a situation where once a person strays a little bit they are thrown off the drug trial program, but rather they will be able to be encouraged back to it. It is not an easy job for a lot of people.

Mention was made during a contribution earlier about some of the drug users selling drugs to feed their habits. I must say that that was one of the matters that the Drugs and Crime Prevention Committee had a great deal of difficulty coming to terms with. I think it is fair to say that the conservative members of that committee could not condone that practice. Those on the other side of the political sphere tended to agree that that was probably a fair way to go because people were feeding

their habit. I still cannot accept the fact and I will not accept the fact. However, as I said, because the current government did not provide the brief for that committee to extend its research it was not able to come to an official conclusion about the matter.

Overall I believe the establishment of the drug court is a step in the right direction. I was impressed with the practice in the United States. I was impressed with the way the magistrates handle it in the United States. While I understand that this proposal contains, I hope, the best features of a number of drug courts in a number of jurisdictions, it is worth going down the path of doing anything we can do to rehabilitate some of these people. However, I must emphasise that the people who enter the drug court program and go down that path must want to be rehabilitated. It is no good any magistrate saying to anybody that they will enter the program if they are not 100 per cent behind it.

I hope that under this proposal people will go before the drug court reasonably soon after they have been apprehended, because if it goes on for too long they will change their minds. In the committee's deliberations we had the situation — I think it is still pretty much the same — where a person wanting to go through rehabilitation or detox had to wait three to six weeks. If they are in that situation they cannot be bothered and they forget all about it. Even if they can go in quickly they still have to have that determination and want to be rehabilitated.

I think the legislation is a step in the right direction. I wish it good luck, but the program will have to be monitored on a regular basis. As I said previously, nowhere have the statistics been sustained for any period of time. Once it starts to get to the stage where the failure rate over a number of years appears to be excessively high, suddenly the statistics are no longer kept and it seems that the records of the people who have been involved in the process are lost. I suppose the maximum time we were able to find anything about was a period of five years.

Dr Dean — And three years out of date.

Mr LUPTON — As the honourable member for Berwick indicates, the statistics were three years out of date. I found that to be a very bad flaw. The statistics and data we were provided with covered a limited time and nobody bothered to keep them up to date. No matter how expensive the treatment was in the first place nobody would bother to keep the data up to date after a period of three to five years.

I think the pilot program is a great idea. I wish it well. I hope the magistrates will be trained to such an extent that they become professionals and can relate to these problems. It is a community problem. It is not something for the judicial system, because quite obviously the judicial and penal systems have not worked. I believe this community way of looking at the problem is the correct way to go.

Mr SAVAGE (Mildura) — I am pleased to rise to give support to the Sentencing (Amendment) Bill. In the short time that I have been a member of this Parliament I have noted that it is constantly seeking solutions to the drug–crime dilemma. As previous speakers have said, there is no one single panacea for the challenge that faces us in relation to drugs.

Drug addiction affects every stratum of society, and its impact on society is wide reaching. Drug offenders are desperate and are usually driven only by one urge, and that is to get the next hit or whatever you would call it. I think the drug courts are a positive response to an important community problem and a human tragedy because they are not defeatist. Drug courts aim to cure people's problems by freeing them from their addictions. Unlike other responses to this problem, drug courts do not assume that the best thing we can do is make it easier for people to take drugs and therefore satisfy their addiction. Consequently, I think drug courts offer hope of a better future rather than the despair of being permanently caught in a web of addiction.

They also offer hope for the community, not only because people are freed from their addiction and are able to make a greater contribution to the community, but also because the reduction in the level of addiction will lead to an equivalent level of crime reduction. If people do not have to steal to feed their habits, the society we live in will be a much safer place.

Drug courts have been operating in the United States for 10 years, so it is possible to make the judgment that this concept does work. An example is the American state of Delaware, in which the drug courts target two groups — young offenders who are less criminally involved in crime and offenders who have violated probation.

At the end of the 1980s and in the early 1990s studies showed a large proportion of arrestees in several major urban areas tested positive for illegal substances. When the Delaware drug court was in the design stage, 80 per cent of the prisoners needed substance abuse treatment. If treatment reduced drug use by criminally involved addicts, it would also reduce their tendency to commit

crime, and compelled treatment was as effective as voluntary treatment.

Between 1994, when the pilot program began, and the end of 1999 the charges against 2670 people — about half of those who entered the program — were dismissed. A preliminary evaluation indicated that drug court graduates reoffend less often than other sentenced offenders do, and that if they do reoffend their crimes on average are less serious. The Delaware experience between 1996 and 1999 suggests that offenders who had violated probation spent less time in prison than other offenders sentenced for similar crimes. In the first two years in which probation violators were targeted, 11 drug-free babies were born to former crack-addicted women.

Offenders who succeed in the drug court program appear to be less criminally active than previously. However, drug courts are not a panacea — they are only as good as the resources. One analysis of the United States experience warns us that success with a tightly defined target group does not equate to a universal solution to drug-related crime. As less tractable groups participate, success rates will decline and differences in treatment options and in the groups that participate will affect the results; and as the type and number of offenders treated increases appropriate treatment will become less available — that is, serious, violent offenders will require more than weekly or biweekly outpatient treatment, but that level of treatment may not be available.

The analysis also points out that as the numbers in the program grow, the tendency is that resources are not increased proportionately — in other words, drug courts are only as good as the resources we commit to them. This is a warning we need to constantly bear in mind, especially if the court is as successful as we hope and the temptation to cut corners increases.

Victoria has a great opportunity with the proposed drug court. I believe the pilot program will be a success; drug courts have been a success overseas. I am pleased there is good support from both sides of this house on an issue that equally faces society and places ever-increasing dimensions of cost on humanity. I commend the bill to the house.

Ms OVERINGTON (Ballarat West) — I, too, am pleased to contribute to this debate because I am very supportive of the concept and the trial of drug courts. Unfortunately all too often within the minds of people is a view that drug courts lead to drug jails. I have heard references to institutions in other countries and suggestions that perhaps the model being proposed is the model of drug jails. That is not the case, and it is important that we are clear in conveying the message to the public, and I know there has been consultation, that this legislation is about giving young people the opportunity for rehabilitation through a process when they may not have had other opportunities.

When I was looking at some of the material about this concept, and I will not go into the legal aspects of most of it, I found it interesting that one of the most appealing aspects was that in the genuine case management an offender is treated as an individual with unique problems, and each of those offenders does have unique problems.

One of the earlier speakers in the debate referred to material she had read that indicated most people who end up at court start on a criminal life before they start taking drugs. I challenge that, because most often criminal activity is the result of dependency on illicit drugs and/or some legal drugs, including alcohol. Usually the start of it is that as that dependency increases so does the person's material need for money to finance their habit, so I suggest that whatever source that material has come from is wrong. The truth is that, unfortunately, when young people start the downward spiral of criminal activity due to their drug addiction they end up in court.

In the past they may have not been encouraged or been given the opportunity to have some forms of rehabilitation. As has been pointed out by some other honourable members today, in the past in regional Victoria there has not been much opportunity for rehabilitation locally, although over the past two years under the Bracks government that has rapidly changed with a $77 million investment in drug prevention and rehabilitation. In the past some of these young kids have not had that opportunity. This program will give them the opportunity, after they plead guilty, to participate in rehabilitation treatment programs.

Some people have said, 'Okay, here is an easy option, the soft option'. I heard another honourable member say, 'I hope they are not going to take the soft option'. This is not a soft option. Anybody who has the kind of addiction that leads them to court does not have a minor addiction but a major addiction, and they will not have put to them the option of, 'Okay, if you take on drug treatment and sign up for two years, you'll be right son'.

This goes hand in hand with very rigid penalties of jail for noncompliance and/or, if you like, falling off the wagon. I know that is a bad pun to use, but there must be compliance all along. If any of these young people

do not fulfil their side of it or reoffend, there is an automatic jail sentence. There is nothing soft about that option. One of the things it does is give people the opportunity to make that choice.

Another thing I consider important is that this program will form partnerships, perhaps between the justice system and service or treatment providers and/or government departments. It is all too true that a number of these young people, by the time they have reached the stage of attending court for the first time or of being a repeat offender attending court on drug-related charges, have often got themselves into a position where they are alienated from their family and are homeless. You certainly do not keep paying the rent and the gas and electricity bills if your need to buy drugs is stronger than your basic needs to survive.

It will be important, as part of this treatment program, that all those agencies and government departments come together initially in the case management of those young people to ensure that along with the detox rehabilitation they are given the support of the basic requirements that we all have — that is, housing and adequate food and perhaps the opportunity to enter into some training programs that can lead them to future job prospects. There are lots of positives in this program.

Something that it is also important to mention here is that there seems to be the suggestion that this is the fault of these young people. They got themselves into trouble; we will throw them a bit of a lifeline or otherwise we will put them in jail. It has been said by speakers here this afternoon, and I acknowledge it, that the current drug issue is not just the sole responsibility of the offender, of the courts or of the agencies out there. Drug abuse is a community problem; it is owned by all of us and as a community we must be willing to embrace any program that may give our young people back their self-esteem and help to enable them to again participate fully within our community.

I congratulate the Bracks Labor government on coming forth with this trial program and I look forward to the time when it is not just a trial in Dandenong. I understand all the reasons why it is based there: you have to have all those services within a certain geographical radius. It is really important that it is a success — and I know it will be — and is available in other areas of metropolitan Melbourne and within the regions, in Ballarat, Bendigo, Geelong, out in the Wimmera and in Gippsland. Some people say it is a bit of a surprise, but it is not a surprise — we have problems in all of those areas. I support this trial program and look forward to its conclusion and the knowledge that it was a success.

Mr WILSON (Bennettswood) — I am pleased to make a brief contribution to the debate on the Sentencing (Amendment) Bill currently before the house. The bill amends three pieces of existing legislation: the Sentencing Act 1991, the Magistrates Court Act 1999 and the Corrections Act 1989. In his contribution earlier today the shadow Attorney-General indicated to the house that the Liberal Party is supporting the bill before the house.

The basic component of the bill is the establishment of a specialist drug court. The new court, we are told, will be piloted over three years, and I am pleased that Dandenong has been selected as the pilot site. The site is appropriate, and as someone who represents a seat in the south-eastern suburbs I am pleased that Dandenong has been chosen. As we have also been told both in the Attorney-General's second-reading speech and in debate earlier today, the concept of a drug court is not new. Drug courts already exist in other Australian jurisdictions including those of New South Wales, Queensland, South Australia and Western Australia, and in overseas jurisdictions such as the United States of America, Canada and the United Kingdom.

The drug court will be a new division of the Magistrates Court, and that is appropriate. The Chief Magistrate will have responsibility for assigning magistrates to the court. We are told that drug court magistrates will be assisted by a multidisciplinary drug court team including a case manager, a clinician, specialist community correction officers, a dedicated police prosecutor and a dedicated defence lawyer. Hopefully this will provide a coordinated approach within the court, and this system of linkages — or partnerships, as the Attorney-General referred to them — will be vital to the success of the pilot program.

The key features of the bill are detailed in the Attorney-General's second-reading speech. We are told that the purpose of introducing a drug treatment order is:

> … to facilitate the rehabilitation of the offender by providing a judicially supervised, therapeutically oriented, integrated drug or alcohol treatment and supervision regime.

If you ever needed evidence that ministers' second-reading speeches are written by public servants, I think there is proof in the language chosen there. We are also told that the drug treatment order is intended:

> to take account of an offender's drug or alcohol dependency;
>
> to reduce the level of criminal activity associated with drug or alcohol dependency; and

to reduce the offender's health risks associated with drug or alcohol dependency.

This new approach to drug offenders is necessary and will go some way to alleviating the crisis that our society is facing in terms of health issues and drug-related crime. However, it will not solve all of the problems. Indeed, most honourable members have acknowledged in their contributions to this debate earlier today that the drug issue is complex and that there is no single answer or solution to the problem.

I am disappointed that the current government so often seeks to play party politics with the drug problem facing our community. On many occasions I have commended the current government for its initiatives in the ongoing battle against drug addiction. I also happen to believe that the Kennett government's initiatives in the Turning the Tide strategy were most commendable. I was disappointed that during question time today the Minister for Health chose to politicise the drug debate yet again. I would say to the Minister for Health that it does his reputation no good to reduce the drugs issue to an 'us versus them' debate. A health minister should know better than that. He needs to rethink his approach.

Since I have been a member of Parliament, three personal experiences have turned my mind to the drug problem facing our community. On one occasion I was catching a train on the Belgrave–Lilydale line to the city. While I was sitting in the carriage at about 7 o'clock that evening, I witnessed some young people dealing in drugs. I saw how casually they were dealing — buying and selling drugs — and I got a first-hand appreciation that this drug problem is ever increasing and ever present in middle-class electorates.

The second example is that on a number of occasions it has been drawn to my attention that a young man seems to regularly use the phone booth near my electorate office to deal in drugs. On one occasion that matter was brought to the attention of the local police and I think what I have experienced in middle-class Burwood East is a problem that exists throughout Melbourne, Victoria, Australia, and indeed throughout the Western world.

The third and most recent example I experienced was in South Melbourne only about two weeks ago, where I saw a young girl — I thought she was about 21 years of age, though given the circumstances and the condition that I saw her in it was very hard to make an accurate assessment of her age — in the process of chroming. It was a very sad sight to see.

Therefore I am pleased that the initiatives contained in this bill go some way to alleviating the great problem of drug abuse and drug-related crime. I commend the bill to the house and wish it a speedy passage, but I suggest to the government that it does not provide all of the answers — it is simply one more small part of the solution.

Mr ROBINSON (Mitcham) — I welcome the Sentencing (Amendment) Bill for a number of reasons, but principally because it goes well beyond what could be called a simplistic treatment of and reaction to drug abuse issues in the state. There is a very simplistic notion afoot, Mr Acting Speaker, and I am sure you as well as every other honourable member is familiar with it — that drug use is a criminal activity and nothing more. That is dangerously simplistic because although it might be argued that that is an accurate reflection of people who push drugs, it does not even begin to appreciate the complexities of people who use drugs and who suffer as a consequence. Drug addicts often, in my limited experience, can be characterised by a number of complicating and compounding problems.

The medical evidence about the effects of drugs on one's state of consciousness can demonstrate this well. I am familiar to some extent with these issues through my membership of the parliamentary Law Reform Committee when I was first in this Parliament in 1998. At that time the Law Reform Committee had a reference to do with self-induced intoxication. That reference was given to the committee arising out of the public response to and concern at the decision by the Magistrates Court in the Australian Capital Territory that dealt with a well-known rugby player who got very drunk and assaulted another person. In that case the well-known O'Connor case that the High Court had ruled on some time earlier was invoked and the magistrate dismissed the charge on the basis that the rugby player was so intoxicated he could not possibly have formed the necessary intention to commit the criminal act. It was a very controversial decision.

The committee went about its work assiduously over the course of 1998 and came to the conclusion that the O'Connor defence ought to remain and that there were some fairly compelling legal reasons why it should remain, although it did not think it was properly invoked in those circumstances. The reason I refer to that decision is that in the course of that inquiry the committee had the opportunity of meeting with some very eminent criminologists and medical professionals who were able to impart to it their well-developed understanding of the actual physiological impact of drugs on the mind of the drug taker. To the best of my understanding what they were saying was that it is essentially impossible to objectively define what drug abuse will do to a particular individual's mind — the

mental processes of that individual. It is simply impossible to state with any degree of accuracy that if person A consumes the following drugs that person's thought processes will be affected and they will, in definitive terms, think and behave in certain ways.

This is all the more evident in cases where the drug abuser is taking a combination of drugs. That is a circumstance in which the effects of those drugs will compound each other, so it is even more difficult to try and ascertain or even guess what the mental state of that individual might be. That does not excuse or lessen in any way the culpability of someone who voluntarily partakes of drugs or abuses drugs. However, it highlights in my mind at least that the notion that taking drugs is nothing more than a criminal activity is too simplistic.

I am pleased that the Sentencing (Amendment) Bill starts to come to terms with that distinction. The bill aims to more effectively deal with drug abusers by prescribing tailored sentencing options. That is apparent in part 2 of the bill, which deals with drug treatment orders. Proposed section 18X entitled 'Purposes of drug treatment order', which is inserted by clause 5, is instructive. It states:

> (1) The particular purposes of a drug treatment order are —
>
> (a) to facilitate the rehabilitation of the offender by providing a judicially-supervised, therapeutically-oriented, integrated drug or alcohol treatment and supervision regime;
>
> (b) to take account of the offender's drug or alcohol dependency;
>
> (c) to reduce the level of criminal activity associated with drug or alcohol dependency;
>
> (d) to reduce the offender's health risks associated with drug or alcohol dependency.

So, the drug treatment orders provide a very flexible and functional means of dealing with particular circumstances of an individual who has been found to be abusing drugs. In that sense it goes a lot further than any previous sentencing devices created to deal with the individuals concerned, and is eminently reasonable.

I note that the bill proposes that the sentencing orders be piloted. That is a very wise step. I do not think, despite commentary sometimes offered to the contrary, that you would find a community anywhere in the Western world that has resolved absolutely issues associated with drug abuse.

Often people will cite the example of Scandinavian countries, but I am certain that in those countries there exists very vigorous debate over whether the settings they have in place are absolutely appropriate. I am sure they have as vigorous an exchange of views as we have here or as the people in the United States of America or any other part of the world have. In civilised communities such as ours it is very much a question of working towards more tailored, more functional and more appropriate sentencing options for drug abusers, and in that sense this bill represents a very progressive step.

