

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

19 September 2001

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Speaker and Chairman of Committees: Mrs J. M. MADDIGAN

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

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

The Hon. D. V. NAPHTHINE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of the Parliamentary National Party:

Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:

Mr B. E. H. STEGGALL

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Allen, Ms Denise Margret ⁴	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
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Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John ³	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
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Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
Dixon, Mr Martin Francis	Dromana	LP	Perton, Mr Victor John	Doncaster	LP
Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haermeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar ²	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Wednesday, 19 September 2001

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.39 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Sessional orders

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

That so much of sessional orders be suspended for this day so as to allow precedence to be given to an announcement of condolences and the conveyance of a message of sympathy.

Motion agreed to.

CONDOLENCES

Henry George Broad

The **SPEAKER** — Order! I advise the house of the death of Henry George Broad, member of the Legislative Assembly for the electoral district of Swan Hill from 1968 to 1973.

I ask honourable members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The **SPEAKER** — I will convey a message of sympathy from the house to the relatives of the late Henry George Broad.

PERSONAL EXPLANATION

Mr **SAVAGE** (Mildura) — During the debate on the Barley Marketing (Amendment) Bill I referred to Jim O'Brien as a regular seller to Ray Brooks at Tempy. Mr O'Brien contacted my office and indicated that he has never sold barley at the Tempy silo. I wish to correct the record by indicating that on five occasions Mr O'Brien delivered schooner barley to Ray Brooks at Turriff via Speed and not Tempy. For the record, the dates were one load on 19 November 1997 and four loads on 20 November 1997.

PETITIONS

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

Creightons Creek Road, Strathbogie: safety

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

The humble petition of the undersigned citizens of the state of Victoria sheweth concern regarding the condition and safety of Creightons Creek Road.

Your petitioners therefore pray their safety concerns be addressed.

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

By Ms **ALLEN** (Benalla) (115 signatures)

Drugs: Mornington Peninsula rehabilitation facility

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

The humble petition of the citizens of the Mornington Peninsula sheweth that we support the establishment of an independent rehab/detox facility in the Mornington Peninsula region.

Your petitioners therefore pray that you will consider the petition favourably.

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

By Ms **McCALL** (Frankston) (30 signatures)

Housing: loan schemes

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

The humble petition of the following residents of the state of Victoria sheweth state government-sponsored home loan schemes under the flawed new lending instrument called capital indexed loans sold since 1984–85 under the subheadings Capil, deferred interest scheme (DIS), indexed repayment loan (IRL), home opportunity loan scheme (HOLS), shared home opportunity scheme (SHOS), are not fit for the purpose for which they were intended.

We the undersigned believe these loans are unconscionable and illegal and have severely disadvantaged the low-income bracket Victorians the loans were meant to assist.

Your petitioners therefore pray that:

1. the existing loans be recalculated from day one in a way as to give borrowers the loans they were promised 'affordable home loans specially structured to suit your purse';
2. the home ownership be achieved within 25 to 30 years from date of approval;
3. the payments to be set at an affordable level (i.e., 20–25 per cent of income for the duration of the term for all the loan types);

4. past borrowers who have left the schemes be compensated for losses that have been incurred by them being in these faultily structured loans;
5. any further government home ownership schemes be offered in a way as to be easily understood by prospective loan recipients;
6. the interest rate will be at an affordable rate (i.e., flat rate of 3 per cent per annum or less for the length of the term of the loan) geared to income;
7. capital indexed loans be made illegal in this state to protect prospective loan recipients.

We ever pray that we may lead a quiet and peaceable life in all godliness and honesty (1 Tim. 2:2).

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

By Mr TREZISE (Geelong) (10 signatures)

McKenzie Street, Wonthaggi: traffic control

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

The humble petition of residents of Wonthaggi and district sheweth concern about the danger and inconvenience caused to residents and visitors by increases in traffic in McKenzie Street, the main road into Wonthaggi.

