

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 6 April 2006

(Extract from book 4)

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Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Thursday, 6 April 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.32 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 247 to 250 inclusive and 340 to 344 inclusive will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITION

Following petition presented to house:

Planning: rural zones

To the Legislative Assembly of Victoria:

The petition of Poowong East/Mountain View Community Association and the undersigned citizens of the state of Victoria draws to the attention of the house that we are opposed to the development of intensive animal industries, in particular the broiler industry, in areas within rural/farming zones that are closely settled and/or are water catchment areas.

The petitioners therefore request that the Legislative Assembly of Victoria amend the Victorian planning provisions such that they:

1. explicitly recognise that the farming/rural zone is not uniformly suitable to the development of intensive animal industries such as the broiler industry;
2. explicitly recognise the unsuitability of intensive animal industries in areas within rural/farming zones that are closely settled and/or are water catchment areas; and
3. explicitly recognise that in such areas intensive animal industries present unacceptable risks to the environment and water quality and/or unacceptable impacts on community members' wellbeing, amenity, property and opportunity.

By Mr MAXFIELD (Narracan) (565 signatures)

Ordered that petition be considered next day on motion of Mr MAXFIELD (Narracan).

DOCUMENT

Tabled by Clerk:

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 33.

LEGISLATIVE COUNCIL LEGISLATION COMMITTEE

Meetings

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That, during the trial period to 15 June 2006 of the Legislation Council's Legislation Committee, this house grants leave for any minister of the Legislative Assembly to attend meetings of the committee, if the minister thinks fit.

By way of explanation for the members assembled, some people would be aware but others might not be that the Legislative Council intends to have a trial of a new legislative procedure, under what it is calling the Legislation Committee, which will enable ministers, if they so desire, to attend meetings of that committee to explain pieces of proposed legislation. They are proposing to trial it until 15 June.

It has been pointed out that, in order to facilitate that, standing order 198 of the Legislative Assembly requires the house to grant permission on each occasion that a minister of this house wants to attend a Legislation Committee meeting. Members would have to consider every request by a minister. Of course, that could not occur during the parliamentary recess, and that would make the trial of the new Legislation Committee procedure very difficult to undertake between now and the end of the trial period in June.

I understand this has the support of the other parties. To facilitate and allow the smooth flow of the trial of the new procedure in the other place, this motion would result in the house granting permission now, in advance of ministers in the Assembly making a decision to attend a meeting of the Legislation Committee. It will facilitate their attendance at that committee.

Mr THOMPSON (Sandringham) — Members of the opposition support the motion. It is understood by the Leader of the Opposition in the other place to be a good idea worthy of a trial, and accordingly we support the motion.

Mr MAUGHAN (Rodney) — The Nationals also support the good initiative of the trial in the other place. The proposal this morning by the Minister for

Transport facilitates that and The Nationals are pleased to support the proposal.

Mr DELAHUNTY (Lowan) — Like my colleague the member for Rodney, I also support the initiative but I raise some concerns. It will be interesting to see if other witnesses are called, but I raise the particular concern that ministers are not called out of here during the adjournment debate.

Honourable members interjecting.

Mr DELAHUNTY — The adjournment debate is important, because 10 members get the opportunity to raise important issues. Unfortunately, for some reason, not all ministers attend it. They really are thumbing their noses at the parliamentary process; they are being very arrogant in this regard.

Mr INGRAM (Gippsland East) — Likewise I support the trial to make sure ministers can attend the new committee structure in the upper house as an important part of the reforms of the Legislative Council, to make sure that legislation can be scrutinised to a greater extent than it currently is. Not only do I think that is something all members of this place should endorse, but I think a large proportion of the public of Victoria would like to see a greater scrutiny of legislation between the houses, with the new structure of the Legislative Council. I support the motion.

Motion agreed to.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 2 May 2006.

Motion agreed to.

MEMBERS STATEMENTS

Sacred Heart Primary School, Oakleigh: sports day

Ms BARKER (Oakleigh) — On 31 March I had the great pleasure of being present at the Sacred Heart Primary School sports day, which was held at the Duncan MacKinnon Reserve in Murrumbena, and watching all students participate in many events. The relays were particularly exciting with the inevitable

baton drops from time to time, but the most important thing was participation.

The four houses were led by very able captains — the Red team by Alex Mesentseff and Joachim Rymarz; the Blue team by Jack Gray and Cassandra Dirckze; the Yellow team by Georgia Cooke and Sarah O'Connell; and the Green team by Sam O'Neill and Tim Michael. Each team had developed their own theme songs, which were practised for many weeks prior to the sports day. I assure members that many loud theme songs were sung during the sports day! Red team had a successful day, winning both the overall sports day award and the sporting spirit award. I was very honoured to present the trophies to the Red team house captains.

Approximately 50 parents were actively involved in helping in some way or another to organise the sports day, both before and on the day. As always, their support and work are gratefully acknowledged.

Two teachers in particular put in a lot of work. I acknowledge Francine Jorgenson and Loraine Rodriguez, and thank them for their commitment to ensuring that Sacred Heart primary's sports day was well organised and enjoyable.

Sacred Heart Primary School is a great school, capably and energetically led by principal Maree Ryan. The staff work hard and provide quality educational opportunities for many children. I again congratulate Sacred Heart Primary School for working hard to involve all children in happy and active sports activities and for making sure that it is important not only to be healthy but also to participate, and it is very important to cheer on your team.

Libraries: funding

Mr HONEYWOOD (Warrandyte) — Eastern Regional Libraries consist of three outer eastern councils — Maroondah, Knox and Yarra Ranges. It is the largest library system in Victoria, serving a population of 386 000 people through 13 branch libraries and 3 mobile libraries. In my electorate there are two library branches — one in Croydon and one in Ringwood.

The total operating costs for the Maroondah branches is \$2 456 000, of which 79 per cent is funded by local government and the remaining 21 per cent by the state government. Although Yarra Ranges shire is an interface council, it is treated as a metropolitan council for library funding purposes by the Bracks

government — a point made by Clive Larkman, the Liberal candidate for Monbulk.

It is of great concern that support and funding for these libraries from the Bracks government has steadily declined over a number of years, which has forced local government contributions to be increased to meet greater demand in service delivery. The government should be doing far better in this important service delivery area. The Bracks government's total public funding library grant is an average of \$5 per person per year — that is, 22 per cent of the overall cost of running the libraries. Libraries in the outer east get less than the average, at only 21 per cent.

The Victorian Liberal Party fortunately recognises the importance of adequate local services to our state. Public libraries serve as valuable educational and cultural institutions. Under our Liberal Party plan, a Liberal government will support a formula for allocating recurrent library funding, which recognises the cost of service delivery over large and diverse geographical areas such as the outer east. It will guarantee that library funding will be at least \$9 per person by the year 2010 compared to only \$5 by the Bracks government. That will represent an 80 per cent increase on current funding. The Liberal plan is far better than the Bracks government's inadequate funding.

Youthinc: alcohol diversion program

Mr HOWARD (Ballarat East) — On Monday I had the pleasure of being at Malmsbury mill with the Minister for Police and Emergency Services when he officially opened the Youthinc alcohol education and diversion program. This is a very innovative alcohol diversion program which provides young people with expert advice so they can continue to enjoy parties and music, but without the need to binge drink.

Young people have themselves identified the risks of irresponsible drinking, including unsafe sex, family violence, car crashes, self-hatred and depression. They acknowledge this will be a great program for them. Youthinc will protect young people in the Macedon Ranges and Mount Alexander shires where under-age drinking has increased and is clearly a concern.

Local police initially called for this program and have worked closely with the Cobaw Community Health Service and Castlemaine district community health centre to develop this innovative and practical program that will assist young people in Macedon Ranges and Mount Alexander shires. I commend those members of Victoria Police who worked with Cobaw community

health staff, particularly Alan Taylor for his leadership of that health service. I am pleased to say this government has assisted with the funding of this very worthwhile program.

Housing: complaints

Mrs POWELL (Shepparton) — I wish to bring to the attention of the house the totally inadequate response of the Office of Housing to the many complaints made to it. Many complaints are made about tenants who leave their Office of Housing house in a disgusting state while absent for many months. When a neighbour complains to the Office of Housing, the office says the tenant is still paying rent so it cannot do anything about it.

On the issue of maintenance, many people talk about maintenance and how they cannot get their public houses repaired or maintained. Recently the front door of a Mooroopna woman's house fell off and friends had to temporarily fix it. She had phoned the maintenance line and told them the door was being held by one hinge. She was told the door would be fixed in one to seven days. She has two small children aged 2 years and 10 months and had to sleep in the lounge room in case of intruders.

One of the biggest complaints that comes into my electorate office about the Office of Housing is its response to complaints about antisocial behaviour. The Office of Housing place tenants in spot purchase or quiet neighbourhoods. Neighbours who are victimised say that when they ring the Office of Housing complaining, the office tells them to ring the police or take them to court. This is totally inadequate. The Office of Housing should fix the problem themselves.

I call on the Minister for Housing to increase inspectors and inspections to ensure public housing is maintained appropriately and that tenants in public housing understand their responsibilities.

Rail: Lara station

Mr LONEY (Lara) — Last Friday I was at the Lara station with the Parliamentary Secretary for Infrastructure for a major announcement for the area. The Lara station has been upgraded in status to become one of the five new parkway centres. As part of this program a considerable amount of money will be spent on improving the station with upgraded and expanded car parking and improved passenger facilities, such as covered walkways and more lighting which will mean a safer and more secure area for passengers. Given its strategic location near the ring road now under

construction in Geelong, there will be improved signage on major road networks around the area alerting motorists to the new facility.

Other benefits will flow from this, including improved public transport services with increased frequency of bus services and upgrades to local bus stops. From 22 April commuters will be able to get free travel on metropolitan trains, trams and buses on their valid V/Line ticket. As part of the fast rail project all morning and evening peak trains, other than express services, will also stop at Lara.

Mr Smith interjected.

Mr LONEY — We do not expect the member for Bass to understand. This builds on many good things the Bracks government has delivered for Lara.

Minister for Tourism: performance

Mr KOTSIRAS (Bulleen) — I condemn this inept and lazy government and the Minister for Tourism for not doing enough for the tourism industry in Victoria. This government has made an art form of the use of selective statistics for political gain. He seems happy with only providing the public with half the truth. This government has appointed people in key positions to act as its fan club to claim this government is doing a great job in tourism. It might be a surprise to this government, but the number of visitors is down. It does not matter how you arrange those figures, the number of visitors across Victoria has decreased. From Mornington to Echuca and from Mallacoota to Mildura, visitor numbers have decreased over the last seven years.

Instead of sitting down with the key stakeholders and coming up with a plan, this arrogant government is telling the industry what it should be doing. Unfortunately this government has a poor track record of coming up with initiatives and policies that actually work. I urge you, Minister, to stop, listen and talk to the industry instead of telling it what it needs to be doing. Perhaps you can start by speaking to the Minister for Manufacturing and Export regarding his ignorant and naive remarks about Easter trading hours. Stop blaming the federal government, stop blaming what happens overseas and stop blaming the weather for the decrease in visitors to Victoria. You are the Minister for Tourism — do something about it.

The SPEAKER — Order! I remind members that they must speak in the third person.

Member for Kew: comments

Mr MAXFIELD (Narracan) — I raise an issue in this chamber today which causes me significant distress and upset in my community. Yesterday during a debate in this chamber on grievances the member for Kew, the shadow Attorney-General, made some comments in an interjection about Moe. He claimed that the word ‘Moe’ stood for ‘moccasins on everyone’. I personally found that quite offensive, and I know other people in this chamber were also quite upset about it. Not only that, he then repeated it again in case nobody heard it. I call on the member for Kew to apologise not only to this house but to the Moe community for the quite appalling comments that he made. I also call on the Leader of the Opposition to discipline the member for his appalling comments —

Mr Baillieu — On a point of order, Speaker, this is not the appropriate time or means for members to be casting aspersions on other members of this house, and I ask you to rule the member’s contribution out of order.

The SPEAKER — Order! There is no point of order.

Mr MAXFIELD — I will not be silenced on the appalling comments which were made yesterday. I am really quite sick in the stomach and disgusted by what was said. It shows what the Liberal Party thinks of some of the wonderful communities in my electorate. Not only is it about time for the Liberal Party to give an apology, but the Leader of the Opposition should either sack the member or discipline him.

Wind energy: Bald Hills

Mr BAILLIEU (Hawthorn) — In August 2004 the Premier announced his approval of the Bald Hills wind farm. The approval was for 52 turbines on sensitive land overlooking Wilsons Promontory. The area is adjacent to sensitive wetlands and close to surrounding farms. It was proposed by a totally inexperienced shell company.

The approval ignored more than 1500 objections from locals, the local council and environment groups. It followed a farcical environment effects statement process which was so flawed that a second EES was required. Even the panel concluded that the proponent’s submissions were so inadequate that it was impossible to take them seriously. The panel assessment was led instead by the state government’s wind farm guidelines, which have been widely ridiculed and yet remain unchanged.

The pro-wind farm bias in the guidelines has been acknowledged by the panel chairman. This admission has been repeated by Mr Mark Dwyer, a solicitor with Freehills and a recent Bracks government appointee to review planning panels. In a report to the McArthur wind farm panel hearing on behalf of the applicants, AGL, Mr Dwyer said the proponents of the wind farm agreed that the guidelines were biased and did not regulate the industry.

This wind farm was simply the wrong project in the wrong place advanced by the wrong people, and it posed a real threat to the environment and landscape of South Gippsland. The only people who could not see this were the Premier and the Minister for Planning. Now the proposal has been rejected by the federal government under referral for failing to satisfy the obligations of the Environment Protection and Biodiversity Conservation Act to protect migratory species. I applaud that decision and urge the Minister for Planning to now accept the federal minister's suggestion of a national code for the location of wind farms.

Beau and Lorraine Gerring

Mr MILDENHALL (Footscray) — I would like to take this opportunity to publicly recognise the fine work that Beau and Lorraine Gerring have done over the years for the youth of Footscray and the sport of boxing. Beau and his wife Lorraine are stalwarts of the Footscray Youth Club and have spent 53 years helping and coaching local young people. The kids that have trained with Beau have learnt a lot more than boxing skills. Through his dedication and his teaching the self-discipline required for the sport, hundreds of kids in my electorate have attained levels of confidence, pride and self-respect that they may not have otherwise achieved.

Beau has also been recognised for his contribution to the sport at the elite and community levels. In 1996 Beau was awarded an Order of Australia for his contribution to the sport, and this year the Maribyrnong City Council acknowledged the extraordinary efforts of Lorraine through a mayoral award. Well done, Beau and Lorraine! We are blessed to have you as part of our community.

Housing: disruptive tenants

Mr SAVAGE (Mildura) — There is no doubt that the vast majority of public housing tenants are responsible, well behaved and appreciate the benefits of the opportunity to enjoy good accommodation. However, there are a small number of tenants who are

disruptive, dysfunctional and criminal damage experts. Fighting, bad language and threats are the norm at some Office of Housing stock in Mildura and elsewhere in Victoria.

For example, nearly all the residents of Jenkins Place, Mildura have signed a petition to highlight their difficulties and have called for an improvement in the behaviour of one tenant in a Office of Housing house there. One resident who has lived there for 40 years can no longer use his backyard. There seems to be an acceptance by some that to be an indigenous Australian is a licence to be disruptive and destructive. It is not acceptable, and it is time that a zero-tolerance policy was invoked.

Emergency housing is another area of concern. The Mildura division of Loddon Mallee Housing Services is now well managed, but I have had a constant stream of justified concerns about a house in Woodward Road, Bendigo where some constituents of mine have an elderly mother living. Her quality of life has been markedly reduced by the dysfunctional behaviour of the people in the house next door. If MPs lived next door to brawling, foul-mouthed Office of Housing tenants, they would do something about it. The policy should be: three strikes and you're out!

Leopold Lions Club: 20th anniversary

Ms NEVILLE (Bellarine) — It was a great pleasure for me to join members of the Leopold Lions Club to celebrate their 20th charter anniversary on 1 April. I was honoured to be asked to propose a toast to Lions Clubs International as part of the formal proceedings. Lions Clubs International provide a range of impressive programs for communities throughout the world, including providing opportunities for young people, international disaster relief, projects and campaigns on diabetes awareness and working with people who have hearing or sight impairment.

Leopold Lions Club is a member of Lions Clubs International with a proud tradition of dedicated service within the local community. The Leopold Lions' most recent local project in the community is the establishment of the skate park in Leopold where there have been limited recreational opportunities for young people. The Leopold skate park action committee was established by John Hansen, who has unfortunately since passed away, but his legacy will be this great project.

The club has also just completed a garden at the recently rebuilt Leopold Primary School, creating a great entrance area to the school. Leopold Lions has

also developed the Lions Village aged care facility and produced the local community newsletter. My congratulations to president Alan Ireland, secretary Dianne Harry, treasurer Jenny Hume and the members of Leopold Lions Club, past and present, for their commitment and service to the local community.

Caulfield Junior College: facilities

Mrs SHARDEY (Caulfield) — Once again I raise the need for proper maintenance and redevelopment of Caulfield Junior College in my electorate. That large primary school with over 400 students is an internationally accredited school teaching a French immersion program with a fine academic reputation. It has great children, parents and staff, but its old buildings are in an appalling state. What is not old and dilapidated is portable. In fact the portables, which still need a paint job, are in better condition than the remainder of the school.

The maintenance report alone at the school shows an estimate of over \$500 000 — and that is just to bring the buildings up to some sort of normal standard. Apart from the overcrowded conditions, the carpets throughout are threadbare and held together with strips of duct tape; paint is peeling off the walls, both inside and outside the school; woodwork is rotting; and the damp-affected walls and ceilings are rotting away, as shown on television news this week.

The number of children able to attend Caulfield Junior College is limited by the Department of Education and Training to those living in a restricted area. The local community is desperate to see the amenity of this school improve through the provision of an additional permanent building and some decent facilities. They well deserve it.

Information and communications technology: emails

Mr LEIGHTON (Preston) — Moves by America Online (AOL) and Yahoo in the United States to charge for the sending of emails are to be condemned. I hope email charging in Australia will be strongly opposed by all consumers who appreciate the freedoms of the Internet. In the United States a coalition of organisations opposed to charging grew from 50 to 500 in one week, and 30 000 users signed an open letter to AOL objecting to what they called the email tax. AOL is making its revenue grab under the guise of combating spam, but this is belied by the fact that AOL has reduced spam by 85 per cent.

The answer to spam is good software and tough legislation which treats the worst offenders as the serious criminals they are. What AOL will provide is a two-tiered system where it will charge organisations US\$3 to US\$4 per 1000 for sending certified email which will bypass its spam filters and will be guaranteed direct delivery into users inboxes. Perversely, AOL will have a vested interest in steering customers to its paid email rather than making its free email work better. This is against the principle of Net neutrality.

The Net should be a free and open place for the exchange of ideas and opinions. That you do not have to be a media baron to publish is as important as the ownership of traditional media becomes more concentrated. I call on the federal government to consider legislation to ban email charging in Australia.

School buses: Lowan electorate

Mr DELAHUNTY (Lowan) — This city-centric Labor government stands condemned for its attempts to take away country school buses from towns within the Lowan electorate. The latest attempt was brought to my attention by concerned parents and the Goroke P-12 school council, who all have serious concerns about a number of issues regarding the Department of Infrastructure's recommendations for the bus network. Their main concern is the loss of a bus with the flow-on effect of longer travelling times for Gymbowen students. Their travelling time will be extended by 40 minutes each day on a non-airconditioned bus. Some students will be forced to travel 50 minutes to school even though they only live 10 to 15 minutes from Goroke.

The loss of this bus will mean that additional students will travel on the Minimay bus, forcing three students to share a seat on occasion, which is not acceptable to the students, parents or the school council. They report to me that regularly students who have travelled up to an hour in temperatures above 40 degrees Celsius have vomited or had headaches because of the heat and length of time spent on the bus. The loss of the Kangawall bus will mean the loss of another service, the loss of a driver's job and the loss of a hire bus in a rural, isolated community which has no public transport.

Goroke is similar to many small communities which are struggling because of the drought and declining services. The loss of the school bus will have a major ripple effect, both social and economic, on the town. But they will fight and I will stand with them. I call on

the minister to turn around these recommendations and keep all the buses running to Goroke P-12 school.

Education is vital to the continuing development of Lowan electorate, and our students need access via The Nationals' free school bus program.

Bayswater Bullets Little Athletics Club: awards

Mr LOCKWOOD (Bayswater) — Last Saturday I went to the Bayswater Bullets Little Athletics Club presentation day, where I had the honour of presenting a number of awards. It is a great club with a great president in Dean Barton-Smith — an athlete himself and a Queen's baton relay runner. Donna Moore was honoured for her years of service as team manager. Life member, Kerry Semfel, shared the presentation honours with me. Jimmy Moore told us of his experiences of being a Commonwealth Games volunteer. The overall best girl award went to Laura Clissold and the overall best boy award to David Thomson. The RACV achievers shield winner was Cody Norton.

The club has a system of rewarding its young athletes by acknowledging their personal best (PB) performances. In Little Athletics it is not the winning that counts as much as self-improvement, so they have personal best medals. A gold personal best medal for 27-plus PBs went to David Thomson, Zac Thomas and Laura Clissold; a silver personal best medal for 22 to 26 PBs went to Sharnee Griffiths, Annie Egan, Matija Pecek, Josh Holdway, Josh Nolan, Emma Thomson, Jessica Thomson, Alex Barton-Smith and Olivia Mellahn; and a bronze personal best medal for 18 to 21 PBs went to Cody Norton, Erin Holdway, Nicholas Elliott and Claire Elliott. A 12 PB certificate went to Briony Walton, Daragh Moore, Steffi Walton, Jack Bole-Brown, Nathan Goodger, Jorgia Foster and Deborah Elliott. New club records were set by Alex Barton-Smith, Daragh Moore and Sharnee Griffiths — 11 at under-14 level — and Josh Holdway.

Congratulations to all those athletes on a wonderful season. Athletics is a wonderful sport and is great for those who have no wish for body contact sports, or who just wish to have fun. Athletes need only complete against their own last performance. They are an enthusiastic and great bunch of kids, and I am sure they will have a fun season next time as well.

Reserve Road, Cheltenham: safety

Mr THOMPSON (Sandringham) — I wish to place upon the parliamentary record the concerns of a number of Sandringham electorate residents about traffic matters in the district. At a recent listening post

concerns were raised by my constituents in relation to difficulties with safety and access to a number of intersections along Reserve Road. There is notable difficulty in egressing from Tulip Street, Cheltenham — which is proximate to a significant sporting complex — to travel in a southerly direction in Reserve Road. Traffic difficulties are also experienced turning right out of Park Road, Cheltenham, into Reserve Road and at the Weatherall Road intersection.

One constituent raised concerns regarding the difficulty with which drivers of B-double trucks have to negotiate when turning at the corner of Park Road and Reserve Road. The constituent noted that on a particular occasion other traffic movements were delayed for a significant period. What is required in the local district is a thorough traffic assessment of, and government support for, the provision of suitable traffic signals at one or more of these intersections, which might in turn assist access and egress to a range of other roads in my electorate.

Schools: Mitcham electorate

Mr ROBINSON (Mitcham) — The continuing achievements of primary school students in the Mitcham electorate, and the contributions of their parents, demonstrate yet again that Victoria is a great place to be for public education.

At Rangeview Primary School recently a number of children performed exceptionally well in the Nunawading district swimming competition. I congratulate Bridgette Barry-Murphy, Kate Fletcher, Sarah Joyce, Charlotte Bell, Aimee Joseph, Jordan MacKechnie, Karina Tasker, Tim Ritter, Josh Bridge, Annie Bryce and Hannah Poustie on their achievements.

I offer further congratulations to Kate, Sarah, Bridgette, Hannah and Charlotte who, after achieving first placings at that event, proceeded into the zone finals at the Nunawading pool.

At nearby Laburnum Primary School the parents' group, led by John Hazlett, has done outstanding work in organising a great twilight sports evening only a few weeks ago. In addition the parents group has shown real leadership by coordinating a fundraising effort which has raised some \$24 000 to allow an outstanding new playground to be opened for use by the students. Yet again the students of schools in the Mitcham electorate and their parents are demonstrating what great value we get out of public education.

Industrial relations: WorkChoices

Ms MORAND (Mount Waverley) — It has not taken long for the federal government's draconian new industrial relations laws — misleadingly and deceptively described as WorkChoices — to reveal their ugly and unfair face. The Cowra abattoir workers case provides an example of what some employers will do in this new industrial relations environment. Twenty nine workers at the abattoir were sacked and told they could apply for the same jobs — that is, their old jobs — at a lower rate of pay. The abattoir wanted to re-hire fewer workers for less pay to do the same jobs.

It was reported in the media that employees would be offered the same job under the new agreement but would be paid up to \$200 a week less than they were previously. The employer has now reinstated those jobs following media exposure and negotiations are ongoing. The federal Minister for Employment and Workplace Relations seemed concerned about the actions of that employer — and well he should be. But he should not be surprised, as he and the Prime Minister have been sending the message loud and clear that their industrial relations changes will allow greater productivity and greater savings — which to some employers means nothing more or less than lower wages.