We had the Leader of the National Party hoping in his contribution that the pilot might at some point be extended to country areas. That is not an unreasonable suggestion, and I noticed in the course of that contribution the parliamentary secretary, the honourable member for Richmond, indicating that that is a distinct possibility, and that is to be welcomed as well.

In conclusion, I support the Sentencing (Amendment) Bill. I support it because it is reasonable legislation, it is progressive legislation and it is in the great tradition of this Parliament that it will proceed in a cautious but reasoned manner in trying to devise policies that will more appropriately deal with problems before us.

We are confronted with a very serious drug problem in this community. I do not think anyone seriously believes they have simple solutions for it, because it is not a simple problem and we deal with it as best we can, as jurisdictions all around the world deal with it. But I am also pleased that the provisions of the bill will allow us in a very real way to go beyond what I think is the dangerously simplistic notion that drug use is nothing other than a criminal activity and deserving of nothing other than the strictest of punishments. That is still possible in this bill under the sentencing options, but as I indicated through reference to the relevant clause, the punishment is tempered with appropriate opportunities for rehabilitation as well as incorporating a consideration of the offender's dependency on drugs and the level of criminal activity associated with that dependency. Having made those few remarks, I am pleased to support the bill.

Mr McINTOSH (Kew) — I rise also to support this bill, which is a commendable step in the right direction in the search for a solution to this basic problem. It is but one aspect of a solution that may be obtained to this particular problem.

I had the opportunity of serving on the joint parliamentary Law Reform Committee for a couple of years up until October of last year. In that time, although we did not have any specific reference to the

drug problem or to a solution through the court system, we were involved in looking at the issue of legal services and the court system in rural and regional Victoria and we had the opportunity of speaking to a range of different groups involved in the fight against the drug problem. We also had the opportunity of speaking to the previous Chief Magistrate and the current Chief Magistrate about this matter.

A number of innovative diversion programs have been implemented already in the state of Victoria, and I would certainly like to acknowledge the previous Chief Magistrate, Michael Adams, who was at the forefront of the fight against crime through diversion programs in Victoria and who was acknowledged as being at the forefront by at least a group of magistrates, including the Chief Magistrate in South Australia, during a committee trip there.

I have one concern about diversion programs, and I speak as somebody who has not had extensive experience in the criminal jurisdiction or in crimes related to drugs, either drug offences or other offences such as burglaries or assaults that may be committed by drug addicts who support their particular addiction by perpetrating these horrendous crimes. I cannot say I did not act for any people who were drug addicts from time to time, but it would have been very early in my career, and towards the latter part of my career I did no criminal work at all. However, I will make a couple of observations about the diversion programs. Although I have no practical experience of them, I have certainly heard about the programs through representations made to the Law Reform Committee, all of which resulted in an ultimate report to this Parliament.

One of the things that concerns me about drug rehabilitation or diversion programs is that I have seen no concrete methodology in the current pilot scheme that will exist in Dandenong. I do not shy away from the fact that we should have a pilot scheme and I support the pilot scheme in Dandenong for what it is. It has to be limited to a residential area based upon postcodes in and around the Dandenong area. However, perhaps the minister could explain to the house precisely the methodology that would be used to assess that particular program.

That methodology would no doubt be of a technical nature, but I wonder at a simplistic level how the program will be assessed. Are we assessing it from the point of view of looking to see whether there is a reduction in crime? Are these diversion programs that will be implemented through the drug court in Dandenong being sought as an ultimate goal to reduce the number of drug-related offences and crimes in and around the Dandenong area or elsewhere? If that were the case, how would that ultimately be assessed and what would be the benchmark for determining that success?

The second thing that might be taken into account would be the number of rehabilitated offenders and how you look at that issue. Are they being rehabilitated simply because they have completed, perhaps, a two-year drug treatment order — the maximum time for a treatment order? If they get through that two-year period and do not reoffend or do not take drugs after a certain period of time, is there some mechanism to determine the benchmark for the success or failure of their rehabilitation? Also, will the people who are the ultimate victims of this pervasive problem in our community have some mechanism of gauging whether this rehabilitation program has succeeded in reducing crime and also property-related crime? The victims are the people who are assaulted, stolen from, or whose houses have been burgled. Is there some methodology for determining that?

We are told time and time again that these types of diversion programs are not an inexpensive mechanism and an inexpensive solution to a problem. It is a very expensive search for a solution to a problem. No doubt one of the benchmarks that we would have to consider in dealing with the issue of the Dandenong drug court would be to look at the actual cost the community has to bear in supporting this court. I would like the government at some stage to enunciate what cost it anticipates at all levels — not only for the operation of the drug court, the training of the magistrates and staff — but also the anticipated cost of these rehabilitation programs. This is to ensure that they are properly resourced and that it is not a half-baked idea. It is also necessary so that we can see that the money spent on behalf of taxpayers will deliver some concrete result for every dollar that is spent. Of course I understand that you may have to spend more now to get a solution which will ultimately cost less. If you take drug addicts off the street and rehabilitate them, if you lower the crime rate, if you reduce the impact on victims so that insurance claims decrease, et cetera, that will be the ultimate benefit we can derive from this scheme.

I am sceptical about the geographical area, because as we have seen this is a pervasive problem and I wonder if it is necessarily located in one particular area. While Dandenong may, like a lot of other areas, have a peculiar problem, I would hope the situation could be properly assessed so that there could be some proper reporting back to the house on a regular basis as to the effectiveness of this program. Waiting three years

means we would have to go through to the next election cycle. I would hope we could achieve something a little more regular in reporting on the effectiveness of the scheme.

No doubt there will be tweaking of this scheme from time to time. Rather strict prescriptions on magistrates are being provided by the government and maybe there could be some openness in the way those would be changed from time to time. The actual mechanism of reporting is a matter for the government, but I would certainly like this to be a full and frank disclosure on the success or failure of this program.

In relation to measuring success, one of the things said to the opposition was that in South Australia and Victoria with other diversion programs, regardless of whether they related to the Aboriginal or the so-called Nunga Court in South Australia, nobody could actually quantify their success or failure. You are looking at anecdotal evidence.

We spoke to a magistrate in relation to a diversion program in South Australia, which was not drug related but related to other offences, although we sat through a half-day hearing in relation to a heroin addict who had reoffended. The resources devoted to that court by the government in South Australia were tremendous. In that magistrate's six months nobody who had gone through the so-called Nunga court in Port Adelaide had come back to the court because they had reoffended. So, the magistrates were very accepting of the diversion courts and also of the success of the diversion programs over there.

That was replicated in some of the programs, such as the court referral and evaluation for drug intervention and treatment (CREDIT) program, which was started by the previous Chief Magistrate with the support of the previous government. We hear anecdotally that it has been a great success, but how can you measure the ultimate success of the program? So far as I am aware no detailed research or collection of statistics has been undertaken as to what would be the proper methodology for determining the success of such a court.

One of the things you are dealing with is a natural scepticism of the public. Members of the public like to have their pound of flesh. They like to see people who have committed serious crimes such as burglaries or assaults get justice. They like to see people who have committed murder or rape dealt with appropriately. There is a natural fear in our community, so one of the things by which the government will have to measure success is whether there is an acceptance at large of these programs. Even if it does reduce the crime rate and increase the rehabilitation rates, and even if the victims themselves in the community are accepting of this program, if the program is to be a success it is still in the government's interests to promote it.

I certainly wish the program well. I have no doubt it will be tweaked, changed and altered. That will be a natural consequence of the development of such a new program, and I do not criticise the fact that it will have to be changed and altered. We do not have the panacea or the silver bullet to cure the problem. This is just one aspect of it. I hope the ultimate research and methodology will prove me correct. I anticipate the government also hopes it will be successful in this regard and I hope it will be able to demonstrate to this house and to an understandably sceptical and questioning opposition, which will be looking to ensure there is value for the dollars that are spent on it, that the program will be a success.

The government will have to deal with the scepticism of not only the public but also of the court system and even the police themselves, although they have participated in a number of other diversion programs. We had an example of another type of diversion program that dealt with intellectually disabled people in South Australia where the greatest resistance came from the police themselves. This information did not come from the police but from the magistrates in South Australia. The police were not necessarily after a conviction or a prosecution, but there was a lot of pressure from the community to prosecute somebody for whatever offence to the full letter of the law. So, there will be a natural tendency that way and the police themselves will have to be convinced that these programs will be successful, otherwise they will become a useless addition to the Magistrates Court. They will be of absolutely no utility unless everybody is brought on board.

There is another reason why people become sceptical. One of the anecdotal stories I have been told on many occasions is that, because of their lives of crime or their desire to maintain their drug addictions or problems, repeat offenders, towards whom these drug treatment orders would be directed rather than to first-time offenders who may plead guilty to a charge, have developed a natural streetwise wiliness that does not perhaps conform to one's notion of normal or credible desires and this system of dealing with them might very well be seen as a soft option. I do not believe it is a soft option. Someone who genuinely wants to be rehabilitated in this circumstance is not adopting a soft option but is adopting something that will be quite difficult. I think the supervision that such a court can

provide is an essential part of the rehabilitation process and the commitment to the process. That is also something about which the government will have to convince the community at large.

It is important to recognise that this measure is a step forward. It is part of the package that will deal with this progressive and evil scourge that our community is facing. However, it is just one aspect of that particular process.

One of the very regrettable things that occurred with the change of government relates to the previous parliamentary Drugs and Crime Prevention Committee, which had spent four years looking at these types of diversion programs. That committee was chaired by an honourable member for Waverley Province in another place. I know the honourable member for Knox, with whom I share an office, has spoken passionately on a number of occasions about his commitment to resolving this issue. He was disappointed that the committee's commission was not renewed with the change of government.

A lot of taxpayers' money and resources had been devoted to this. The committee had spent four years looking at diversion programs, not only here in Victoria, which were really in their genesis or early stages, but also at programs they had seen elsewhere in the world and in other states. Effectively, all of that research and hard work was tragically lost because the commission was not renewed. The government had to introduce and pass special legislation in this place to enable Professor Penington as part of his commissioned review of the drug problem in Victoria to have a look at the material. No doubt he got a great deal of benefit from looking at the research that that committee had undertaken over a four-year period.

Certainly I would expect a government — and it may well be a step forward — to renew that commission of the joint parliamentary Drugs and Crime Prevention Committee to undertake this research, to adopt a proper methodology and very much in a bipartisan way to try to be a plank in convincing all of the sceptics out there of this program's success or otherwise or the natural changes that one would expect in this program.

In conclusion, I am pleased the government has taken this step; it is a step in the right direction. Indeed I participated in formulating the policy first as a member of the parliamentary Liberal Party in the lead-up to the debate on supervised injecting facilities. The policy was a large document promulgated by the Liberal Party that advocated the introduction of drug courts. The government has adopted that policy and, accordingly, on a bipartisan basis I have no hesitation and I willingly support this legislation.

Mr SEITZ (Keilor) — I am pleased that this issue has been treated seriously by all sides of the house, as indicated by the number of honourable members who wished to speak on this bill. It is a community issue. It is not just a matter for the government or the judiciary or the medical profession alone, it is a community question and an issue of concern for us as a community.

I am pleased to see that we have support for this bill. It is a vexed situation in our society. The number of people in my political life who have come to my office asking, 'Can't the police or the judge help? Can I take them to court? Can I get some support from the administration, the government or the social workers for my son or my daughter for treatment to help them to get off the drugs, to get into a drying-out program, get detoxification beds when they are ready to move in and accept the treatment that they need?', is enormous.

This step of having a drugs court in a suburb for three years and monitoring it is somewhat dangerous, because if you have it for three years it allows the crusaders and the media to take hold of the agenda and to take one example and build it up as a big issue to say the program is a flop. I believe we are moving in the right direction, and the community needs to be educated and learn what we are trying to achieve through this legislation and these changes to the Sentencing Act.

When people commit an offence, and it is often young people who do so, and finish up in front of the Magistrates Court it is not the answer to lock them up, because it does not help them to rehabilitate themselves. In most cases in jail they finish up getting further education on how to be hardened criminals, how to avoid getting caught and how to bypass the system. It is a big issue for us and for society to accept these facts.

I am sure in the future some people will say, 'Look at all this taxpayers' money that is being wasted for the rehabilitation programs because the orders given by judges with the social workers and everybody else involved in assessing these people are not working. Save the money'. I believe this program needs a fair hearing and fair support from people from all walks of life in the community. People who have had somebody near and dear to them who has been affected by drug or alcohol addiction understand the problem and appreciate the difficulties those individuals go through. It is not only the individual that suffers the affliction and addiction, it is also the immediate family and in many cases the extended family.

I have stood in this place on previous occasions and said that grandparents who suddenly have visits from grandchildren when they reach teenage years and beyond can after a while find that certain items are missing from their houses, only to discover that they are down in the pawn shop. It may be a video recorder, a video camera or other items that can easily be turned into cash to buy drugs on the illicit market.

With alcohol offences the situation is even more difficult, because society seems to accept indulgence in that and does not make a judgment that somebody has really gone over the limit and become addicted to alcohol. But put the two things together — drugs of addiction and alcohol — and you have a lethal weapon and a danger to any human being because of the damage they can do their kidneys or liver and the gallstones, ulcers or other illnesses they can suffer. It is self-destructive from a medical point of view, as well as being destructive of their self-esteem and their ability to function as human beings.

I believe we need to show compassion and understanding and we should extend this program, whether it is in Dandenong or out in the western suburbs in my area, because the need is there. We need to try different methods of dealing with these issues.

It is a disaster for us as a society to have young people in particular addicted and committing a crime — it might be minor but it leads on to bigger issues — and there is nobody to tell them that they need treatment. Parents cannot do it. We have democracy, freedom of the individual, and therefore we are not able to do that.

I remember the days when the police, psychiatrists, psychiatric nurses and other family members could have people committed for medical treatment. Today, with democracy and freedom of the individual and respect for the individual, all of those things have gone out the window and it has left many of those agonies. I am talking about people who have some other medical problems, who refuse to take their tablets and their treatment and cause problems in the families as they grow up. We read in the papers where police have been confronted with somebody waving a knife, an axe or a machete. In the end you do not read the whole story; you only see the headlines. You do not see that they were actually under medical treatment but have ignored their medication regime.

We had the case in my electorate involving Claude Gabriel, which the media sensationalised. Okay, he is a schizophrenic person, but according to his parents when they saw me and looked for help at the time the problem was that he was not taking his medication. Everybody knew the story or had read it in the paper. The end result of that case was that the parents had no power of enforcement, and the tragic event happened. We lost a lovely person whose life had to be sacrificed with all the rest, and we still have this issue floating around now. It did not happen in this state; it happened in another state, but still the problem came home here when he came to Victoria and then absconded from the country altogether.

The tragedy for that family and that boy would not have happened if there had been a method of saying, ‘Well, you have a medical condition and you must stick to the medical regime that has been ordered by your medical practitioners’, or if there had been a system like the drug court so that the situation could be monitored and people could be sure that the medication would be taken.

I have numerous stories like that in my electorate that I have experienced over the years, and I say that the legislation we are amending here today should go even further because there are parents out there who are suffering more than their children who are on drugs. We read that more teenage girls take up smoking cigarettes today than in the past, and cigarettes are also a drug of addiction. We do not know where substance abuse is heading. I read in the local papers that heroin is coming back on the market. It is being flown in from Asia once again. We had a drought, but it is now moving again in the region and we see the problems increasing because the drugs will be stronger and purer, they will affect people more and people will get hooked on them more quickly. People will also lose control of their faculties and what they are doing and will therefore create difficulties, usually within their own communities.

In many cases people say, ‘Oh, well, things have disappeared’, or, ‘I had a burglary and the insurance company will compensate me for it’, but it is very difficult when it is a family member, particularly when it is a grandchild, a niece or nephew or somebody in your own family who you know is actually taking these things to the pawnshop and destroying their life. You do not want to dob them in to the police because we are not a nation of dobbers. It is an issue, but there have to be alternative ways of seeking treatment for them. I think this is the right direction. It does not have to become a major crime, even if people finish up in a Magistrates Court where they can be convicted and have a jail sentence; we should be able to help these people beforehand in many ways.

The idea of supervised injection rooms were rejected, and that was to be for a trial period. We should look at

that again in considering this curse on our society, not only in Australia and Victoria but all around the world in different parts. It seems to be more evident in the affluent countries where people thrive on selling drugs because they get a better price in those countries for them.

Unfortunately, no matter how much community education, development and resources we provide, there is always a new way of enticing people to use drugs. The provisions in the legislation impose strict conditions on how one can be ordered to have treatment, and it will take many people, a great deal of staff — medical people and professionals — to get to the stage of making someone take medication unless they volunteer and admit that they need treatment, in which case there is the matter of whether they will continue and how long they will need the treatment and stay with it. That is a very important factor, because you can have a short recovery time — two weeks, two months — and 12 months or six months later you relapse again. It is like the case of many people I have heard of who have given up cigarettes. They say, 'Oh, I've stopped smoking', but three months later they have a drink somewhere in a bar and somebody offers them a cigarette and they light up and they are back on smoking cigarettes again. I understand it is very difficult for people to get off drugs and stay away from them in that environment in particular.