We the undersigned wish to see a roundabout constructed in McKenzie Street at Korumburra Road. We also ask for improvements to traffic flow at McKenzie Street and Murray Street and for pedestrian crossings at other locations in McKenzie Street.

Your petitioners pray that Vicroads be advised to work with Bass Coast Shire Council to provide these much-needed traffic controls.

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

By Ms DAVIES (Gippsland West) (552 signatures)

Laid on table.

Ordered that petition presented by honourable member for Frankston be considered next day on motion of Ms McCALL (Frankston).

Ordered that petition presented by honourable member for Gippsland West be considered next day on motion of Ms DAVIES (Gippsland West).

PAPER

Laid on table by Clerk:

Melbourne City Link Act 1995 — Orders pursuant to s8(4) decreasing the Project Area (12 plans).

MEMBERS STATEMENTS

Electricity: Basslink

Mr VOGELS (Warrnambool) — The people of Warrnambool need to be assured that the development and implementation of the Basslink project from Tasmania to the mainland is undertaken responsibly with the sound assurance of its having no potential impact on marine life, especially the whales. I understand the Basslink developers are pursuing the cheapest option of a monopolar high voltage direct current cable for the project, which simply lies on the sea floor generating large electromagnetic fields within the marine environment. Is the government prepared to impose a potential risk on our marine life, particularly on the migratory and resident southern right whales which have frequented Warrnambool waters for the purpose of mating and calving during winter and spring for the past decade?

Both Deakin University and Warrnambool City Council have done some preliminary research and are very concerned. The importance of the annual migration of the southern right whale to Warrnambool cannot be underestimated. The Department of Natural Resources and Environment has estimated that the City of Warrnambool receives in excess of \$17 million per annum — and the amount is increasing — from tourism expenditure directly related to whale watching activities.

I will be contacting the relevant minister to ensure that further vital studies are undertaken to satisfactorily eliminate any harm to our whales, a magnificent marvel of nature, and to protect and preserve all sea life prior to the commencement of the Basslink project. The people of Warrnambool demand nothing less.

Charlie Theuma

Mr SEITZ (Keilor) — I place on the public record my condolences for the passing away of Charlie Theuma and express my sympathy to his family. Charlie passed away on 25 August. He was an eminent campaigner in St Albans for the improvement of community facilities, and supported his family as a railway worker. He was a migrant from Malta who was a typical example of a struggling person who worked for his community, his family and his favourite club, George Cross Soccer Club.

Charlie Theuma was also a big supporter of the Labor Party, and whether or not the Labor Party was in favour he always wore his membership badge proudly and with great honour, so much so that his family asked that

an ALP flag be placed on his coffin at the funeral. Unfortunately I discovered we do not have an ALP flag to place over his coffin. I hope the state secretary will remedy that.

Charlie was a person whom everybody in St Albans knew, including yourself, Mr Speaker. No doubt, Mr Speaker, as the former member for St Albans you would know that he advocated improved public lighting and transport safety in the area. He campaigned against drugs in the area, and one of his main concerns was for people crossing the St Albans East Road.

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

Henry George Broad

Mr STEGGALL (Swan Hill) — On behalf of the National Party I honour the late Henry George Broad, known as Harry. Harry was the member for Swan Hill from 1968 to 1973. He died peacefully at Wycheproof on 17 August at the age of 91. Harry was elected at a by-election in 1968 following the death of the previous member for Swan Hill, Harold Stirling. Harry was a Woomelang wheat farmer, a councillor for nearly 30 years with the then Shire of Wycheproof and served as shire president on three occasions. He was also a Methodist lay preacher of very long standing. He married at the age of 50, and was 58 when he entered Parliament. On being declared the Country Party candidate for the by-election, Harry stated:

You have handed me the greatest compliment, the greatest privilege of my life. But you have also handed me the greatest responsibility. I now hope to go on and win the by-election and from there I must go on and win the confidence of every person in the Swan Hill electorate.