Most employers will not take advantage of their work force, and most have a good relationship with their workers, but it is naive to think that some people will not take advantage of the new Howard industrial relations landscape. These laws will not protect workers who find themselves in vulnerable positions in their employment, where they cannot afford to lose their jobs; or where they are not sufficiently confident to challenge unfair conditions.

Hastings: community activities

Ms BUCHANAN (Hastings) — The Langwarrin and Balnarring communities celebrated some very special events last weekend. The inaugural Langwarrin junior talent quest saw some of Langy's finest young performers give judges an unenviable task.

The packed and appreciative audience saw Caitlin and Gemma Hill and Jacqui McCandlish do a winning dance routine, while Gracie Glenn enthralled all with her fantastic vocals during a very challenging song, and the very talented Ashley Wicks took out the instrumental category.

The mighty vocals of Elisabeth Murdoch College student Opal Vagelatos earned the teenager a

well-deserved encouragement award, and organisers Sonja Bottern and Phil Barnes should be very proud of their hard work. It was a fantastic day for all the kids.

Langwarrin Soccer Club held its first match of the season at home against Northcote, achieving a nil-all draw with one man down. This soccer club is home to many junior, senior and girls' teams. It has a dedicated committee and coaching staff that supports soccer as a great team sport. I wish all the club's teams a successful and healthy 2006 season, and I would like to acknowledge the very passionate and committed work of Steve Wallace in progressing soccer both locally and regionally.

The formation of Balnarring Junior Football Club, which was a vision of local Pete Lane, came into reality in fine style on Sunday morning with a great community celebration at the first-ever game. The Balnarring Thunder has been well supported by the Balnarring business community, residents and grandparents alike, and I had the great pleasure of joining with locals and mayor Brian Stahl in cheering on the home side when it scored the first goal of the match. Well done, Balnarring Thunder, and I hope the team has a great first season.

These three events all highlight what can and does happen when townships know they can work with government on that shared goal of making every community the best place to live and raise a family.

Owen and Teresa Fitzsimons

Ms BEARD (Kilsyth) — On 10 March the Australian-Irish Welfare Bureau held its annual ball at the Celtic Club to announce the winner of the Irish Australian of the Year. I was delighted to attend and to hear the recipients for 2006 were my constituents and friends Owen and Teresa Fitzsimons, whom I nominated.

Owen and Teresa came to Australia in 1973. Owen became a committee member of the Wantirna Irish and Friends Association in 1990 and together with Teresa was instrumental in organising many Irish dances as fundraising events, after which they would invariably be found cleaning up and packing away until the early hours. Although Owen and Teresa always had a close connection with the Australian-Irish Welfare Bureau, it was only after Owen's enforced retirement with lupus in 1995 that their involvement increased. Owen has been a committee member of the Australian-Irish Welfare Bureau since 1996 and is its current president.

As well as organising and assisting with numerous fundraising activities, Owen and Teresa have made outstanding contributions through their home visits, bringing comfort, company and laughter to lonely and sick members of the Irish community. They drive people to hospital, to see doctors and solicitors and to other appointments, help with Irish and English pension inquiries, and accompany people to Centrelink and advocate on their behalf.

They also help with immigration and citizenship issues. During the 10 years I have had the privilege of knowing this amazing couple I have spent numerous happy hours in their company. I continue to be inspired by their overwhelming generosity and tireless contribution to the community, and I could not think of more worthy recipients for this award. While the award is usually presented to an individual, it would seem unfair in this case for only one to be awarded. They are an inseparable team who complement each other beautifully and selflessly work together to help others without seeking reward.

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired, and the time for making members statements has expired.

ROAD SAFETY (DRUGS) BILL

Second reading

Debate resumed from 1 March; motion of Mr BATCHELOR (Minister for Transport).

Mr MULDER (Polwarth) — The Road Safety (Drugs) Bill is one of the most important bills to come before this house. People who drive while under the influence of alcohol and drugs are a scourge on our roads. People who are prepared to drive under the influence of cannabis, speed, ecstasy, alcohol or a combination of those particular drugs put the lives of Victorian children at risk every time they take to the road. It sends a chill up my spine to think that as I stand here speaking on this bill there are people out there on the road driving under the influence of drugs and alcohol.

I only have to think of some busy sections of road in my own electorate, in particular the section with two schools right on the Princes Highway — a secondary college and Colac Primary School. I know very well that school principals and school councils, not only in my electorate but across the state, would support this government's initiative to get tougher on drug-drivers and people who take a combination of alcohol and drugs and then drive. The Liberal Party supports the

legislation before the house and sees it as a positive step forward.

At the briefing the Liberal Party raised some concerns about other elements in the legislation. They relate to the fact that Victoria will now be able to set heavy vehicle registration fees. I understand that it is a strategy of the government of the day to include these provisions within the bill, along with the drug-driving provisions, so at some stage in the future should they attempt to jack up heavy vehicle registration fees they will say, 'The Liberal Party supported that bill when it went through the Parliament'. When you look at the provisions in the bill and the explanations for them, you will see that they say that the government does not intend to use the legislation to jack up motor vehicle registration fees for heavy vehicles and that it proposes to work with other states on achieving uniformity in the setting of heavy vehicle registration fees. I put it on the record that we were given assurances at the briefing that this would not happen.

We think it is appropriate for the state to set heavy vehicle registration fees, but they must be set in a manner that is fair, that does not distort the market and that does not work against heavy vehicle businesses in Victoria. On that basis alone we are prepared to support the bill.

This is a very important bill that builds on the Liberal Party policy aimed at getting drug-drivers off the road. It was good to see that the government picked up Liberal Party policy and moved forward with random testing. In the Road Safety (Drug Driving) Act random testing has a sunset date of 1 July 2006. This bill will remove that sunset clause and allow for random drug testing to continue after that point. The Liberal Party supports that provision within the legislation.

I only hope when testing for ecstasy begins — after this bill receives royal assent and Victoria Police put it into its drug-testing operations — that we do not have a repeat of what we had when the original legislation was enacted. It turned into a media circus. My contribution in November 2003 to the debate on the original legislation raised that exact issue — that when the drug bus hit the road it should not be turned into a media circus. Drug-driving is a very serious issue and needs to be handled as such. To our disgust, what followed was that members of the media were alerted to the first drug-testing bus when it hit the road. They were alerted as to the location of the drug-testing bus. The cameras turned up and the former Minister for Police and Emergency Services thought that he would get himself a really good news story out of the drug-testing bus hitting the road.

What followed was an utter disgrace. It was a result of a government that is prepared to govern by media stunts. The first so-called guilty drug-driver, a gentleman by the name of John de Jong, was marched before the television cameras and branded as guilty before being tried. Eventually he was cleared because of the false positive test result. Now the state is being pursued for compensation from John de Jong. That is what happens when you have a government that is prepared to govern via media releases and spin and a minister who was looking for a good news story rather than concentrating on and trying to improve operational matters within his department. It was an absolute disgrace.

I urge the minister of the day not to do the same thing when we have the first test for ecstasy because it paints a very poor picture of Victoria and our administration. It shows that we are not serious about getting rid of drug-drivers but more serious about getting good media stories for ministers. Taxpayers are paying for the incompetence of a minister who wanted a good news story following the implementation of the legislation and the initial drug testing. Can you imagine the anguish for Mr de Jong's family? His children must have been to hell and back since their father, an innocent person, was marched before the media, tried by the media and convicted by the media, all in the interests of the minister getting a news story. Drugs and drug-driving are serious issues in the Liberal Party's view. I have made it clear that we view with great concern this government's attempts to turn the matter into a publicity stunt.

Members would recognise that ecstasy is a growing problem in our community. The fact that it will now be tested for as part of a random drug-testing program is a positive move. CANDID — Citizens Against Drug-Impaired Drivers — wrote some material on ecstasy and driving:

Ecstasy can cause blurred vision and distort visual perceptions, which makes it difficult to judge distances. Ecstasy is a stimulant drug and gives the driver a false sense of confidence, energy and power. It may impair judgment and increase risk-taking behaviour, such as more aggressive driving, and decrease the ability to coordinate the appropriate reaction when driving.

After consuming ecstasy at a rave party a driver can be exhausted and dehydrated leading to sleepiness and inattention to objects on the road — a set-up for a crash.

This is the drug in question. This is the drug that will be tested for as a result of the provisions within this bill. We want to get off the road people who are prepared to take ecstasy or indeed to smoke cannabis, take speed or drink alcohol. We want them off the road as quickly as possible.

I encourage the government to hasten moves to test for heroin and other illicit drugs so we can end that growing problem on our roads as well. I am not sure how far advanced the technology is in testing for such drugs, but if the government is going to put resources into or throw some money at anything, I suggest this is where it should go — to accelerate the program so that we are not in the position of chasing each new drug that appears. We should be right up there so that the minute a new drug hits the streets there is an immediate situation put in place to identify what drugs are being used.

I have been heavily involved in the thoroughbred industry for many years, and it has always amazed me that the system for drug-testing racehorses seems to be more on top of the issue than the system we have in place for testing people driving on the roads under the influence of drugs or alcohol. Whether or not there are any lessons to be learned from the technology and processes of that industry, I tell the government to hasten and to move forward as quickly as it possibly can.

The RACV (Royal Automobile Club of Victoria) raised issues with me in relation to this. It said:

... research was used to determine what levels of cannabis and —

speed —

are dangerous and therefore what levels would show a positive reading in a drug-testing program. What research has been used to determine the levels that will be set for the presence of 'ecstasy' in a driver's system?

We do not know the answer to that question. Perhaps in his summing up the minister could give us some more technical details behind the new testing regime. Another issue the RACV raised was:

How accurate is the saliva testing procedure for detecting ecstasy? As the trial only detected cannabis and —

speed —

how do we know it will be accurate for ecstasy?

I would imagine that significant trial work has been undertaken in this regard, given the embarrassment that the government faced with the first drug-testing set-up and the issue of Mr de Jong, whom I have spoken of earlier. In his summing up the minister may be able to put some of those issues to rest. Another issue raised by the RACV was:

The time each driver needs to wait for the saliva testing to be completed is approximately 5 minutes. Will this increase with the inclusion of another drug and if so, by how long?

It also talked about:

... how many drivers who have been intercepted by the drug bus have shown significant levels of impairment and have been tested and charged with the more serious offence of 'driving while drug impaired'.

Again that is an issue the minister could cover in his summing up. This is a random drug-testing process and, as I understand it, a penalty of 3 demerit points is applied, but as to the more serious offence of driving while drug impaired, it would be interesting to know how many of those people the drug bus has actually detected and what the final outcome has been in terms of prosecutions. It would be good if the government were to hasten its approach in this regard.

I know from discussions we have had with police officers about the bill that they have also raised issues and are unsure whether this is an oversight or whether the government does not consider that illicit drugs are being used by motorists. It has talked about the issue of heroin testing and whether there will be the ability in the very near future to deal with those types of issues. We hope that matter could be clarified through the course of the debate and when the minister is summing up.

The Liberal Party hopes the addition of the new drugs to be tested is not a planned rollout by the government to gain as much publicity as possible. Each time a new drug is added to its list of drugs that can be tested for, no doubt new legislation will be brought into the Parliament to add the new drug and there will be another media opportunity for the minister. I raised the issue about enabling legislation, and it was explained to me that that was not possible. But I would hate to think that this is a planned rollout of drugs that will be tested for and that the rollout is around a government agenda rather than a real issue of road safety.

Information given at the departmental briefings of 1 in 46 tests proving positive to drugs and 1 in 100 proving positive to alcohol shows how prevalent the problem of drug-driving is. I am advised that it is a police operational matter, but I struggle to come to grips with the rationale behind the decision that on the roadside the first test that is carried out by the drug bus is for alcohol. If the alcohol test proves positive, then the officer does not proceed with a test for drugs.

As I understand it, the rationale behind that is that if they test positive to alcohol we can get them off the road quickly. There is an automatic ban and they are off the road very quickly. But I think the community would like to know and deserves to know whether, when a drug bust is operating and someone tests positive to

alcohol, that person is also under the influence of drugs. I am of the belief that if this is the case — and it is simply a matter of a saliva test to prove that, once you have got them for alcohol — why would you not want to say, 'This person has more than a drinking problem; they obviously have a drug problem as well. Really they should be charged with both offences.'?

I am a great believer in people who are charged as a result of drug-testing not only being subjected to demerit points and fines but also being suspended from driving, and I believe those suspensions should not be served concurrently. Every effort possible should be made to get these people off the road and to hit them as hard as possible with every avenue there is within the law.

I understand, and I have raised this matter before, that it is purely a police operational matter; it is not a matter of government policy. The responsible minister really needs to have a discussion with the police minister on this. I believe that if the government were to go down this pathway, it would be a move that would be positively accepted within the community. You would not think when you had someone on the side of the road whom you had caught for alcohol that the second test for drugs would put a significant impact on the available resources at the time. I would ask that that situation be taken into consideration. As I see it, people should be tested for both and licence suspensions should apply for both.

When you look at the information we received in relation to the incidence of ecstasy in motor vehicle fatalities and at the numbers of people driving when affected by alcohol plus drugs, you see there was an incidence of drugs in 195 fatalities in 2003; and of those the number of drivers who, according to the coroner's office, had used both drugs and alcohol was 24, which is an incidence of 12.5 per cent. If it is a problem to that degree, why do we not do something about it? We have in front of us the information that has been provided by the coroner's office. Why would we not do something about it? We know that a problem exists.

The provisions in the bill relating to heavy vehicle charges are of concern to the Liberal Party, as I raised in my initial contribution. We do not disagree that the state should have these powers, but we are concerned that we have a Treasurer in this state who will tax anything that moves — or anything that does not move or is not nailed down. We are very concerned — —

Mr Hulls interjected.

Mr MULDER — Our policies are going pretty well. We had a good one yesterday. Were you out there? Did you hear that one?

Mr Hulls interjected.

Mr MULDER — Do you ride a motor bike? You have a motor bike, don't you? Here is \$50.

The ACTING SPEAKER (Mr Smith) — Order! The honourable member will address the Chair. The minister at the table brought this on himself. I ask him not to interject.

Mr Hulls — You ought to get one.

Mr MULDER — I will — —

The ACTING SPEAKER (Mr Smith) — Order! I ask the member to return to the bill.

Mr MULDER — We are concerned about these provisions within the bill. It is all about intent, and we do not know what the intent is with these provisions. I would like to read into *Hansard* some issues concerning the National Transport Commission (NTC) report of October 2005. The National Transport Commission had put forward a series of recommendations for heavy motor vehicle registrations and these provisions come out of a former National Transport Commission recommendation in 2003. The fees were formally set by commonwealth legislation based on Australian Transport Council fees at the time, and it was agreed by all states and the federal government that the states should have the right to set their own fees for heavy vehicle registrations. As we understand it, these provisions are being enacted by other states and from this point on those states will have the opportunity to set their own heavy vehicle registration fees.

Taking that a step further we get to the next recommendation made by the National Transport Commission in October 2005. The outline states:

This draft regulatory impact statement is accompanied by a detailed technical paper and is to be submitted to the ATC for voting approval by December 2005, and heavy vehicle charges are to be implemented by July 2006.

Under 'Abstract' the report says:

This report is a draft regulatory impact statement on proposals to update national heavy vehicle charges for the use of Australia's roads. National road use charges for heavy vehicles were last updated between July and December 2000. Since then, there have been significant changes in the pattern and amount of road expenditure, better understanding of the link between roads use and road expenditure, and changes in

the use of roads by Australia's heavy vehicles. This report updates the charges and addresses the various concerns which have arisen since the previous set of charges.

The key words are:

Third determination, charges, heavy vehicles, road cost recovery, allocated costs, pricing.

That is from the outline of the report by the National Transport Commission.

After that the states were given the opportunity to look at the recommendations and to take them back to industry to discuss them, and then come back and vote on whether or not they would accept and vote in favour of the recommendations. An election was coming up in South Australia and Tasmania and, given that some of the recommendations were quite draconian, of course South Australia and Tasmania caved in very quickly.

Victoria voted against accepting the recommendations, but members of the opposition are concerned because we understand from people in the industry and some very close to the Victorian Transport Association that the Treasurer and the Minister for Transport were very keen to pursue the recommendations and support very strongly massive increases in heavy vehicle registration fees. In fact, a couple of days prior to the vote being taken the view in the VTA was that the Victorian government would support the recommended massive increases in heavy vehicle registration fees in Victoria. That would have had one hell of a negative impact, particularly in rural and regional areas.

I refer to another part of the 2005 report of the National Transport Commission (NTC) to give an indication of the sort of impact that would have had. The table on page 9 shows that for a nine-axle B-double truck the current registration fee of \$7565 would rise to \$8400 in July 2006 and \$10 410 in July 2007. For a double road train the current registration fee of \$8233 would rise to \$9100 in July 2006 and \$11 110 in July 2007 — an increase of some \$2877. They are the sorts of increases that would have been the result of the recommendations that the Treasurer and the Minister for Transport were seeking to have implemented here in the state of Victoria. Members know very well that the full impact of those increases would have been felt in rural and regional Victoria more than in any other part of the state, impacting on milk collections and deliveries, fuel deliveries into rural and regional areas and transportation of livestock.

The increases would have had an enormous impact on rural and regional Victoria. Given that people in country areas continually face a barrage of increases in

fees and charges from the money-hungry government we have in the state at the moment, those increases would have added to their pain. I quote from the *Border Mail* — a long way from home — of 20 March. An article headed 'Reject rises in fuel, rego: VFF' refers to the Victorian Farmers Federation's response to the NTC report and states:

The commission has advocated a 10.5 per cent increase in fuel taxes and 35 per cent increase in vehicle registration charges for B-doubles and road trains.

VFF president Simon Ramsay said the federal government had done the right thing by rejecting the unjustified charges on Friday.

'Now it's time for the state government to follow suit', Mr Ramsay said.

The South Australian and Tasmanian governments last week said they were rejecting all the commission's recommendations.

Mr Ramsay said the proposed price rises would lead to a massive cost increase of goods and services in rural Victoria because of the distances involved in delivery.

Members of the opposition have had representations also from a number of trucking companies which, to improve their operations, over the years have moved to B-doubles to get efficiencies built into their business. They are saying, 'We've gone down this pathway of becoming efficient and of improving our productivity, and yet we're the first ones who are going to be targeted under these proposed changes'.

I spoke before about some of the language used in the legislation and in its explanation. It concerns me that when reference is made to Victoria being able to set its own heavy vehicle registration fees the language used starts with 'It is not intended' or 'It is proposed' — that is, that it is not intended that the state will move ahead and increase heavy vehicle registration fees by a massive amount, or that it is proposed that the state will work with other states around Australia in setting heavy vehicle registration fees in the future.

The problem that members of the Liberal Party have with that is that our Minister for Transport loves to lead the charge on anything. It is the same with our Treasurer, with congestion taxes, hitting pensioners for registering their cars and unfair slugs on motorcycle riders, who have to pay \$50 over and above what they would have had to pay in the past to register their motorcycles. We are really concerned that the Minister for Transport will decide that he will lead the charge and before the other states introduce draconian increases on heavy vehicle registration fees. That will have the potential, of course, to distort the transport industry entirely.

We will have operators looking to register trucks or set up small operations and small companies in other states, simply to try to get around paying the draconian heavy vehicle registration fees applying in Victoria. I note the Parliamentary Secretary for Infrastructure is shaking his head, indicating that that will not happen. The simple fact of the matter is that the Minister for Transport is renowned for that type of action. He has done that type of thing in the past and we do not put it past him to attempt to do it in future.

Transport operators run on very small margins, with some of the very big companies running on 2 per cent or 3 per cent. Smaller operators usually survive on running businesses in niche markets and they run very tight operations. In the past I operated a service business and I know what it is like. I know that there is no margin for error and that if all of a sudden, out of the blue, you are hit with a massive increase in a fee, cost or charge you do not have the ability to automatically turn around and pass it on. Usually it means that more pressure is put on operators. In the past this Parliament has passed legislation about the chain of responsibility, trying to get transport operators to work with freight forwarders and their staff to ensure that heavy transport operates in a safe manner. Putting further financial pressure on operators will only force them to do things that they would not usually do, in order to survive.

I would hate to see the situation arise in which people running small businesses are subject to massive hikes in such fees and charges and because they do not have the capacity to pass them on are forced out of the industry. Members must understand that small operators do not have the buying power of Linfox, Westgate Transport and other big companies, which have a significant advantage in purchasing tyres, fuel and even rolling stock in bulk. They have better buying power and that is basically how they make their money. As I said, smaller operators run in niche markets. They are vital and are needed in country areas, in particular in regional Victoria.

Members of the Liberal Party will watch very closely to see how the government handles this legislation once it receives royal assent. Basically we will be looking to see what it does with other Labor states. As members all know, we have state Labor governments throughout Australia, and although we do not like it, we accept that that is the case. We will be looking to see whether they all work together to rot the heavy vehicle industry.

I am a bit disappointed about the role of the Victorian Transport Commission, which has been absolutely silent on the issue. I would have thought it would have come out earlier and harder in attacking the government

to ensure that there is no intention whatsoever on the part of the Minister for Transport to even consider voting in favour of the proposed draconian increases. On that note, I conclude my contribution.

Mr Hulls — That's good.

Mr MULDER — The \$50 in the mail you can take home with you for your scooter. I do not know what that will buy you — perhaps a good, full-sized helmet. I wish the bill a speedy passage.

Mr WALSH (Swan Hill) — The Road Safety (Drugs) Bill makes three amendments to the Road Safety Act 1986. First, it removes the sunset provision on the random drug testing program. Second, it includes ecstasy as one of the drugs to be tested for in future. Third, it makes some changes to the national system for registration charges and permits for heavy vehicles.

The drug testing program has been in place for couple of years. We can all remember the initial hiccup and then the story on the front page of the paper. It was probably a very unfortunate start to a program that has, over time, proved to be quite successful. There have been in excess of 13 000 tests carried out in this trial program, and 2.1 per cent of the people tested have been found to be positive and therefore moved to the next stage, which involves being taken to the bus and being given a full test. Of all the 13 000-plus tests that have taken place, we have been advised that only three have been faulty, and two of those have been due to operational issues. I think we can safely say that it has been a good program, as it has obviously now been put in place permanently and the police are happy with continuing it in the future.

The other thing that has happened in the drug testing program has been the inclusion of testing for ecstasy. Apparently when the trial was first started, ecstasy was not showing up as a major problem, but over those two years the research has shown that the reporting of ecstasy has tripled, and the Coroners Court has found that the incidence of ecstasy use by road accident victims has doubled.

We are putting these testing mechanisms in place. However, no speech on drug testing for drivers would be appropriate without some comments on road users. I think all members would acknowledge that driving on the road is actually a privilege and not a right of anyone here in Victoria. All drivers have a responsibility to behave safely towards other road users, including pedestrians. It is important that we make sure that

people who drive on the road have their full faculties about them and drive safely.

I would like to put on the record the fact that we need to get tougher with drug dealers in our society. By testing for drug use in drivers we are in some ways treating the symptom rather than the cause. We need to make sure that we are a lot harder on drug use. I remember the debate we had in which a lot of people — and some were quite intelligent and influential people — were promoting the safe use of marijuana. With the benefit of hindsight, we all realise that a lot of the mental health problems that we have in our society are brought about by substance abuse — for instance, the link between the use of marijuana and the increase in schizophrenia and the sorts of mental health problems that are present in our community now.

Not only do we need to make sure people on the road are actually safe to drive and do not have any of these substances in their system, but we need to try to stop this at its source and make sure we are a lot harder on drug use, and particularly on drug dealers, so we start to correct some of the problems we are seeing. The real cost to society is the mental health problems we see.

Clauses 4 and 5 of the bill seem innocuous. The explanatory memorandum says:

Section 95A presently sets a cap on Victorian fees for heavy vehicle registration and permits based on the fees that apply in the Australian Capital Territory under the Road Transport Charges (Australian Capital Territory) Act 1993 of the commonwealth.

Repealing that section and putting in place a mechanism in state legislation that will set these charges in future and supposedly link them back to a federal agreement between the states and the federal government under the National Transport Commission may seem very innocuous. But the question that needs to be asked is: what is the best way of making sure that we set truly national heavy vehicle registration and permit fees? Is that best done by state legislation that refers to federal legislation and regulations, or is state legislation supposed to reflect a national agreement on how these charges should be appropriated? It comes back to an issue of state rights — that is, whether state governments feel they should have it in their own legislation or whether it should just be done by referral to federal rules.

Heavy transport is a truly national industry, because freight moves all around Australia, particularly on the eastern seaboard, and between all the states. The Nationals would probably prefer state legislation that refers to federal rules that set these rates rather than

having state legislation that has the rules incorporated in it, supposedly based on federal agreements. That way we would make sure that all the states were the same and that all transport operators in the states knew that they were going to get exactly the same charges. I will return to some of the differences and problems with road freight later.

As the previous speaker said, recently there was a revision of heavy transport charges by the National Transport Commission. The two charges that are principally set are registration fees, which are collected by the state government, and fuel excise, which is collected by the federal government. Some of the fuel excise is rebated back to the transport industry, and that is something that came out of the introduction of the GST and the changes in indirect taxes that were apportioned to the transport industry.