Having said those things I hope the legislation and what is being said today, which has the support of members on both sides of the house, continues into the future when the effects of this legislation are being assessed. Often hiccups or mistakes occur with the implementation of legislation. If mistakes occur and there are exceptions to the rules I hope there is not an outcry about them but that people support the program, the drug court and the provisions in the legislation. It is one step in assisting people caught up with addictive drugs. That is the aim of this amending piece of legislation. That should be of paramount importance to all members of this place. It is also of great interest to people in the media who often want to get a quick headline, or improve their ratings on the radio or television. On many occasions a project that has been supported by members from both sides of this house goes astray because certain media outlets want to increase their ratings, so they sensationalise the initiatives rather than thinking of the damage they are doing to society. I believe they would think differently if members of their family were going down the tube.

This week I commented in my local paper when asked about a young person who, when driving his motor vehicle along the street, did a U-turn rather than be forced to stop at a booze bus. In the process he killed a young woman with children. She was totally innocent but she happened to be in the wrong place at the wrong time. The driver of this vehicle panicked. Perhaps because of the fear of getting caught by the police or because of what his family may think. I am sure it was not on his mind or part of his plan that he would take such action and end up killing someone. The driver of the vehicle is now in hospital and police are waiting for him to recover so they can question him to understand why he reacted in the way he did with the result that he has killed someone, and caused considerable pain and suffering for the members of the family.

If people know help is available for them, whether they have a drinking problem or whether they mix drugs and alcohol together, I am sure people will take up that assistance. Many parents go through denial because often they are the last people to know about what is happening to their children. They often say, 'Not my son, not my daughter, not my nephew, not my niece — they are not into drugs'. Parents often do not realise it and often do not want to know about it. We need to talk about this issue; we need to handle these issues and make treatment available. Where an individual refuses to take treatment there is the final resort of a court ordering a person to receive treatment. It is an important issue. It is important we have facilities available, particularly for the friends, families and relations so they can be advised that this is the way they can go and these are the options available. They should realise that it is not a stigma on their family. Quite often I tell people that if they look down their street they will see other teenagers in the same boat as their children. Other parents are suffering in the same way as they are. If they are in denial they are difficult to help.

The community must be behind the program and support it. We should not have to wake up one morning and hear a talkback program attacking members of Parliament collectively for introducing these programs that are designed to help people. Often they say it is too expensive, that the budget has blown out, or that people have not been assessed correctly. Something new like this that is being tried in this state, particularly when it is being tried in Dandenong as a pilot project, needs the support of all of us so we can make sure that people who have unfortunately been hooked on drugs or alcohol have some help and have a road to recovery. Their families need help because it is agonising to see young people in this situation. As a former teacher I have seen my former students doing well, but all of a sudden after they reach 17 years they go off the rails. Parents say, 'What has gone wrong with my child?'. They often believe it is the TAFE college and a different environment, but they find out later, often

after an accident when the person has gone off the road and hit a tree, that it is drug related. People often try to deny the problem until one day reality sets in and they realise they must act as parents and acknowledge that they have children who had overdosed on drugs or who have died from drug-related accidents. They must come out and support these programs run by administrators or the bureaucracy. It is vitally important that we support this generation of young people who are worth fighting for and for taxpayers to spend money to save them for the future.

Mr KILGOUR (Shepparton) — It gives me a great deal of pleasure to speak on the Sentencing (Amendment) Bill, which will establish a specialist drug court program in Victoria. The reason it gives me so much pleasure is that, as a member of the former Crime Prevention Committee and the later Drugs and Crime Prevention Committee, during two previous parliaments I had a lot to do with the proposals for setting up drug courts and with some other committee members visited the United States of America to see drug courts in operation.

In his second-reading speech the Attorney-General indicated that the government intends by this pilot program to establish the drug court because of the 'destructive effects of drugs on children, parents and families', et cetera. He stated that:

> The government does not pretend that the drug court is the answer to Victoria's drug problems. Rather it is one element of the government's … drug strategy.

I am pleased that the government states that in the information it puts out, because it is a multifaceted operation to try to solve the drug problem. I understand the Victorian model will be unique, that the pilot program will be trialled at Dandenong and the proposal is a new way of approaching and dealing with the drug issue. I noted that the magistrate will be specially trained for the drug court in Dandenong. I support the way that the court will be set up. It will not be a separate or new court, but will operate within the existing court system and magistrates will be specially trained there. They need that training so that they can deal with the terrible drug problem.

The Attorney-General spoke about the responsibility of supervising offenders who are placed in programs through the court. The magistrates will have a role in monitoring the offender's progress during the drug court program. Unless that is done properly and financed properly the drug court will be a waste of time. I fully support the concept of drug courts and have done so since the moment I saw them in operation in the United States of America. I was devastated to think that all the work done by our committee during the last Parliament in looking into the drug court situation in the United States may have gone to waste, after having spent large amounts of money and countless time in going there. One member of our committee went to the United Kingdom and Europe to look at drug courts and self-injecting rooms. However, the visit to the USA and Canada was of paramount importance to see what happens in communities which have been wrecked by drugs.

First up, we went to Los Angeles where we met with the narcotics division of the Los Angeles Police Department. I remember driving into a police station and being directed to drive over next to a police car which was parked against a wall. The police car had 11 bullet holes through its window and rear and two policemen had been shot dead in it the day before we arrived. Why? Because they happened to drive around a corner into crossfire between drug gangs that were fighting on their territory. That is what happens in the United States.

We were told of areas, particularly in or close to downtown Los Angeles, where residents do not go out onto the streets. They go to the supermarket to buy their whole week's groceries and supplies, come home and lock themselves inside because if they went down to the corner store they would find a drug gang operating. Those gangs go into corner stores and say to operators, 'We are taking over this territory. This is our territory. We run the drugs. We run the guns. We run the pornography. We run everything that is illegal. This is our territory and you will provide us with the use of your toilet and with free drinks, et cetera, and we will give you protection'. That is what happens in downtown Los Angeles.

By the time we left the western part of the United States to go to the east I was convinced that drugs had absolutely got America to the hilt and that there was no way they could get out of it. I was probably convinced of that on that day.

Members of the committee looked at treatment programs in Los Angeles that were fairly ordinary. We were told that something like 60 000 people were involved in drug gangs in the greater Los Angeles area alone. The police told us that they were almost at a loss to stop it — and we saw what was happening. To make sure that we saw it properly the sheriff at the San Bernardino police station provided a helicopter so that we could fly over downtown Los Angeles and watch the drug gangs working and shooting at each other across the streets. It was a tremendous but frightening

experience to see what can happen to a community where drugs take over.

The helicopter landed us at the March Air Force base in Los Angeles, where we entered the Air Marine Interdiction Control Centre. The centre had a room about as big as this chamber. On the walls were a tremendous number of television sets and big screens. The centre's staff were monitoring where planes coming in from South America landed. They had big cameras, including radar cameras, that were tethered by long cables in the Mojave Desert and other desert areas in the southern part of the United States. People were watching those planes, whose pilots had not produced flight plans, coming across the border and seeing where they landed. They made sure that local sheriffs in those areas were quick to pounce on the planes because they were mostly loaded with drugs.

They were trying to stop the supply of drugs — but we also have to stop the demand for drugs. While there is a demand the supply will be there. The southern borders of the United States had thousands and thousands of vehicles coming across them each day. There was no hope of trying to discover which vehicles carried drugs.

From Los Angeles we went to Sacramento, California's seat of government, where we looked at mentoring programs in schools which try to support the people who are on drugs. That is just another facet of this horrible drug problem that needs to be solved.

We also went to San Francisco, the home of drug taking in the United States, where the flower power people of the 1960s started experimenting with marijuana. The police in that city told us that it was all very well for people to say, 'Yeah, we tried hooch. We tried drugs for a while. We were on marijuana. It was part of growing up'. The police said that today's marijuana is seven times stronger than that used in the 1960s. We walked around people who were taking drugs in downtown San Francisco, particularly in the Haight–Ashbury area, where it all started. We saw a park that had been ruined by the drug takers who lived in it.

We then went to Minneapolis, where we looked at specialist rehabilitation programs that were far too dear for Joe Bloggs in the street to take up. They were for people from well-to-do families who found themselves in trouble with drugs and who could go to this rehabilitation centre. We also saw a methadone program. A group of people living in Minneapolis had come from the mountainous areas of South America, where they grew the poppies that produce these drugs. Drugs had been part of their lives. These people were coming in every day to take their sample of methadone to try to get off drugs.

Then it was on to New York. We drove through the streets of Harlem with the narcotics division of the New York police and saw drugs being sold on every corner. The telephone companies had taken advantage of that by putting telephones on every corner. We saw the drug suppliers and the dealers driving around in cars with perhaps six mobile telephones. The dealers would change their numbers each day so that they could keep in touch with their suppliers and drop off drugs. We saw the rearguard action that was being fought in downtown New York, particularly in Harlem, to try to solve the drug problem.

The most interesting of all was when we visited Washington to talk to the federal government and learn about the narcotics and research programs that they were trying to put in place. It was the drug courts that really turned our minds to the way they handle these matters. I saw the drug courts in action. We sat down with a judge who spoke about how the program works. One must understand that the American jail system is barbaric. It is not surprising that people on drugs who go before a court for the first time get the message about what it is like in the American jails and are keen to take up a program which will keep them out of jail.

We found that for the first offenders — those who do not have a hard drug problem at this stage — the courts try to steer them away from jail by providing a monitoring program that takes a lot of money, many people and a lot of court time to ensure that these people are still on the drug program. We went across the road from the drug courts to the building where the urine analysis takes place. Every week people on the drug program have to have their urine tested to see whether they are still taking drugs. We saw the areas where people go into cubicles to give their urine analysis. They are under video surveillance the whole time because what they try to do is to swap their urine sample with somebody who is not taking drugs. What they do not understand is that when urine leaves the body it is warm but when they bring somebody else's sample into the place that sample is cold and it is easily picked up that it is not their sample.

If a first offender goes into a drug program and is found to be positive when tested, that person goes back before the court and the judge then deals with the matter. They are usually given a second chance to stay on the drug program if they are able to prove to the judge that while they defaulted this time they will go back onto the health program.

Although I support what the government is doing with this trial drugs program, it must be properly funded and the health program that goes with it must be properly operated. Judges must be properly trained or we will waste our time and money like we did with the drug program in this place when the Drugs and Crime Prevention Committee was not able to present its report.

I know the honourable member for Knox, who was a member of the committee, was extremely disappointed. I well remember the honourable member for Knox was not happy getting lost in the building when we went to see the urine analysis taking place. However, he has probably been lost before and will be lost again. The bill is a step forward in trying to solve the problem of young people in the main becoming involved with drugs. If there is no follow-up then these programs will be useless and the money allocated will not be spent in the right way.

I support the government, as do those who travelled to the United States of America, on the drug program. I know the former honourable member for Springvale, Eddie Micallef, will be happy to see this measure take place because he was a great advocate for such measures. Unfortunately, Eddie Micallef was drummed out of the Parliament by the Labor Party factions, but then the Labor Party had the audacity to set up drug committees outside of this Parliament and not include him, a person who had put hundreds of hours into the drug programs and could have been a tremendous help to the Labor Party. What did they do? They drummed him out of the Labor Party and out of these programs. Victoria is the loser because Eddie Micallef was not given the opportunity by those who seem to hate members of Labor factions more than they hate the opposition. The government stands condemned that it did not use Eddie Micallef in this program.

Having said that, I wish the program every success. I hope we see the program up and running and, because of its success, there will be a drug program established throughout country Victoria. We need in places like Shepparton, Horsham, Bairnsdale and Benalla programs that will ensure that people are given an opportunity and in some circumstances a second chance to take part in such programs. They should be given an opportunity to try a health program which will put them back on the road of being a worthwhile member of society by not having to take drugs, by understanding that they will be in a position to live a meaningful life and not be under the spell of these terrible narcotics that can do so many awful things.

I compliment the government on bringing in this program. I hope it will be everything that we expect. I know that the Minister for Police and Emergency Services will be wanting to monitor the program because he will see through his police statistics whether it is working or not and whether the people who are on the program are able to come good and not be back in the charge of the police. We see the same thing with alcohol users.

With those remarks and feeling very strongly about and supporting drug courts — as I did when I came back from the United States of America with the parliamentary committee, which unfortunately was not given an opportunity to come forward with that recommendation — I wish the drug court every success. I hope the judges are trained properly and the people of Victoria are given the opportunity to use these courts for the benefit of society.

Sitting suspended 6.26 p.m. until 8.02 p.m.

Ms ALLEN (Benalla) — It is with great pleasure I rise to talk on the Sentencing (Amendment) Bill. This is once again another piece of progressive legislation from the Bracks Labor government with the establishment of a specialist drug court in Victoria. We all know that drug addiction is an illness. In fact, while having dinner with the Australian Hotels Association (AHA) we discussed the fact that any addictive behaviour is an illness. Drug addiction would have to be one of the most insidious illnesses that is affecting the youth in our society today.

The drug court to be established by the Labor government will go a long way towards helping serial offenders who have been afflicted with drug addiction for many years and who are also compulsive criminals. It will go a long way towards helping those people rehabilitate themselves. Drug addiction is an issue that touches everyone in society because not only does it touch family members — siblings, parents, particularly grandparents — it is also an affliction on society when young people, in order to feed their addiction, go out and commit crimes in society.

There are already drug courts in New South Wales, Queensland, South Australia, Western Australia and overseas in the United States of America, Canada, England, Ireland and Scotland. The model to be used by the state government will be formulated from the very best features from all of the drug courts around the country and right around the world. Drug court teams will include case managers, clinicians, specialist community correction officers, police prosecutors and defence lawyers.

We all know the heartbreak this dreadful addiction brings on families and we all know parents will go to any lengths to help find a cure for their children. I know of a lot of parents here in Australia who have taken their children over to Israel to use a new cure system. Some addicts have been cured, others have not. The drug courts will go at least some way to helping serial offenders help themselves.

It is heartbreaking when we have a young person involved in drug addiction. Just personally, I have seen two families close to my heart who have been on the receiving end of drug addiction. I have seen the mother, a very close friend of mine, go to enormous lengths to help her daughter who is a heroin addict. I have watched that family go through the heartbreak and the pain and seen what the addiction does for the siblings in that family. It is a hideous addiction.

When this woman's daughter was stealing from the family home and taking items down to a well known second-hand dealer — I would call it a simple pawn shop, but it has bright lights and is well known around the country — the mother saw the manager at the second-hand dealer shop, gave him a photo of her daughter and pleaded with him that if her daughter ever came in with an item to please not take it because it was probably stolen. But of course business comes first, doesn't it? The manager took absolutely no notice and subsequently the young lady continued to take the stolen items to the second-hand dealer.

Her mother would go in there constantly to buy back these items from the family home. Within 12 months she had spent $20 000 of her redundancy payment buying back the items her daughter was stealing from the family home to feed her addiction. It was heartbreaking to watch the family and the grandparents knowing that this was going on and that they could do nothing to help the young woman. She subsequently went into drug rehabilitation at Windana and spent a couple of years there on and off. She now has a Narcan implant in her diaphragm, and it is working wonders. I was speaking to her the other day and she said she was rocking on the road to recovery. It was wonderful to hear that from a young woman who has been fighting heroin addiction for the past eight years.

The young daughter of another family friend is suffering from a dual addiction — a combination of drugs and alcohol. She first acknowledged the fact that she was suffering from an illness about five years ago. It was tragic to see this beautiful, talented young girl afflicted with marijuana psychosis and a combination of alcohol and amphetamine abuse. This once beautiful young lady — well she is still a beautiful young lady — is still trying to rehabilitate herself. Her mother is the stalwart. She has helped her consistently over the past five years and has always been there for her and tried to help her. It is very difficult to watch another mother and another friend of mine cope with these addictions.

The drug court will be wonderful. It will be a trial program for three years beginning initially in Dandenong. The Labor Party is always seen as doing a lot for the addicts, which is wonderful because they need the help. We need to find new and innovative ways to help the drug-addicted youth in our society. However, we still need to do much more, and in particular we need to do much more in severe sentencing for the dealers. Every time I talk about drug addiction it is about what we can do for the addicts; we very rarely hear what we are doing about the dealers.

There has been a heroin drought in Melbourne for the past couple of years to the point where addicts were looking for new drugs to feed their addictions. Unfortunately heroin is now coming back onto the market. It is about 40 per cent stronger than it was before, and there is so much more of it.

I can remember walking down Smith Street in Collingwood with my eldest daughter about three years ago, before she went to live in London. As we walked past a public telephone box I heard a rattle like a poker machine paying out money, I turned around and there was a young man robbing the phone box. Being the country person I am I said to my daughter, 'He's robbing the phone box!'.

My daughter had been living around that area for a couple of years, and she grabbed my arm and told me to just keep walking and not to say anything or look at him. I said, 'But Shae, he's robbing the phone box!', but she told me to just keep walking. As this young man ran past us he had a knife in his hand. It was a very frightening experience to see that and be told by a young woman who was wise to the world of young people not to say anything or to look at him. Having lived around the North Fitzroy–Collingwood, Brunswick–Smith street area for some years she was aware of what was going on in that area and how bad the drug addiction and drug deals were. Living in the country you do not see those things on a regular basis, and it was quite a disturbing experience.

My daughter went on to the bank while I went and had a cup of coffee to calm my nerves. As she came back to me she said that in the short distance she had walked from the old toy museum in Smith Street up to the bank and back again she had been accosted by three dealers asking her if she was chasing drugs. It was quite a

frightening scene at that time. Fortunately Smith Street in Collingwood and North Fitzroy has now been almost completely cleaned up.