He did so, and he also won the next general election. People recall an immaculately dressed man who was always a gentleman. He was a very conservative man, a teetotaler, and to all those who knew him he was a very good person. His wife, Heather, predeceased him. My condolences and those of the National Party go to his two sons, Stuart and Lindsay, and their families.

Box Hill Hawks

Mr ROBINSON (Mitcham) — I congratulate the Box Hill Hawks Football Club on reaching this year's Victorian Football League Grand Final. That achievement follows a superb win over the Murray Kangaroos last Saturday. The Box Hill Hawks Football Club has grown out of the old Victorian Football Association (VFA) Box Hill team. Box Hill entered that competition in 1951, and the record will show that the mighty Box Hill Mustangs were a team of modest

success in their 50 years in the competition. Box Hill endured some very tough years. In the late 1970s entire seasons passed without a victory, but the great trait of the club is that it has survived while more than half the teams in the two-division VFA competition of those days have disappeared. The team is brilliantly coached by veteran Donald McDonald. On Sunday at Optus Oval the Hawks will take on the rampaging Werribee Tigers.

Honourable members interjecting.

Mr ROBINSON — Hiss and boo! Undoubtedly the underdogs will triumph. Box Hill will win! The house will join with me in wishing the Box Hill Hawks every success for Sunday's game. I urge all supporters of this great Victorian code to attend the match and cheer on the mighty Box Hill Hawks to a well and truly deserved victory.

Seniors: Frankston concert

Ms McCALL (Frankston) — Box Hill would be affiliated with Hawthorn, the best Australian Football League team, so that is probably important!

I draw the attention of the house to a rather interesting but quirky idea that the Department of Human Services came up with to assist Seniors Card holders in Frankston. There are over 10 000 holders of the Seniors Card in Frankston and they all received an invitation, delivered in Australia Post's inimitable fashion — anywhere between 9 o'clock in the morning and 3.30 in the afternoon — inviting them to a free concert. The department did not put a time limit on when they could all ring to book tickets to go to this free concert, which was to be held at the Frankston arts centre, so needless to say the people who got the invitation at 9 o'clock in the morning rang immediately. As I said, there are over 10 000 Seniors Card holders, who were allowed two tickets each, but the venue for the concert holds only 800 people.

There was a gross miscalculation of the response to this wonderful idea. The only downside to the event was that it was to be opened by the Minister for Aged Care. However, the fact that the department miscalculated the number of Seniors Card holders in the city of Frankston who would be interested in attending the concert and the dribbling of Australia Post deliveries from 9 o'clock in the morning until 3.30 in the afternoon, brings me to suggest that 19 200 Seniors Card holders — —

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

United States of America: terrorist attacks

Mr LONEY (Geelong North) — Last Sunday evening I attended the national day of mourning ecumenical service at St Mary's Cathedral in Geelong held for the victims of the terrorist attacks on the United States of America. On that evening the cathedral was filled to overflowing, as well over a thousand people attended. It was probably the biggest attendance seen in that church since a service held some years ago for the victims of the Linton bushfires. It was a simple, dignified and moving service, and it filled an enormous need in the community to allow people to come together to pay their respects. On behalf of those who attended the service I would like to take this opportunity to thank the organisers. As I said, it was designed to fill a need which was being expressed in our community.

I would also like to take this opportunity to pass on the condolences of the Geelong North community to all the families and friends of the victims of the terrorist attacks and to all American people. It has been said many times in the past week or so that the world will never be the same. If that is so, then the challenge for us in our privileged position is to ensure that it is a better and more secure world.

Lysterfield Primary School

Mr LUPTON (Knox) — I recently visited Lysterfield Primary School, which was originally built to hold 450 students and currently has 610. The school was constructed only some four and a half years ago, but the copper pipes that provide the school's drinking water are causing the water to turn blue in colour. That means the taps must be left running before the children at the school can drink the water. The problem — apart from the fact that we are at a stage where water is scarce and we cannot afford to leave taps running to clear pipes — is that the school council is expected to fund the replacement of the pipes.