During the review conducted by the National Transport Commission I acknowledge the information that we continually received from the Australian Trucking Association, particularly from Neil Gow from that group. Many different lobby groups speak to MPs about legislation in this place. I compliment the Australian Trucking Association on being very professional, on knowing their business and on making sure that we are kept abreast of developments with good, concise information. As all MPs would know, a lot of people want to lobby us about particular issues, but if they do not know the details of the issue intimately, it is sometimes very hard for them to get their message through. I compliment the Australian Trucking Association on being concise and factual in keeping us abreast of these issues.

As I said before, the registration fees go to the states and the fuel excise goes to the federal government. When the rebate system was set up, the road transport industry had some of its excise rebated. That came about through the introduction of the goods and services tax. There was a significant indirect tax load placed on the transport industry, particularly with wholesale sales tax on a lot of imports, which then flowed through into the cost of transport. The review by the National Transport Commission into those charges is running concurrently with the Productivity Commission inquiry into road transport and rail.

Mr Carli interjected.

Mr WALSH — I thank the Parliamentary Secretary for Infrastructure for his assistance, and I will come back to the interaction between road transport and rail transport later in my contribution. One of the things I hope the Productivity Commission looks at is not just

the issue of costs and charges but the varying rules we have between states. I have used the example in this house of Pickering Transport, which operates across the river at Murray Downs near Swan Hill.

The drivers cart their own fuel in their own B-doubles. They had a situation where they loaded up in Adelaide; they drove through South Australia, where they were legal; and they drove through Victoria, where they were legal. They had 500 metres to travel after they crossed the Murray River bridge at Swan Hill to get to their depot, and they were illegal in New South Wales and they got booked. It is absolutely absurd that you can have a B-double of fuel that can travel from Adelaide to Murray Downs and be legal in two states where you travels hundreds of kilometres but when you cross the border for your last 500 metres you can be booked for being overloaded. I hope the Productivity Commission looks into all those issues so that we end up with a national scheme for freight shipment around Australia. We do not want this ridiculous situation where a truck may be legal in one state but not legal in another state.

The Australian Trucking Association argued that the proposed changes in the fees for registration and fuel excise should not be introduced until the Productivity Commission inquiry recommendations had been handed down. That debate has gone on between state transport ministers and the federal transport minister. I acknowledge the leadership shown by the Honourable Warren Truss, the federal Minister for Transport and Regional Services, who came out and said he did not believe these charges should be introduced until the Productivity Commission report had been handed down. In acknowledging the leadership of Warren Truss the states had to seriously consider their position. We now have the situation where nothing will happen until the Productivity Commission inquiry is completed and its report is handed down.

The Parliamentary Secretary for Infrastructure said that the Productivity Commission is inquiring into both rail and road freight around Australia. I do not believe we have a real vision for the transport of freight in Victoria or along eastern Australia. I do not think we have addressed the issues of the interaction between road and rail transport. The government has missed several opportunities to do that in the life of the Bracks government.

We have not addressed the issue of intermodal freight well, with the interaction between road freight, rail freight and perhaps sea freight. One of the issues to be considered is the provision of infrastructure for road and rail. I put to the house an example of a company that has been trying to expand but has been impeded by

the lack of infrastructure. I referred to Wakefield Transport at Merbein near Mildura. Wakefield's has a massive depot and warehousing operation. It collects various products from around the Sunraysia area, including wine, fresh produce for export and so on, and brings it into its facility, where it is packed into containers and despatched and all the documentation for the export market completed.

Wakefield's would dearly love to run shuttle trucks from the properties to its depot in order to do the collection, packing and paperwork and put every container on the train and send them to the wharves. The dilemma it has is that the infrastructure from the depot to the wharves is failing the system. The train line from Mildura to Melbourne is not up to scratch. It cannot cope with the axle weight needed to carry those containers to Melbourne. From memory, I think the company is currently limited to 19 tonnes per axle, whereas it would prefer to have 23 tonnes per axle so it could get the maximum efficiency from the containers it moves down.

Wakefield's is also impeded significantly because of the speed of the train, particularly with the perishable products it carries such as table grapes. They need to get from Mildura to the wharves, onto the ships and to the markets as quickly as possible. If the time lines are tight the train is not satisfactory. The Wakefield operation finds that it has to run more trucks than it would like. As we know it is expensive to run the trucks, and it is getting harder for freight operators to get the number and quality of drivers they require for the future. The Bracks government has missed an opportunity with the sale of Freight Australia to Pacific National. It could have separated the above-track operation from the rail line infrastructure and had that line upgraded.

As I have said on numerous occasions in this house, as you are well aware, Acting Speaker, \$96 million was on the table in the 2001 budget to upgrade the railway line. Subsequently the federal government contributed another \$20 million to have the line standardised, but the money has not been spent. We have good infrastructure in the Sunraysia with Wakefield's, and we are getting better infrastructure and greater efficiencies at the port, but there is a breakdown in the track corridor because of the train line not being upgraded.

The other thing Wakefield's would like to do is to run its own locomotive and wagons. We have missed the opportunity to get real competition on the rail line to make sure that we keep Pacific National honest so that its charges are up to the mark. I have also spoken in this

house about the fact that by 2020 there will be a doubling of the freight transported around Australia, so we need to make sure we have a real vision for a national freight system. We also need to make sure we get the interaction between rail and road working well so some trucks are taken off the road, particularly on long hauls, where it is more efficient to put freight on trains.

Another example of this not working well is in the Wimmera. Wimmera Container Lines is run by Rodney Clarke, who currently accumulates thousands of containers in that area for shipping and also does a lot of hay exporting. The people of the Wimmera and he have a proposal to set up a hay hub at Doon, just outside Horsham. Apart from getting the freight hub set up there is a problem with getting access to wagons and trains when they are needed, and at a competitive rate. We find that the company is using road transport instead of rail because it finds it very hard to get access to wagons at the time it wants them and at a competitive price.

Regarding the change from a referral to federal legislation to including costs in state-based legislation, we will not oppose the bill but believe it would be better done by a referral from state legislation to federal rules to make sure we have a truly national set of rules for the state. We do not want to get to a situation at some time in the future where a state government decides to break the rules and set rates for registration that are different from another state. You will then have the situation where a trucking company will shift to another state in order to register its trucks in that state.

The charges proposed by the National Transport Commission would mean a significant increase for the trucking industry. It is useful to understand what will happen. There was to be something like a 37 per cent increase in registration fees for B-doubles and road trains.

The fuel excise rebate was going to be changed. Road diesel, which is currently rebated to the transport industry at 18.5 cents per litre, was to be reduced by 16 cents per litre. As an MP of the party which represents country Victoria I suggest the main burden of those cost increases in the transport industry would be reflected in the community through the cost of products, particularly consumables, brought into country Victoria; that would include the cost of food in supermarkets.

The costs would have flowed through to the products that our industries ship to the ports for export. Therefore, the cost of exports would be increased

particularly for the export-based industries which do not have the opportunity to pass on costs to the domestic Australian market. The extra costs would eventually have been borne by the primary producers, because everyone else post-farm gate seems to be able to pass their costs on or pass them back. It is always the person of least resistance — in this case, the primary producer — who suffers the price increases.

I hope the Productivity Commission, in its review of rail and road freight around Australia — takes into account the concerns I have raised. I hope the state government takes on notice the comments I have made over quite a time — that is, we need a true national set of rules and charges in Australia to make sure we have the most efficient transport industry so primary producers can have access to ports and export their produce with the lowest possible costs and so the community can make sure our imports are freighted to us at the most competitive rates.

Mr CARLI (Brunswick) — I am very pleased that The Nationals and the Liberal Party are supporting this bill. Essentially it is a bill in two parts: one part deals with roadside drug testing; and the other part, with a very small change to the current cap on heavy vehicle registration — it will be the same cap as the Australian Capital Territory's registration charges. The second part of the bill has led to a much broader discussion about particularly road and rail freight movements and their efficiencies.

I particularly commend the comments of the member for Swan Hill because he has covered the more complex issues. He spoke about the importance of getting the balance right between road and rail freight, which plays a big part in our being able to handle enormous increases in the movement of freight in Victoria.

On the bill's first part, roadside drug testing has been a very positive government initiative. It has led to 30 000 tests, and a number of people have been caught using drugs particularly after rave parties and similar events. Those people have created a hazard on the roads. This bill is about getting rid of the sunset clause.

When we introduced that legislation — we were the world leader in the introduction of roadside drug testing — we wanted to make sure the pilot program was limited and that we could learn from the experience. The experience after a relatively short trial period has been very positive. Now we need to get rid of the sunset clause to make roadside drug testing a mainstream part of the state's policing, to reduce the road toll and improve road safety in Victoria. The

response of the parties in this house to the pilot and their support for the continuation of the random drug testing program is very positive.

A part of the program is to include the use of the drug ecstasy. The presence of ecstasy at incidents of road deaths has clearly increased: 2 driver fatalities tested positive to ecstasy in 2002; the incidence increased to 3 in 2003 and 6 in 2004. Ecstasy has been included in the list of drugs for which testing will be carried out.

As members may know, 30 per cent of drivers killed on Victorian roads tested positive to drugs other than alcohol, which is a significant figure. Interestingly and importantly, it is also true that 12.6 per cent have tested positive to drugs and alcohol. The cocktail of drugs with alcohol becomes a major hazard.

An important qualification on the purposes of the bill is that the roadside random drug testing program is about drug safety; it is not an anti-drug campaign as such. The current practice is that drivers are tested for alcohol consumption; if a driver's blood alcohol level is above .05, they are taken off the road but are not then tested for drugs. In that way the road safety risk is removed.

The measure in the bill is essentially a road safety one. It is about getting people off the road and punishing people whose readings are over .05. That is an important element of the legislation and the current practice. It is all about trying to get drivers off the road and changing their perceptions. If you are driving, not only should you not be drinking but you should not be using drugs.

It is very much a program about road safety, changing people's perceptions and making people aware that the police may stop them. If a driver breathes over .05, they are off the road; if they have been using drugs, for which they will be tested as part of the program, they will be taken off the road.

Another important issue is which drugs are in and which drugs are out. Clearly, heroin and amphetamines are not in. The reason is that heroin, an opiate, and amphetamines are very common in a number of legal, prescribed and off-the-shelf drugs. Codeine, for example, has traces of opiates in it. If you start testing for those drugs, the problem is that you suddenly unleash a very large net and catch a whole lot of people who have been taking painkillers or anti-flu drugs. That situation makes it impossible to incorporate them into the list of drugs subject to testing.

That is not to say that if you could find a proper test to detect heroin, that you would do it. The way the testing

works at the moment is you potentially could pick up people who are taking legal and prescribed drugs for very good purposes and whose driving is not affected. This very important initiative is part of the Arrive Alive program, which is an example of the very strong commitment of this government to reduce the road toll and the incidence of serious accidents.

I want to take up the issue of the repeal of section 95A of the Road Safety Act 1986. That refers to the cap on registration of and permits for heavy vehicles. At the moment the charges in Victoria are capped by that legislation and are aligned with the Australian Capital Territory charges. That is being changed because the ministers for transport decided that a number of years ago. However, that does not mean the various state governments are not committed to national uniform charges on heavy vehicles. In fact Victoria is very strongly committed to a national uniform charge for heavy vehicles which is one of the reasons why the minister voted a conditional no on the charges recommended by the National Transport Commission.

There was a bit of mischief by the member for Polwarth who suggested Victoria might go it alone, start upping the charges and distorting the national market. That is certainly not the case. Victoria is strong and positive in its support for the national charge. What is at issue are the efficiencies of pricing and economic efficiencies of our modes of freight transport. The Productivity Commission is doing an important study at the moment looking into the efficiency and pricing of rail and road freight; it will be making recommendations to the Council of Australian Governments meeting.

That inquiry is a very important piece of work because we need to get the role of road and rail right in terms of freight. It is important that there be a level playing field and that we utilise more effectively the great capacity of the interstate rail network particularly for many export goods. Freight has to travel huge distances throughout Australia. It is very important that we get it right and nationally work collectively to ensure Australia is most efficient in handling freight.

The member for Swan Hill reminds us that the amount of freight carried throughout Australia is going to double in the next 15 years. A lot has been said about getting our exports onto the global market, even with the global pressures and competition. It is very critical to get this right.

Victoria is very much aware of that and of its importance as a freight hub for south-east Australia. Victoria has a disproportionate amount of container trade leaving from the port of Melbourne. The

government is fully aware of the importance of the port being cost efficient and of using the rail network to provide an extra component of the freight trade, particularly of export freight being handled in containers from regional Victoria and interstate.

Mr COOPER (Mornington) — I agree with the honourable member for Brunswick when he describes as an important initiative the provision in the bill to include ecstasy in the random roadside drug testing program. I strongly support that initiative. I would be surprised if any member here did not strongly support it. Not only is it an important initiative but also it is a major step forward in the efforts of this Parliament to deal with the problem of driving under impairment from alcohol or drugs.

Ecstasy, which is known as MDMA, is a stimulant. It joins speed, which is methylamphetamine, and cannabis as the three drugs subject to the roadside drugs testing. Being stimulants, both ecstasy and speed create — among a whole lot of other things — paranoia, violent behaviour and decreased emotional control, which are the sorts of things that must not affect drivers of motor cars or other motor vehicles.

The drug testing program, as the member for Brunswick said, is a world first — we are certainly at the cutting edge in regard to this kind of initiative. That is why this bill should be not only supported but the government should be encouraged to go further as fast as it possibly and responsibly can to extend the testing program. As deputy chair of the Drugs and Crime Prevention Committee of this Parliament, I am certainly aware, as are we all, of matters relating to multi-drug use. I know the honourable member for Geelong is chair of the Road Safety Committee and would be aware of that, too.

Multi-drug use is quite horrific and scary because people are not only affected by drugs such as cannabis, speed and ecstasy but quite often they are also found to have imbibed a significant amount of alcohol. People who drive with a cocktail of drugs in their bodies are significantly impaired in being able to control their vehicles and foresee dangers from other drivers, pedestrians and cyclists. That means road deaths, severe injuries and trauma will occur.

In saying I would like to see the government extend its drugs testing program, it is important for members to understand what we are dealing with in relation to the amounts of licit and illicit substances that can affect drivers — and they are considerable. I am indebted to the Australian Institute of Criminology and a paper it put out in 2001, entitled *Illicit Drug Use in Regional*

Australia, 1988–1998, for enabling me to demonstrate the sorts of things that are going on in our society. The table I intend to quote from contains standardised rates of lifetime use of licit and illicit drugs by region in Australia. The figures are for the year 1998 and are the last lot the institute has produced. They are for both metropolitan and regional areas in Australia, and the percentages quoted are of people who used both licit and illicit drugs.

In the metropolitan area amphetamine use was 11.9 per cent; cannabis, 49.6 per cent; ecstasy, 6.2 per cent; inhalants, 5.7 per cent; LSD, a staggering 13.6 per cent; pain killers — licit drugs — 12.5 per cent; and tranquillisers, 7.7 per cent. These are the sorts of drugs that will affect the ability of a driver to have proper judgment on the road. In regional areas amphetamines use was 8.1 per cent — less than in the metropolitan area but still a significant figure; cannabis, 40.8 per cent — less than the metropolitan area but a major figure; ecstasy, 4.7 per cent — again slightly less than the metropolitan figure; inhalants, 3.8 per cent; LSD, 10.1 per cent; pain killers, 10.9 per cent; and tranquillisers, 5.9 per cent. In regional Australia the figures are less in all those instances than in the metropolitan area, but they are still high. It paints a picture for the government that shows that it is important to continue the extension of the testing regime.

The member for Brunswick pointed out correctly that you cannot do this until you get a test regime that is acceptable. People take pain killers and tranquillisers for medical conditions. I accept that, but at the same time we cannot accept that people are going to be potentially out there driving vehicles and being a danger of other drivers and the rest of the community because they are significantly impaired by medications, whether they are licit or illicit. That is why it is important for this government — and I do not for one moment suggest it is — or any other government in this country not to sit back and say, ‘It is a little too difficult’, or, ‘It is a great deal too difficult, so we will just allow that one to slip through the net’.

I do not think these things should be allowed to slip through the net. That is why I have over the years come to the conclusion that a zero blood alcohol content regime should be put on the table and seriously looked at. I know that is difficult, because there are things that people have that can leave a minor amount of alcohol in the bloodstream. But somewhere along the line we have to start getting fair dinkum.

When you look at what has happened in Victoria over the decades — and Victoria has led Australia and in

many cases the world in road safety — you can see where we have bitten the bullet on issues and where people elsewhere said, ‘You are being too harsh; you are going too far’. Mandatory seatbelt wearing started here in Victoria, and that is now virtually standard throughout the world. When we introduced blood tests for alcohol and the .05 limit, again people said that Victoria was too stringent. Other states had a .08 limit, and overseas the limit was even higher before people became liable for an infringement notice or were taken to court. But most of the world, and certainly all of Australia, has now come to understand that the regime that Victoria put into place is the right one, and that .05 is right. It may well now be time for the Victorian government to again bite the bullet and look at reducing blood alcohol content even further. We have zero blood alcohol content for people who are driving vehicles carrying passengers in this state, and it could well be that we need to start looking at that regime for all vehicles.

Our road toll and the levels of serious injury have virtually stabilised over the last 5 to 10 years. It goes down a little and up a little, but basically it is now on a plateau. We have to understand that if we are going to significantly reduce that figure — by halving it, for example, or even better — we have to take some strong steps. It would be wrong for any government to think it would not have the community with it on this issue. The community would be with it on this issue, and certainly the Liberal Party would be with it if it decided to go down the path of looking at more stringent and stronger methods to control people who drive vehicles while under the influence of drugs, because many of them are out there at the moment creating situations that all of us would find unacceptable.

My contribution to this debate is about to conclude, but as it does I want to commend the government for this bill. I support it strongly, and I trust that my support would be shared by everybody else in this place.

Mr TREZISE (Geelong) — As I follow the member for Mornington, I note his comments with regard to a zero blood alcohol content. I too am pleased to be speaking in support of the bill, as it is another example of the Bracks government’s commitment to reducing the death toll on our roads, thus making our roads safer for all road users in Victoria. The bill is set in the context of the Bracks government’s Arrive Alive strategy, which has a goal of reducing the road toll by 20 per cent between 2002 and 2007. Importantly, under this strategy, and despite the record number of vehicles on our roads, the road toll has fallen, with record low figures over the last couple of years, especially in 2003 and 2004.

As chairman of the parliamentary Road Safety Committee I have had the privilege of travelling overseas — specifically in the last couple of years in Europe and Britain — to investigate various road safety issues, and I can assure the house that Victoria has an excellent reputation internationally as a leader in initiatives that relate to driver behaviour. I know that many countries have applauded Victoria's trailblazing initiatives in introducing drug testing for drivers, and they have watched with great interest the success of the initial implementation of our drug tests.

I fully support this bill, which in essence will continue roadside drug testing beyond the original sunset date of 1 July 2006. Random roadside drug testing will now be an ongoing feature of road safety policy in Victoria. That is a great initiative that will, I am sure, be widely supported by the general community of Victoria.

This is especially so when one reads statistics such as those that show that during 2003 and 2004 drugs other than alcohol were found in nearly one in three drivers killed in motor vehicle accidents in Victoria. That is a very surprising statistic — and more than surprising, it is a deplorable statistic. In comparison, just over 20 per cent of the drivers or riders killed had a blood alcohol content of .05 or more, which I must say is also far from acceptable. Hence from these figures it can be seen that, as with the drink-driving laws and initiatives, we must ensure that drug-driving is also addressed as extensively as the blood alcohol content (BAC) rules. This bill will allow for that.

This bill is the latest in a number of initiatives implemented by the Bracks government since 2000. In 2000 this house passed legislation that provided for the detection of drugs and the prosecution of motorists who were driving under their influence. In late 2004 roadside drug testing was introduced, and as I said, this bill now allows for this important road safety initiative to continue after July 2006.

Initially the testing was used to detect the presence of cannabis and speed. As I understand it, this legislation will now provide for the testing of ecstasy, which, as we all know, is unfortunately a very popular but illegal drug that is used predominantly by younger people within our community. It is of great concern to note that between 2002 and 2004 the number of drivers killed in car accidents who tested positive to ecstasy tripled. This is a very alarming figure, hence the importance of ensuring that roadside drug testing also includes tests to detect this popular but illegal drug. It is also alarming to note that in the first 12 months of roadside drug testing, 2 per cent of the drivers tested returned positive results to drugs. That is 1 in something like 50 drivers, which

is an extremely high figure, again highlighting the need for this legislation.

I am concerned that young drivers are susceptible to using drugs such as ecstasy. My daughter, for example, will be getting her L-plates tomorrow, and as a young driver she will need everything going for her to minimise the chance of her being involved in an accident. I must also note that today we have the presence of students from St Paul's, Warragul, in the house. They too will soon be drivers, and this type of legislation will apply to people like the students from St Paul's, which I understand is a great school.

I fully support this important legislation. It will make roads safer in Victoria, and therefore I wish it a speedy passage.

Mr KOTSIRAS (Bulleen) — I too wish to support the bill. It is always good to support the bill if it does something to assist Victorians. The main purpose of this bill is to save lives and to reduce the pain and suffering that comes with road accidents.

While I do support any attempt to ensure that people do not drive under the influence of alcohol or drugs, I have to remind members opposite about the circus that occurred during the first of the random drug testing of drivers, when the media were tipped off. There was much media spin, and this was simply to try to get some publicity for the minister. Unfortunately, the person who was charged was innocent, but that did not assist his pain and suffering, nor that of his family.

Roadside drug testing commenced on 13 December 2004, with a sunset clause of 1 July 2005. This was extended to 1 July 2006. The bill repeals these sunset provisions, and so random roadside drug testing will continue on an ongoing basis.

It is interesting to note statistics on roadside drug testing. The number of drivers tested for drugs between December 2004 and December 2005 was 9202, and for heavy vehicle drivers it was 3974, which gives a total of 13 176. The number of drivers who tested positive for drugs was 229, with an additional 58 being heavy vehicle drivers, which makes a total of 287 drivers. The number of drivers who refused to provide samples was 9 for car drivers and 3 for heavy vehicles, making a total of 12; and the number of drivers caught twice driving under the influence of drugs was 2 for car drivers, 1 for heavy vehicle drivers, making a total of 3. This equates to a ratio of 1 in every 46 drivers tested, which is approximately 2 per cent of all drivers tested.

If you compare these figures with drivers breath-tested under the booze bus program in 2004, you see that 1.46 million drivers were breath-tested in Victoria under the booze bus program and approximately 5500 were found to have an illegal blood alcohol concentration. This equates to approximately 1 in every 265 drivers tested, or approximately 0.4 per cent of all drivers who were tested. This is alarming, and we must continue to implement legislation to ensure that people do not drive while under the influence of alcohol or drugs.

I do, however, have a few concerns regarding this legislation. The first question I wish to ask the government is whether it can guarantee that heavy vehicle registration fees will not increase under this bill. I would ask for the government to give a commitment that the fees will not increase. During the briefings on the bill I was told by the minister's advisers that fees would not increase, but I would like the minister to tell us whether that is the case, because if fees increase then the price of milk will increase and the price of groceries will increase, as will the price of fuel, and Victoria will become one of the most expensive states in Australia.

I am concerned that, although the bill includes illicit drugs such as speed and ecstasy, it does not include others such as LSD, and I am wondering why the government has not taken into account a number of other drugs as well. The other problem is that if a person is tested for alcohol and the test is positive, that person is not taken away and tested to see whether the driver is also under the influence of drugs. I would have thought that needs to follow, if a person has been found to have a positive blood alcohol test. The minister advises us that it is just an operational matter, but I would have thought they would have taken it into account if they are here to save lives, and the pain and suffering that comes with road accidents.

I support the bill. I support clause 1, which removes the sunset of the drug testing program and adds ecstasy to the random drug testing program. It is a good first step. The government needs to do more, but I do support this legislation.

Ms OVERINGTON (Ballarat West) — I, too, am pleased to speak on the Road Safety (Drugs) Bill. This bill is further evidence that the Bracks Labor government is committed to lowering our road toll and removing from the road those people who use illicit drugs or abuse prescription drugs.

During 2003 and 2004 drugs other than alcohol were found in approximately 30 per cent of drivers killed on Victorian roads. I know other speakers have used that

statistic, but it is important to reinforce it. Roadside drug testing began as a trial in 2004, and the trial period was extended by a year to 1 July this year. This bill will enable roadside drug testing to continue beyond that date.

The trial of roadside drug testing has been extremely successful, and the results of the test suggest that drug-driving could be more common than drink-driving, and I find that appalling. The figure that I stated before, that 30 per cent of drivers killed on our roads tested positive for drug use, is appalling, and I cannot get that message out strongly enough, because in the years before 2004 these people were driving undetected on our roads. That is why I feel very strongly about this bill.

During the first year of the trial, 2.1 per cent of the 13 176 drivers tested returned a positive result to either using speed, or cannabis. They seem very popular drugs. That is 1 in 46 drivers tested and is totally unacceptable. As a government we have a responsibility, now that we have a method of detecting illicit drugs through testing, to ensure that more drivers are tested.