When this other young lady was in Windana she became friends with the son of another family friend. They became really great buddies. I think they formed a connection because their parents had been friends since primary school. Unfortunately two weeks ago the young boy, Nicholas, died of a heroin overdose. It was a very tragic and sad occasion. Had something like a drug court or even a heroin injecting room been around when Nicholas was alive, he would probably still be with us today.

I commend this bill to the house. It is another piece of innovative, progressive legislation from the Bracks Labor government. I commend the Attorney-General for putting forward this legislation.

Mr DELAHUNTY (Wimmera) — I am pleased to rise and speak on the Sentencing (Amendment) Bill and to follow some great speeches on this matter. As we all know, the purpose of the bill is to establish a specialist drug court pilot program here in Victoria.

As the second-reading speech says, the drug epidemic affects all of society, and we all know of the tragic and destructive effects of drugs on children, parents, and importantly, families. The drug issue is not only a criminal issue, it is also a community issue. This initiative is a step forward in protecting the community by focusing on the rehabilitation of offenders from drug addiction and drug-related crime.

Last year, like all of us here, I was glad to be part of the joint sitting of Parliament to debate drug education and preventive strategies. At that joint sitting we heard from eight speakers, including Neil Comrie, Archbishop Pell, and one of the most inspiring speakers of the day, Peter Wearne. He spoke from the heart without a note in front of him. He was very thought provoking and informative.

Among some of the key information we heard that day was that there are about 75 000 dependent users of heroin in Australia. That figure probably blew us all away. We all know it is a social issue that needs education, early intervention and diversion.

One of the key messages that came that day from Peter Wearne — who, as I said, spoke from the heart — related to the lifestyle problems of addicts. I think the drug court pilot program will be very beneficial to these types of people. Peter highlighted that the media has an important role to play in this scourge that is affecting a lot of people within Victoria and across Australia. At that stage the government promised money to address the drug problems. This is one of its initiatives, and we support that.

One of the issues I raised at the time was that of Palm Lodge Centre, a group of people which operates in Horsham and services a large area of the Wimmera electorate. It is now linked to the Grampians Community Health Centre at Stawell and provides drug and alcohol programs right across the electorate. At the time I was disappointed that the government was not supporting this initiative, but I am pleased to say that some money has dribbled through at this late stage. As I said, I strongly believe there needs to be preventive education coupled with rehabilitation, detoxification and diversion programs.

I get back to the bill. As we know, it will set up the Victorian drug court and provide for a pilot program to be run over three years. Initially it will be based at Dandenong, and operations will commence at the end of March 2002. As my leader and other country members of Parliament have stated, we also need to look to extend that to other regional areas. Unfortunately the scourge not only affects the Melbourne metropolitan area but spreads right across Victoria. I again call on the government to look at extending the program to country areas.

We know that the Victorian drug court will be akin to similar courts that presently operate in New South Wales, Queensland, South Australia and Western Australia. We also know that these types of courts operate overseas. From reading and researching for the debate I know that every court is different, and this one will also be different because it will be a division of the Magistrates Court.

In talking about the Magistrates Court I will say that I was pleased to track down through the library an article in the *Herald Sun* of 9 December 2001 with the headline ‘Court bid to break crime-drug link’. The article states that Victoria’s deputy chief magistrate, Brian Barrow, will lead the new court. It also reports that the court will operate as a division of the Dandenong Magistrates Court.

I have been out there and looked at that facility in other circumstances, and it is a very big complex. I think the new court can work very well in that area.

The article reports Brian Barrow as saying:

> We need to do anything we can to stop the devastation drugs are having on our community, particularly young Victorians.

This is where I want to have a strong say. Our youth is our investment in the future, and it is important we do everything we can to try to get them off this scourge. The drug court is an initiative which is well worth pursuing.

Also talking about magistrates, I picked up an article from the *Sunday Age* of 27 January 2002 under the heading 'Law of the land'. It is a story about a magistrate named Tim McDonald who was born at Hopetoun and does a lot of work in western Victoria. It was interesting to read in the article that now only 17 magistrates service country Victoria. They do an enormous number of miles, as do all country members of Parliament.

The article is well worth reading for anyone who likes a light read. It covers all aspects of being a magistrate. Tim McDonald would be one type of fellow who I would think would be a very good operator in this type of court because he does his homework. I want to highlight some of the article in a light-hearted way. It states that once every two months Tim McDonald travels to the Hopetoun Magistrates Court, which is in the Mildura electorate, a little bit north of the Wimmera electorate. The article refers to a court case and shows how light-heartedly he dealt with a very sensitive issue.

Three young men were in court facing the magistrate because they had paid a visit to a young woman's home in Sealake. The young woman was not there, so they decided to rummage through the house. They were seen leaving the house wearing some women's clothes. The police prosecutor, Russell 'Bluey' Reid, brought these people to court. From the first one, Shane, the excuse was that he was drinking. Andrew, the second one, said he was, 'Just stupid, I suppose', and that he had also had too much to drink. Nathan, a burly, brown-tanned and gormless-looking fellow, said, 'I don't remember being there'. The drug and alcohol court would be the type of court that could handle this situation.

It was interesting to read that:

> McDonald, in bow tie and dark double-breasted suit, leans forward in his high-backed chair and pulls on the required air of po-faced severity. But behind the wire-rimmed glasses, his eyes are twinkling.
>
> He asks: 'How often do you cross-dress?'
>
> 'Not … often', answers one.
>
> 'Hang on. That implies you've done it before'.
>
> 'Well, yeah. At football functions and that'.
>
> 'Hmmmm', says the magistrate. 'Do you want to see a psychologist?'.

He dealt with a sensitive issue. These young fellows were up on theft and he dealt with it in a sensitive way. Magistrates play an important role in dealing with people. If they have done their homework they can deal with matters in a sensitive way.

As we know, the Victorian drug court will be a division of the Magistrates Court. The principal feature of this court will be a new sentencing order known as a drug treatment order. It will comprise two parts: firstly, treatment; and secondly, supervision coupled with custodial structure. To be eligible for a drug treatment order a defendant must plead guilty to an offence. My leader, the honourable member for Gippsland South, covered this very well and highlighted the fact that these people need to accept and admit that they have a problem. In that way they can get onto this program, and I think that is a good way of treating this.

We all know that it is exclusive of sexual offences or crimes of a violent nature including actual bodily harm. Most of the likely offences will be property theft and burglary. It is interesting to read in the second-reading speech that there will be a mixture of specialist people to help the court in a court team established to oversee the order. I highlight that people with expertise will be there.

People in my electorate talk about not only drug problems but also the alcohol problems within communities. Again I notice that this court will deal with those issues. One thing I want to highlight is that the magistrate must take account of the victims of crime. Too often I have seen people who have been up on various offences using the fact that they have been on drugs or under the influence of alcohol to get off fairly lightly. It is important that the position of the victim of crime be taken into account.

It is also important that we in Parliament get back reports on this pilot program. We will all read them with interest to see how it goes. There is a diversion program, which is one of those good programs initiated by the previous government. In that program people need to own up and accept that they need help. This type of program will help focus on the individual, and that is a very practical approach to the drug problem in Victoria. We have a drug problem in the Wimmera in country Victoria.

I wish to finish by saying that I have dealt with some young people but fortunately I have not had much dealing with this problem. The honourable member for Benalla said she has been closely associated with it. However, I have found that young people have had great difficulty getting into detox facilities. Most of

them had to leave their homes, their parental support and friends' support to be involved.

I welcome the government's approach to doing more for detoxification in rural Victoria, and I hope that some of that can spread across to western Victoria. I am supporting this legislation because it is a practical approach to the minor end of the drug scene. It is an important area, because the young ones of today are our investment in the future.

Debate adjourned on motion of Mr MILDENHALL (Footscray).

Debate adjourned until later this day.

ROAD SAFETY (ALCOHOL INTERLOCKS) BILL

Second reading

Debate resumed from 26 February; motion of Mr BATCHELOR (Minister for Transport).

Further government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until later this day.

CRIMES (DNA DATABASE) BILL

Second reading

Debate resumed from 29 November 2001; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Mr HULLS (Attorney-General) pursuant to sessional orders.

Opposition amendments circulated by Dr DEAN (Berwick) pursuant to sessional orders.

Dr DEAN (Berwick) — I would like to say a few words about the bill and why the Liberal Party is supporting it and the provisions therein. You will recall, Acting Speaker, that the DNA legislation was introduced by the previous government in 1993 and there was a further amendment — I will be corrected if I am wrong — in 1998. You may also recall that at the time the then opposition opposed the DNA legislation introduced by the previous government and was quite vocal about what it saw as major problems arising from that legislation.

Mr Ryan interjected.

Dr DEAN — Yes, it is surprising. It is extraordinary it would have done that and is now accepting and improving the legislation. It is good to see that the government has changed its mind from those early days when it opposed the DNA legislation. Not only has it changed its mind and now realises the error of its ways and that the DNA legislation was good, modern legislation, but it has sought to strengthen it — and the opposition will support those moves.

I will quickly go through the various areas in which this legislation strengthens the existing DNA sample procedures in the Crimes Act. Firstly, it allows the taking of voluntary swabs. I presume — I need to look at the act to confirm it — that means voluntary forensic procedures. Basically that means a person can say, 'Yes, of course I submit to a DNA sample. It is in my interests to do so'. Most citizens who are suspected of a crime are keen to clear their name and would immediately volunteer to have such a sample taken. This change will allow them to volunteer to have a sample taken but they can take the sample themselves. They can ask for instructions, and if they use the bud or whatever it is appropriately under instruction the sample can be taken that way.

I am told by Olaf Drummer from the Victorian Institute of Forensic Medicine that you can tell when a person who says they will take a voluntary sample is pretending to do so but is not. In other words, you can tell when someone says they will take the swab but they are not doing it properly. If someone says they will do it but then tries to play a funny game by not rubbing it up to get the cells off the inside of the mouth, or whatever it is, then the person in charge of the forensic procedure can say, 'Thank you. We will do that for you'. I am sure the voluntary system will be successful.

The bill also expands the forensic sample offences, and given the concerns of the previous opposition and now government, it is interesting that the government is not only embracing the legislation but wishes to expand the number of forensic sample offences that are included. The government has appropriately chosen to include false imprisonment — which is a form of kidnapping, a very serious offence; assistance in the commission of a forensic sample offence — clearly if you have committed a forensic sample offence or you have assisted someone to commit such an offence, you should also be included; and hoax offences, which are very serious offences such as threats of putting razor blades in washing powder. Such threats cause enormous concern, damage and cost to the community, and if they are carried out they can cause injury and death, so they should certainly be included.

The legislation enables the County Court to make an order for the keeping of a sample taken as a consequence of someone being suspected of an offence and convicted of that offence at the time in the court. Honourable members might think there needs to be a special provision for that, but there are two separate ways of obtaining DNA samples. The first is if you are a prisoner, and the other is if you are suspected of an offence and you have committed that offence. Unfortunately, the two are quite separate. A bridge is needed so that if the sample were taken as a consequence of the first level — that is, you were suspected of an offence — it could be carried over and kept once you were in prison. That is a technical change that is necessary.

Further, there was a problem in the original legislation. I am the first to admit that although the previous government got most things right, in complicated legislation there were some administrative matters that needed to be finetuned. Finetuning is always needed. Obviously the government, now that it has accepted the legislation, not only wants to strengthen it but wants to finetune it to make sure it works in a better and simpler way. As a consequence there is a need to ensure that people who are lawfully asked to provide a sample will turn up at the time and place where they have to give the sample. Unfortunately under the act if they were asked to give a sample and notified of a time and place they could basically say, 'Go whistle', and there was not much anyone could do about it. Now there is a provision whereby notice can be given to them, and if they do not turn up a warrant can be issued and they can be arrested and taken to the appropriate place to have the sample taken. Of course any court orders will now include a time and place.

As I understand it there are some 3000 unexecuted orders sitting around because basically people just do not answer the phone when you ring them up and tell them, 'We have the doctor ready to take the sample'. Now we can get a bit more serious about that. That was definitely necessary finetuning. I commend the government for doing that.

The legislation also allows the Victorian police to participate in the national DNA database. The point I wish to make about DNA legislation is that, just like computer technology, DNA technology is a growth industry. It is becoming more and more important to our daily lives. Just as fingerprints are swapped all over the world — local police can ring the New York police and they will fax through fingerprints so that someone who may have been arrested can be tested — and therefore identification through fingerprints is a worldwide tool for solving crime, so Australia now will have a national DNA database which enables New South Wales and Victoria to swap samples and to test samples against each other. Of course, that it a very important thing and this bill therefore takes that step.

Before I go to the amendments, which tend to rather overshadow the amendments to the act by the government, if I can put it in a nutshell, the Liberal Party was ahead with the DNA legislation when the then opposition was against it; now the Labor Party has accepted it and we are ahead again. I have no doubt that further down the line they will accept that, too, but before I get on to that important matter I think it is important to see how incredibly potent the DNA weapon is. I will just go through a few press reports about various situations where DNA testing has solved crimes that otherwise would have been unsolvable.

I start with a press report which is headed 'How a breakthrough in technology caught a killer'. It is a fascinating story and I wanted to read it last time I was talking on DNA legislation but I ran out of time. But this time I will not run out of time.

Mr Ryan interjected.

Dr DEAN — Because then I was a parliamentary secretary and I could speak for only 20 minutes.

Mr Ryan — How long is it now?

Dr DEAN — I think I can speak for as long as I like. Anyway, this is a very short story, but it is a very important story:

> On the night Mandy Carter's body was found, Mr John Presser was at a meeting of the Forensic Science Society. They had gathered to discuss the latest advances in blood-group testing.
>
> Mr Presser had worked in forensic science in Victoria until earlier that year and brought to Tasmania the news that basic A-B-O blood typing was no longer the best that science could offer.
>
> At that stage an O-type blood sample, for instance, had reduced the possible suspects to half the population — not much closer to the truth.
>
> Mr Presser had just started speaking on the latest modest advances in blood-type analysis when every beeper in the room sounded. The meeting was adjourned, its key speakers summoned to a lonely stretch of the Derwent River near the northern suburb of Bridgewater.
>
> If not for the foresight of Mr Presser and other scientific officers, the man who raped Mandy Carter and left her to drown might never have confessed his crime.
>
> Mr Presser had examined a sample from a seminal stain found in the back seat of Gerald Highland's cab. It was a mixed stain: a woman had contributed to it.

Technologies available at the time could not link the stain to Hyland and Mandy. Mr Presser carefully preserved the swabs, anticipating that advances in DNA testing might some day prove conclusive.

Some 14 years later, after Hyland had been sentenced, the Tasmanian director of public prosecutions, Mr Damian Bugg, acknowledged that the work of Mr Presser and DNA experts … had been crucial.

Deoxyribonucleic acid (DNA) is found in every cell of every living thing. Profiles of an individual's DNA act like a human bar code, permitting far more precise identification than blood groupings analysis or even fingerprinting.

An English scientist, Mr Alec Jeffrey, from the University of Leicester, discovered a way to identify DNA visually with X-ray photographs in 1983.

Small samples of blood, semen, saliva or even a strand of hair could now … provide an accurate profile of a person.

The discovery led to the solving of a murder-rape case in the English Midlands where, on the strength of Mr Jeffrey's methods, police ordered 4500 blood samples to be taken from men in the area of the crime.

In the Carter case, the actual DNA evidence was not tested in court: most observers believe the weight of it forced Hyland's confession early in the proceedings.

Police in Tasmania did not go so far as to extract blood from a line-up of thousands but by the time of Hyland's arrest it was the only state in which magistrates could be bypassed and blood samples taken — by force, if necessary — from anyone charged with a crime.

Hyland had repeatedly declined to give blood in the early days of the investigation.

Police had collected his cigarette butts as he paced outside the coronial hearing of 1981 — even offering him cigarettes — to get a saliva sample.

These allowed his blood group to be established, though not conclusively. Until it could be proved that Mandy Carter had been in the back seat of the taxi there would not be sufficient evidence to charge him.

In 1987, a type of DNA profiling — restriction fragment length polymorphism (RFLP) — became possible in Australia, but it required more samples than Mr Presser had stored in the deep freeze.

'Unfortunately we didn't think to keep the entire seat before Hyland had his taxi destroyed. 'We didn't have enough sample to work with', Mr Presser said.

'Amanda Carter's DNA molecules were badly chopped up because her body had been in the water for six weeks. We had to wait for technology that could analyse small amounts of DNA'.

By 1992, a newer method of profiling, called PCR (polymerase chain reaction), became available in Victoria.

The 12-year-old sample was sent to Dr Bentley Atchinson at the Victorian institute of forensic pathology, who finally determined that there was a very high probability Mandy had been in the yellow taxi.

Mr Szabo warned that DNA profiling was not foolproof.

'We can conclusively eliminate someone from contributing to a stain but it can only provide a probability that someone did it', he said.

'But then, when there is plenty of a sample in good condition, RFLP can narrow the possibility suspects to 1 in 100 000 people, even 1 in 1 million. With PCR you can, theoretically, take it even further.

So, if you were able to therefore place Mandy in the back of that car, if you were able to do that within one in a million, and if you have other evidence, that is enough for the courts to say with all the other evidence, 'You are guilty'. In this case the man confessed.

Why have I read this out? Because it shows that over that period someone had realised that DNA sampling procedures were going to become more and more advanced, and at the time this person took the sample there was no way that sample could have proved the crime. However, 10 years later the methodology was so much more accurate that the prosecution continued.