I am appalled when I think of the fact that when I drive up and down from Ballarat and around my electorate, 1 in 46 of those cars that I pass, or which pass me, could be driven by a driver whose driving ability is impaired by illegal drug use and is a serious danger to others. I believe this is one of the most important bills that we have introduced, and I know it will help to protect lives. I commend the bill to the house.

Mr PLOWMAN (Benambra) — The Road Safety (Drugs) Bill comprises three parts: the sunset clause of random drug testing; the inclusion of the new drug ecstasy into the drug-testing program; and the repeal of section 95A of the Road Safety Act 1986, which in the past has put a cap on the fees payable for registration and permits for all heavy vehicles in Victoria. This third area is the one on which I wish to concentrate.

The opposition supports all parts of this legislation, particularly the first two parts, but the third part is supported with some reservation — that is, that the government has given an assurance that these fees and charges will not increase. Should there be any suggestion by the current government that these fees and charges will increase, then this would certainly put additional costs on the transport industry right across Victoria.

It would make it less competitive than all the other states, but most importantly it would make it more

difficult for business operating in country Victoria. On this basis, if the government went back on its word, we certainly would have been opposing this legislation.

Clause 5 of the bill states categorically:

Despite the repeal of section 95A ... the prescribed fee ...
 ...
 continues in force ... until the commencement of regulations —

which will prescribe —

an amount as a fee in respect of that matter.

I believe this is the nub of the issue, and I think it would be worth reading into *Hansard* part of the explanatory memorandum to this bill. It reads in part as follows:

In October 2005, the National Transport Commission published ... a report titled *Third Heavy Vehicle Road Pricing Determination Draft Regulatory Impact Statement ...*

National road use charges for heavy vehicles were last updated between July and December 2000 ... This report updates the charges, and addresses the various concerns which have arisen since the previous set of charges.

It then says that the report explains that:

... it is 'intended that any changes to the national heavy vehicle charges would be implemented from July 2006' ... once a national fee structure has been established in accordance with a national regulatory impact system, each jurisdiction —

in other words, each state —

will fix heavy vehicle fees directly through its legislation in accordance with the general arrangements agreed in 2003.

That is fine, but it says each state will be responsible for setting its own fees rather than, as was the case in the past, each state being obliged under that cap set by the federal legislation to have at least that level of uniform charges. This makes the opposition nervous about this part of the bill, because there is nothing to say that the new charges set by the state will not make road transport costs much dearer, which would, as I said before, impact particularly on country Victoria.

Any unilateral increase in freight charges will make it more difficult for all industry based outside Melbourne, and it will make those industries far less competitive. This is totally against the platform the Liberal Party prescribes, which is to assist industries decentralise and to assist decentralised industries to stay competitive with industries in the metropolitan area.

We have had that assurance from the government, and now it is going to be up to the government to live up to

that promise. It is of great concern to me that in my electorate, which borders New South Wales, many trucking businesses will just move their headquarters across the river to Albury. They will set up their businesses there to avoid any increases imposed by the Victorian government. That is not in the best interests of those of us who live close to the border, and it certainly is not in the best interests of Victoria. Therefore, I reiterate that it is up to the government to live up to that promise.

I would like to briefly refer to the other two aspects of the bill that deal with the addition of ecstasy as a drug subject to roadside testing and to the removal of the sunset clause which would have terminated roadside random drug testing. As has been said before, currently drug testing is done for only two drugs — that is, cannabis and speed. At the briefing I attended the indications were that other drugs, particularly amphetamines, were not included so as to protect members of the community who are legally using dexamphetamine as a prescribed drug for medical reasons. 'Methamphetamines' is the term used to describe the range of amphetamine drugs which are used illegally.

Quite frankly, if someone's driving is impaired, I do not think it really matters what drug has induced that impairment. If that driver, using legal or illegal drugs, is putting lives at risk when they are on the road, they should be charged. The trouble is that you have to have a test which can clearly identify the level of the drug or drugs in the system.

As I see it, the biggest problem is measuring the impairment of someone who mixes alcohol and drugs. Where alcohol and drugs are used on a regular basis — perhaps a low level of cannabis with alcohol, which would register less than .05 — the impairment level of a driver can rise to equal that of a driver whose blood alcohol reading is between .10 and .15. In other words, that drivers would become an extreme danger on the roads. If someone has an alcohol level less than the prescribed limit and they use a small amount of cannabis, that will take them well over that impairment limit. On that basis, I believe we have a long way to go.

The numbers of people who are picked up and found to be affected by drugs is absolutely staggering. As has been said before, 1 in 46 is an extraordinarily high level, given that about 1 in 100 drivers tested are found to be affected by alcohol. Therefore, I think we need have another look at this.

If those figures are accurate, a lot of drivers who mix alcohol with drugs are going to pose a real risk to other

people on the roads. Although I fully support the government and think it has done a great job in introducing random drug testing, and that this legislation is a very good second step, we have a long way to go to pick up those drivers who are using both drugs.

I was interested to hear that the first step of measuring the impairment of drug users is getting them to maintain a horizontal eye gaze. The expression is that your eyeballs 'dance' if you are impaired by drugs. That is the no. 1 indication of whether you are sufficiently impaired; you then have to take the saliva test. The second and third steps in the test — that is, the ability to walk a straight line and the ability to stand on one leg — are old-fashioned tricks, like putting your finger on your nose. I have tried all of them on occasions, but I am never quite sure whether that is a fair test of my sobriety or my ability to drive.

Dr Sykes interjected.

Mr PLOWMAN — My colleague from Benalla says it is only old age, but I am not sure! I believe we need to ensure alcohol tests are followed by drug tests, and that better drug-testing must be made available to police to pick up the presence in the blood of all drugs available to drivers.

Mr HOWARD (Ballarat East) — I am pleased to speak on this very important bill, which forms part of the broad range of actions that the Bracks government has taken to make our roads safer places to travel on. I am aware that many young people from St Paul's Anglican Grammar School, Warragul, are in the gallery listening to the debate, and in a few years time they will get their learners permits and be out on the roads. The Bracks government is bringing forward this legislation to protect all members of the community, including young people.

As a community we are all aware that alcohol is a very dangerous chemical, particularly when its consumption is combined with driving on the road. The community has got that message well and truly. Although some people are still driving when affected by alcohol, I believe that number has reduced quite significantly. These days, when many young people go to events they clearly identify that if they are going to be drinking, then they will not be driving. They appoint someone to drive or get a taxi home and plan their nights accordingly, which is very encouraging.

However, we are not so much aware of the effects of drugs on driving. The statistics that have been put before the house today are quite staggering. It is quite

stunning to read figures on the outcomes of autopsies on drivers who have died in road accidents; blood tests revealed that some 29.2 per cent of them had some form of drug other than alcohol in their bodies. It makes us realise that we need to do a number of things to make the community more aware of the reality and danger of drug-driving.

As part of the strategy which links with the bill before us, the government will be developing a media campaign to raise public awareness of these issues. People need to know that not only is it dangerous to drive with alcohol in your blood but it is also dangerous to drive if you have taken drugs. People need to be very much aware of that.

As well as having positive education campaigns we need to have a stick by means of having screening campaigns, and this legislation strengthens the ability of police to pull drivers over to the side of the road to test them for illegal drugs and alcohol. Police have been able to pull drivers over if they suspect they are under the influence of some form of drug, and this legislation extends the police powers to do that.

We have made it clear that we will be testing for drugs in the methamphetamine group and the delta-9 THC (tetrahydrocannabinol) group, which are illegal. We recognise that there are people who may be affected by drugs that have been prescribed for them, and I take on board the comments by the member for Benambra and others, who said that anybody on any form of medication needs to be very aware of the risks they are taking if they are driving; but for practical reasons we are not testing for those. Only the illegal drugs will be tested for, so if people are found to be driving under the influence of the drugs that I have named — ecstasy-type or cannabis-related drugs — then they will not be able to continue driving. They will be taken for a second test at a police station, and then the outcome of the second test will be analysed. If it is shown that there were illegal drugs in the bloodstream of the person, then they will be penalised.

This legislation is part of a range of actions the Bracks government has taken to make sure our roads are safe and to ensure that people of whatever age are driving safely. It seems in the case of drug use that we are often concerned with young people coming onto the roads. We do not want to hear of any more deaths as a result of this. We want to try to bring down the number of deaths and injuries that are caused by people inappropriately using alcohol or drugs. I am very encouraged to hear that people in the other house are very supportive of this legislation. I believe it needs to be carried.

Dr SYKES (Benalla) — I rise to make a contribution on the Road Safety (Drugs) Bill. Safe, efficient and cost-effective road and rail transport are essential for the successful functioning of country Victorian communities. Road transport is a particularly important component. In the north-east we have major industries such as the timber industry that have a large number of players that are heavily reliant on road transport. That includes Hancock plantations; log transport contractors; and processors such as Carter Holt Harvey at Myrtleford, D. and R. Henderson at Benalla, Hudson's Building Truss at Benalla, and Ryan and McNulty Sawmillers.

We also have other agricultural industries that are heavily dependent on a safe, efficient and cost-effective road transport. They include the wine industry, which is spread throughout many parts of the electorate of Benalla and is particularly notable in the Ovens and King valleys, the Upper Goulburn Valley and the Nagambie area. We also have other businesses such as ADI and Schneider in Benalla.

Also, many successful small businesses are extremely dependent on the services of general carriers. The livestock industry is well serviced by a large number of carriers. I use those such as Roche's, Glen Siede of Benalla, and Robert Dobson. There are people like Max Burl down at Euroa, who has five trucks including a couple of B-doubles. In order to successfully provide a service to the many small businesses and communities in country Victoria all these people — along with general carriers such as Symes Transport in Benalla, Forden Freight, Star Track, Mansfield Express and Rudy Simonis — need safe roads, and to continue to operate, the fees they pay need to be affordable.

As has been pointed out by the member for Swan Hill, the smaller trucking businesses do not enjoy the economies of scale and the leverage that larger companies such as Linfox can exert on suppliers of vehicles and other necessary aspects of running their businesses. We do not want those people being squeezed financially, and equally we do not want them being put under undue pressure so they resort to things like drugs to continue to operate.

As previous speakers have mentioned, the focus on extending the ability to test for drugs and the inclusion of ecstasy on the list make sense, but I share the concerns of members on this side of the house about a procedural approach that means that once a person tests positive for alcohol there is no further testing for drugs. I think that is illogical and inappropriate, and it will result in the failure to nip an emerging problem in the

bud — that is, the problem of drug abuse in conjunction with alcohol abuse.

I draw on my experiences on the Drugs and Crime Prevention Committee, which has undertaken reviews of the harmful effects of amphetamines and party drugs and most recently the harmful effects of alcohol. There is absolutely no doubt that amphetamines, party drugs and other stimulants are a growing concern in the general community and that particular risks occur when people drive under the influence of those drugs and alcohol in combination. It is appropriate that ecstasy has been included on the list, because when we first commenced our inquiry into the harmful effects of party drugs it seemed that ecstasy could arguably be considered a safe drug, but there were two issues associated with that.

One was that ecstasy rarely came in its pure form, because it was often contaminated by other drugs such as GHB (gamma hydroxybutyrate). Importantly since that time additional information has become available showing that ecstasy is a serious drug. As an expert in Scandinavia said, from the day a person takes an ecstasy pill, the rewiring of their brain starts to occur. Therefore you have an impediment to that person's ability to function normally, including the impairment of their ability to drive safely.

Those of us who use the Hume Freeway would have to say that it can be quite a frightening experience, particularly in the evening and on a Friday night when trucks are convoying out of Melbourne and moving up to New South Wales, or, conversely, coming back early on a Monday morning to get to Melbourne. There can be large convoys and it is unnerving to think about the prospects of what may happen if some of those drivers are affected by drugs and alcohol, as some are, because you are just a sitting duck for those trucks to run through and cause enormous damage.

In relation to the aspect of this bill concerning the adoption of a national approach to road transport and charges, I commend the federal Minister for Transport and Regional Services on his leadership in rejecting the proposals put forward by the National Transport Commission for increases in road user charges, especially the bias towards heavy charges for heavy vehicles, where the increased costs were going to be of the order of 30 per cent. That would have been absolutely unaffordable and we would have seen a lot of our trucking businesses going out of business and a lot of the people they service being unable to conduct their businesses in country Victoria.

Through the minister at the table, the Minister for Education Services, I commend the Victorian government and the New South Wales and Queensland governments for following the lead of the federal transport minister. I note that the media release of the Victorian Minister for Transport — who is in the house at the moment — giving support for the federal government's position indicated that there were ongoing concerns about the future funding of roads and bridges.

I draw the minister's attention to the fact that there is a solution, which The Nationals have offered — that is, to allocate 1 per cent of GST direct to local councils, as has been done with the Roads to Recovery money. That alone would generate in excess of \$80 million a year towards the upkeep and maintenance of our roads and bridges. It would be particularly advantageous if the lion's share of that were directed to the disadvantaged shires, which in my electorate include Mansfield, Benalla, Alpine and Strathbogie. There is a solution that is directly and wholly and solely in the hands of the Victorian government if it wishes to take advantage of that offer.

Another comment made by the Minister for Transport related to users paying and contributing to the maintenance of roads, which was in response to me raising an issue about the unsafe nature of the Wangaratta-Whitfield Road. The minister pointed out that a reason for that road becoming unsafe was the heavy use of the road by logging vehicles. I accept the point that those vehicles have contributed substantially to the deterioration of that road, albeit that there is a fundamental problem in the road foundation being unsound. But any user-pays approach to road maintenance and servicing must ensure that the fees set are fair and affordable, and a 30 per cent hike in charges against heavy vehicle users would not be fair or affordable.

I should also commend the Minister for Transport on his good humour in accepting the rock which I delivered to him last week from the Whitfield road. He acknowledged that it was a light-hearted means of conveying a serious message — that is, that our roads are in need of millions of dollars to get them up to a safe standard.

I would also like to acknowledge the efforts of Neil Gow of the Australian Trucking Association in trying to achieve this commonsense outcome at a national level. I was pleased to be able to assist in a number of ways, including writing to the National Transport Commission expressing the concerns that were raised to me by many transport operators in north-east

Victoria. All in all, significant steps are being taken in the right direction in looking to make our roads safer by tightening up on the drug and alcohol consumption by drivers, and also in moving towards a national approach to fees for and management of our road system.

Mr MERLINO (Monbulk) — I am pleased to rise in support of the Road Safety (Drugs) Bill. This is a further important step forward in the Bracks government's world-leading efforts on road safety. The Arrive Alive strategy set the bold target of reducing our road toll by 20 per cent by 2007. In 2003, 2004 and 2005 Victoria recorded its three lowest road tolls since records began. It is estimated that since we introduced this strategy, 360 deaths on our roads have been prevented.

We lead the nation when it comes to effective road safety strategies. In 2005 Victoria recorded 6.89 deaths per 100 000 population, compared to 8.42 for the rest of Australia. This result is due to a number of initiatives, including the statewide accident black spot program, which has involved a record blitz on black spots throughout Victoria; the default speed limits of 50 kilometres an hour in built-up areas and 40 kilometres an hour in urban shopping strips; the installation of additional red light and speed cameras; the continued Transport Accident Commission road safety advertisements; new booze buses; the introduction of the offence of talking on a mobile phone whilst driving; and the recent hoon legislation, under which vehicles can be impounded. They are all terrific initiatives, but we cannot afford to rest on our laurels. The lower we get the road toll the harder it is to make further inroads into lowering the numbers.

The next level of our road safety strategy was to tackle the influence of driving whilst under the influence of drugs. We have heard other speakers refer to the fact that almost 30 per cent of drivers who are killed on our roads test positive to drugs other than alcohol. In 2003 the Bracks government introduced groundbreaking legislation that provided for roadside drug screening. This random testing, similar to that by the established booze buses, was introduced to detect and deter drivers from driving under the influence of cannabis and methamphetamines. These illicit drugs were targeted because there is clear evidence that they impair the ability of people to drive safely.

The sunset clause in the existing legislation is being repealed through this bill, ensuring that random drug testing will be an ongoing program in our road safety strategy. It is being repealed because, although the trial has been successful, at the same time it has produced some very concerning statistics. The testing is

conducted through oral fluid tests, which have proved to be extremely accurate, with almost all of the results being confirmed by the subsequent laboratory tests. I said the trial has been concerning as well as successful because in a 12-month period, 13 176 people have been tested and 287 people have returned a positive result. That is 1 in 46 people having tested positive to driving under the influence of drugs, compared to 1 in 250 having tested positive to driving under the influence of alcohol. Another particularly concerning statistic was the post-grand final blitz the police undertook, which showed that 11 out of 26 drivers had either cannabis or methylamphetamine in their system.

Another major aspect of this bill is its inclusion of the drug ecstasy in the roadside drug-testing regime. Why is ecstasy being included now? We have better evidence of its impact on drivers and of its increasing use in the community. Two drivers who died on our roads in 2002 tested positive to ecstasy, and this increased to six people in 2004. The total number of ecstasy cases before the coroners court increased from 7 in 2002 to 16 in 2004. This indicates an increased use of that drug in the community.

What is ecstasy and what does it do? I went to the Better Health Channel web site, which states that ecstasy is an illegal synthetic drug called MDMA — or 3, 4-methylenedioxymethylamphetamine — and that:

It is both a stimulant and a hallucinogen, since it speeds up the workings of the central nervous system and alters the user's perception of reality. It is commonly used as a mood enhancer at parties and nightclubs.

It also states:

Ecstasy takes effect in around an hour, and might last for up to 32 hours.

With regard to its effect on people when driving a vehicle, ecstasy has an effect both at its peak and when people come down from the effects of using it. The web site states about its effect at its peak that:

Ecstasy's hallucinogenic properties distort the user's experience of reality by triggering hallucinations of both sight and sound.

It also states:

Coming down from ecstasy is also an unpleasant experience. Symptoms can include fatigue, aching muscles and depression.

So when people are driving vehicles it is quite a dangerous drug both at its peak and in coming down. I will wind up my contribution there. This is an important addition to the drug testing program and I commend the bill to the house.

Mr SMITH (Bass) — I must say it is nice to be able to get up in the house and support a piece of legislation being pushed through by this government, that being the Road Safety (Drugs) Bill.

Mr Wynne — Do it properly, Ken.

Mr SMITH — It does not happen very often, because I do not always agree with the legislation that the socialists on the other side try to push through, but this is most certainly one that I agree with.

Mr Wynne — It's a serious issue; do it properly!

Mr SMITH — It is a serious issue; that is why I am supporting it. The difficulty that I have — and there had to be one, of course — is why the government has included the third aspect of the bill which is about the new national system for registration charges for heavy vehicles. I would have thought that that would have been introduced in a separate piece of legislation, that it relates more to registration of vehicles and should not be lumped in with legislation on drugs. As was said earlier by the shadow Minister for Transport, the member for Polwarth, people should understand that members of the opposition are supporting the bill on the basis that we have been assured that fees for the trucking industry in the state of Victoria will not be increased.

Members of the community, who are concerned to ensure that motorists are not affected by drugs or alcohol, will be supportive of this legislation, which includes ecstasy as one of the drugs in the random testing program.

As members know, ecstasy is a party drug that young people tend to go in for. It is often sold and consumed at all-night clubs and at rave and other parties, where it is often consumed with alcohol and other drugs. Of course, it creates problems for the rest of the community when people who have partaken of drugs and alcohol leave those venues and go onto the roads. After taking ecstasy, many people experience anxiety, agitation and panic, paranoia, depression, irrational behaviour, reduced defensiveness, sensations of floating, distorted and blurred vision, confusion, loss of coordination, uncontrolled tremors, convulsions and hallucinations. Members must realise that when people who take drugs go onto the roads they are suffering all those symptoms.

I do not think it is right that people are allowed to take drugs. I was very much in favour of the random drug testing legislation that was brought in by this government because at least it gave a warning to people

who take drugs that there was every chance that they would be picked up. It is fine to add an additional drug to those that are tested for. I would like to have known that there was some way to test for heroin and the many other illegal drugs. The sooner we can have drivers tested effectively for more drugs, the better.

Another concern raised earlier about the consumption of alcohol and drugs was that the effect of alcohol can be hugely increased when it is taken in conjunction with some drugs. When the booze buses, as distinct from the random drug testing buses, are out there and people get through because their blood alcohol content is not high enough for them to not be able to drive properly, or even when their blood alcohol content is too high, a second test, which can be a saliva test, should be taken to test for the use of drugs. I understand that this is a police matter and members should not be involved in the discussion, but this is the place where this discussion should take place. I compliment the police on the way they carry out their duties in both the drug and alcohol testing, but we must ensure that if people are being tested for taking one drug — that is, alcohol — they are also tested for maybe having taken other drugs as well.

Members know from some of the figures from the Victorian Institute of Forensic Medicine that were referred to earlier that a large number of people who die in vehicle accidents — we should call them collisions — are affected not only by alcohol but by drugs. The more of those people we can get off the road the better. While 1 in 46 people tested for drugs are found to have consumed illegal drugs, only 1 in 100 tested are charged with having a blood alcohol content above the legal level. It is important that the testing around the state of Victoria is stepped up, to ensure that if people are going to take drugs they get smart enough to take a taxi home or let somebody not affected by drugs take them home.

I worry about where young people are going. I suppose I could be said to be moralising on this. I worry that when they go out to have an enjoyable night they have to be so drugged up that they do not really have an opportunity to enjoy what they are doing. I suppose if we go back, Acting Speaker, to when we were young, we used to think it was good to go out and get a bit boozed up from time to time — and we thought we were having a good time. Probably kids of today find it easier to just pop a pill in their mouth to suffer from some of the same things as we did.

Ecstasy can cause blurred vision, and it distorts visual perceptions. That makes it difficult for people to be able to judge distances. It is a stimulant drug and gives a

driver a false sense of confidence, energy and power. People who are taking that type of drug think that they are allowed to go out onto the roads but the truth of the matter is that they are not allowed to go out on the roads in those types of conditions.

Even though the road toll is dropping and we hope that it continues to drop, instead of using the big stick to book people for doing those things we must have some sort of education program. People must understand that taking those drugs is not always good. It is not good for their health and in the long term it is not good for their minds. I remember hearing people on the other side of the house say that marijuana was not such a bad thing. Now we know, of course, that marijuana is a bad thing. We know that marijuana, which is probably on the lowest scale of drugs, has probably ruined the lives of more people in this country than other drugs. It ruins their minds for the future, which is a problem, of course, for their lives and opportunities in employment and other enjoyments in their lives.

I worry about drugs and where we are going. If this type of legislation can go some way to ensuring that if people do take those drugs they will not be on the roads, out there killing other people and, probably as importantly, killing themselves and leaving their families devastated by the loss of a family member or friend, it is a good thing. But it is time that we as a society had a long, hard look at ourselves as to what we are on about with those drugs. I support this piece of legislation.

Mr WYNNE (Richmond) — I rise to support the Road Safety (Drugs) Bill. Last year 346 people were killed on our roads — that means 346 tragedies for mothers, fathers and families. What is worse is that some of those tragedies were preventable. Certainly there has been a significant improvement over past years. In the 1970s over 1000 people were killed on Victoria's roads; over the last 20 years this horrific figure has decreased.

This bill is important to me personally, because my extended family has been a victim of those tragedies on the roads. My cousin, her husband and young family were wiped out in a motor car accident, snuffing out the lives of a young family and two young children. The impact of that on my extended family was extraordinarily profound; it is a burden that we carry to this day. Any effort that we as a Parliament can make to address this terrible tragedy of death on the roads is something that I know enjoys bipartisan support.

The government has instigated a suite of reforms to road safety — the 50 kilometre-an-hour speed limit;

safety cameras; enforcement cameras at intersections; speed detection devices; increasing penalties for speeding; increasing enforcement activities for drink-driving; and, of course, the hoon legislation. The Road Safety (Drugs) Bill is simply another piece of that armoury.

I am pleased that the Minister for Police and Emergency Services is at the table today. My contribution will be followed by one from the shadow police minister. This bill enjoys bipartisan support; it enshrines the trial period for drug-driving. Statistics show a very disturbing fact: nearly a third of the drivers killed test positive for illicit drugs. In recent years the number of drug-related road fatalities has equalled, if not exceeded, the number attributable to alcohol use.

As the member for Bass indicated, obviously we have a responsibility to educate people and to clearly indicate that cultural change towards attitudes to drug-driving is required as drug-driving is simply unacceptable. In 2004 we took the initiative and introduced a trial of drug testing of drivers, which is due to expire in July. This legislation will enshrine that strategy as another weapon in the armoury of Victoria Police.

The trial has been extensively evaluated by Swinburne University and the Victorian Institute of Forensic Medicine. The overall results of the trial gave surprising, and very disturbing, results: 2.1 per cent of those tested were positive for drugs — that is, four times the incidence of those with illegal concentration of alcohol.

Earlier I discussed this with the Minister for Transport; he indicated that 1 in 200 people who are tested for alcohol are proved to be over the limit, and 1 in 46 people tested are affected by drugs. That is an extraordinary statistic. There is a job ahead of us as a Parliament to send a clear and unequivocal message to the community that driving under the influence of drugs or alcohol is unacceptable. It is extraordinarily unsafe not only for the drivers and the passengers in those vehicles but for the broader community generally.

As I indicated earlier, I know about the impact of road trauma on families; it affects them so profoundly. Any effort that we as a Parliament can make in a bipartisan way to send a clear message to the community that drink-driving and drug-driving are unacceptable is something that we should all strongly support. I commend the bill to the house.

Mr WELLS (Scoresby) — I join the debate on the Road Safety (Drugs) Bill 2006. This is good legislation and has the support of the Liberal Party. The purpose of

this bill is to remove the 1 July 2006 sunset clause in the existing legislation on drug testing so the program will continue on an ongoing basis, which we think is a good move. The test for ecstasy is included in the random drug testing program — we think that is a very good idea. It also facilitates the implementation in Victoria of a new national system for registration charges for heavy vehicles.

The main provision of the legislation amends the definition of prescribed illicit drugs in section 3 of the principal act to add ecstasy to cannabis and speed as drugs listed in the random drug testing program. The bill also repeals section 95A which sets a cap on Victorian fees for heavy vehicles, so the state will now be able to set its own fees.

We note that the legislation does not include the testing of heroin as an illicit drug. We accept that because it is our understanding that the technology is still not right to be able to do that. It is pointless to push the argument that we should be testing for heroin if you cannot stand up in court and make a defensible argument that the heroin test was accurate. We are hopeful, and I am sure all members would be encouraging our scientists and our researchers to get to the stage where we can actually include testing for heroin.

I notice that a number of contributors to the debate have said that if you are testing for alcohol, you do not test for drugs, or if you are testing for drugs, you do not test for alcohol. I understand the test for drugs is very expensive, and I understand the arguments, but at the end of the day we need to get these people off our roads, whether they are guilty of an alcohol offence or a drug offence. If it is both, there is a need-to-know factor so we can improve our legislation to make sure we are covering the situation where a person who is not guilty of exceeding the alcohol limit when driving can be tested for other substances if they are suspected of breaching the law, taking into account the cost. I hope that as time progresses we may be in a position where technology allows us to test for drugs and alcohol at the same time.

It has been mentioned that around one-third of people killed on Victorian roads have an illegal drug substance in their bodies. It is almost impossible to believe that, but it is why we are such strong supporters of drug testing. If it is a fact that one-third of Victorian motorists killed on our roads have an illegal substance in their bodies, I wonder how we have let it get to that stage. The figures across the state seem to be consistent, so we have to do what we can to get that under control.

Drug testing came in on 13 December 2004, and it was a shambles. The Minister for Transport was good enough to arrange for the shadow Minister for Transport, the Shadow Attorney-General and me to look at how drug-testing kits are supposed to work. We accept that in the first instance there were procedural problems with the way they were being used, and that is why we had some trouble, but we accept that once the procedures were better explained to police the system worked well. We have full confidence that the system will work well in the future. With those few words I indicate that the Liberal Party supports the bill and wishes it a speedy passage.

Mr LANGUILLER (Derrimut) — I will be brief. I want to say, first of all, that I am extremely happy that this is one of those bills that is supported by all members of this place. It sends a very clear message to the community that, on the issue of the use of illegal drugs and alcohol combined with driving, everyone in this place is united. The message is clear that the combination of drugs and driving or alcohol and driving kills and destroys families.

Like the member for Richmond I have experienced this in my own family, but I will not comment any further. I say that purely for the purpose of giving a message to the community and the people I represent, particularly in Sunshine, that this can affect any of us. The Parliament, political parties, families and the community must be united in this fight against drugs and the effects of drugs in our community.

From 1 July the bill will remove the sunsetting of the random drug-testing procedure, and I support that wholeheartedly. There are some interesting reports I wish to briefly comment on. An article in the *Age* of 11 December 2004 outlined the results of a random sample of young people around Melbourne aged 31, 19, 35, 23, 36, 29, 21 and 25. They all said they felt alcohol had a negative effect on their driving, but they all thought taking drugs such as ecstasy and marijuana did not have an effect on their driving ability.

I will briefly comment on research done at Swinburne University, given that people have spoken about the consumption of ecstasy. The question hanging over random drug testing is what the equivalent is for marijuana of an alcohol level of .05. For example, how many joints could a person smoke and still be capable of driving? Researchers at Swinburne University tried to evaluate that. They got volunteers to smoke joints and drink alcohol and then jump behind the wheel of a driving simulator. The scientists then monitored the vital statistics, such as how fast they drove, whether they drifted out of their lane and how well they

responded to sudden surprises on the road. So far they have managed to dispel one of the great myths about marijuana. While it is true that marijuana drivers tend to drive more slowly, they are not safer. Their weakness is an inability to make quick decisions when something unusual happens on the road. Work is still in progress to see what the equivalent of .05 is.

I wish to quote Professor Olaf Drummer, who stated:

Drivers who use cannabis and are driving shortly after are almost seven times higher [a] risk of being involved in a fatal crash than a drug-free driver.

Because I have a limited amount of time, and to ensure that other members can make their contributions, I conclude by saying that the messages of the past year reminds us that 'If you drink and drive, you are a bloody idiot'; 'If you consume drugs and drive, you are a bloody idiot'; and 'Drugs kill'. I am very confident that the people in our electorates — mums, dads and families, as well as the many people who use drugs — have increasingly come to the view that the combination of alcohol and drugs is fatal. Ultimately it is about all of us — the institution of Parliament, political parties and families, however they are made up — strengthening our values and reinforcing the notion that ultimately it is up to us, and certainly up to the young people out there in the community, to say no to drugs and no to alcohol and no to the combination of both, because they kill. I commend the bill to the house.

Mr HONEYWOOD (Warrandyte) — In my brief contribution on the bill due to time constraints, I would like to commend to the house the expansion of school-based driver safety learning programs, particularly those that include a component of drug education and the dangers involved in taking drugs and driving.

My exposure to such programmes has included the longstanding excellent program in place at Norwood Secondary College in my electorate, as well as the driver training centre in the wonderful rural township of Charlton, which I visited both when I was Minister for Tertiary Education and Training and subsequently as the shadow Minister for Education and Training. I might add that the Charlton centre is still at the mercy of funding cuts by the Bracks government, even though it is run on a miniscule budget with volunteer support.

Each of the programs I have mentioned involves some component of user-pays by the students. Each of the programs in no way attempts to replace the need for comprehensive driver training taken elsewhere, but each of them provides an additional focus for young learner drivers on the key priority of driving safety and

on the danger of taking alcohol or drugs and then driving.

The Liberal Party Driver Safety policy is about supporting in every possible way such programs for our young people, which is in marked contrast to the Labor government's policies. At the last election, school-based driver safety programs were a key funding commitment in our education policy, which I had carriage of.

Of course it is worthwhile to pay tribute to other programs that have had resounding success in other states and territories. I well recall that as a university student at the Australian National University in Canberra I was sent a penalty notice, as I recall, for going through an amber light. I was interested to see at the bottom of the fine notice that, as it was my first offence, I was given the option of attending a driver safety film and lecture night. This is going back to the early 1980s, but the Australian Capital Territory (ACT) was well ahead of its time in giving young people the option of not having to pay a fine. Given their limited budgets, most students voted with their feet and attended the driver safety film night in place of paying the fine.

The film and lecture night that I subsequently attended left an indelible impression on me. It was one of horror at the graphic scenes of road carnage in the police footage of car accidents involving young drivers. This was the best deterrent I could have been provided with, as I was then 19 years of age. I know for a fact that that option of a road safety film and lecture night has served the ACT well over a number of years, as it has a proportionally lower road death rate than other states and territories.

With those few words, I would like to commend the bill to the house. I urge the current government to embrace the Liberal Party policy of supporting school-based driver education road safety programs not as the way forward in terms of providing total driver training, but as a supplement to other driver training to ensure students understand the importance of road safety and can discuss it in a school setting amongst their peers and classmates so they understand when they are out on the town with their classmates that road safety is a key issue.

Ms MUNT (Mordialloc) — I rise today to speak in support of the Road Safety (Drugs) Bill 2006. This bill follows the Road Safety (Drug Driving) Act 2003. In the short amount of time I have available to me, I do not intend to go through the technical details of the bill or deal with the good points that have been made in

excellent speeches from members of both sides of the house during the debate this morning. However, I would like to note that the bill has the broad support of both sides of the house, which is very heartening.

I would particularly like to mention that I asked two work experience students to research this bill for me — Christine Charles and Jenna Tomkins from Killester College. I would particularly like to note the text that they circled as the most important part of the research for them. It is from an article entitled 'Tests Catch Out One in 50' from the *Herald Sun* of Friday, 15 July 2005, which says:

Police have described as frightening the results of the first six months of roadside drug testing.

One in 50 drivers tested for drugs have returned a positive result, which is six times as many as was expected.

Inspector Ian Cairns said the results indicated drug-driving was more common than drink-driving.

Random alcohol tests detected one in 250 drivers above the legal limit.

Details of the Victorian drug testing trial were released at the Victoria Police traffic enforcement forum yesterday.

From the start of testing on December 13 last year until June 30, police tested 5054 car drivers and 2153 truck drivers.

Of those, 103 returned positive tests for methamphetamines and 6 for cannabis. Both drugs were found in 36 drivers.

Police detected 111 drug-drivers in cars and 34 in trucks. One truck driver tested positive twice.

More than two-thirds of car drivers tested positive for drugs were aged in their 20s.

About 80 per cent of all drug-drivers were men.

Inspector Cairns said illicit drug use in the community had increased in the past five years.

'It's a frightening problem', he said. He had expected the drug detection rate to be 1 in 300 not 1 in 50.

That article sums up the danger that is on our roads. These young women identified this article as an important part of this legislation. This legislation is to protect young women and young drivers. I support this bill and commend it to the house.

Mr DELAHUNTY (Lowan) — I want to make a couple of brief comments on the Road Safety (Drugs) Bill, which is a very important bill. I want to quote from a copy of a letter from Ken Dowsley, executive officer of Roadsafe Victoria Wimmera, which is an important organisation that deals with road safety in the Wimmera, an area I represent. The letter reads:

In the Wimmera we have a major focus on fatigue as a key source of driver impairment, but we believe that combining drugs (including alcohol) is very likely to make the fatigue problem even worse.

We are strongly supportive of reducing impairment of drivers, whatever the source of impairment might be!

People like Ken Dowsley are doing a lot of work in our community.

I support the member for Warrandyte on the issue of school-based training, particularly if it is in the charter of a school. A secondary college in my electorate also does good work regarding driver training. Transport is a big issue for our country communities. We need to look at lowering the age that students can apply for drivers licences to allow them and others to get to their traineeships, apprenticeships and places of employment and recreation.

The ABC program *Four Corners* highlighted that in Australia 73 000 people are dependent on ice. Ice is a new party drug which is 20 times stronger than amphetamines. I wonder if that drug is included in this legislation, because if it is not, it should be. As every member who has spoken on this bill has said, there are a lot of people driving on our roads. We need to make sure that people who are behind wheels are free of drugs and alcohol so it is safe for us to drive on our roads.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

PERSONAL EXPLANATION

Mr McINTOSH (Kew) — Yesterday during the grievance debate I interjected while the member for Narracan was making a contribution. In order to correct the record, I called the member for Narracan ‘The moccasin from Moe’. I repeated this interjection on one or two further occasions during the member’s contribution. My interjection was not, nor was it intended to be, a reflection on the city of Moe, the people of Moe or indeed the electorate of Narracan. My interjection was solely a reflection on the honourable member.

VALUATION OF LAND (AMENDMENT) BILL

Second reading

Debate resumed from 5 April; motion of Mr HULLS (Minister for Planning).

Mr HULLS (Minister for Planning) — I would like to thank members for their contributions to this bill. I note that some issues have been raised by a number of members opposite. Rather than canvass them when summing up, I think they will be dealt with in the consideration-in-detail stage.

Motion agreed to.

Read second time.

Clause 1

Consideration in detail

The ACTING SPEAKER (Mr Plowman) — Order! I call the member for Hawthorn to move amendment 1 in his name and I say if amendment 1 is lost, he cannot move amendment 2 as it is consequential.

Mr BAILLIEU (Hawthorn) — I move:

1. Clause 1, page 2, lines 3 and 4, omit all words and expressions on these lines.

Amendment 1 — and indeed no. 2 — seeks to delete the references to the requirement to have supplementary valuations certified. In my earlier contribution I raised concerns from a number of institutes and parties in regard to these proposals. I refer again to a letter to the member for South-West Coast on 14 March from Graham Shiell, the chief executive officer of the Moyne Shire Council. He wrote:

The amendment as it is currently drafted will lead to added bureaucracy, increased uncertainty in the valuation process and substantial added cost to municipal processes.

That is a view shared by the Municipal Association of Victoria in its response to the directions paper and by the Shire of Colac-Otway, which wrote to me on 14 March and referred explicitly to the cost implications for council. It is also a view shared by the Revenue Management Association of Victoria. I referred to its commentary in my earlier contribution.

I invite the minister now to indicate if he has received similar correspondence, what his response to it has been and what benefit he sees from this proposal to have supplementary valuations certified.

Mr HULLS (Minister for Planning) — In relation to the supplementary valuation, that can be undertaken, as the member would know, at any time during the two-year revaluation cycle and is completed when there is a significant change to a property or a group of properties between revaluations. I am advised that the supplementary valuation replaces valuations completed on a property or group of properties where significant change has taken place.

As the member quite rightly observes, the legislation before the house now requires the Valuer-General to apply a verification before the supplementary valuation becomes part of the municipality's certified valuation. A council can choose to wait for Valuer-General certification prior to using the supplementary valuation. However, the provisions of the bill enable a council to use a supplementary valuation for its own purposes — generally to issue a rate notice prior to certification. So it will not hold up the process.

Indeed, councils already provide supplementary valuations to the State Revenue Office, and administrative arrangements between the State Revenue Office and the Valuer-General will ensure there will be no duplication of the valuation data exchange process. The fact is that the amendment moved is not appropriate. We will not be supporting it.

We believe the supplementary valuation process is appropriate. If a council valuer refuses to amend a supplementary valuation after being directed to do so by the Valuer-General, the valuation will still be valid for council's use. However, the council valuation return will not be changed and other rating authorities such as the State Revenue Office will not be advised of the new valuation. We do not believe this amendment is appropriate; we will not be supporting it, and we do not believe it will hold up the valuation process in any way, shape or form.

Mr BAILLIEU (Hawthorn) — I invite the minister to comment on the suggestion that this is going to have cost implications for councils.

Mr HULLS (Minister for Planning) — I have seen some articles to that effect. I have been advised that there will be no cost implications for councils, that this process is appropriate and indeed, as I said, the supplementary valuations that can currently be used by councils will still be able to be used. This is a matter of having those certified by the Valuer-General.

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

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Jenkins, Mr
Kosky, Ms

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Ayes, 52

Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 25

Mulder, Mr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Amendment defeated.

Clause agreed to; clauses 2 to 14 agreed to.

Clause 15

Mr BAILLIEU (Hawthorn) — I move:

4. Clause 15, after line 16 insert —

“(b) if a valuation that has appeared in a notice of valuation given under section 15(1)(a) appears in —

- (i) a subsequent notice of valuation given by the rating authority that gave the notice under that section; or
- (ii) a notice, or subsequent notice, of an assessment of the rate or tax payable in respect of land issued by the rating authority that gave the notice of valuation under that section, or by any other rating authority —

within 2 months of that subsequent notice of valuation or notice, or subsequent notice, of assessment of rate or tax (as the case requires); or”.

5. Clause 15, line 17, omit “(b)” and insert “(c)”.

As I indicated in my previous contribution, our amendment in clause 15 seeks to insert into the provision in section 18 of the Valuation of Land Act a provision which would allow those in receipt of a land tax assessment to object to the valuation of the land at the time of the receipt of that assessment. I note that there is considerable community support for this proposition. I also note that members of the government rejected this proposition, in particular the member for Narre Warren North, who said he could not understand why someone would need this provision. I invite the minister to indeed tell the house why it is not possible for such a provision to be included.

The DEPUTY SPEAKER — Order! Amendments circulated by the member for Shepparton are identical to those moved by the member for Hawthorn, so she does not need to move them.

Mrs POWELL (Shepparton) — The Nationals support the amendments. The Nationals put forward an amendment very similar to that moved by the member for Hawthorn. Our amendment addresses the issue of allowing people to object to a land tax bill when they receive it, which could be about two years after receiving their rate notice. There is some confusion or some lack of understanding about land tax. When a person receives their rate notice, they may not object at that time because they may not understand that the site value component will be used to assess any land tax payable, so we are asking the minister to clarify this issue, to make sure it is in legislation and also to make sure people are aware that any land tax that is assessed is a component of the rate notice.

Mr CLARK (Box Hill) — This is an amendment to provide basic fairness to taxpayers. At the moment there is a catch-22 situation. If you do not object to your land valuation when you get your council rate bill, it is too late to object when you get your land tax assessment. The government has given no legitimate reason as to why this amendment should not be accepted. It is probably a bit unfair to expect the Minister for Planning to deal with it because I suspect it is being driven by the Treasurer as a treasury matter in order to raise more revenue, rather than as a matter of fairness and justice. This is something that a Liberal government will do, and if the current government had any decency it would accept this amendment.

Mr HULLS (Minister for Planning) — In summing up, it is interesting to hear the crocodile tears of those opposite on this particular issue. You have to remember how this came into being.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is far too much audible conversation in the chamber.

Mr HULLS — There was a discussion paper publicly available in May 2004. There was a directions paper in January 2005. I know that a number of associates of the honourable member for Hawthorn have no doubt lobbied him in relation to this issue. There has been no submission made by the opposition in relation to the discussion paper and in relation to the directions paper. As the honourable member for Hawthorn and other members would know, a valuation is received from council and then two years later the land tax notice based on that valuation arrives. There is ample opportunity for owners to object to their valuation before the arrival of the land tax notice based on those figures. With councils functioning as the valuation authorities, any objection needs to be linked — —

Mr Baillieu — On a point of order, Deputy Speaker, the minister is reading from a paper. I wonder whether he would be prepared to table that paper.

The DEPUTY SPEAKER — Order! Is the minister reading?

The minister is referring to notes.

Mr HULLS — The fact is there is ample opportunity to object to the valuation, and the honourable member for Hawthorn knows that full well. The fact is that if he were serious about this matter, he would certainly have made a submission in relation to the discussion paper. Landowners have two prior opportunities to object to their valuation before it is used for land tax purposes, so we will not be supporting this amendment.

House divided on amendment:

Ayes, 25

Asher, Ms	Mulder, Mr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Thompson, Mr

Kotsiras, Mr
McIntosh, Mr
Maughan, Mr

Walsh, Mr
Wells, Mr

Noes, 53

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Holding, Mr
Howard, Mr
Hulls, Mr
Jenkins, Mr
Kosky, Ms

Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Amendment defeated.

Clause agreed to; clauses 16 to 20 agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

Sitting suspended 1.04 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTERS

The SPEAKER — Order! Before calling for questions without notice, I inform the house that the Treasurer will be absent from question time today. The Premier will respond on matters relating to his Treasury portfolio, and the Minister for Gaming will respond to questions on state and regional development, and innovation.

The Minister for Health is also absent today, and questions for the minister should be addressed to the Minister for Community Services.

QUESTIONS WITHOUT NOTICE

Rural Ambulance Victoria: administration

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Given that after the embarrassing revelations in question time on Tuesday about Rural Ambulance Victoria the Minister for Health — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition, to continue.

Mr DOYLE — Given that after the embarrassing revelations in question time on Tuesday about Rural Ambulance Victoria the health minister ordered the sacking of chief executive officer Doug Kimberley, I ask: why did the minister, in her two Rural Ambulance Victoria answers yesterday, deliberately cover up this decision from the Parliament and the public?

Mr BRACKS (Premier) — I thank the opposition leader for his question. Consistent with what the Minister for Health has said in this house, she has written to me asking for a State Services Authority inquiry. That inquiry will be undertaken. In the meantime, the board that she approached has taken appropriate action to deal with this matter, whilst we have the State Services Authority inquiry and also the recommendations which come from that inquiry, which will assist in the ongoing management of Rural Ambulance Victoria in the future.

Olympic Park: rectangular sports stadium

Mr WYNNE (Richmond) — My question is to the Premier. I refer the Premier to the government's commitment to ensuring Victoria remains the major events capital of Australia.

Honourable members interjecting.

The SPEAKER — Order! Once again I remind the house that members should be able to ask questions without interruption.

Mr WYNNE — I ask the Premier to provide the house with further details on today's announcement regarding the building of a rectangular sports stadium.

Mr BRACKS (Premier) — I thank the honourable member for Richmond for his question, and I also thank him for his continual support of the Olympic Park precinct as the premier precinct for sporting activity in Victoria.

Last month, of course, we saw some spectacular images of the use of the Olympic Park precinct, the Melbourne Cricket Ground (MCG) and related areas such as the Rod Laver Arena and the multipurpose venue. Of course that was the purpose that was intended in 1956 with the creation of that precinct as part of the Olympic Games, 50 years ago. The development of sporting facilities on those sites has been an evolution. I want to pay tribute in this house to the former Cain government, which had the foresight to locate the Australian Open in the premier sports precinct in this state. It effectively meant that we kept the first of the grand slam events, the Australian Open, for all time to come.

To build on that legacy, and in accord with the announcements we made as a government last year, I was pleased to announce today the details, the plans and the proposals for the rectangular stadium, which will have a unique architectural design and will be an outstanding addition to our sporting precinct here in Melbourne. The stadium will feature a unique bioframe roof of a lightweight steel design that will cover all spectators but will let in absolute and total natural light, so the surface of the ground will be second to none as well. The features will include an exceptionally high-quality playing surface, an elite training centre, a gym and a four-lane swimming pool. It will also include cafes and bars and environmentally friendly designs and fixtures. A hall of fame will be a part of what is included there.

The stadium will be built on the Edwin Flack Field, which has housed different sporting events and venues over a long period of time, including a cycling velodrome at one point in time, a greyhound racing track, a secondary athletics track, an army barracks and a car park. That will now be the location for the rectangular field in Victoria.

When it is finished this will be the new world-class home for Melbourne Storm, Melbourne Victory and the Melbourne Football Club primarily. Those three clubs will share in elite training and corporate facilities. It will ensure they have the best possible state-of-the-art facilities that you can get for the different football codes. It will also house the Victorian Olympic Committee, Victorian Rugby Union, Tennis Victoria and the Football Federation of Victoria. It will accommodate some 20 000 spectators, with the capacity to increase that to 25 000 spectators in the future.

It will usher in a new era for rugby and soccer in this state, with a dedicated home and dedicated state-of-the-art facilities. Of course you only need to

look to see how popular these sports are becoming. If you look at soccer, for example, when tickets went on sale after the announcement by the Minister for Commonwealth Games, who is also the Minister for Sport and Recreation, and the minister responsible for major events, the Minister for Tourism, of the match between the Socceroos and Greece, those tickets were actually sold within 2 hours, meaning there will be a capacity lock-out crowd at the MCG for that great match. That is indicative of the popularity of the sports we are talking about.

Importantly this has been a gap which the government has addressed. It will mean we will have dedicated sports facilities for those two codes, and also the related peak bodies, and they will also have their training facilities on site. It will be a great addition for our state.

Rural Ambulance Victoria: inquiry

Mr RYAN (Leader of The Nationals) — My question is to the Premier, in the absence of the Minister for Health. I refer to the government's announcement that Rural Ambulance Victoria will be the subject of an inquiry by the State Services Authority, and I ask: will the inquiry extend to the sacking of Doug Kimberley, and will the Premier guarantee that the findings of the inquiry will be made available to the public?

Mr BRACKS (Premier) — The findings of the inquiry will be made available publicly. The recommendations we receive will be acted on appropriately. Those recommendations are very important — —

An honourable member interjected.

Mr BRACKS — If you are sworn in, you will be welcome to the report, I am sure.

To return to the Leader of The Nationals' question, it will have the capacity to cover all aspects in relation to the management and operation of Rural Ambulance Victoria.

Police: numbers

Mr SEITZ (Keilor) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to making Victoria a safe place to live, work and raise a family. I ask the minister to report to the house on the number of new police the government is delivering.

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Keilor for his

question and his ongoing interest in promoting community safety in his local community and throughout Victoria. I am pleased to report to the house that the difference between this government and the previous government when it comes to community safety is that we keep our promises.

When we came to office we inherited Victoria Police with an attrition rate of 6.2 per cent. That was the highest attrition rate of any police organisation in any state in Australia. Today Victoria Police's attrition rate is 2.3 per cent, the lowest of any state or territory in Australia. We are very proud of that.

When we came to office the previous government had promised 1000 police, but it cut 800. We gave a commitment that in our first term we would recruit 800 police. As honourable members know, we met that commitment. We delivered 800 police — in fact, we over-delivered and delivered 900 police in our first term.

Members of the opposition poured scorn on that commitment. Indeed, in October 1999 the member for Mornington said that it would not be possible for the government to meet that commitment because it would not be possible for the police academy to accommodate those recruits. But we have delivered on that commitment in our first term in office, and we are pleased to have made Victoria a safer place as a result.