The point I wish to make is that that process is still continuing, and there is no reason not to believe that further down the track we will be able to tell an enormous amount about the individual from one DNA sample — maybe even to the colour of the hair, the person's height and all those characteristics that are so important. So even if you do not have a match-up that works, you can actually profile the person.

There is an example from 1998:

German police using genetic evidence to hunt for an 11-year-old girl's killer have netted a confession following voluntary DNA testing of 16 400 local men — the largest such mass genetic testing to date. A 30-year-old mechanic and previously convicted rapist was arrested after his DNA matched evidence found at the scene of the rape, stabbing and strangling (the young girl).

Another example from 1998:

The *Age* revealed this week that the Victoria Police had launched a fresh investigation into the alleged murders of three women in cases stretching back 44 years. Police will DNA-test fingernail traces taken from one of the three, who was beaten to death in 1990, in a bid to find the killer.

There are other examples. Here is one from the Sunday *Herald Sun* in relation to a British matter:

In Britain, DNA technology has doubled the rate at which burglaries are solved — criminals sent to jail for burglaries have also been linked to more serious crimes.

In Australia, DNA sampling helped catch Raymond Edmunds (Mr Stinky) and backpacker killer Ivan Milat.

Another example is contained in a press release saying how the state opposition objected to the legislation as originally brought in. I have already mentioned that.

The point I am trying to make is this: DNA sampling and forensic sampling are the modern technology replacing fingerprinting, and we should not be afraid of our own technology. It is part of our modern world — I am sure when people found they could use fingerprinting as a means of matching people to scenes of crimes they were absolutely overwhelmed by the possibilities — and 20 or so years later it has been instrumental in fighting crime.

We now have a technique that is 10 times more potent, can last many, many years and can be used in places where people have covered their hands with gloves but have smoked cigarettes or lost some hair or whatever. It can be used in places where fingerprinting is of no value whatsoever, such as in sexual crimes, but where samples can be taken of the fluids of both people to determine whose DNA it was. And, as has been shown in these examples, you can take the sample and leave it there for a long, long time and it will still be as potent a weapon — in fact, later on it may reveal more than you could possibly have revealed now because technology takes us so much further.

That is why the opposition, which led originally with its DNA legislation, is willing to take the next step. The next step is that we believe the taking of DNA samples and the undertaking of DNA forensic procedures should be on a par with fingerprinting.

At the moment when a person does not consent to having a forensic sample taken the police are required to go to court. Then, after that court order is obtained, the police come back and say, 'Now you have got to give the sample'. Then of course if the person still does not wish to cooperate the police have to have the sample taken by force. I will come back to that in the moment. That is no different to the situation when a person whose fingerprints you request says, 'No, you cannot', and then clenches their fist. I defy anyone in this chamber to say to me that if I clench my fists and say, 'You are not having these fingerprints', there is some other method that will enable the police to take them by force without two or three policemen undertaking a very physical approach to me to get that clenched fist open.

For a start, you have to put the person on the ground; secondly, opening a clenched fist is incredibly difficult. You do not use electric prodders, which I am sure some policemen would like to do, but somehow policemen have to use their strength to open a clenched fist, and it takes two or three of them. I would love to challenge two of my colleagues to see if they can open my clenched fist.

Honourable members interjecting.

Dr DEAN — I can see some people are ready, willing and able.

Ms Campbell interjected.

Dr DEAN — If you will just hang on and listen, the point is that enormous force and physical intrusion is required to get a fingerprint from a person who refuses to give one. At the moment if a person refuses to give a sample the police are required to go through the court process, and we have seen that the court process is a rubber stamp. Basically, if the police reasonably believe that a person has committed an offence or if they have charged that person, they go to court and say, 'We have reason to believe that this person has committed an offence' or 'We have charged this person', and then the court says, 'Right. There is the order', and then the police go back and take a sample — by force, if necessary.

The police were trying to make these applications through chambers because it is such an expensive exercise in man-hours and cost, but due to an error or a glitch in the legislation it can no longer be done in chambers and it now has to be done in open court, so a magistrate now has to actually open a court. I presume there would be about 20 of these applications going up before the magistrate, and I imagine the magistrate would say, 'You have a reasonable suspicion?', 'Yes', and — bang, bang, bang — they would be granted at a cost of hundreds of thousands of dollars and hundreds of man-hours. At the time that we found the glitch in the system there were something like 2000 or 3000 applications hanging around that had not been dealt with, and there are now something like 3000 orders that have not been completed.

We are being very silly about this. We are being very silly by saying that the modern form of fingerprinting should not be treated in exactly the same way as traditional fingerprints are treated. Let me get down to the nitty-gritty of someone who has decided not to give a sample and who therefore has to forcibly have a sample taken. That happens now. Do not think that a court order makes any difference. The fact is that if a person is not going to give a sample, court order or not, they still have to be forced to do it.

Three methods are used. One method is taking a sample of mucus from inside the mouth. Another method is to use a little machine that sits on the top of the finger — and diabetics use this machine four or five times a day because they have to check their sugar count. Olaf Drummer, again at my request, had one of his staff go through the test with me. The little machine goes on the finger, it goes click — and it does sting! A little drop of blood appears and a swab takes the top of the blood. That is done by diabetics three or four times a day, and I guarantee that it would be easier for police dealing with someone resisting to obtain one finger and do that clicking procedure than it would be to get a clenched fist open onto a fingerprint pad. I guarantee that. There is also the method of obtaining a follicle of hair, which again would be much easier than dealing with someone who is clenching their fist and saying, 'No, you can't have a fingerprint'.

It is a nonsense that when someone refuses to give a sample police are forced to get a court order costing hundreds of thousands of dollars which cannot be spent by the police on crime fighting and hundreds of man-hours which cannot be spent by the police out there looking for the criminals. The police, who have a very limited budget, would be saying in many situations, 'We would like to have a DNA sample, but frankly it is too much trouble and too much cost and we won't do it'. If that is the case, you can pretty well guarantee that there are criminals who are not being caught as a consequence of a totally unnecessary process.

It seems that people who do not have the imagination to think about the fundamentals and who get wrapped up in the cloak of a court order are saying, 'Because of this court order all of a sudden we do not have to force people to give samples, and all of a sudden we are going to have the police being crooked about the whole process'. If the police are going to be crooked about the whole process, why has fingerprinting not been brought into disrepute? Why has fingerprinting not been shown to be totally abused by the police, because they do not have to get any court orders for fingerprinting? It has not been abused by the police; it has been used in an appropriate way.

I can understand the concern held by the government because it did not think of this beforehand. It has got caught up in the procedures, and it cannot think its way out of the procedures. The government cannot think back to the fundamentals of what this is all about. As a consequence it is going to be totally embarrassed, because I can reveal to this house today that the United Kingdom — which is, if you like, the mother of democracy and the parliamentary system of operation — has just the system we are contending for. In fact, in the United Kingdom not only have they done away with court orders but the system is actually a lot harsher, because a forensic sample can be taken from a person charged with any crime for which a jail sentence can be given, and yet we limit it to forensic offences, which are heavy-end offences.

There is not only that: in the United Kingdom once the police have the sample, they keep it, and the only way a person who is found to be innocent or whose charges are not proceeded with can have the sample taken away from them is by asking that it be removed, whereas in this country if the charge is not proceeded with or if the person is found to be innocent, the sample — just like a fingerprint — must be destroyed. That is what happens with fingerprinting and that is what we are proposing for DNA.

There are two aspects of one test that is being included for forensic procedures which are not included for fingerprinting procedures. With fingerprinting, all the police have to say is that they have a reasonable belief that a person has committed the offence and that the person is a suspect or that they have charged the person. We are saying, yes, that is the first test — to be able to take a forensic sample. But there is another test. You must have a reasonable belief that taking the sample will assist you in solving the crime. That is the second reasonable belief you must have.

In relation to children, the court orders remain, as they do with fingerprinting. People may not realise that if parents do not consent to their child being fingerprinted the police must go to court. The same condition applies here with a forensic sample.

We are facing up to the modern world and we are looking at the practice overseas. Tasmania, by the way, does not require a court order for a DNA sample, and as a person born in Tasmania I can say that it is overseas and get away with it — but you cannot. The United States of America, as I understand it, particularly after 11 September, has also looked closely at this. I believe that if we can free up the police — so long as they must use the two reasonable tests — to treat forensic samples in the same way as they do fingerprints, we will open up an opportunity for them to solve crimes that have never been solved before and to even up the balance between the police and criminals. Let us face it, the police are always one or two steps behind. The very least we can do is to try to give them the weapons they need to fight crime.

I believe that what the civil libertarians should be concerned about is not whether someone has to submit

to a sample. Why would someone refuse to submit to giving a sample if that sample could prove them innocent, knowing that if they were not convicted or not charged that sample would be destroyed? What possible grounds could they have for claiming that somehow their privacy would be interfered with if their sample was to be destroyed if they were found to be innocent? It would no longer exist. What are we actually talking about when someone refuses to submit to a sample? They are saying, 'I refuse to give a sample, even though I know that if I am innocent or not charged it will be destroyed. I am simply not going to help you'. That is basically what they are saying.

What the civil libertarians should be worried about is whether or not the storage of DNA samples is misused or abused. In England, where they are much harsher about this than we are, they have removed the court order requirement. They have decided to ensure that the storage of DNA samples is not abused by dividing the control of DNA storage between those who put it together and store it and those who use it. In Australia this would mean that the Department of Justice would have control of the computer and the storage of DNA samples and the police would access them through the Department of Justice. The United Kingdom has done this because it has been courageous enough to realise that the civil liberties associated with physically taking samples are no different to those associated with fingerprints. The real problem occurs if that information gets out, therefore they have put the emphasis on protecting the privacy of individuals who have submitted DNA samples.

I believe this is the direction we should be taking. If this government were serious about civil liberties it would understand that there is no reason why it should not accept amendments that mean that hundreds of thousands of dollars and police man-hours are not wasted on court orders that are simply rubber stamps, when the person who refuses is forced in any event to give a sample once the police obtain the order. The emphasis should be on ensuring that any DNA samples taken and kept because a person is convicted are not abused in any way and are not used for any other purpose.

I would also look at what is called an innocence program. This is a program in the United Kingdom whereby a person can actually put an application through to the people storing DNA to say, 'This is all a mistake. You should not have my DNA there. I want to know what's on there, and I want you to take it off'. A separate procedure has been set up for that, and that is something this government could be looking at. That is where the problem in civil liberties is. Technology is taking us down a track we should follow and not be afraid of. We should not be hesitant in embracing our own technology, which is part of the modern world, but we do have to ensure that people's privacy is kept. As a consequence the Liberal Party will certainly be looking at both those issues: separating the storage and the use of DNA samples, and whether or not there should be an innocence program that can be run in relation to the storage of those samples.

Mr Wynne — What about the civil liberties?

Dr DEAN — You just have not been listening, have you? You really have not been listening. Civil liberties is about the misuse of DNA samples. It is not about that little physical thing, which is the requirement to take a sample.

Mr Wynne interjected.

Dr DEAN — I have shown you already. This is the most incredible thing. The one thing that is so frustrating about this government is its lack of creativity and imagination, being locked inside a square box and simply not being able to look outside. This is the thing that holds people back forever — fears which are unfounded but which are there because of the belief that because it is there we cannot change it and we cannot look at it from a different angle.

Mr Ryan — You have convinced me in this past hour.

Dr DEAN — I am coming to my conclusion. I just had to respond to that. Why would the mother of democracy, the United Kingdom, want to take the path that we are recommending if it was some big abuse of civil liberties? And why would other countries such as the United States of America, which has the most litigious legal system in the world, be also heading down that track? Why would Tasmania? I have not looked at the other states, but there may be others that have already gone down that track, because they can face up to the need to use technology, which I suspect this government never will. Nevertheless I ask the government to seriously consider the proposed amendments. It is the chance to solve crime in this state as we have never solved it before.

Mr RYAN (Leader of the National Party) — I support the bill that has been introduced by the government. I have also considered the amendments that the Liberal Party has distributed — I might say that I have seen them only since they were distributed shortly before the debate commenced — and I have listened to the position put by the shadow

Attorney-General. It seems to me he has put compelling arguments as to why those amendments should be adopted. There is a particular reason why such is the case, and perhaps I will go to them right at the outset.

The distinguishing issue regarding DNA is that it is an utterly forensic test. It is the clinical test absolute. So long as it is taken properly and process is followed there is nothing about it which can do an injustice to the individual who is subject to it. That is to be distinguished from a circumstance such as the right to silence. The argument has raged historically over whether the right to silence ought to be preserved in our legal system.

When I chaired the Scrutiny of Acts and Regulations Committee I had the pleasure three or four years ago of leading a deputation to England. The committee considered this issue on the basis of a reference from the then Attorney-General. Part of the discussion which revolves around the issue of the retention or abolition of the right to silence is this notion that by definition its very nature is not forensic. The wonderful thing about the right to silence is that it preserves the position of a person's entitlement not to have to say anything which may be incriminating.

It might be that, with the best of intentions, a person might say something in circumstances where they are fearful of some charge being levelled against them for the fact of not saying something. In so doing they may commit themselves to a statement, a point of view, a recollection of facts or any one of a myriad scenarios that one could contemplate that inappropriately commits them to being subject to charge or may lead to their being convicted. It might happen completely inadvertently: they may say something in the course of an interview which results in their being charged or convicted in circumstances where, had they been better advised or had they retained their silence, that circumstance may not have arisen.

It is a huge distinction and it is why I am persuaded on behalf of the National Party that the issues that have been put by the shadow Attorney-General have plenty of merit. And it is why, although I have only just heard of these proposed amendments, the National Party will be prepared to support them.

Mr Hulls interjected.

Mr RYAN — I hear comments such as the comment from the Attorney-General, and I will be interested ultimately in hearing the response he makes — if, of course, we get to the stage where the amendments are able to be put in the Assembly as opposed to being simply distributed. I suspect that, as with so many other bills that go through this house, debate on this legislation will be guillotined tomorrow afternoon at 4 o'clock, so the merits of this will not be properly tested in this place but will need to be tested in the upper house. Be that as it may, we will see what transpires, and I will be interested to hear what the government's argument about this is. I believe the position that has been put by the shadow Attorney-General is reasonable.

Mr Hulls — Are you going to vote for our amendments?

Mr RYAN — I like these amendments.

Mr Hulls — They are not inconsistent.

The ACTING SPEAKER (Mr Seitz) — Order! Comments will be addressed through the Chair.

Mr RYAN — For the record, the Attorney-General asks me in rhetorical fashion, of course not expecting me to answer, whether I support the amendments of the government. Unfortunately I suspect circumstance will rob me and other honourable members of the opportunity to hear the way the government argues its case in this place. It will not be until we see this legislation in the upper house that we have the benefit of the wisdom of the government to support the contentions which it says in turn support its amendments.

In answer to the rhetorical question by the Attorney-General, once I have heard its arguments about its amendments I will be prepared to reconsider the situation, but in the meantime, and for the reasons I have explained, I believe the amendments proposed by the Liberal Party are sensible. On behalf of the National Party, as I have advised the house, we will support them.

I want to briefly in opening reflect upon the fact that this is yet another of those pieces of legislation which has had a rich but rocky road in this Parliament. It was introduced by the former government in 1993. It was bitterly opposed by the then Labor opposition. There were acrimonious discussions across this chamber which were led by the shadow Attorney-General of the day. When amendments were moved in 1998, there was a repeat performance and, unless my memory fails me — and I stand to be corrected — —

Mr Doyle — It serves you well.

Mr RYAN — I think the arguments run by the then Labor opposition were run by he who is now the first law officer of the state — Your Excellency!

Mr Hulls — Hullsy will do!

Mr RYAN — You are about to be married. We have to address you appropriately.

The ACTING SPEAKER (Mr Seitz) — Order! I caution the Attorney-General not to invite such comments and to use the proper form of address.

Mr RYAN — I believe it was the then shadow Attorney-General, the now Attorney-General of the state of Victoria, who so vociferously led the debate on behalf of the then Labor opposition, so bitterly opposing the amendments moved by the former government in 1998. And here we are!

It is a wonderful thing that, again, as I have said so often in this place, like Saul on the road to Damascus, there has from somewhere appeared a bolt of lightning, or something, and all of a sudden they have been persuaded that where they saw disdain now they see virtue.

Mr Doyle — Saul becomes Paul.

Mr RYAN — This is the New Testament, not the Old Testament! They have embraced this legislation as something which they ought to support. I congratulate them on that. It is perfectly valid that they should adopt that course when it is such sensible legislation — always was and still is — and is now to be improved by the proposals which the government intends to introduce. It will be further improved by the amendments which the Liberal Party has announced and distributed this evening.

It is similar to a process which has emerged over the past couple of years. We are replete with examples — privatisation issues. Let us take the power industry where those issues were so bitterly opposed by the Labor government of the day. The greatest chest-beating proponent of contestability in the power industry now is none other than the Treasurer, but you cannot have contestability unless you have a privatised system. He also has been struck by those same bolts of lightning on so many occasions that it is a fearful sight.

An honourable member interjected.

Mr RYAN — He is indeed. He is into privatising education.

An Honourable Member — I thought you would want to get away from that.

Mr RYAN — On the bill! I am pleased to be able to say that the honourable member for Berwick, the shadow Attorney-General, has made a very fulsome summary of this legislation and has gone through the merits of it very broadly and done it very well. Indeed, when I have regard to the content of the second-reading speech, I do not believe there are additional matters that I particularly need to have regard to apart from those of which he has made specific mention.

The only point that comes to mind is the issue of retention orders. Perhaps by way of providing some measure of clarity, I point out that the existing legislation allows only the Magistrates Court to make an order for a DNA sample to be retained. At the present time a judge of the County or Supreme courts cannot do it. Under the amendments contained within the bill the court will be able to do so without the whole thing having to go back to the Magistrates Court.

I am pleased to see the extension of the definition of those circumstances where forensic samples can be obtained. Not only are we going to now have the position where the sample can be taken from a person who is subject to charges for such offences as murder, burglary, armed robbery and rape, but also added will be false imprisonment and those offences relating to hoaxes — the latter issue being a direct result of the tragic events of 11 September last year.

Various other extensions of the legislation have been outlined by the shadow Attorney-General, reflecting also Victoria's involvement in the national DNA database. That issue arose out of the February 2000 model Crimes (Forensic Procedures) Bill, which was developed by the Standing Committee of Attorneys-General. The government is to be congratulated on improving this legislation. It was tremendous legislation at the time it was introduced in 1993, and it was improved upon in 1998. It will now be improved upon by the terms of the bill now before the house, and additional improvements will be effected by the amendments which the Liberal Party has proposed and which the National Party supports.

Mr WYNNE (Richmond) — The government is very pleased to support the Crimes (DNA Database) Bill and the amendments circulated by the Attorney-General, but it does not support the amendments circulated by the shadow Attorney-General. The honourable member for Berwick flagged his amendments earlier. In fairness to the honourable member, although he failed to provide

us with a copy of his amendments prior to the debate commencing this evening, he did indicate his position earlier this year. In an article in the *Herald Sun* of 25 January this year under the heading 'Libs back tougher tests', the honourable member for Berwick is reported to have said:

> … the red tape involved in police getting DNA from crime suspects meant that in many cases they simply did not bother.
>
> 'Obtaining a DNA sample should be no different to obtaining a fingerprint', he said.
>
> 'This would finally mean this century's most potent weapon against crime could be free to be used by police and to solve crimes without artificial barriers'.
>
> …
>
> 'My point is that the only difference between fingerprints and DNA is in one case your hand is forced on to a pad and in the other there is a little pinprick or a swab in the mouth'.
>
> Dr Dean said that fears of abuse of DNA testing were unwarranted.
>
> 'There is no evidence that fingerprinting is abused, so there is no reason to believe that DNA samples would be abused', he said.

The amendments circulated by the honourable member for Berwick go to the fundamental question of the view the police might have. I might have a view, as a member of the police department, hypothetically, that the honourable member for Berwick may be a useful suspect in relation to a quite serious crime. Under the scenario put forward by the honourable member for Berwick if his amendments are successful I would not have to go off to the court to test that matter, I would simply say, 'Please provide me with your sample, and if you refuse, I don't care, I am going to take the sample from you'. There is no element of judicial oversight whatsoever.

The test of this is section 464R of the Crimes Act, under which the police officer has to reasonably believe that the forensic sample will tend to either confirm or disprove the suspect's involvement in the commission of the offence. The government does not support the course of action proposed by the honourable member for Berwick. We support reasonable checks and balances on the taking of samples. Obviously we have consulted on this, and the government's amendments will tighten the opportunity of the police to take samples from people.

The amendments will ensure, firstly, that the fact that a person has consented to having a sample taken must be tape-recorded or recorded in writing and signed by the person — not an unreasonable request, in our view, and not an unreasonable check or balance. Secondly, the procedure must be either videorecorded or watched by an independent person; not by the police themselves but by an independent person.

The house amendments create an exception to the second requirement where the person has consented to provide their own sample rather than having been ordered by a court to provide the sample. In that situation a person may waive the requirement for the procedure to be conducted in the presence of an independent person or videorecorded. The fact that a person has waived that requirement must be either taped, recorded or evidenced in writing by the signed person. This will mean that a simple and quick procedure is available for people to provide what is a most intimate sample.

It is talked of as though we are holding the fist or we are going to hold people down and take blood samples. We are talking about circumstances where the base procedure generally used in most sample taking is to take a swab from a person's mouth. Our basic position is that we are trying to appropriately balance the requirements, so that where a person has not consented to provide a sample but has been ordered by a court to provide what we have taken to be an intimate forensic sample, that process should always be either videorecorded or conducted in the presence of an independent person.

That is opposed to the scenario proposed by the shadow Attorney-General. Under his scenario, using the hypothetical example, if the honourable member for Berwick were reasonably suspected of a crime there would be no judicial oversight whatsoever. It would be a case of, 'That is fine. I will take the sample from you anyway, even if you don't agree'.

The opposition can position itself as being tough on crime — a scenario that it flagged in January this year — but the government rejects that approach.

The legislation is part of the government's commitment to develop new and expanded crime prevention programs to keep Victorians safe. We all accept the argument the opposition puts about the power of DNA and the opportunities it provides as an important investigative tool. No-one argues against that. The honourable member for Berwick gave a number of examples where crimes had been solved because of DNA evidence or where people were found not guilty because of DNA evidence. In the United States of America there have been some classic cases of people waiting on death row being found to be innocent because of DNA evidence. The government does not argue the efficacy of DNA as an investigative tool.

Indeed, it submits that the Victoria Police is well ahead of other police forces in its approach to DNA technology and its forensic application. Both sides of the house are supportive of the endeavours of the police with their DNA work.

The honourable member for Berwick and the Leader of the National Party set out some of the legislative changes that have occurred over the past seven or eight years. Following these legislative changes the forensic procedures implementation team was formed and it has been fully operational since late February 2000. The core function of the group is to obtain forensic evidence for permanent inclusion on the DNA database.

The bill complements previous legislation and has two key components. Firstly, it facilitates Victoria's effective participation in the national DNA database scheme. It is important that we have consistency around Australia in terms of the collection of samples and the subsequent crosschecking between states to ensure consistency as part of the national scheme.

Secondly, it improves on existing procedures for obtaining, using and retaining forensic samples. Again I reiterate the point that I imagine is self-evident to anyone who has thought about it that if you are part of a national scheme you need to have a consistent approach to the collection, storage and transmission of data.

Mr Doyle interjected.

Mr WYNNE — I thank the honourable member for Malvern for his useful assistance in this matter. Victoria is taking a significant step forward in achieving national consistency by introducing legislation that is compatible with national DNA databases.

Clause 5 inserts new definitions that explain key concepts and terms relating to the national database system, including definitions of indexes which are to comprise the database. This will facilitate Victoria's participation in a national DNA database by enabling us to enter into arrangements for the exchange of DNA information between Australian jurisdictions. It is proposed that there will be reciprocal enforcement of orders for the carrying out of forensic procedures made in other jurisdictions.

The DNA database provisions are based on the February 2000 draft model forensic procedures bill developed by the model criminal code officers committee, to which the Leader of the National Party referred. The legislation is compatible with DNA database provisions in the commonwealth, New South Wales, Tasmania and the Australian Capital Territory. The need for consistent legislation was recognised by the Standing Committee of Attorneys-General, and Victoria is falling into line with that.

The privacy of Victorian citizens is extremely important in this legislation. The government believes it is not only appropriately guarded through the bill itself but also enhanced through the amendments being debated this evening. The safeguards are included to ensure that DNA information can only be disclosed and used for very limited purposes such as criminal investigations or coronial inquiries or as evidence in criminal proceedings.

The bill also introduces a number of amendments that improve existing procedures. While existing legislation enables forensic samples to be obtained from certain convicted offenders there are no arrangements for obtaining a sample from a person who is not in custody. The bill provides the police with the power to apply for a court order to obtain a sample from an offender who is not in custody. This is the crux of the difference between the position taken by the government and that of the opposition. We believe there are appropriate checks and balances. We want to ensure that the police have adequate investigative powers. We support a national database and this state's cooperation in it, but we want to ensure reasonable checks and balances are in place.

Where a person provides consent for a DNA sample to be taken we require reasonable checks and balances, whether that be by way of an independent person being available to ascertain the bona fides of that sample or by the person waiving their rights in writing. We do not see that as being too intrusive, but it is an important check and balance to the system currently proposed in existing legislation. The government believes if it goes down the path suggested by the honourable member for Berwick these important checks and balances will not be in place and as a consequence it does not support that process.

To meet community concerns the definition of a forensic sample offence has been extended to include the offence of false imprisonment and the offence of assisting an offender to commit a forensic sample offence. Both sides of the house accept that as a sensible way to go forward. Such offences now include murder, burglary, armed robbery, false imprisonment and assisting an offender to commit one of these offences.

Hoax offences have also raised concerns in the community and the bill responds by including offences connected with explosives, the contamination of goods and bomb hoaxes. As we know, some of these matters

have arisen out of the tragic events of the 11 September attack in the United States of America.

Finally, to streamline current procedures a police officer under the provisions of this bill will be able to apply to the County Court or the Supreme Court for an order that a forensic sample be obtained, as well as to the Magistrates Court under the existing legislation.

The government believes the provisions of this bill complement the existing approach for the taking of samples and carefully balances the rights of suspects and convicted offenders against the public interest. Our proposed amendment is in our view a measured amendment and one that contains reasonable checks and balances. It provides for what I think is quite an efficient way of ensuring that the police still have adequate access to DNA samples, but with appropriate checks and balances in there which should in no way encumber the activities of the police in pursuing their lawful right to investigate crime. Clearly, as has been acknowledged by both sides of the house, DNA is a very powerful weapon used by the police in that endeavour.

We do not seek to go down the path suggested by the honourable member for Berwick where there is not the opportunity for some oversight. These are appropriate checks and balances. The government has its own set of amendments and does not support the amendments proposed by the honourable member for Berwick in this matter. I commend the bill with its amendments to the house.

Ms McCALL (Frankston) — This has to be one of the most fascinating topics that is being discussed within the Parliament and in the community and certainly within police forces at the moment. I am going to make it even more interesting.

The search for DNA evidence and DNA and forensic science in the pursuit of crime detection is something that the community finds absolutely fascinating. That is clearly demonstrated by the amount of American television shows such as *Law and Order*, *Special Victims Unit* and *Crime Scene Investigation*, and we also have *Silent Witness* from the BBC — all of which I watch avidly. You can read many novels about forensic science by the likes of Patricia Cornwell, Kathy Reichs or Linda Fairstein — anything! In the area of crime detection the community is fascinated by DNA, what it means and what forensic science means.

If we go back to early crime detection and the use of clues around the crime scene, the most important things that police had at their disposal — along with perhaps Sherlock Holmes and a few of his type — was the ability to define and research a clue, but also at the same time take fingerprints. Certainly fingerprints were used at the turn of the 20th century. Since 1953, when the implications of DNA were realised, you had another source of potential information for use by the police.

The fascination that the whole topic has for me is that it is really only in the last 10 or 15 years that we have recognised just how important DNA is. The first laboratories — forensic science laboratories — were set up in the United Kingdom around the late 1980s and in the United States of America not until the early 1990s. Certainly in 1993, when the previous government introduced the first piece of legislation into the Victorian Parliament, which the opposition at the time opposed, we were amazed at the development of what DNA and the pursuit of crime scene investigation could be about.

DNA is your human profile; it is what makes you an individual. It is the only thing you have on your own, unless, unbeknownst to you, you have a same-gender identical twin — or, as we have in this Parliament, one half of two sets of identical twins. It would be interesting to know whether they have identical DNA. They are the honourable member for Shepparton and the honourable member for Prahran. Therefore it is interesting that in the search and pursuit — —

Mr Doyle interjected.

Ms McCALL — Not of each other! Therefore the pursuit of DNA in crime scene investigation has in the minds of the police been one of the most useful things to have come along in the last 10 or 15 years. The most important thing about it is that it is not the final thing that decides a criminal's innocence or guilt, but in the terms of some of the novelists it could be the clincher in court.

There is a community expectation that if this science and technology is available it should be made available to our law enforcers, to our courts and to our police. The community's expectation is that if someone is guilty, anything possible to prove and confirm that guilt should be used.

In the same breath the honourable member for Berwick talked about the innocence programs in both the United States of America and in the United Kingdom. For example, DNA testing has been used in such cases as the Birmingham Six in England where it was subsequently discovered that, on the basis of tainted evidence and subsequent DNA tests, the men who had been imprisoned in Birmingham were guiltless and they

walked. In America it is significant that they have used an innocence program to revisit those on death row. What is significant is that up to 70 people on death row in the United States have now walked as a result of DNA evidence ruling them out rather than ruling them in. There is no question that this is innovative and important.

I suggest that probably something else will be introduced, though not necessarily in our lifetimes. There is no doubt in my mind that DNA forensic science, the taking of buccal swabs, DNA blood or hair follicle samples will move along to reassure the community that we give the police every tool available for crime detection and for crime conviction. It is incumbent on this Parliament to move every piece of legislation through.

I support the amendments of the honourable member for Berwick simply because we will encumber our law enforcement by saying, as the honourable member for Richmond said, there is a requirement to always have 'judicial oversight'. That is an important expression, but as it is not used for fingerprints I do not understand why it would necessarily have to be used for DNA sampling, particularly if it is a self-administered buccal swab.

As no doubt the honourable member for Richmond is aware, self-administered buccal swabs can be done by four swipes on each side of the mouth. It is very rapid and it is easy to tell whether the swab has been successful. It is less likely if it is self-administered. If there is another group in the room at the same time evidence suggests in a number of cases that where two people have been involved they have interfered with the buccal swab. It is an important issue, and self-administration is widely accepted.

I know the honourable member for Richmond has raised major concerns about civil liberties if a person refuses to give a DNA sample. If you have nothing to hide why would you refuse? If we draw on the Wee Waa case in New South Wales, for example, there was a voluntary expectation of all suspects in that particular case within the village to have a DNA profile, I would be concerned that if all those within the age group — I think they were males of 35 to 45 years of age — had refused to give a swab they may well never have detected the perpetrator of a very serious rape. I am concerned about giving too much leeway to the right to refuse. In my view you would have to come up with a good reason why you would refuse to give a DNA sample. I believe the people I have discussed the matter with in my electorate and in other areas I have researched, such as on the Internet and beyond, would ask why if you have nothing to hide you would refuse to give a sample.

DNA has become one of the most fascinating aspects of crime detection. I have already touched on ruling people out if they are innocent but ruling them in if they are guilty. The honourable member for Berwick cited the example of a British model, where they have extended the taking of forensic samples to all manner of crimes that involved imprisonment — in other words, indictable offences. Astonishing figures are available about DNA results relating to auto crime, or car theft; and in the community's perspective your car is probably one of your most important and proudest possessions, next to your home.

In England DNA experiments were undertaken regarding auto crime. It is now possible through DNA and forensic science to detect a DNA sample from someone's having hot-wired a motor car because the wires are required to be touched together with a fine touch. That is very rarely ever done with gloves on; in fact it is almost impossible. Even if surgical gloves are used DNA forensic science samples can be taken from the inside of a surgical glove. If someone is a suspect and a DNA sample is taken, it goes onto an intelligence database — that intelligence database is not available for direct access by the police but is kept separate so that anonymity is preserved — to enable the police when they investigate a subsequent auto crime to see if there is a DNA match. The results against auto crime in the UK from DNA testing are astonishing.

If that is the way we should move forward in the use of forensic science in the detection of crime for the community, I urge the Parliament to consider it. I am of the view that we have to keep moving, and moving quickly, in relation to the use of DNA and the taking of samples for crime detection. There is no doubt in my mind that Victoria was at the forefront thanks to legislation passed in 1993 and 1998. However, as a result of 11 September we are in grave danger of slipping behind. Regrettably the United States of America has had to move ahead fast because of the mass deaths and the mass use of DNA samples which are so minute that scientists have had to design computer software to apply the minimal DNA samples that are available.

I do not believe we can afford to be guarded or shy about it. The community is demanding that in cases of rape, aggravated assault, murder, missing persons and serious crimes every available measure be available to the police, in the law enforcement area, in the justice area and in the courts. That is the primary concern of this Parliament. The civil libertarian argument of, 'Oh,

what if, just in case', should be secondary to the concerns and expectations of the community that a crime should be solved as quickly as possible and with the use of every available scientific tool.

I commend the bill and the Liberal Party's amendments. I urge the Parliament to keep moving as fast as it possibly can with DNA forensic science in the pursuit of community safety and the solving of crime.

Mr STENSHOLT (Burwood) — I support the bill because it seeks to improve existing procedures for obtaining, using and retaining forensic samples, as well as facilitating the effect of participation in a national DNA database. The bill provides a range of measures dealing with self-administration, including a list of forensic sample offences and arrangements for carrying out forensic procedures, including how to deal with 3500 unexecuted orders, which have been covered by previous speakers.

What is DNA testing? DNA, as we all know, is deoxyribonucleic acid, but what is the actual testing? An extensive exposition of it appears in an article on page 9 of Monday's *Age*.

Mr Doyle interjected.

Mr STENSHOLT — It is an excellent publication, particularly on this subject. The process in question does not look at the whole of the human genome. It only looks at a tiny part of it — described as 'junk DNA' — which is the material that does not seem to determine inherited characteristics such as hair or eye colour. According to the article, the process takes nine points, or loci, and checks the material against databases to see how common that particular DNA type is within the population. If you match one point on the profile — there are 10 variations for each point — that is seen as quite significant. Similarly you might get a match on the second point and so on. If you get a match in all nine points then that is obviously highly significant and increases the probability.