In our second term we committed to recruiting 600 additional police. I am pleased to report to the house that in two months time I will join the Premier at the police academy to welcome recruits to Victoria Police, which will mean that the government has kept its commitment not only to recruit 600 police in this term and recruit 1400 net additional police over our two terms in government but also to have grown Victoria Police to 10 900 members who protect this state and make Victoria a safer place to live.

This great achievement takes Victoria Police to record numbers in Victorian history. It supports its record budget of \$1.5 billion. It supports the fact that we now have the lowest crime rate in more than a decade — a crime rate that is 16 per cent below the national average.

If members look at the new graduates they will see that Victoria Police is fundamentally changing as an organisation. We are seeing members of Victoria Police getting older: the average age of a recruit is now 30, but 20 years ago the average age was something like 20. We are seeing more women and more Victorians from diverse backgrounds joining Victoria Police. We are

seeing more recruits with higher education qualifications joining Victoria Police. This is changing the organisation fundamentally. It is something that we and Victoria Police are immensely proud of, and Victorians will reap the benefits for many years to come.

We are very pleased that when it comes to Victoria Police and community safety we keep our promises. We take seriously our commitment to recruit more police to make Victoria Police a more responsive and effective organisation. We take very seriously our commitment to growing the resources for Victoria Police, to give it the technology, capability and training it requires to make Victoria a safer place. We will not do what the previous government did — promised 1000 police but cut 800. We will keep our commitments and make Victoria a safer place.

Police: budget

Mr WELLS (Scoresby) — My question is also to the Minister for Police and Emergency Services. Can the minister confirm that Victoria Police has an outstanding fringe benefits tax liability of \$9.8 million with penalties now owing, and explain why this has been covered up for three years — or was this in a memo that he did not read?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Scoresby for this question. There is nothing that we cover up or conceal in relation to Victoria Police's budget. We are very pleased to make it absolutely clear that we have given Victoria Police its record budget of \$1.5 billion to make Victoria a safer place.

We have made it absolutely clear that we have provided Victoria Police with the resources it needs to make Victoria a safer place and to make sure it has the resources and acquires the technology it needs to make Victoria a safer place. We are very pleased with the resources we have provided to Victoria Police — unlike the previous government, which diminished Victoria Police's resources and ran the organisation down.

Mr Wells — On a point of order, Speaker, I ask you to draw the minister back to the basics of the question which related to the fringe benefits tax.

The SPEAKER — Order! Has the minister concluded his answer?

Mr HOLDING — Yes.

The SPEAKER — Order! The minister has concluded his answer.

Education: government initiatives

Mr WILSON (Narre Warren South) — My question without notice is for the Minister for Education and Training. I refer the minister to the government's commitment — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Bass to cease interjecting in that manner. I again ask members to be quiet to allow the member asking the question to be heard — and that includes the Leader of the Opposition.

Mr WILSON — My question without notice is to the Minister for Education and Training. I refer the minister to the government's commitment to ensuring that the Victorian education system is world-class, and I ask her to detail for the house any recent initiatives that demonstrate the success the government is having in delivering on that commitment.

Ms KOSKY (Minister for Education and Training) — I thank the member for Narre Warren South for his question and his continuing interest in education. Everyone in this house knows that education is the no. 1 priority of the Bracks government. We have invested more than \$5.4 billion extra in education since coming to office. This has translated into an additional 6000 teachers and staff in our schools, and prep–2 class sizes are at an all-time record low. Of course our most recent commitment is to use the funds from the sale of Snowy Hydro Ltd to transform our education capital system right across government schools.

It is no wonder that Victoria leads the nation on a whole lot of different education indicators. The most recent national literacy and numeracy benchmark results, which have been put out only in the last couple of months, show that Victoria outperformed all other states and territories in writing and numeracy at every year level tested. That is a fantastic result. It is no wonder that Victoria is leading the nation in terms of year 12 or equivalent completion rates.

But now our efforts are being recognised not only within Victoria and across Australia but also internationally. I am pleased to announce to the house that Victoria will be working with the Sharjah government in the United Arab Emirates (UAE) to develop a school in that emirate based on the Victorian model of school education. The school is to be designed by a Victorian architect, it will be run by a Victorian principal, and all the Victorian curriculum will be used for that school. Also many of the teachers will be

trained through universities in Victoria, so that it will be a Victorian school in the emirate of Sharjah.

Sharjah is setting itself up as the cultural, educational and arts capital not only of the UAE but of the Arab nations. It could have chosen anyone to partner for this project, but it chose Victoria. The Sharjah international school, which will be co-educational, will be owned by Sharjah, but what happens in it will essentially be Victorian. It will educate up to 3000 young people in any one year.

We have also been asked, as a result of this cooperation, to work with the Sharjah government to develop a strategic plan to reform educational practices in all its government schools. The Sharjah government has been so impressed with what we are doing here in Victoria that it wants us to work with it, because, as it has said, it wants to improve the system to 'a standard that approaches Victoria's'.

This is great recognition of what we have done here in Victoria and what all our schools have done here in Victoria. We will not only plan the reform, we will be involved in the implementation of that reform. It gives great opportunities for continuing cooperation not only with Sharjah but also with the surrounding areas. We certainly intend to deliver the excellent quality education for the emirate of Sharjah that we deliver here in Victoria.

VicRoads: driver licence theft

Mr MULDER (Polwarth) — My question is to the Minister for Transport. I refer the minister to the theft of up to 600 drivers licences from VicRoads facilities at East Burwood and Cobram, and I ask: why has the minister covered up the fact that VicRoads staff were complicit in the thefts and that there have been serious breaches of the VicRoads confidential files system?

Mr BATCHELOR (Minister for Transport) — VicRoads is contacting 600 of its customers to replace their drivers licences following the theft of licence-printing machines at the Burwood East office and Cobram office of VicRoads. There are 3.5 million licence-holders in Victoria, and VicRoads, following advice from the Victorian police, is contacting those 600 of its customers to check whether their licences have been falsely and criminally copied. That investigation is under way to make sure we can protect the licences of those Victorians.

As the member asking the question would know, these thefts are currently being examined by the Victorian police and — —

An honourable member — Why did you cover it up?

Mr BATCHELOR — There has been no cover-up. This is a criminal matter that is being followed up by the Victorian police, and VicRoads is fully cooperating. Once it has those people who are responsible for this, we expect that the police will lay charges.

Water: interstate trading

Mr HOWARD (Ballarat East) — My question is to the Minister for Water. I refer the minister to the potential threats posed to Victoria's irrigation industry by proposed federal government policy, and I ask the minister to detail for the house what actions the government is taking to protect regional communities.

Mr THWAITES (Minister for Water) — I thank the member for his question. The federal government is trying to force Victorian farmers to trade their water into New South Wales at the same time that New South Wales has restrictive trading rules. This would mean that water would cross into New South Wales with little prospect of its coming back to Victoria.

I have been advised that up to 90 billion litres of water a year would be lost to Victoria if we caved in to the federal government on this one. Based on figures in the *Value of Water* report, this could translate to the loss of over 4000 jobs in regional Victoria. I ask the house to imagine the effect of that on places like Mildura, Echuca, Tongala and other important towns in northern Victoria. The Victorian government is not prepared to sell out our farmers. The Premier has written to the Prime Minister pointing out that Victoria should not be penalised and that in fact we are leading the way on water reform.

To further protect our farmers from this crazy plan we are seeking a united front in Victoria to force the Prime Minister to back down on this crazy proposal. I am very pleased to advise the house that we now have a united front involving the Victorian Farmers Federation, leading farmers and indeed The Nationals here in Victoria.

Honourable members interjecting.

Mr THWAITES — We thank The Nationals for their support. Unfortunately the one group that is conspicuous by its absence is the Liberal Party.

Honourable members interjecting.

Mr THWAITES — And completely absent is the Liberal Party spokesperson on water.

An honourable member — Who is it?

Mr THWAITES — Whoever it is. We call on all those in Victoria to join the Victorian government in its united front and in its campaign to force the federal government to back down on this proposal. On top of this, the federal environment minister, Senator Campbell, that well-known environmentalist, is threatening a Canberra takeover of water.

Mr Ryan interjected.

Mr THWAITES — The Leader of The Nationals talks about parroting lines. He knows all about parrots, because we are getting from the federal environment minister one wacky idea after another. We had his proposal some time — —

Mr Thompson — On a point of order, Speaker, the minister is debating the issue and I ask you to draw him back to the question.

The SPEAKER — Order! In answering a question the minister can refer to federal matters that relate to Victorian government business.

Mr THWAITES — Victoria has suffered under the wacky policies of the federal environment minister, Senator Campbell. We had that policy to connect cattle to satellites, we had the policy to use CO₂ to power toasters, and we had the announcement by which he is stopping a major investment in renewable energy in regional Victoria — with no justification whatsoever. Now he wants to take over water management.

The Victorian government has shown that we can work well with stakeholders — we can work well with farmers — —

Mr Thompson — On a point of order, Speaker, the minister is struggling to express himself succinctly within the time allowed to answer questions.

The SPEAKER — Order! The minister has been speaking for some time. I ask him to draw to a conclusion.

Mr THWAITES — The Victorian government has shown with Our Water Our Future that we can work well with the water stakeholders — with the farmers, the environmentalists and people who live in towns. We will continue to do that. We will not cave in to this crazy proposal from the federal government.

Rural Ambulance Victoria: administration

Mr RYAN (Leader of The Nationals) — My question is to the Premier: has Doug Kimberley been sacked and, if so, when did it happen?

Mr BRACKS (Premier) — The arrangements for the chief executive is a matter for the board. The board is charged with the responsibility of determining who is employed at the senior level and that is the primary — —

Mr Ryan — On a point of order, Speaker, on the question of relevance, the issue is not to do with process, as is being talked about by the Premier. The question simply is: has Doug Kimberley been sacked?

The SPEAKER — Order! There is no point of order.

Mr BRACKS — The key and important relationship is with the board and, as I have mentioned, the Minister for Health has already indicated her position to the board. There is a State Services Authority inquiry. We are very confident that that will determine the appropriate management relationships for the future.

Wind energy: Bald Hills

Mr JENKINS (Morwell) — My question is to the Minister for Planning. I ask the minister to outline to the house the importance of comprehensive and appropriate planning decisions in relation to wind farm projects to the environmentally sustainable development of Victoria.

Mr HULLS (Minister for Planning) — I thank the honourable member for his very important question. As members of this house would know, some 18 months ago the Bracks government approved a wind farm at Bald Hills. That approval was given after a very detailed assessment and an environment effects statement and was also based on the recommendations of an independent panel, pursuant to our Planning and Environment Act and Environment Effects Act.

That very important project represents a \$220 million investment in Victoria, and it would have created many green jobs in regional Victoria, had the federal government not acted yesterday to prevent that very important project going ahead. After some 450 days the commonwealth environment minister finally made a decision. I have to say that was only because he was to be dragged before the Federal Court tomorrow. The proponent made it quite clear that the minister should have made the decision within the statutory time frame.

He did not, and they were taking him to the Federal Court tomorrow. So that is why the announcement was made yesterday.

According to Senator Campbell's own scientific reports not a single orange-bellied parrot was observed near the Bald Hills wind farm. I urge all members to read the report, because it goes on to say that, at best, scientists found a few historic records of sightings and a couple of potential foraging sites 10 to 35 kilometres away. I think it is important to quote from the report, which says:

Predictions from the current modelling suggest that between — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby! The level of interjection is too high. I ask members to be quiet so that the minister can be heard.

Mr HULLS — The report says:

Predictions of the current modelling suggest that between 1.35 and 0.84 additional parrot mortalities might result annually from the cumulative effect of wind turbine collisions across the species range if all potential wind farms were built —

so not just the Bald Hills wind farm but 'if all potential wind farms were built'.

The part that Senator Campbell left out of his media release was that his scientists also noted that stopping this wind farm would have a negligible benefit for the parrot without action to address the many and far greater threats to this beautiful bird, such as climate change and habitat loss.

Senator Campbell has knocked off a \$220 million wind farm for the sake of less than one theoretically dead parrot a year. It reminds us of the Monty Python skit — the parrot's not dead, it's just stunned! In fact there is much more of a chance that this parrot would shuffle off the mortal coil — and become an ex-parrot! — due to Senator Campbell's refusal to embrace renewable energy than due to this wind farm.

Mr Thompson — On a point of order, Speaker, the minister is debating the question. I ask you to draw him back.

The SPEAKER — Order! I do not believe that the minister was debating the question. I believe he was addressing his comments to the report which he is discussing in relation to Victoria.

Mr HULLS — I have to say that this refusal does cast doubt on the efficiency and credibility of the federal government's decision-making process. It also has substantial implications for future investment in renewable energy right across this country. We are all stunned by Senator Campbell's decision — we are stunned by the decision of the yellow-bellied pollie from Western Australia in relation to the orange-bellied parrot.

The SPEAKER — Order! I ask the minister to use parliamentary language.

Mr Baillieu — On a point of order, Speaker, the minister is debating the question and he has failed to mention that the Labor member — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hawthorn is quite aware that he is abusing the standing orders of this house.

Mr HULLS — One can only conclude that this a purely politically motivated decision — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on both sides of the house to be quiet and allow the minister to conclude his answer.

Mr HULLS — It is a purely politically motivated decision, particularly when you take into account the fact that during the federal election campaign Senator Campbell sent direct mail to all residents in the McMillan electorate basically saying, 'If you don't vote for the Liberal candidate, you'll have wind farms in that particular area'.

I conclude by indicating that I am seeking legal advice to examine the federal minister's decision, made under the Environment Protection and Biodiversity Conservation Act, with a view to advising me in relation to avenues of appeal for the sake of future generations. As I said, this is a politically motivated decision, it is an outrageous decision and, indeed, it calls into question investment in renewable energy right across this country.

EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The purpose of this bill is to clarify the operation of the Racial and Religious Tolerance Act 2001 and the handling of complaints lodged pursuant to that act.

The Racial and Religious Tolerance Act came into operation in January 2002. It is important legislation for our times. It provides protection for Victorians against vilification on racial and religious grounds, and gives us a community standard about how we behave towards each other in a multicultural multifaith society. That is, that people are treated with dignity and respect, regardless of their race or religious beliefs.

Freedom of speech

The act has been challenged by some members of the community who believe it curtails freedom of speech. This has been dismissed by Justice Morris who commented that the act does not impair free speech but is reserved for extreme circumstances. I believe that the act strikes the right balance and is designed to provide freedom from vilification.

However, there has been some uncertainty as to the operation of the act, particularly regarding freedom of speech and frivolous complaints going forward.

At the recent multifaith leaders forum, held in September 2005, faith leaders gave in-principle support to the act, acknowledging that the right to practise and debate religion in a free and democratic society carries with it responsibilities to respect others.

It was agreed at the forum to consider amendments to clarify the operation of the act.

Purpose of amendments

The bill carries amendments in three areas and affects two related pieces of legislation:

strengthening of the Equal Opportunity Commission of Victoria's investigation powers

this requires amendments to the Equal Opportunity Act and the Racial and Religious Tolerance Act;

clarification of the meaning of religious purpose
 an amendment to the Racial and Religious
 Tolerance Act; and

tightening of procedural provisions for
 unmeritorious complaints

requiring an amendment to the Racial and
 Religious Tolerance Act.

The proposed amendments will provide clarity to the issue of religious proselytising and reduce the risk of costly legal proceedings on unmeritorious racial and religious vilification complaints. Overall, they strengthen the Racial and Religious Tolerance Act. There are safeguards in the amendments, which I will outline.

The proposed amendments contribute to the objects of the Racial and Religious Tolerance Act; particularly in clarifying the right to engage in robust discussion as long as it does not vilify others; and in promoting resolution of complaints and conciliation between those who have vilified and those who are vilified.

Promotion of racial and religious tolerance

When the act was introduced to the honourable members of this house, it was emphasised how education plays an important role in promoting tolerance and mutual respect. This is reflected in the joint statement issued from the multifaith leaders forum, which calls for consideration of education programs on racial and religious tolerance for the faith and wider communities.

There is a widely held expectation amongst faith leaders and the broader community to work in partnership with the government to promote racial and religious tolerance. The ‘Just like you’ media campaign was recently launched for this purpose; and work in partnership with faith leaders is in progress to distribute educational materials on the act and these amendments to faith communities and to the wider community.

The bill

I now turn to the substance of the bill.

The Equal Opportunity and Tolerance Legislation (Amendment) Bill 2006 amends sections 108(1A), 114(2) and 201 of the Equal Opportunity Act 1995, and sections 11 and 23 of the Racial and Religious Tolerance Act 2001 and inserts new sections 23A and 32 into the Racial and Religious Tolerance Act 2001.

The bill is seeking to clarify the operation of the Racial and Religious Tolerance Act and will not weaken the legislation in any way.

Strengthening of the Equal Opportunity Commission of Victoria’s investigation powers

Racial or religious vilification complaints made under the Racial and Religious Tolerance Act are governed by the Equal Opportunity Act. Consequently, any amendment to improve the handling of complaints of racial and religious vilification requires amendment to the Equal Opportunity Act.

The amendment to section 108(1A) of the Equal Opportunity Act will extend the commission’s complaint investigation powers so it can require a person to attend or produce documents. The legislation will provide safeguards to ensure that this power is exercised reasonably.

Strengthening the commission’s investigation powers will facilitate the resolution of complaints at the investigation stage; and is likely to reduce the number of complaints that proceed to the Victorian Civil and Administrative Tribunal for resolution.

The bill seeks to facilitate the commission’s investigation and conciliation processes and to promote early resolution of complaints. The amendment to section 201 of the Equal Opportunity Act means that non-compliance with both investigation and conciliation notices will be an offence under the act, subject to a penalty of 20 penalty units. These offences will now also be subject to a defence of reasonable excuse. The Magistrates Court will consider the defence of reasonable excuse on a case-by-case basis, taking into account the intention of this bill to encourage the early resolution of complaints.

For the avoidance of doubt, it is also proposed to amend the Racial and Religious Tolerance Act to clarify that the offence and enforcement provisions included in division 2 part 10 and section 210 of the Equal Opportunity Act apply to all complaints processed by the Equal Opportunity Commission, whether they are complaints lodged pursuant to the Equal Opportunity Act or the Racial and Religious Tolerance Act.

Clarification of the meaning of religious purpose

Presently, section 11(b)(i) of the Racial and Religious Tolerance Act provides that conduct engaged in for religious purposes does not contravene the act provided that it is done reasonably and in good faith. The proposed amendment to section 11(b)(i) of the Racial and Religious Tolerance Act will clarify the meaning of

‘religious purpose’ to include ‘conveying, teaching or proselytising of a religion’. There is a safety mechanism against abuse in that ‘religious purpose’ would still remain subject to the requirement of reasonableness and good faith.

This amendment reinforces Justice Morris’s observation in the *Fletcher v. Salvation Army* case, that the Racial and Religious Tolerance Act does not prohibit proselytising.

Tightening of procedural provisions for unmeritorious complaints

The Victorian Civil and Administrative Tribunal can hear a complaint of racial and religious vilification that the Equal Opportunity Commission of Victoria has declined to entertain, for example, because the commission considered that the complaint was frivolous, lodged out of time or lacked substance.

In his decision in the *Fletcher v. Salvation Army* case, Justice Morris recommended that a person referring such a complaint declined by the commission to the tribunal be required to obtain the leave of the tribunal before the proceeding is initiated. Justice Morris recommended that the question as to whether leave should be given should be decided on the papers.

The bill introduces a leave mechanism in inserting a section 23A in the Racial and Religious Tolerance Act. A person whose racial and religious vilification complaint is declined by the commission and who wants to pursue it at the tribunal will have to apply directly to the Victorian Civil and Administrative Tribunal for leave. Previously, the person would have requested the Equal Opportunity Commission to refer the declined complaint to the tribunal.

The bill also introduces a discretion for the leave application to be heard by the tribunal ‘on the papers’; in other words, without oral submissions, witnesses and legal representatives. There are safeguards. The bill does not restrict the tribunal’s discretion to hear the leave application on the basis of the documents alone. In some cases the tribunal may decide that it is not appropriate to hear a leave application on the basis of the documents alone, for example where language barriers or disabilities restricted a party’s capacity to present their case in written form.

This amendment will reduce the risk of costly legal proceedings on unmeritorious racial and religious vilification complaints.

Summary

In summary, this bill strengthens the Racial and Religious Tolerance Act 2001 by:

strengthening the investigative powers of the Equal Opportunity Commission to encourage the early and effective resolution of disputes;

clarifying the meaning of religious purpose to support the right to engage in robust discussion, as long as it does not vilify others; and

introducing a leave requirement and allowing the tribunal a discretion to hear the leave application on the basis of the documents, in other words without oral submissions, witnesses and legal representatives. This will facilitate the earlier resolution of racial and religious vilification complaints and reduce the risk of costly and unnecessary hearings.

I commend this bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 20 April.

Mr Thompson — On a point of order, Speaker, the member for Bulleen lodged a freedom of information application on 13 January, and we seek an assurance from the Premier that it will be responded to prior to the bill coming on for debate.

The SPEAKER — Order! There is no point of order.

TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Terrorism (Community Protection) Act 2003 to assist Victoria in meeting the challenge posed by the threat of terrorism.

Honourable members will be aware that earlier in these sittings, amendments were made to the Terrorism (Community Protection) Act 2003 to introduce laws that all of the states and territories agreed to enact at the special meeting of the Council of Australian

governments on counter-terrorism held on 27 September 2005.

This bill reflects further consideration of the act and the measures that the government views as necessary to secure the Victorian community and its infrastructure. Honourable members can be assured that the Victorian government will continue to analyse and assess developments in this area, although recognising that legislation is only one aspect of the state's response.

In this bill, there is no addition to the preventative detention powers or the special police powers to stop, search and seize that were inserted into the act earlier this year. Only a minor refinement is made to the preventative detention provisions to assist the Supreme Court's deliberations on the place of detention of persons aged under 18 years.

It is important to reiterate that the Victorian government acknowledges the concerns that counter-terrorism laws may infringe upon civil liberties. Our community has a strong respect for individual civil liberties and the traditional doctrines and processes that guarantee those liberties. It is important to recognise the nature of the challenge that terrorism poses. The Victorian government remains committed to ensuring a balanced approach in line with the needs and expectations of the Victorian community.

The bill enhances police powers to detain and decontaminate persons who have been exposed to contamination as the result of a terrorist act. Authorised police officers are empowered to dispose of and destroy a source of contamination and enter land or premises to ensure the safety of persons or to prevent or limit any contamination. These powers can be exercised with the assistance of such other persons that the officer considers reasonably necessary to undertake that task. A safeguard is provided for entry onto residential premises. The police must usually obtain consent but may enter residential premises without consent of the occupier if immediate entry is necessary to protect the safety of others.

The existing police powers to issue directions to persons in an area affected by a terrorist act to not enter or leave premises or to direct persons to submit to decontamination procedures will be supported by offence provisions. Persons who disrupt the important function of police officers by failing to comply with a direction or hindering, obstructing or delaying a police member exercising his powers will be guilty of an offence.

To balance these new powers with the need to safeguard the rights of Victorians, the bill also provides a new section that requires a member of the police force to facilitate any reasonable request for medical treatment made by a person detained under the detention and decontamination powers.

The bill clarifies and simplifies the reporting requirements about the theft or loss of prescribed chemicals or other substances. The amendments clarify that the duty of occupiers of premises where these substances are stored is to report unexplained losses of these substances.

Important changes are also made to the provisions that require the operators of essential services infrastructure to plan for the protection of those services from the effect of terrorist acts. An amendment to the requirement to provide risk management plans and participate in training exercises specifies that the plans and exercises must comply with a prescribed standard. This ensures that the arrangements to protect critical infrastructure are in accordance with recognised standards and practices. The relevant minister's power to issue directions to essential service providers to prepare a risk management plan or participate in training exercises is supported by offence provisions. The failure to comply with the minister's direction is an offence subject to significant penalties. An amendment is also made to remove the requirement that a declaration to apply part 6 of the act (that includes requirements for management plans and to participate in training exercises) to operators of essential services, including any infrastructure, need not be published in the *Government Gazette*. The public identification of assets that are critical to the delivery of essential services is not prudent in our current security environment.

The bill also amends a number of other Victorian acts to ensure a consistent approach across Victorian legislation to the disclosure of security sensitive documents.

The bill amends the Public Records Act to deal with security sensitive documents held by the Public Records Office. This has not been done previously, and the government views that it is now timely to do so. There is a real concern that the state's own documents may be used against the Victorian community and its infrastructure in a manner not contemplated at the time the Public Records Act was enacted and for which there is, unfortunately, no current process.

A new provision will allow records to be withheld beyond the 30-year period currently provided under the

act if they fall within the classification of documents described in section 29A of the Freedom of Information Act 1982. This classification includes documents related to:

- the security of the commonwealth or any state or territory; or
- the defence of the commonwealth; or
- the international relations of the commonwealth; or
- endangering the security of premises, including land, building, places and vehicles.