Victoria has 37 trained specialists who gather DNA material from crime scenes. The Victoria Police have been gathering DNA data in this state since 1989. The police see it as an effective tool in eliminating suspects. Interestingly, you can conclude from the testing procedure which I have briefly described that a certain person was not involved because it was not their DNA at the crime scene. However, you cannot conclude that the DNA could come from only one person. At this stage the data is not significant enough for science to determine that, although obviously it can come up with very high probabilities, sometimes matching one in many million.

As other speakers have pointed out, DNA testing has become a significant tool in determining and sorting out what is happening at the crime scene. Particularly with other corroborating evidence and in terms of saying, 'The chances are that you were there', the possibilities leading to a confession are obviously stronger.

DNA testing is also seen as a strong deterrent for criminals — not so much the recidivists, because I suppose they will be clever enough in the longer term to try and protect themselves against this science. Certainly those associated with alcohol or drug-induced crime will be easier to detect. As I said, the particular technology obviously enhances a case and increases the likelihood of actually concluding it.

I note though that there have been several cases where there has been some false DNA matching — but not many, because, as I mentioned, the degree of probability is very high. According to Monday's *Age* there was a case of a false DNA matching in 1999. It was partly because technology was not sufficiently advanced at that stage. The findings were later shown to be false with the introduction of a more refined DNA testing technique. There is also the possibility of cross-contamination of samples because of the human error in the actual testing of the sample.

Mr Doyle interjected.

Mr STENSHOLT — All this is related to the legislation. I am talking about taking forensic samples, because we have to make sure that sampling is of the highest possible standard. We have to make sure that the samples being taken can be used to the best possible effect. I am sure as technology improves it will be possible in a few years to have a portable tester enabling it to be matched with databases. This bill provides for improving the system of matching what we have here in Victoria with national databases and the provisions offered by the commonwealth, New South Wales, Tasmania and the Australian Capital Territory. This matching technique will be quite an improvement on what is currently available.

DNA testing is proving its worth. Yesterday's paper reports that an arrest was made in the famous Teresa Cormack case of 1987. The reopening of the case in August last year was an occasion for the ordering of the first mass DNA testing in New Zealand where some 1400 men were listed for DNA testing. With a tip-off the authorities were able to arrest someone just yesterday. DNA testing can be quite effective, and

other speakers have already alluded to that and mentioned other cases.

In the United States of America they have been able to exclude people with DNA testing — for example, 9 death row inmates have been exonerated and 70 prisoners have been cleared. Of course it has worked the other way in Victoria, where, according to recent figures, 113 people have been linked to 297 offences, including several homicides, five rapes, numerous burglaries and robberies. It has been a very effective tool.

I note that the amendments proposed by the opposition would introduce across-the-board testing without the need for seeking court orders, or in cases where an order from the court was refused, for seeking a warrant for the arrest of someone to ensure that testing can take place.

This has been put forward by the honourable member for Berwick. I hope he is not leading us into a Dr Strangelove situation, as that would be very unfortunate. I note that the honourable member is seeking to significantly extend the current law and the provisions detailing which offences are covered beyond those which might attract a jail term of five years or more to include indictable or summary offences — in other words, offences for which seven days jail could be the sentence. The honourable member for Berwick is trying to significantly alter the legislation and allow the police to take a sample on any reasonable grounds.

What I find fascinating is that both he and the honourable member for Frankston have spoken about this and they are jumping right ahead. I note that on 21 November 2001 a reference was provided to the Law Reform Committee for 'An inquiry into forensic sampling and the use of DNA databases in criminal investigations'. That was referred by the Legislative Council, and it probably came from the office of the honourable member for Berwick. Here they are, typical of the Liberal Party — no consultation, jumping the gun and coming up with something before even consulting people! The honourable member for Frankston and I are members of the Law Reform Committee, and it has not even had a chance to take evidence or to talk to anybody, but here we are with a proposed range of significant and extensive amendments right across the board.

Mr Doyle interjected.

Mr STENSHOLT — It is typical of the Liberal Party. The Liberal Party is supposedly saying that it has vision and that it can do things, but it is not even talking to people.

Honourable members interjecting.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Burwood, without assistance.

Mr STENSHOLT — That is typical of the arrogance that sent the Liberal and National parties to the opposition bench. Interestingly enough, the Liberal Party did not even consult the National Party. How did the Leader of the National Party find out about this? He found out about it on the floor. This is marvellous cooperation between the opposition parties — the shadow Attorney-General does not even consult with the National Party! Pretty typical of the arrogance of the Liberal Party. If this is what opposition members have to offer then they will be a long, long time in opposition. It is very typical of what they are offering. This is what we are seeing.

As a member of the Law Reform Committee I will be playing my part in the appropriate examination of the reference before the committee in terms of the inquiry into forensic sampling and the use of DNA databases in criminal investigations. I am sure that the committee will be talking to many witnesses. It will be taking evidence from a wide range of people and I am sure it will be seeking to build further into the future in a sensible, consultative way. I am sure a recommendation will come to the Parliament and the Attorney-General will look at the matter. That is the appropriate process in terms of good governance rather than the shoot-from-the-hip governance that we see from the Liberal opposition. I am sure these things will be looked at properly in the fullness of time.

What we are looking at here is good governance, sensible governance and sensible arrangements for handling these things, the examination of which needs to be quite sensitive. The people of Victoria expect us to look at these things in that way rather than the cowboy mentality, the shoot-from-the-hip mentality, of the shadow Attorney-General. He tries to weave a web of logic and words but he does not consult or talk to people; he just rushes ahead like a bull in a china shop. That was typical of the Liberal Party under the Kennett administration. It is time the honourable member got out of that way of doing things and talked to people, listened to people and consulted with people, and used some commonsense in the way this is handled.

I believe this is an excellent bill which expands the current arrangements. I see it as particularly important

that it links up with the national database and other databases; that is a very important step. As such, I am very happy to commend this bill to the house.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! Under sessional orders the time has come for the adjournment of the house.

Police: Wonthaggi

Mr WELLS (Wantirna) — I raise a matter of concern for the Minister for Police and Emergency Services and ask him to take immediate action to address the police vehicle shortage at the Wonthaggi police station.

Wonthaggi is a growing area. It has high policing demands, and thanks to the previous government, it has an excellent brand new police station. It was funded by the previous government, is very well designed and works very well.

The issue is that it is a 24-hour police station but — can you believe it? — it does not have one divisional van allocated to it. A 24-hour police station without a divisional van! Things are so desperate that the divisional van had to be seconded from San Remo and brought to Wonthaggi. Can you imagine the situation and the safety of the police officers at Wonthaggi if they had to pick up a burglar or a drug dealer or pusher? Under normal circumstances they would have had to stick him in the back of a sedan. How absolutely ridiculous! This is how this government is treating law and order and police matters in rural areas!

The other issue I want to raise is that the sexual offences unit does not have a vehicle at the Wonthaggi police station. A police officer having to go to a very vulnerable situation has to be dropped off in a police car. Can you imagine a police car turning up to one of those vulnerable situations where a sexual offender is involved in a family situation? It is totally and utterly inexcusable.

I ask the minister to take immediate action to: first, have a divisional van allocated to the Wonthaggi police station so the other one can go back to San Remo where it is desperately needed; and second, have a car, preferably unmarked, allocated to the sexual offences unit so that the unit can work effectively.

Ballarat Begonia Festival

Ms OVERINGTON (Ballarat West) — I raise a matter of importance with the Minister assisting the Premier on Multicultural Affairs regarding Ballarat's premier event, the wonderful Ballarat Begonia Festival. Yes, folks, it is that time of year again, but this year it is bigger and better than ever because we celebrate 50 fabulous years!

An honourable member interjected.

Ms OVERINGTON — It is a lot more than a flower show. Somebody said that once and learnt a dreadful lesson!

On Friday this fabulous festival will be opened by the Premier and will run for 10 great days. The action I seek is an assurance that the festival be given every opportunity to attract and encourage participation from all our ethnic communities. It is well known that Ballarat is the birthplace of the Australian spirit and the place of the rebellion where democracy was born in Australia. In 1853 men and women from 19 different nationalities participated at the Eureka Stockade rebellion. That multicultural spirit is still alive and exists in Ballarat today.

For many years the begonia festival committee has involved the multicultural council committee of Ballarat to ensure that the Ballarat people from different ethnic cultures are given the opportunity to become involved in the festival. Those groups have a very active role in the festival parade, showcasing their colourful cultural backgrounds.

Over recent years many ethnic people from Melbourne have attended the festival. They come as family groups to visit and participate in the festival. They also come as other groups. A Filipino group is a wonderful array of people who bring a colourful spectacle to the parade. All those people provide value to the culture of Ballarat.

Along with that the festival committee has undertaken an active marketing campaign to ensure that it attracts an audience through the ethnic media with an advertisement in the Italian newspaper *Il Globo*; and recently the Greek newspaper *Neos Kosmos* has run a huge feature advertising the festival. This has had a wonderful response. With my time running out I invite everybody to come and celebrate with Ballarat the city's begonia festival.

Bridges: Echuca–Moama

Mr MAUGHAN (Rodney) — I wish to raise for the attention of the Minister for Transport a matter relating to funding for the Murray River crossing at Echuca–Moama. I refer to a letter from the Prime Minister to the then Premier dated December 1998 confirming that the commonwealth would be providing some $15 million from the Centenary of Federation program for a second crossing of the Murray River at Echuca. I also refer to the more than two years of intensive investigation and consultation by the Vicroads/Road Transport Authority study group, which examined a number of options and then produced an environment effects statement (EES) for the preferred C1 or central option site. That statement is currently on public exhibition until 8 March — a mere nine days away. The estimated cost of construction of the project is $45 million, and that includes rehabilitation of the existing bridge, but precisely what the cost will be will depend upon which option is chosen.

I wrote to the minister on 15 June 2001 — some eight months ago — seeking answers to a number of questions. I wrote again on 17 December in similar terms, and that letter was acknowledged on 3 January. As of today I have had no response to either of those letters, and I think that is appalling. Hence I raise the matter for the minister's attention tonight. I therefore seek from the minister an unequivocal commitment that the Victorian government is committed to providing its share of the funding for that project, whichever option is ultimately chosen.

Ms Allan interjected.

Mr MAUGHAN — And to the honourable member for Bendigo East I say: I really do not care where the bridge is — I want a bridge, and I want a commitment to it from this government.

The minister will be aware that one of the advantages of the preferred option cited in the EES is that it could be staged over a 20-year time frame. That is a proposal that is totally unacceptable to the people of Echuca–Moama. I therefore seek a further assurance from the minister that if the C1 option is approved by the three governments — New South Wales, Victoria and the commonwealth — acting together that the reconstruction of Sturt Street in Echuca will be carried out in a clearly defined and acceptable time frame, and that the rehabilitation of the existing bridge will also be completed as soon as possible. I seek that assurance from the minister.

I have been seeking assurances on this matter for nine months now. I hope he comes into the house tonight and puts on the record that this government is committed to the bridge and that it is not going to take 20 years to get the project done.

Buses: diesel fumes

Mr ROBINSON (Mitcham) — I raise for the attention of the Minister for Environment and Conservation a bus parking problem. I am seeking a review by the minister of this problem, which occurs in Swanston Street. This matter was raised by a Mitcham constituent some time ago. I am asking the Minister for Environment and Conservation to investigate because in the first instance I believe it is an issue about the discharge of pollutants — namely, diesel fumes from buses — which I think probably falls more into her portfolio than anyone else's, although I accept that it might be an issue that cuts across a few portfolios.

The constituent who contacted me works in the area in Swanston Street to the north of the GPO, where honourable members would be aware there is a variety of shops — some takeaway food shops and some gift shops. I took the opportunity recently while I was in town of visiting the site and discovered for myself the noise and fumes which are created by the parking of tourist buses for extended periods along Swanston Street in the vicinity of this location.

I understand buses park there for up to half an hour at a time with their engines running. It is physically impossible, if one is seated at one of the tables outside the cafes in the area, to hear oneself talk or engage in any conversation, and there is a distinct smell of diesel fumes in the air. It certainly cannot be good for the health of the people who have to work in the area. It cannot be conducive to encouraging people to visit or to shop in the area or to encouraging tourists who might want to frequent that part of town.

I have also had representations on this same matter from Rose Boyd, a proprietor of a business in Swanston Street, who is also well known for her work in and beyond the Lebanese community. I think she has also been involved in good fundraising work over a number of years on the Lady Mayoress's committee. She speaks clearly about the need for finding alternative arrangements.

In the first instance I am seeking the assistance of the Minister for Environment and Conservation to examine this issue to see whether the discharges of pollutants and noise fall within prescribed limits. My suspicion is that they do not. Perhaps with that investigation we

might move closer to finding alternative arrangements for these tourist buses, which admittedly perform a vital role in the tourism industry in this state.

Wangaratta District Specialist School

Mr HONEYWOOD (Warrandyte) — I raise a matter for investigation and action by the Minister for Education and Training. I understand she has a date with Bill Clinton tonight, but perhaps she might be able to respond later. The matter I raise for her attention relates to the situation being faced by students who attend the Wangaratta District Specialist School and their parents. Students travel long distances to attend this school, with large numbers coming from Benalla, Beechworth and other surrounding areas.

In late 2001 the school and parents were informed that the maxi-taxi service, which has served the school for the past seven years and was initiated by the previous Kennett government, will be replaced by public bus services. Parents, members of the school council and members of the local community are outraged, and they have contacted my office expressing grave concern over the axing of the special needs taxi service. There has been virtually no consultation by the education department with the school council and the parents, and no cooperation in giving the parents a clear explanation as to why this vital service has been replaced. What concerns the school council most is that details about the cost effectiveness of the process have not been provided, despite the fact that it is probably the only reason for the sudden change.

If it was good enough for the Kennett government to provide Wangaratta District Specialist School with the maxi-taxi service for its students, why does the mean-spirited Bracks government not allow it to continue? It is the parents' strong belief that special needs children will suffer incredibly by being forced to travel on poorly supervised, strictly timetabled buses. I am sure the minister would not be comfortable in giving a guarantee that none of these students will be subjected to bullying or other inappropriate behaviour that may be inflicted on them by passengers on the public bus.

I ask the minister to provide the Wangaratta District Specialist School with details of the costs of these changes to their transport arrangements and how much the Bracks government is pocketing from these special needs students. I ask the minister to personally investigate the matter and provide a resolution that has the students' best interests at heart, instead of the Treasurer's.

Rail: Footscray land

Mr MILDENHALL (Footscray) — I ask the Minister for Transport to favourably consider a request by the western region community garden group for access to the land adjoining the Footscray railway station on the corner of McNab Avenue and Napier Street to use as a demonstration community garden. The land is currently under the control of Victrack, but it was formerly occupied by a lawn bowls club. It is now vacant, overgrown and, shall we politely say, subject to debris from injecting drug users. The area is earmarked as part of the Footscray railway station precinct redevelopment, which in turn is part of the transit city concept.

The project that is being put forward would do a number of things. It would obviously improve the appearance and safety of what is currently an eyesore area. It would involve a number of members of the community in designing and operating their community garden. It would form an integral part of the food insecurity project that is funded by Vichealth and involves a number of community members. It would assist low-income residents to access fresh and low-cost food, and hopefully if successful it would demonstrate the potential for a long-term project on another more suitable site.

Victrack is naturally concerned that the garden would become permanent and possibly retard the development of the rail precinct in that area, but Maribyrnong council has agreed to be the lessee on behalf of the group and is an integral part of the project. The council has also committed to the redevelopment of the precinct and will assist in guaranteeing that the use of the land will only be on an interim basis.

I ask that the minister give favourable consideration to this submission by the community group and the council. This is a commendable initiative that involves a number of community-minded and environmentally conscious young people in the area who are highly motivated to assist those in need in the community. They are working in close cooperation with my office, the city council, the local food cooperative, the Vichealth-funded group and a number of other people in the local community. It is worthy of consideration, and I ask that the minister make every endeavour to assist this organisation.

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

Disability services: wheelchair

Mrs ELLIOTT (Mooroolbark) — I wish to raise a matter for the consideration of the Minister for Community Services. It concerns a letter I received from Mrs Jenny Fryer of Park Orchards. Mrs Fryer has twin sons, Nicholas and Christopher, who are 23 years old and suffer from Duchenne muscular dystrophy. One of the boys, Christopher, has a deteriorating health situation and urgently needs a new wheelchair. Mrs Fryer has been told that there is a waiting list. He would not even be considered until July of this year, and it could take 18 months after that.

I rang Mrs Fryer. She said that although she has help during the day with the two young men, at night she has to get up every two hours to turn them in their beds. She cannot feed Christopher, who has to be fed through a tube, unless he is lying in a prone position, so she has to get him out of his wheelchair and lie him down before she can feed him. He urgently needs a new wheelchair, where his head could be positioned in such a way that he could be fed while in that wheelchair. A quote for the wheelchair was nearly $10 000 — $9902 to be precise.

I wrote to the former Minister for Community Services on 8 February, and to the new minister on 14 February. I realise that is a relatively short time ago, but the situation is quite urgent. I rang Mrs Fryer today. She said she had heard from Box Hill Hospital that it had been contacted by the Department of Human Services but no orders had yet been placed. In the best possible spirit I ask the Minister for Community Services if she could speed up the process as much as possible so Christopher Fryer can get a new wheelchair. I have consulted my colleague the honourable member for Warrandyte, in whose electorate Mrs Fryer and the boys live. He is also very aware of the situation.

I ask the minister to do what she can to make sure that the wheelchair is available as soon as possible.