The minister responsible for the Public Records Act, or the Keeper of Public Records, may declare by notice in the *Government Gazette* that a specified record or class of records is not available for public inspection beyond the 30-year period currently provided under the act. Of course, the minister, or a later minister, may repeal or amend such a declaration at any time in accordance with the Interpretation of Legislation Act 1984. As a further safeguard, the minister may only exercise this power after consulting with the minister responsible for the administration of the public office from which the record was originally transferred.

The government is aware of the needs of researchers and other legitimate users of Victorian public records. Accordingly, the new section also provides a power for the minister or the keeper to permit access to withheld documents on any condition or restriction. For example, a researcher may be given access in these circumstances on condition that they do not publish or pass on the relevant sensitive document. Here it is appropriate that an offence is prescribed for any breach of a condition or restriction. This mechanism again reflects the government's very real concern to achieve a balanced approach, and protect the legitimate interests of Victorians in having access to the state's records.

The bill also amends the Freedom of Information Act 1982 to clarify a number of technical and interpretative matters. Firstly, the definition of document in that act has been amended to ensure that the definition includes copies, reproductions or duplicates of a document and any part of a copy, reproduction or duplicate.

A technical amendment to section 25 of that act clarifies that the deletion of material from a document that would be reasonably regarded as not relevant to the subject matter of a request. This amendment simply reflects the current legal understanding of that act. An interpretative provision, clause 19 of the bill, will make clear that a document can be the subject of more than one exemption under the Freedom of Information Act

at any one point of time. Again, this provision clearly establishes what is the well understood operation of the law in Victoria.

The amendments to section 29A of the Freedom of Information Act will extend the operation of this exemption provision to include documents created by the counter-terrorism coordination and emergency management department of the Victorian police force. This provision will be retrospective in operation, however, I believe that honourable members will share the government's view that it is simply not appropriate, or indeed wise, that such material should be accessible under the state's freedom of information processes. Additionally, the bill makes clear that documents that are risk management plans of declared essential services under the Terrorism (Community Protection) Act or documents of a training exercise for declared essential services under the Terrorism (Community Protection) Act are also exempt documents for Freedom of Information Act purposes.

A further change (which is also reflected in the proposed amendments to the Public Records Act), is that exempt documents, as set out in section 29A, now expressly includes those documents whose disclosure could endanger the security of premises including land, building, places and vehicles. This change is consistent with the freedom of information legislation in New South Wales and public records legislation in Queensland and is intended to clarify the situation in relation to documents that relate to important state sites and buildings.

The limitations on the disclosure on security sensitive documents under the Public Records Act 1973 and the Freedom of Information Act 1982 are supplemented by a new offence provision in the Terrorism (Community Protection) Act 2003 related to disclosures that facilitate a terrorist act. That provision specifies that persons who possess or control information or documentation and who intentionally provide information or documents with the intention of facilitating or facilitating a terrorist act commit an offence. Given the very serious potential implications of such actions it is appropriate that there is a significant penalty for persons who offer this sort of assistance to persons planning terrorist acts. As we are aware the furnishing of information, or documentation to terrorists is a tangible form of assistance that may have an impact on the potential lethality or seriousness of a terrorist act. Importantly, the section expressly prevents a person from being punished for this offence if they have been punished for a similar offence under the criminal code of the Commonwealth dealing with terrorism.

This bill forms part of the state and national response to the threat posed by terrorism to the Australian community. As stated previously, these laws are just one of a number of nationwide initiatives including engagement with various communities to eliminate the causes of terrorist activity.

I commend this bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 20 April.

ABORIGINAL HERITAGE BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

In doing so I would like to acknowledge the people of the Kulin nation — the traditional owners and custodians of the land on which the Parliament stands. The government pays our respects to their elders — past and present and takes this opportunity to acknowledge the many Aboriginal nations who have lived on this land for thousands of generations prior to and since the establishment of the state of Victoria.

When the Bracks government first came to office we committed to achieving genuine partnership with indigenous people. We did so in the belief that Victoria will never be a truly equal and fair society until we complete the unfinished business of reconciliation. Our government outlined a vision for reconciliation in Victoria, which is to create a society that is proud of its Aboriginal heritage, addresses the dispossession and disadvantage experienced by indigenous people, heals the hurt of past injustices, and commits to build a positive future.

This bill is an important step towards reconciliation in Victoria. Aboriginal heritage is important for all Victorians. It is crucial for Aboriginal people to have laws which recognise their relationship to land and the past and provide legislative mechanisms to protect and preserve their heritage for future generations. Aboriginal heritage is also an integral part of Victoria's history. Victorians can be rightly proud of our natural heritage, our Aboriginal heritage and many aspects of our colonial and post-Federation heritage. Our government recognises the importance of maintaining

effective legislation to protect, preserve and manage our heritage for the benefit of all Victorians.

Victorian legislation protecting our Aboriginal heritage has not been updated since 1972, when the Archaeological and Aboriginal Relics Preservation Act was passed. The major legislation protecting Aboriginal heritage that applies in Victoria is the relevant part of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984. In 1987, the commonwealth government responded to a request from the then Labor government in Victoria to amend their legislation to better protect Aboriginal heritage in Victoria. This resulted in the insertion of part IIA into the commonwealth act 1984. Whilst part IIA was significant legislation for its day, it is now time to bring the responsibility for the protection of Victoria's Aboriginal heritage back to Victoria. Victoria has a rich and diverse Aboriginal cultural heritage. The purpose of this bill is to protect that heritage. This bill will accordingly repeal the State Archaeological and Aboriginal Relics Preservation Act, and relies on the commonwealth repeal of IIA of the Aboriginal and Torres Strait Islander Heritage Protection Act to have effect.

The government has conducted a broad ranging consultation process in developing new Aboriginal cultural heritage legislation, starting in 2004 with Aboriginal communities and ending in December 2005, following the release of an exposure draft of the bill. One of the strongest messages taken from consultations with indigenous communities was the need to recognise the role of traditional owners in managing their heritage.

Aboriginal Heritage Council and registered Aboriginal parties

The bill addresses this concern by establishing an Aboriginal Heritage Council comprised of traditional owners, to provide a statewide voice for Aboriginal people on the management of cultural heritage. The council will be responsible for registering Aboriginal parties as cultural heritage decision-makers for areas in Victoria and advising the Minister for Aboriginal Affairs in relation to the protection of Aboriginal heritage.

Registered Aboriginal parties will be responsible for protecting and maintaining Aboriginal places and objects of cultural significance within their area, through establishing cultural heritage management plans, advising on heritage permits, entering into heritage agreements and negotiating the repatriation of Aboriginal human remains.

In determining applications for registration, the Aboriginal Heritage Council will be required to take into account a range of factors, including whether the applicant is a native title claimant or holder, or has a traditional connection to an area, or can demonstrate a historical or contemporary interest in the heritage of an area coupled with expertise in managing that heritage. There may be circumstances where the council may register more than one Aboriginal party for an area if they are of the view it is in the best interest of achieving the objectives of the act and they are satisfied that it would not unduly hinder the operation of the act.

In exercising its powers of registration, the council must register native title holders for areas of land in which a determination has been made in their favour that native title exists. For those areas, native title holders will have exclusive decision-making powers under the act. The council must also take into account the terms of any relevant registered indigenous land use agreement, whether applicants have entered into an agreement with the state in relation to land and natural resource management, and consider the interests of Aboriginal groups to whom freehold title to land has been granted under particular legislation.

Establishing a comprehensive register of Aboriginal parties covering the whole state will be a primary focus of the Aboriginal Heritage Council in the transition from the commonwealth act to the new Victorian act. It is envisaged that the register will for the first time provide the recognition of Aboriginal nations within a Victorian legislative framework.

Cultural heritage management plans, permits and agreements

Currently, many developments attract the need for an Aboriginal heritage assessment. Since 1987 in Victoria, developers have been required under commonwealth legislation to obtain the consent of local Aboriginal parties if a development was likely to interfere with or damage Aboriginal places or objects. The purpose of the heritage assessment is to establish the nature of any Aboriginal heritage present in an area, and to provide an informed basis for managing that heritage in the context of development. Whilst local government has been obliged to consider Aboriginal heritage in the planning process, there has been no legislative procedure to assist planners or industry groups in meeting these obligations. Consequently, assessment procedures have been inconsistently applied across Victoria, and major changes in land use have occurred without recognition of their potential impact on Aboriginal cultural heritage. Late consideration of Aboriginal heritage has resulted in delays to projects,

costs to industry, pressure on Aboriginal communities, and poor or ad hoc protection of heritage.

This bill addresses these concerns by integrating the protection of Aboriginal heritage with planning and land development approval processes. The bill requires the preparation of a cultural heritage management plan at the planning stage of certain developments or activities. For example, developments that require an environmental effects statement will require a cultural heritage management plan. Other circumstances in which a management plan is required for an activity will be clearly specified in regulations. Decision makers, such as local government, will not be able to issue a permit or authority for those activities until the management plan is approved. Registered Aboriginal parties are empowered under the bill to approve or not approve management plans. A decision not to approve a management plan can be reviewed in the Victorian Civil and Administrative Tribunal.

The bill also provides for cultural heritage permits in relation to activities that do not require a cultural heritage management plan, such as carrying out scientific research on an Aboriginal place or buying and selling certain Aboriginal objects. The Secretary of the Department for Victorian Communities determines permit applications, subject to any advice from the relevant registered Aboriginal party. Registered Aboriginal parties may also enter into cultural heritage agreements with landowners or Crown land managers under the bill, for example to access, maintain or rehabilitate Aboriginal places on private land or Crown land. The bill provides a process for the registration of cultural heritage agreements on land title if agreed by the parties.

Enforcement

The bill includes a range of measures to promote the effective enforcement of the new legislation. The Minister for Aboriginal Affairs will be empowered to order a cultural heritage audit where the minister reasonably believes there has been, or is likely to be, a contravention of a cultural heritage management plan or cultural heritage permit.

The bill retains the existing power of the minister or an inspector to issue a stop order where there are reasonable grounds for believing that an activity is harming, or likely to harm, Aboriginal heritage. Existing powers for the minister to make longer term declarations of preservation have also been retained, with modifications to improve the effectiveness of these provisions.

The bill modernises offences relating to harming Aboriginal heritage, breaching stop orders, and breaching protection declarations over Aboriginal places and objects. It also updates the maximum penalties for these offences to provide an effective deterrent against harming Aboriginal heritage. The bill also provides for increased responsibilities, accountability and support for inspectors appointed under the act, consistent with authorised officers appointed under other Victorian legislation.

Commencement and review

The commencement of the bill will be aligned with the repealing of part IIA of the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act. The transitional arrangements are intended to recognise existing decisions under the commonwealth act. The Victorian government appreciates the degree of cooperation shown by the commonwealth to allow for replacement legislation. Within five years of its commencement, the legislation will be reviewed to ensure the scope of the legislation is adequate and to ensure its efficacy and efficiency.

I commend the bill to the house.

Debated adjourned on motion of Mr THOMPSON (Sandringham).

Mr THWAITES (Minister for Environment) — I move:

That the debate be adjourned for two weeks.

Mr INGRAM (Gippsland East) — On the question of time, I desire to move:

That the word 'two' be omitted with the view of inserting in its place the word 'five'.

The reason for that is that this is an important piece of legislation. It has been partially controversial in the draft stage. I have had representations from representatives of Aboriginal cooperatives in my area who are not necessarily comfortable with some aspects of the bill. Therefore I think it is important that when, as members of Parliament, we are making significant changes to legislation on this matter, some of which is covered by federal legislation, we understand the impacts and how it interacts with federal legislation. That includes how it impacts on the Aboriginal assessments that are done in our areas and on businesses and development in our areas, and on how those assessments will be undertaken.

As an Independent member of this place, I think it is important I get to discuss such an issue with the

Aboriginal community and the broader community right across my area. As people would know, mine is a very large electorate, and there are many diverse interests in it, particularly in the Aboriginal community.

On the question of the time that this bill is determined to be adjourned, I think it is important that we do not make decisions like this without full consultation with our communities. That is why I would like the amendment I have proposed to be accepted by the Parliament, to ensure all members of this place get an adequate chance to consult with their communities on the implications of the legislation before the house.

Mr THOMPSON (Sandringham) — The opposition also supports a longer adjournment of debate on this bill. The reasons are there would not be 1 square metre of land in Victoria that would not be affected by this legislation. Furthermore, the government has conducted some of its own consultations, but access to those meetings was not available to all interested stakeholders.

The indigenous community in this state has raised numbers of concerns to date with my office in relation to this matter; they represent communities in the far corners of the state, from Bairnsdale to Mildura, Portland, Colac and Gippsland. In order to consult adequately with the range of interested stakeholders, it is appropriate there be a longer time to allow for consideration of these matters. Furthermore, there are a number of other stakeholder interests. There are approximately 79 local government bodies in Victoria which have machinery processes. It is important that their views be adequately reflected through the contribution to debate on the bill by the opposition. There are construction, planning and wider stakeholder interests in relation to these matters.

The minister has indicated it is envisaged that the process will be simplified regarding planning applications but that may not ultimately prove to be the case. There is no commencement date nominated in the bill; it says, 'on a date to be proclaimed' and therefore, there is no urgent cut-in date for the operation of the legislation on my immediate insight. The opposition would support the contribution just made by the member for Gippsland East, that the debate be adjourned for a longer period of time to enable appropriate consultation with all stakeholders.

I have a final comment. A number of indigenous stakeholders in the legislation would value the chance for more input and dialogue. Not every stakeholder in this debate is au fait with or has ready access to some means of ready communication where we can email the

bill and second-reading speech out to them. A fairly strong process will be required in order to make sure the views of indigenous Victorians are appropriately reflected in this debate.

Mr BATCHELOR (Minister for Transport) — The government makes its views very clear. This bill has been out for community consultation for a very long period of time, and in that context, given that I think it was first circulated before the Christmas break in December last year, it has been out for —

An honourable member interjected.

Mr BATCHELOR — The member will be advised of any differences in the briefings that he will get and the Liberal Party will get. We are not proposing to delay the passage of this bill any further. We are surprised that the Liberal Party would seek to frustrate the smooth flow of these matters through the chamber.

The proposal here is to adjourn this matter for two weeks to enable both the Independents and the Liberal Party to become fully briefed on this piece of legislation. The reality is that Parliament is not resuming for three weeks. In the normal course of events we would seek a two-week adjournment, and that is what we are proposing to do now, but in reality it is a three-week adjournment, and that gives people plenty of time to understand the details of the legislation. This is an important issue and the government will not be agreeing to the amendment.

Mr DELAHUNTY (Lowan) — The Minister for Transport said that the draft bill was out there for over 12 months, but again we have only seen this bill today, and so has everyone else. I believe it is important that we have appropriate time to do some consultation, as the members for Sandringham and Gippsland East said, but importantly this will impact greatly on rural and regional Victoria, and this is where the major concerns are.

During talks with people in the lead-up to this, not only among the Aboriginal community but councils, the Municipal Association of Victoria and other organisations, some major concerns were expressed about the draft bill, so it will take time to go through it and assess the differences. There are, as I said, many concerns. We have to realise that in the next couple of weeks there will be a break for Easter. We were thinking about an even further extension of time, but we will accept the motion put by the member for Gippsland East, because we think it is only fair that we get this right.

This is a planning issue as well as a bill about Aboriginal heritage. It is important that we get it right for the long term. Talk about reconciliation! If we do not get this right, we will create bigger problems for the future — not only for us but for our children and their children after that, so it is important to get it right. Let us put it off for another couple of weeks and get it right.

Mr SAVAGE (Mildura) — I rise to support my colleague from Gippsland East and also the member for Sandringham. It may surprise members to know that I have the largest indigenous population in Victoria in my electorate. Some concerns have been expressed to me about the nature of this legislation by my local indigenous population. They want further time to absorb and assess the impact of this legislation. It is true there was an exposure draft, but this bill will have some significant changes in its content.

I note there was a dispute on the steps of the Parliament this week between the chief of staff, as I understand it, and the Minister for Aboriginal Affairs in another place and some indigenous leaders who were complaining about this very thing — about the bill not listening to the concerns of indigenous members of this state. My local Mildura Aboriginal corporation has contacted me and indicated that it is unhappy with the time element of this bill and wishes it to be a matter for further discussion. That is why I support the five-week period moved by the member for Gippsland East.

This legislation will have some very significant impacts on this state. It is in our interests in this house to make sure we get it right. An extra couple of weeks will not make a significant difference to the government's implementation of this legislation. It is better to slow the process down than do it hastily and have an outcome that we regret for a long time. We have seen what happens when legislation is hastily introduced into this place. We had a second-reading today about racial and religious vilification — another indication of the failure of government to listen to community concern and hastily and inappropriately introduce legislation, so I strongly support the amendment moved by the member for Gippsland East that debate on this bill be deferred for five weeks.

House divided on omission (those in favour vote no):

Ayes, 56

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beard, Ms	Lim, Mr
Beattie, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms

Buchanan, Ms	Lockwood, Mr
Cameron, Mr	Loney, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Green, Ms	Neville, Ms
Hardman, Mr	Overington, Ms
Harkness, Dr	Perera, Mr
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr

Noes, 23

Asher, Ms	Maughan, Mr
Baillieu, Mr	Mulder, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Savage, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Sykes, Dr
Ingram, Mr	Thompson, Mr
Jasper, Mr	Walsh, Mr
Kotsiras, Mr	Wells, Mr
McIntosh, Mr	

Amendment defeated.**Motion agreed to and debate adjourned until Thursday, 20 April.****ROAD SAFETY (DRUGS) BILL***Second reading***Debate resumed from earlier this day; motion of Mr BATCHELOR (Minister for Transport).**

Mr BATCHELOR (Minister for Transport) — In concluding the debate on the Road Safety (Drugs) Bill I would like to thank the 18 members of this chamber who have spoken on the bill. They are the members for Polwarth, Swan Hill, Brunswick, Mornington, Geelong, Bulleen, Ballarat West, Benambra, Ballarat East, Benalla, Monbulk, Bass, Richmond, Scoresby, Derrimut, Warrandyte, Mordialloc and Lowan. As you can see from the rollcall, we have had contributions from the length and breadth of the state, and there is widespread support for the government's initiative.

I would like to thank all those members and the organisations whose views they have represented for their support of this bill, because clearly from the rollcall and the comments that have generally been made, road safety is important to all members of this Legislative Assembly.

Once again this debate indicates that the Bracks government is leading the way on the important issue of road safety and trying to reduce the deaths and carnage on our roads by introducing new legislation dealing with random drug testing on our highway network. This legislation leads the way not only here in Victoria but in Australia and indeed around the world. People look to Victoria as a world leader in road safety initiatives, and this is another example of that.

The cornerstone of this bill is the sunset clause. The trial of roadside drug testing began in December 2004 and has proved to be very effective and a great success. This success is demonstrated by the fact that the results of the roadside tests have been very accurate. This has led to a high level of support from the general public, from the motorists who are tested and from the police officers who are carrying out this random roadside testing. There has been very strong support for the trial, and there is even stronger support for the trial to continue.

It is true to say that the support for the continuation of the trial has come from a broad cross-section of the community — from parliamentarians from all parties and from all corners of the state. Whilst it is disappointing that the testing program has indicated that the presence of drugs in people on our road network is substantial, what is pleasing — and it has been acknowledged in this trial — is that the program has been a success, and we expect that, over time, it will deliver real road safety outcomes. So as a result of the trial and that widespread support, there is a clear justification for continuing the program beyond the planned sunset date of 1 July 2006, and this bill will achieve that.

The other key component of the bill has been the decision of the government to include ecstasy as one of the prescribed drugs. During the trial period statistics revealed a sharp increase in the number of drivers killed in road crashes who tested positive to MDMA, or ecstasy, as it is more commonly known.

The government has moved quickly to respond to this information by adding ecstasy to the list of prescribed illicit drugs for which a driver may be prosecuted if its use is detected by the random roadside testing devices. In response to some questions raised by the opposition I

point out that the existing testing devices will be used for this additional test of ecstasy, and accordingly there will be no additional increase in the time taken to undertake those tests.

Another issue that was raised relates to drivers who test positive. As people know, drivers who test positive for alcohol are prevented from driving off, thereby removing any immediate risk to road safety. Consequently it is not necessary, for road safety purposes, to carry out further tests on those who have tested positive for alcohol. The fact that this amendment is the subject of legislation rather than regulation reinforces this government's reputation for being open and transparent, and that has generally been acknowledged in this chamber during the course of the debate.

On the negative side, some false suggestions have been made during the course of the debate that the government would be progressively rolling out a list of illicit drugs for political purposes. We simply do not do that in road safety. We get information and advice from our road safety experts, and we generally get strong support for those initiatives from the parliamentary committee and from the tenor of debate in the chamber, and we simply reject the notion that this is being carried out for reasons other than road safety.

We can assure this chamber and the people of Victoria that road safety comes first and foremost for this government, and we will continue in that vein. The government will continue to monitor the program. If the technology becomes available and there is a justification for it, the government will add further illicit drugs to the list, but it depends upon there being a technological solution to the random testing to ensure that the accuracy and efficacy of the testing program, which has been demonstrated during the trial in relation to the currently prescribed drugs, could also be applied to future testing for those different drugs under the new technological regime.

Road safety is an important priority for this government, and if the opposition wants to compromise road safety for the sake of a few votes, that is very disappointing. I guess that is why opposition members are seeking to use the political arena to advocate the withdrawal of money that is used for motorcycle road safety campaigns and programs.

The other element of this legislation is the heavy vehicle charges, and in relation to those charges this bill reflects the agreements made by state and federal governments in 2003. This amendment needs to be made now to ensure that Victoria is ready, with its own

legislation in place, when the commonwealth government repeals the Road Transport Charges (Australian Capital Territory) Act of 1993.

If we do not do that now and, as expected, the commonwealth moves to repeal that act in coming months, we would have a serious gap in the laws relating to the registration of heavy vehicles, and we do not want that situation to arise. So we are simply putting in place the expected outcome of a decision taken in 2003, and we do not want, by not doing that, to create any anomalies or gaps in the law.

The amendment simply means that heavy vehicle charges will be set by Victorian laws rather than referring to laws made by the Commonwealth. This government is committed to heavy vehicle charges that are nationally uniform and set by a national process, and that was clearly set out in the press release that I issued relating to the intention of this government not to support the third determination of heavy vehicle charges as proposed by the National Transport Commission.

Our commitment then and now is consistent with the intergovernmental agreement that was signed by the Victorian government, as well as all the other governments, in 2003. So in that context I thank the members for their support this evening, and ask that the upper house deal with this bill expeditiously.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Corrections: extended supervision orders

Mr McINTOSH (Kew) — I raise a matter for the attention of the Minister for Corrections. The matter I wish to raise with the minister involves the operation of extended supervision orders (ESOs) and their application on the ground. I refer specifically to the case where prison officers who were based at Langi Kal

Kal prison were forced to vacate their homes adjacent to the prison to make way for a number of child-sex offenders who had been subject to extended supervision orders.

The action I seek from the minister is to properly resource the operation of the extended supervision orders program to ensure that the operation of ESOs can be implemented effectively and efficiently without prison officers having to be removed from their homes. I raise this matter because it appears that this instance is just the tip of the iceberg and may indicate that adequate resources are not available.

I say quite categorically that the opposition supports ESOs, having supported the legislation that went through this place last year. We were critical inasmuch as we thought the legislation did not go far enough and should have covered all serious offences as set out in the Sentencing Act, which would include not only child-sex offences but also murder, rape, kidnap and armed robbery.

Members will realise that an ESO does not apply automatically. It can only be made by a judge of either the County Court or the Supreme Court who finds that upon the conclusion of a sentence, a prisoner still poses a threat to the community. These people can be subject to quite stringent orders made by the Adult Parole Board or Corrections Victoria. Last year there was much publicity about the operation of that process.

I am concerned that the government seems to have moved very quickly from not supporting the idea of ESOs at the beginning of last year to supporting them and introducing legislation following the release from prison of the infamous Mr Baldy. There was a problem with the legislation, and amendments had to be rushed into this house and passed with the support of the opposition to ensure that ESOs operated effectively.

The most important thing about this issue is resources. My view is that moving prison officers from their own homes so that sex offenders can be accommodated is inappropriate. The minister must properly resource this program to make ESOs operative and effective.

Police: Yarra Junction station

Ms LOBATO (Gembrook) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for new facilities to be provided for Yarra Junction police. The current facilities are inadequate, making it harder for the officers working at that station to perform their duties. When I have visited the station on a couple of

occasions I have witnessed very cramped conditions. When the officers seek to do the simplest of tasks they almost have to step on each other's toes; they lack the necessary space to conduct interviews safely.

After seeing these conditions I began making representations. A little while ago the state of the station was raised in the local newspaper, the *Upper Yarra Mail*. A statement was made describing the station as substandard. While I tend to agree with this assessment, I also acknowledge and appreciate the fact that the needs of one station must be considered against other priorities throughout the entire state. I also acknowledge that the Bracks government has undertaken a massive construction program in response to Victoria Police's need for modern and safe working conditions.

One example of this building program in the southern part of my electorate is the Pakenham emergency services complex. The project will cost \$11 million and will house police as well as Country Fire Authority, State Emergency Service and ambulance personnel. I am proud of this government's achievements in ensuring the safety of the Victorian community. The government recognises the vital role performed by all emergency services organisations and provides the necessary resources to enable them to continue to be safe and effective.