Delatite: boundary review

Ms ALLEN (Benalla) — I wish to raise with the Minister for Local Government a very important issue concerning the Shire of Delatite in my electorate. I want the minister to take action to ensure that the facilitation of the split of the Delatite shire between the towns of Benalla and Mansfield is put in place at the earliest possible convenience.

In my 90-second statement this morning I congratulated the councillors of the Delatite shire: in Mansfield, Don Cummins, Will Twycross, Jessica Graves and Steve Junghenn; and from Benalla, Geoff Oliver, Ken Whan, Eric Brewe and Peter Brown. They worked extremely well to put together the paperwork that was needed by the Minister for Local Government so that he could announce that on 7 February he would put in place a panel.

As we all know, Delatite shire was the result of forced amalgamations back in 1996 by the former Kennett government. Apparently about 24 hours before the amalgamations were announced there were about three shires in that area, but the previous member for Benalla, Pat McNamara, chose to have his way, and subsequently the Shire of Strathbogie, now known as 'Pat's plot' around my area, was born. Everyone in the Benalla electorate knows exactly why the Strathbogie shire was born and why Benalla and Mansfield were subsequently put together, even though they had nothing in common. It was because they were basically the only towns left out of any amalgamations.

During the course of the last two years the people of Mansfield have rallied strongly. They have had up to 700 to 900 people attend a meeting to discuss their rates issues, and the Mansfield Residents and Ratepayers Association, which was led ably by David Parsons and Anthony Maxwell-Davis, was formed. The passion of the Mansfield people has never wavered since 1996 when they marched in the streets to try to stop the amalgamation with Benalla. It has been a credit to the people of Mansfield that the whole community, the council chosen to represent that community to facilitate the process of the split, the Benalla councillors and the Benalla community have worked extremely well together.

Even though they have worked extremely well together, the fact is that as two separate towns they would be far better off as two separate shires. Since the minister announced that he will be facilitating a panel, the residents of both towns have been elated. Both towns understand fully that the Bracks government listens to country people.

Beechworth: preschool and child-care centre

Mr PLOWMAN (Benambra) — I raise for the attention of the Minister for Community Services an issue surrounding the co-location of the preschool and the child-care centre at Beechworth, both on the Beechworth campus of La Trobe University.

I wrote two letters, on 16 January and 25 January, to the former minister about the level of funding being made available to the Beechworth Preschool for the year 2002. I have received a letter from the present minister

and thank her for that. Her letter says that the Victorian preschool program policy for 2002 states that:

> … a child is eligible for the standard preschool per capita grant rate provided that he/she does not access long day care at the same funded preschool location.

The Beechworth Preschool was located in premises that were identified as a contaminated site and, as a consequence, was relocated onto the same site as the child-care centre, the campus of La Trobe University. Because they are both on the same site, according to the minister's letter:

> Those children therefore who are attending long day care at the Beechworth Community Childcare Centre, and also access the preschool service at the Beechworth Preschool, are eligible [only] for the long day care per capita rate.

Clearly the Beechworth Preschool and the Beechworth Community Childcare Centre are separate entities. They have separate committees of management, separate bank accounts and separate reception areas. I ask the minister to reconsider the decision that was announced in her letter to me. In that letter she said — and I am very grateful for this — that funding at the standard rate would be available until 31 December, and that she has asked her regional staff to pursue the options concerning ongoing viability and ongoing funding.

Might I just say that this flies in the face of commonsense. We should have those services placed together and there should not be any prescribed funding reduction for one or the other.

Community services: family violence

Ms ALLAN (Bendigo East) — I also raise a matter this evening for the Minister for Community Services regarding a very important issue that has to be faced by our society — that is, family violence. The action I am seeking from the minister this evening is for her to assist and help those women who are dealing with the issue of family violence and also those who work with those women and their children and try to assist them.

Family violence is a very confronting issue that is clearly disturbing and distressing for those family members who are confronted with it. There has been an identified need for the government to provide greater support to women who are escaping domestic abuse. There is also an identified need for greater support to be given to the refuges and to the people who work with the victims of domestic violence and who deal on a daily basis with often quite complex and confronting issues.

Women seeking the support of workers, whether in refuges or through other services such as centres against sexual assault, women's health centres or community health centres, are in the most vulnerable situations they could possibly be faced with, and they often involve those women not just escaping their own domestic abuse but also trying to protect the safety of their children. Clearly that adds to the complexity of the issue for the family violence workers. The workers in the field are among the most compassionate, caring and dedicated of workers who do on a daily basis what can only be described as a difficult and at times very stressful job.

The Bracks government has a comprehensive policy across the whole of government that is addressing the needs and concerns of Victorian women. Annually for the past two years the Bracks government has held the Victorian women's summit, which the Premier attends along with all government ministers and female members of Parliament. It is a fantastic opportunity for the government to listen to and talk directly with Victorian women about their issues and concerns and for Victorian women to feel part of the decision-making processes of government.

The last two conferences that I have attended along with my female colleagues on this side of the house — and male colleagues, too, I should add — have been hugely successful and very inspiring, as we have talked through issues addressing Victorian women in today's society.

Other key initiatives of the Bracks government in addressing the needs of Victorian women include the Ministerial Advisory Committee on Women's Health and Wellbeing chaired by Caroline Hogg and the Victorian Honour Roll of Women. There has also been a greater recognition of the achievement of rural women in the rural women's leadership bursaries program.

Schools: Bentleigh

Mrs PEULICH (Bentleigh) — I, too, wish to raise a matter for the attention of the Minister for Education and Training. I was hoping she would be here so I could bring her up to speed with the need for funding for capital works and upgrades in the Bentleigh electorate. Given that she has a new portfolio, I thought it would be a timely update, especially given my recent visit to most of those schools to have a look at what their existing needs are and what progress has been made in existing redevelopments that were undertaken during our period in government.

In particular my attention was drawn to a recent article in the *Moorabbin Glen Eira Standard*. The article was issued, obviously, by the government media unit on behalf of what the locals call the socialist left candidate for Bentleigh — I think they call him a member of the Fitzroyalty — announcing a $1.1 million increase in funding for Bentleigh schools. I was quite excited because I thought it may have been some sort of announcement of the much-needed $2.5 million commitment for a science and technology wing at the McKinnon Secondary College; or assistance for the McKinnon Primary School with a master plan and refurbishment due to its growing needs; or funding for Bentleigh Secondary College, which is still waiting for $1.7 million; or funding for the much-needed works that Bayside Special Developmental School requires.

But, no — what was being announced was the increase in funding to local schools as a result of increased enrolments — that is, as a result of the per capita funding that state government is obligated to provide under the Education Act as part of its responsibilities. I must confess that I was very disappointed to see the government congratulating itself on what it is obligated to provide.

There is concern that the government is expending the very generous surpluses that were left to it as the result of good economic management, and that money will not be left over for much-needed capital works for and upgrades of those local schools.

I call on the minister to give an assurance that the ongoing needs of schools in the Bentleigh electorate will be provided for; that the mad scheme to privatise public schools and to have the private sector develop facilities that will obviously cost the education portfolio much more will not proceed; and that she will actually ensure that there is provision for capital works to the schools in the Bentleigh electorate in a regular and ongoing way so that school communities can continue to do the good work they do to provide the very best possible education for their children.

Responses

Mr PANDAZOPOULOS (Minister assisting the Premier on Multicultural Affairs) — I thank the honourable member for Ballarat West for her never-ending and enthusiastic support for the Ballarat Begonia Festival. I was very pleased and honoured to be out there a few weeks ago launching the festival program for this year. The new poster looks great on my wall with various other regional tourism posters that Tourism Victoria has been putting dollars into. As part of our boost in funding for regional events we have had a three-year commitment to the Ballarat Begonia Festival, working very closely together to grow that event and to attract tourists to it because it is such a wonderful event.

The honourable member for Ballarat West asked a question about support for multicultural programs. An application has been made by the Ballarat Begonia Festival to the Victorian Multicultural Commission. The house will probably be aware that the government significantly increased resources to the multicultural commission, and part of the purpose of that was to enable it to extend its sponsorship program. One of the things we wanted to do is to include the different multicultural events that ethnic communities hold around the state as well as many other wonderful community events.

The organisers of the Ballarat Begonia Festival are doing a fantastic job. I heard the honourable member refer to their relationships with the ethnic press, and recently there were stories in *Il Globo* and *Neos Kosmos*. They understand that festival events especially should be available to all Victorians. In relation to the Ballarat Begonia Festival, of course all cultural groups love horticulture and plants, and I congratulate the festival organisers for their willingness to focus on ethnic communities and to build and diversify the tourism market they represent.

I am pleased to announce to the honourable member for Ballarat West that the Victorian Multicultural Commission has agreed to provide sponsorship of $2000 to assist the Ballarat Begonia Festival to work with ethnic communities in Ballarat to get those communities to involve themselves more in the event and promote it to their broader communities. As the honourable member said, people from many ethnic communities come up from Melbourne to experience the event and to showcase multiculturalism. The multicultural diversity of regional Victoria is huge, and I am pleased to also announce to the honourable member that in the recent round of sponsorship grants that totalled more than $77 000, over $11 000 has gone towards events in regional Victoria to celebrate their cultural diversity.

I will run through some of those very quickly: they include a $1000 grant to the Swiss-Italian Fiesta in Hepburn Springs and Daylesford — a great event focusing on the settlement of that area by Swiss Italians; a $2000 grant to the West Sale Heritage Festival — there was a migrant settlement camp out in Sale. The Minister for Finance actually came out to that centre with his Dutch parents. The National Celtic Folk Festival in Geelong is getting $1500, and the

Mount Beauty Music Muster, $1000. What does it have to do with multiculturalism? It is focusing on the Italian heritage around Mount Beauty. These are examples of this government supporting cultural diversity in regional Victoria and encouraging local groups to celebrate that diversity.

I thank the honourable member for Ballarat West for her keen interest, and I wish the Ballarat Begonia Festival well for 1 to 11 March.

Ms KOSKY (Minister for Education and Training) — In response to the honourable member for Warrandyte, who seems to have his dates a bit mixed up, I have been in the house all evening and have not had a date with Bill Clinton — and would turn it down anyway!

In response to the action he requested, I know and appreciate he is not aware at this stage of the distinction between the responsibilities of the Minister for Education Services and me, so I am prepared to respond. The matter he has raised about specialist schools and transport fits within her area of responsibility, but I am happy to respond at this stage given that he is not aware of the split between our responsibilities.

The honourable member raised a concern about changes to the transportation of students from Wangaratta District Specialist School. I am informed by the department that members of the specialist school community met with the regional director and senior officers from the regional office on Wednesday, 20 February 2002, to discuss changes to the Wangaratta town service. So when he suggested there had been hardly any contact with the regional office I think that was a slight exaggeration.

The briefing note goes on further to say that at that meeting there was agreement between the respective parties that the issues related to student management and were not bus related. It was further agreed that the school would review its policy on student transport and management and that an information session for parents would be held during term 1 to provide details of the proposed changes to the bus transport for students from the Beechworth and Benalla areas. The parents of the Wangaratta District Specialist School community can be assured that any changes made by the department to the existing transport service will meet the department's guidelines.

As well as responding on this issue this evening I am happy to refer it to the Minister for Education Services so that she can also provide a more detailed written response.

The honourable member for Bentleigh raised a matter relating to capital investment and upgrades for schools in her electorate of Bentleigh. It is probably worth reminding the house of the enormous investment the Bracks government has made in capital works in schools — far greater than the previous government could have even contemplated, let alone delivered. This government has put $590 million into school and TAFE capital works. That is for the replacement of poor facilities, which means that maintenance is not needed to anywhere near the extent it was under the previous government because we are replacing facilities rather than patching them up, as the previous government attempted to do.

One in every three schools around the state will benefit from the capital investment we have made in school capital works. That is an enormous investment. But further, it is an investment in children's education.

It is a bit disappointing that the honourable member referred to her notion that the Bracks government is to privatise schools. That is far from the truth. We will not be privatising schools.

Honourable members interjecting.

Ms KOSKY — We will not be privatising schools. That was the agenda of the previous government, not this government. It is worth reminding this house of the efforts by the previous minister for training and higher education in the former government to privatise the TAFE institutes. He had a plan in place and got the department to do the detailed work to look at whether TAFE institutes around the state could be privatised. It turned out that only the Holmesglen institute could be privatised. When he suggested it to his cabinet he was advised to maybe go quiet on the issue. This government will not be privatising, as the previous government was so intent on doing.

Mrs Peulich — On a point of order, Mr Acting Speaker, although I appreciate that the Minister for Education and Training may wish to continue a battle of wills with the shadow minister for education and that she perhaps enjoys the opportunity to debate broader issues, the matters I raised were specific to the schools in the Bentleigh electorate. Most specifically they were concerns about the need for a commitment to the $2.5 million investment in a technology wing at McKinnon Secondary School, the need for a master plan upgrade at McKinnon Primary School, the need for $1.7 million for the physical resource management

system (PRMS) at levels 0 and 1 for Bentleigh Secondary College, and much-needed works at Bayside Special Developmental School. So Mr Acting Speaker, I ask you to ask the minister to show some goodwill as the new Minister for Education and Training by addressing the concerns I have raised.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The matter raised by the honourable member for Bentleigh, as she rightly points out, was in regard to schools, but she also talked about privatisation of those schools. The minister is responding to that part of the question, so she is doing the right thing. Secondly, as honourable members know, adjournment responses can be quite broad.

Ms KOSKY — In a spirit of goodwill, if the honourable member for Bentleigh would like to talk to me about the issues or provide me with the detailed correspondence she has, I will be happy to respond to her in writing.

Mr CAMERON (Minister for Local Government) — I refer to the matter raised by the honourable member for Benalla concerning the Delatite Shire Council. As she says, it has been a rocky road at Delatite and she and I congratulate the council on the great maturity it has shown given what has been a very long and complicated argument.

Changes to local government boundaries are something which in general are not desirable, because during the 1990s there was significant change which brought about great pain. Further change would also bring about great pain, so it is very important that if there is to be any change the broad municipal community is aware of what is going on. Certainly our approach is that we need the council and the community to come to us before we proceed down the path of making those changes.

The council very maturely has worked through this issue and has requested effectively a de-amalgamation of the Shire of Delatite. It put together and presented to me before Christmas a very comprehensive plan. Under the Local Government Act a panel has to be appointed. The people of Mansfield in particular want to bring about municipal change at any cost. It is going to be expensive but they are going into this matter with their eyes open.

I am pleased to announce that we have engaged the services of Mr Julian Stock and Mr Roger Male, who will form the local government panel. They have extensive and wide backgrounds in financial accounting and management issues. They are highly regarded. They have strong local government knowledge around the financial accounting and management requirements, and they are independent. I look forward to receiving their report in the middle of the year regarding a review of the plan which the Delatite shire has put forward.

I congratulate the honourable member for Benalla on the work she has done to try to bring about a sensible resolution over a period of time to what has been a very difficult problem for seven or eight years.

Ms PIKE (Minister for Community Services) — I will respond to the matters in my own portfolio first. The honourable member for Mooroolbark raised with me the urgent need of a wheelchair by Christopher Fry from Park Orchards. I assure the honourable member that I will raise this matter with the department tomorrow and do everything we can to speed up the allocation of the wheelchair he needs.

The honourable member for Benambra has drawn to my attention the matter of funding for both the Beechworth Childcare Centre and the Beechworth preschool centre and has correctly identified that I wrote a letter to him stating that under the funding policy for 2002 the funding regime for these centres would be changed. I have already indicated that funding will be made available under the normal arrangements until December 2002 and I have certainly asked the staff in the region to work closely with these centres regarding matters of management and ongoing viability. Following the honourable member raising this again this evening I will go back to the department and reiterate the importance of that work.

The honourable member for Bendigo East raised with me the kind of support that the government gives to people working in the area of family violence. As she correctly identified, family violence is a very tragic and difficult circumstance that is faced by far too many Victorian families. Recently I was pleased to open a conference entitled ‘Putting Women First’. It was a very important conference because for the first time it brought together people working in the secure refuge system. We have about 27 of those refuges across Victoria involving people who work in the outreach service system. We had the opportunity to talk together about how services can work more coherently.

I was also pleased to launch a family and domestic violence crisis protection framework. The police and other members of the community were at the conference and it was the genesis of many discussions about how there can be more cooperative work. We acknowledge that staff in this area are enormously dedicated, often giving themselves sacrificially to very

damaged human beings. But we hope under the guidance of the framework we will now be able to provide even better and more appropriate services because times change, people's circumstances change and we have to be constantly improving what we do. We have already allocated around $13.5 million annually to family violence services and we were pleased also to give some additional funding in the first instance for the implementation of the framework. We intend to ensure that the principles and the strategic directions within the framework allow for greater levels of cooperation and enhanced service provision in the whole area of domestic violence services.

The honourable member for Wantirna raised with the Minister for Police and Emergency Services a matter concerning the Wonthaggi police station and cited an issue about vehicles there. I will pass that on to him.

The honourable member for Rodney raised a matter with the Minister for Transport regarding funding for a Murray River bridge. He was not quite clear which option he was favouring, and I guess it is a fence-sitting exercise at this stage. He is obviously prepared to go with either option as long as the resources are there. I am sure the minister will respond to that matter.

The honourable member for Footscray also raised a matter with the Minister for Transport regarding an excellent program run by the western region community garden group and the group's desire to develop a demonstration community garden.

The honourable member for Mitcham raised a matter with the Minister for Environment and Conservation regarding traffic in Swanston Street, and the minister will have that information passed on to her so she may respond.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned until next day.

House adjourned 10.49 p.m.