Yarra Junction police station is located in the Upper Yarra region, and unfortunately officers attend many call-outs. It is a very busy station and they often respond to domestic violence situations, among other things. The station officers, including Sergeant Kevin Lague, along with their colleagues at Warburton police station, participate in a wide range of community development projects in the area, including assisting with the community building project that I initiated some time ago.

I congratulate all officers at Yarra Junction for their dedication and reiterate my commitment towards the improvement of the working environment by asking the minister to ensure that new facilities are provided for Yarra Junction police.

Rail: north-eastern Victoria

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Transport and in his absence, the Minister for the Arts, who is at the table. I seek his urgent action in upgrading the facilities and passenger rail operations servicing north-eastern Victoria.

Everyone in this house would know I am a passionate supporter of passenger rail services in country Victoria. We need to maintain the highest standard of services for people living in the country areas of this state. However, I deplore the condition of the services being provided to north-eastern Victoria, and I have received extensive complaints from people across my electorate. They have brought to my attention such issues as lack of cleanliness; faulty airconditioning; seating shortages; and delays, with passengers having to transfer to coach services when there are breakdowns.

A week or so ago I used the passenger rail service to come to Melbourne. Whilst the train travelled reasonably on time, I could not help but feel disappointed when we came into Spencer Street station — now Southern Cross station — to see the very new trains that are being provided for people travelling to Ballarat and Bendigo and other parts of the state.

I believe rail services for the people of north-eastern Victoria have been put on the backburner. The carriages are old and dilapidated, and there has been a breakdown in much of the service being provided. I also believe the minister needs to take on board the complaints which I have received, many in writing. I have written to the minister on a number of occasions and provided copies of those letters of complaint.

One elderly couple who wrote to me even pointed out that there was a breakdown on the line coming from Wangaratta to Melbourne, and that he and his elderly wife had to step out of the train onto the rail tracks. They had difficulty getting out of the train and then had to battle their way with their bags to a coach to take them on to Melbourne. This is just not good enough. The government is upgrading services to Ballarat and Bendigo, a project which was estimated to cost about \$70 million, but is now estimated to cost \$700 million, which is a disgrace. While new trains are being provided for those services, those of us in north-eastern Victoria do not have appropriate services.

The government needs to focus on trying to draw people back to passenger rail services and get people off the roads. With record high prices for fuel, this is an ideal time to be drawing people back to passenger rail services. We want a safe, reliable, efficient, viable, high-standard alternative for families so that they can come to and return from Melbourne in comfortable, relaxed, stress-free circumstances.

Consumer affairs: Doreen estate

Ms GREEN (Yan Yeon) — I raise a matter for the attention of the Minister for Consumer Affairs in another place. The action I seek is for the minister to request Consumer Affairs Victoria to investigate the concerns of residents of the Mitchells Run housing estate in my electorate. Mitchells Run is a beautiful housing estate in Doreen. It is littered with ancient, majestic red gums and oriented towards and overlooked by the Sherwin Ranges in Kinglake.

I have become disturbed by recent press reports and correspondence from residents living in Lake Front Mews in the estate. Anne and Peter Phelan wrote to me on 21 March. They said:

When we purchased our block of land in Lake Front Mews we were led to believe (as was a number of other residents) that the land directly opposite ours would join the park to the south of Brookwood Avenue in Laurimar to make larger parkland, including a lakeland area.

Shortly after settling on our land we learned that this information was incorrect and that the said land would be developed as 13 ... medium density ... cottage-type residences. Just recently we have now discovered that this is not the case, that the developer, Dacland, has sought and been approved by council to build 19 two-storey ... townhouses with garages fronting Lake Front Mews. At no time have the residents been informed/consulted about this alteration and after a number of inquiries have been told that the developer was not required to do so ... it ... was considered appropriate in the context of the medium density development ... of the land. In the centre of these allotments there is also an area which we were also told, and is reflected on advertising documentation as a green belt/reserve ... This area has now been allocated as additional car parking for these 19 townhouses which forces residents onto main roads ... instead of through parkland.

The *Whittlesea Weekly* of 21 March says:

Leanne and Mark Tingwell ... feel the plan will shatter their dream.

The Tingwells purchased their land in February 2003. They have built their house facing the ... wetlands.

'We were shown around the estate and had the opportunity to purchase numerous other blocks. However, we were walked over to this reserve and told with absolute certainty that this was going to remain a parkland so our house would front these views ... perfect, we thought ...

Another resident, Peter Phelan, said the blueprint was an outrage.

...

Basically now our view will go from glorious to us looking at 19 garages, and those in the townhouses will get these lovely views.

The purchase of the family home is the most important decision any family makes. I urge the minister to ensure that Consumer Affairs Victoria investigates to make sure there has been no deceptive and misleading conduct by the developers or by real estate agents and to advise what legal remedies may be available to the residents of Lake Front Mews.

Police: Mooroolbark station

Mr HONEYWOOD (Warrandyte) — I raise an issue that requires the immediate attention and prompt action by the Minister for Police and Emergency Services. It has been brought to my attention that yet again under the Bracks government the fine men and women of our police force are being forced to work in conditions that can only be considered appalling. On this occasion I am speaking about the Mooroolbark police station which has been neglected by this government to the point where working conditions there have become dangerous. I request that appropriate funding be allocated to upgrade this facility.

I can only imagine how it must make the officers feel as they go day after day into potentially dangerous situations and come back to a station that the Bracks government has clearly indicated it does not care about. The officers in the station are left to perform their important duties in cramped office spaces with run-down, tired facilities and serious occupational health and safety hazards. Still nothing has been done by the Bracks government to provide it with support.

It seems clear that the local member for Kilsyth is not very interested in going in to bat for her local police station. She should be the first to demand that her police team is looked after in such a way that it is left without any doubt that its commitment to enforcing law and order in the community is highly regarded and genuinely appreciated by this inept government. The member for Kilsyth has not made any effort to convey this message to the officers of the police station. Instead it has been left to the efforts of the Liberal Party candidate for Kilsyth, Mr David Hodgett, a candidate who clearly has his finger on the pulse when it comes to the issues of the Kilsyth electorate, in stark contrast to the current Labor member.

In my electorate of Warrandyte I have repeatedly voiced my concerns in this house regretting the inappropriate staffing levels at the Warrandyte police station. This was in addition to the seven years it has taken for the Bracks government to replace the woeful wooden hut that was Warrandyte's police station. The funding for Warrandyte's station came on tap only after the Minister for Police and Emergency Services was

caught out having no idea what was going on in his portfolio as he confidently proclaimed in the house last year that a new station had been built in Warrandyte. In actual fact there had been no development at all that went beyond the initial plans.

It seems that both the member for Kilsyth and the Minister for Police and Emergency Services have something in common — that is, neither of them has any idea what is going on in their respective areas. It is fortunate for the police officers of Mooroolbark station that the Liberal Party candidate for Kilsyth places great interest in the welfare of those people who live and work in his electorate. In this case it is our candidate who is standing up and supporting the working men and women of our police force, the very people who this government claims to be a champion of, and what an absolute farce — —

Ms Buchanan — How much are you getting paid to say that?

Mr HONEYWOOD — I take offence at that, Acting Speaker. Would the member like to withdraw her comment, please? The comment she made was, 'How much am I getting paid to say that?'. I seek her to withdraw that because it is a clear imputation. If she is not careful she will go to the Privileges Committee on it.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Warrandyte has taken offence to comments from the honourable member for Hastings. I ask the honourable member for Hastings to withdraw.

Ms Buchanan — I withdraw.

On a point of order, Acting Speaker, I also take personal offence to the imputation the member for Warrandyte is making on the member for Kilsyth. I would ask him to withdraw.

The ACTING SPEAKER (Mr Nardella) — Order! On the point of order, the honourable member for Hastings is not able to take a point of order for another member of Parliament. The member of Parliament would need to be here to take that offence.

Mr HONEYWOOD — On a point of order, Acting Speaker, given that the withdrawal was not unequivocal I would like to flag that it is my intention to take to the Speaker an issue before privileges concerning the member's statement just a moment ago.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The way I heard the

withdrawal by the honourable member for Hastings, it was unequivocal. If the honourable member for Warrandyte wishes to take the matter further — to the Speaker or to the Privileges Committee — that is his right.

Schools: flagpole funding

Mr ROBINSON (Mitcham) — I wish to raise a matter on the adjournment debate this evening for the attention of the Minister for Education Services, and in her absence the Minister for Manufacturing and Export. It relates to funding for schools in the eastern suburbs. I seek the minister's strong representations to the federal government as soon as possible to speed up the federal government's reimbursements to two local schools for flagpoles they have purchased under a program established by the federal government.

The request follows the establishment of the federal government's program in late 2004 and early 2005 to provide flagpoles for Victorian schools. A number of schools in the eastern suburbs have gone out and purchased flagpoles on the strength of this program. They have done the right thing but many months later they are still waiting for a cheque. They have not been reimbursed at all.

All members would support flagpoles in schools. There is nothing wrong with that. It is a program I support, although of course a lot of schools already had flagpoles and proudly flew the Australian flag. But I do not accept the proposition that values do not exist at schools that do not have flagpoles or fly flags from them. The sentiment evidenced in the federal government's program leading up to the 2004 election was that state schools are value-free zones. In early 2004 the Prime Minister made exactly that statement.

I disagree very strongly with the Prime Minister in this regard. I would defy him to identify a school in the Mitcham electorate or anywhere else in Australia that is value free. I certainly do not believe there are any state schools in the Mitcham electorate that could be categorised in that way. I challenge him to identify a state school anywhere in the country that he has visited in the last 10 years where he has come away with the overriding impression that that school is value free. His comments in early 2004 are based not on his own experiences but very much on focus group research. This is a case of classic political dog whistling, where the comments were designed to prick a pejorative nerve in the electorate ahead of the 2004 election.

State schools are great schools, but the federal government needs to understand that they would be

even better schools if that government were to honour its commitment and cough up the money for the flagpoles which schools in the Mitcham electorate and elsewhere have gone out and purchased.

Schools: integration aide funding

Mr SMITH (Bass) — The issue I wish to raise is for the Minister for Education and Training and is about the lack of funding for integration aides in schools across Victoria. It is amazing that when the Disability Bill was debated here not one government member, while talking about the benefits of the bill, mentioned integration aide funding for kids with disabilities at schools.

Every member would have had concerned parents, school principals or school council presidents come to them, talking about kids with disabilities who cannot get enough assistance and that the other kids in the classes are being distracted by the disabled kids.

This is just not good enough. The government pats itself on the back for the rewrite and upgrade of the disability legislation but is ignoring the pleas of frustrated and annoyed parents who want their already disadvantaged kids and families helped through government funding to try to achieve a better outcome and more useful lifestyles.

We know that the kids who are identified with learning difficulties are then assessed by a psychologist, who writes a report. The school writes and submits a pro-forma-style application for funding at a recommended level from the program for students with disabilities. The resource coordination group from the Department of Education and Training in Melbourne makes a decision, without talking to or seeing the kids, and may allocate funding at a particular level. If a school is unhappy, which most times they are, there is an appeal process.

In one case a school recommended funding at level 3 — that is aid for 16½ hours a week — but that child was given a level 1 rating, which is for only 4½ hours a week. The school thought the child was in need but the department did not — without even seeing the child! The school council president has been reduced to writing to service clubs in his area to try to assist a child who attends Newhaven Primary School. His name is Harry Green; he is 10 years old and is in grade 4, and he has cerebral palsy. The letter from the school's integration aide says he is:

... a very bright little boy who has some major behavioural problems, making it impossible for him to be at school without support. This includes support at playtime. His social

skills and behavioural outbursts make leaving him unsupported at recess out of the question.

Harry's time allocation to have an integration aide does not include support for the playtime periods. Last year the school covered the extra 5 hours a week, but they are unable to do so this year. We have considered several options, all of which will mean Harry will lose out on 5 hours of school time each week. Harry likes coming to school and he has no desire to go home early or miss out on a day of school once a fortnight to fit in with government funding.

This government spent most of last week patting itself on the back over its actions on disability, but the situation at Newhaven is unfair. I ask the Minister for Education and Training to please look at these kids with disabilities and give them some sort of help by providing more funding.

Western Port Highway, Cranbourne South: speed limits

Ms BUCHANAN (Hastings) — My matter is directed to the Minister for Transport. The action I seek is for the minister to review the speed limit on the Western Port Highway particularly between the intersections of the Frankston-Cranbourne Road and North Road, which abuts the communities of Langwarrin, Cranbourne South and Pearcedale.

Over the last three years there has been a substantial increase in the volume of traffic along the highway and crossing over Western Port Highway at intersections between Frankston-Cranbourne Road and North Road. I have been meeting regularly with the local police from the traffic operations group, particularly Ross Randall from Frankston and Gary Emery from Cranbourne, along with representatives from the Pearcedale Country Fire Authority and Langwarrin CFA, VicRoads, and trucking companies such as Toll, Cootes Transport Group, Kleenheat, Linfox and Sepcom Training Victoria. Our collective goal has been to look at ways to ensure that all commuters using this road, whether they be resident, tourist or business commuters, get to their destinations safely.

Detailed data collected by VicRoads, combined with the professional local knowledge of local police, CFA volunteers and residents, has led to a very strong case for having the speed limit reviewed and reduced. This recommendation for a review has been overwhelmingly supported by residents, community groups, local police and trucking companies, and I want to particularly commend police officer Ross Randall for his dedication to this important community safety issue.

Several thousand cars and trucks use the highway every day, and I regret that there have been too many casualty

crashes recently. Evidence tends to indicate that speed has been the main contributing factor in these accidents. If the minister could favourably consider a reduction in the current 100 kilometre-per-hour speed limit, it would be unanimously supported by residents, local government authorities, motorists, truck drivers and police alike.

I have been invited out to the properties of many residents along this stretch of the Western Port Highway and can certainly appreciate the concerns they have about safely merging with traffic when they leave their homes. Similarly, having listened to the accounts of Pearcedale CFA volunteers who have attended many casualty accidents along this stretch, I am very supportive of their comments about the obvious part that speed has played in these incidents. Like me and many local residents, the great team of local police and CFA volunteers want people to arrive alive when they use the Western Port Highway.

The southern stretch of Western Port Highway, from Frankston-Cranbourne Road, is the gateway to the beautiful rural townships of Pearcedale and Cranbourne South, along with the growing community of Langwarrin. It is also one of the major trucking and tourist routes to the Mornington Peninsula, Frankston and Western Port regions from metropolitan Melbourne, and thus any reduction in the speed limit will contribute substantially to better traffic management and greater commuter safety around this important thoroughfare.

I therefore ask that the Minister for Transport act to review the 100-kilometre-an-hour speed limit on the Western Port Highway between Frankston-Cranbourne Road and North Road.

Box Hill Hospital: redevelopment

Mr CLARK (Box Hill) — I raise with the Minister for Health the issue of the long-awaited redevelopment of Box Hill Hospital, and I ask the minister to take whatever action she can to get this project under way. Box Hill Hospital staff and the community have been badly let down by the current government. Plans for a much-needed car park, developed in 1999, were held up first by the government's hospital network restructuring and then by a bungled attempt by the Treasurer to have the car park built under his complex and expensive Partnerships Victoria model. That attempt collapsed in 2002, and almost four years later the government still has not been able to get a car park under way.

Also in 2002 the hospital put substantial time, effort and money into developing for the government detailed plans for a major redevelopment of the hospital. Those plans were submitted to the government with high hopes that the redevelopment would be approved and funded, but it was not. Instead the government gave the hospital a series of grants to go through the whole master planning exercise again. The hospital, with strong support from the local community, has done so and has again come up with a fully developed master plan, which it has sent off to the government in recent months, and now awaits a response.

Box Hill Hospital and the residents of the Box Hill electorate and beyond, whom it serves, have suffered badly from the government's delays over this long-awaited and much-needed redevelopment. The current Box Hill Hospital was largely built from the 1950s with funds raised by the hard work of the local community. Those facilities have served the community well, but they are now showing their age, despite additions and upgrades from time to time, and there are steadily rising needs from the ageing part of the population and from a growing number of young families.

This has been reflected in the rapidly rising waiting lists and waiting times at the hospital. In the six months to the end of September 1999, 376 patients had waited more than 12 hours in the emergency department for a bed. In the six months to the end of June last year, 1387 patients were forced to wait more than 12 hours. At the end of September 1999, 1084 patients were on the waiting list for elective surgery at Box Hill Hospital, including 13 who were waiting for urgent surgery. At the end of June 2005, 2025 patients were on the waiting list, including 50 who were waiting for urgent surgery.

In the September quarter 1999, ambulances for Box Hill Hospital went on bypass 22 times. In the September quarter 2004, the last quarter before the government stopped publishing the statistics, ambulances went on bypass 41 times. Last but not least, in the September quarter 1999 there were 40 people waiting more than 90 days for semi-urgent surgery. By June 2005 that number stood at 264, a more than sixfold increase.

The private sector has built and operates a new private hospital directly opposite the Box Hill Hospital called Epworth Eastern Hospital. I was pleased to be able to work, first of all, with the group of doctors at the former Box Hill Gardens Medical Centre who conceived and drove over many years the plans for this hospital and then with the various consortiums that subsequently

became involved, to help clear the way for the hospital to go ahead. I was delighted to be able to attend its opening.

Box Hill now has the ingredients for a first-class medical precinct, combining the best of private sector and public sector hospitals, together with surrounding suites of individual medical practitioners and clinics. But what it needs first is for the government to make a decision and get on with this development, rather than letting the community down yet again, as it did in 2002.

South-West Coast electorate: disability services

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Community Services. Last week in this place the member for South-West Coast made some fairly startling accusations about the government's track record in providing services for people with intellectual disabilities in his electorate, particularly in Portland and Warrnambool. He complained that since this government had come to office there had not been one single extra bed for people with disabilities in his electorate. He also complained that guarantees to provide new housing for people with disabilities in Warrnambool had not been honoured.

I ask the minister to look into the allegations made by the member for South-West Coast and to ensure that people with disabilities in his electorate are able to share in the really progressive disability service reforms this government is undertaking. I find the complaints disturbing, because they certainly do not fit with my understanding of this government's achievements for people with disabilities, both in the electorate of South-West Coast and across Victoria more generally. I have been very proud to be the Parliamentary Secretary for Community Services in a government that has pulled out all stops to turn around things for people with disabilities in this state.

The government in which the member for South-West Coast was once the responsible minister put its cards on the table by ripping more than \$28 million from the disability services budget when it first came to office. The Bracks government, on the other hand, has not only increased the disability budget by 73 per cent since 1999 but has also completely revolutionised the system, bringing in a whole new approach to how we support people with disabilities. That approach views people with disabilities as real citizens of real communities, and it is one where the whole government and the whole community have a responsibility to be responsive, accessible and relevant to everyone, regardless of disability.

The member for South-West Coast was wrong when he said there were no new beds for people with disabilities in his electorate. He was wrong when he said that the Portland service was redeveloped without any government money.

Let me now move on to Warrnambool. The member for South-West Coast seemed to be suggesting that the government was doing nothing to honour its promise to build a new community residential unit in Warrnambool. In fact the government is now in the process of building a new community residential unit at Logans Beach in Warrnambool. I acknowledge that this has taken some time — longer than we would have liked — but that has been in part a consequence of the lack of available land in Warrnambool and, more recently, some local opposition to having people with disabilities living in the area. It would be nice if the intellectually disabled residents of Warrnambool had the support of their local member in resisting the deplorable prejudice of some of the locals.

The bottom line is that with Portland and Warrnambool, as with a number of other things to do with people with disabilities, the member for South-West Coast is wrong, wrong, wrong!

Responses

Ms GARBUTT (Minister for Community Services) — I thank the honourable member for Derrimut for raising this concern. I must say that I shared his shock about the claims made by the member for South-West Coast. The member for Derrimut has a great reputation for his concern and passion about progressive services being provided for people with disability. I assure the member for Derrimut that the member for South-West Coast is wrong, wrong, wrong in the claims that he made in this house. Let me set out the facts so that all members understand where he went wrong.

In relation to Portland, the member for South-West Coast claimed that the renovations to a residential service had been paid for by a donation from a community-based organisation of which he is a board member and that no government money was put in. That is wrong. That is not true; so let's put the facts on the table. The government contributed \$120 000 towards the cost of the renovation of that particular service and now every year will be putting an extra \$120 000 recurrent money into that service. So the member could not be further from the truth — and I believe he knows it.

As a result of that money being spent, now there is a new six-bed long-term community residential unit operating in Portland. In addition to that, the government is providing around \$150 000 recurrent money every year to the Kyeema Centre to provide a full range of flexible respite services to the families of people with disabilities in and around Portland. That is the second fact that he got completely wrong. So the member for South-West Coast has been wrong and wrong on the Portland services.

Now let me move on to Warrnambool, about which he also made claims, suggesting that the government has been doing nothing to get on with building a new community residential unit at Logans Beach in Warrnambool. This has been the subject of some local controversy and has been in the local papers — the *Warrnambool Standard* has run several articles on this issue. I am surprised that the member, whose electorate covers Warrnambool, had not even bothered to read about it in his local paper. When he talked about it here he said that the government has done nothing, when quite clearly we are moving on this. We have put in planning applications and we are moving into doing that work. It is quite a shock to find that he has not noticed that.

It is a pity that the member for South-West Coast did not tell the truth in his electorate. It is a pity that he did not go out there and talk about what the government is doing and the progressive policies we are putting in place. It is a pity that he did not acknowledge what is happening there and give some support to local people with disabilities in their attempts to have a new community residential unit built. It is a pity —

Mr Honeywood — On a point of order, Acting Speaker, the Minister for Community Services is going to extraordinary lengths to impugn the reputation of a member of this house, including implying that he had full knowledge of something and then went about expressing an untruth and saying he had been deliberately falsifying information. On that basis I request that the minister be very careful and even withdraw the imputation she is making. If it is all right for one of her government's members to describe a member of this house as taking a bribe, then when the boot is on the other foot she should expect to be reproached for what she is doing.

Ms GARBUTT — On the point of order, Acting Speaker, I am making claims about the member for South-West Coast on the basis that he was kept fully informed at every stage about both those issues — the one in Warrnambool and the one in Portland — and there is correspondence on file to demonstrate that.

Every word I have said is true, and the member for South-West Coast is wrong, wrong, wrong.

The ACTING SPEAKER (Mr Nardella) — Order! I have heard enough. I will rule on the point of order. There is no point of order. I have been listening carefully to what the minister has been saying in her response to the honourable member for Derrimut. She has not been impugning the honourable member for South-West Coast — —

Mr Honeywood — She called him a liar!

The ACTING SPEAKER (Mr Nardella) — Order! At no time did she say that the honourable member for South-West Coast is a liar. On that basis, there is no point of order.

Ms GARBUTT — I place the facts on the table — they are well known to the member for South-West Coast — and I leave the case there.

Mr HAERMEYER (Minister for Manufacturing and Export) — The member for Kew raised a matter for the Minister for Corrections, and the member for Gembrook raised a matter for the Minister for Police and Emergency Services. I will draw those matters to the minister's attention.

The members for Murray Valley and Hastings raised matters for the attention of the Minister for Transport. I shall draw those matters to his attention.

The member for Yan Yean raised a matter for the Minister for Consumer Affairs in another place. I shall draw that to her attention.

The member for Mitcham raised a matter for the attention of the Minister for Education Services, and the member for Bass raised a matter for the attention of the Minister for Education and Training. I shall draw those matters to their attention.

The member for Box Hill raised for the attention of the Minister for Health a matter relating to the Box Hill Hospital. He seems to have forgotten about the 14 hospitals and many hundreds of hospital beds the former government closed and the nurses and staff it got rid of.

Honourable members interjecting.

Mr HAERMEYER — I am at a bit of a loss to understand how closing hospitals and hospital beds and taking away resources from hospitals solves the problem, but certainly I will raise the issue for the attention of the Minister for Health.

Finally, the member for Warrandyte raised an issue about the Mooroolbark police station. I have to say that for the member for Warrandyte — —

Mr Honeywood — Have you been there?

Mr HAERMEYER — I have, in fact. For the member for Warrandyte to come into this house and lecture this government about police stations, given the conditions that police had to work in under the previous government, with poor pay, situations where they were understaffed and the government cutting police numbers — —

Honourable members interjecting.

Mr HAERMEYER — Police stations were being left to run down. They had 38 police stations, including Olinda, earmarked for closure. It was an absolutely appalling situation.

This government has given police the best conditions they have ever had and the best working conditions of any police force in the country. It has given them decent pay and conditions. Victoria has the biggest police station building program in the history of the state and more police than it has ever had before. This government is delivering to police. It actually walks the talk, whereas the people opposite are just about rhetoric.

I have to say that the member for Kilsyth does a wonderful job on behalf of the constituents of her electorate. I had to deal with Mr David Hodgett when he was mayor of Yarra Ranges. Never was there a lazier mayor. The biggest decision he ever had to make was whether to wipe the dribble off his bib or not.

The ACTING SPEAKER (Mr Nardella) — Order! The house now stands adjourned.

House adjourned 4.11 p.m. until Tuesday, 2 May.