I do not believe it is appropriate to require the council and community of any school in this state to fund the replacement of pipes to provide drinking water for students. It is obvious that the contractor who laid the copper pipes in the first place used the wrong pipes, but it is totally unacceptable for a school community to have to replace copper pipes in a school that is only four and a half years old. This should be looked at. We cannot afford to waste the water, and the health of our school pupils is most important.

Royal Melbourne Show

Mrs MADDIGAN (Essendon) — This week is an exciting one in Melbourne because it is the week that the premier event in Melbourne begins — the Royal Melbourne Show. The Royal Melbourne Show is indeed the premier event in Victoria. It attracts more Victorian, interstate and international visitors than any other event. It is attended by more people than the Melbourne Cup and more people go to the show than to the grand prix. The show's average attendance is over 600 000 each year, and it receives more than 27 000 entries. It is a wonderful showcase for the diverse and extensive agricultural products produced in Victoria. The good thing about the show is that it is priced at a level that means all Victorians can afford to go.

The show has now spanned three centuries in Ascot Vale; it started there in 1854. It began as a ploughing competition because farmers were concerned that people were not ploughing in straight lines, and it has expanded into a much more exciting event. The showgrounds act as a major link between country and metropolitan Victoria and provide a showcase for industrial and agricultural products. The show gives many Melbourne people the opportunity to have a greater understanding of country and rural Victorians. I urge all members of Parliament to get out there, take their families and go several times.

Ethnic Enterprise Advisory Council

Mrs SHARDEY (Caulfield) — I recently put a question to the Minister for Multicultural Affairs and the answer revealed that the Labor government has spent \$17 663 and nearly two years endeavouring to establish the Ethnic Enterprise Advisory Council but the council has no members and has not yet met. One could hardly help but think that this sounds like a waste of money.

The minister's response to my question about this initiative was that the money had been spent on advertising for nominations to the council. I call on the Minister for Multicultural Affairs to explain exactly how this money was spent. My information is that an effective mass media campaign to solicit nominations for the council could easily have been carried out for less than \$5000. It sounds ridiculous to spend \$17 000 on this, given the fact that the Bracks government has access to other advisory bodies such as the Victorian Multicultural Commission and many multicultural chambers of commerce. Nominations could easily and effectively have been sought through written letters to community organisations at a fraction of the cost.

Instead the government has spent more than \$17 000 and achieved nothing.

The Ethnic Enterprise Advisory Council is another example of how the Bracks government has mismanaged the multicultural affairs portfolio. The previous government worked very hard to realise Victoria's multicultural advantage in business, and the Bracks government has let that good work go to waste.

Patterson River Secondary College

Ms LINDELL (Carrum) — I would like to sing the praises, beat the drum and sound the horn in absolute acknowledgment of a wonderful school in my electorate, the Patterson River Secondary College, which last week presented its eleventh annual musical. Under the leadership of the instrumental music manager, Mr Paul May, and his band of staff, the audience listened to 18 items of musical excellence from the junior concert band, which is made up of junior school students, some of whom have only been learning for 6 or 12 months, through to the last item of the night, which was the senior concert band, which had its first standing ovation. It is an excellent school providing an excellent music curriculum.

The school has two concert bands, a stage band and a production band. It has a string trio, a flute quartet, a string orchestra, a flute ensemble and a woodwind ensemble as well as a choir and year 10 ensembles. Many of the items were produced by the students themselves, and I would like to congratulate the school wholeheartedly.

MATTER OF PUBLIC IMPORTANCE

Ansett Australia: financial crisis

The SPEAKER — Order! I have accepted the following matter of public importance, submitted by the honourable member for Mitcham, for debate today:

That this house notes the devastating impact of the collapse of Ansett on Australia and Victoria, including the effect on employment, tourism and the aviation industry.

Mr ROBINSON (Mitcham) — I commence by noting the very gloomy prospects for the revival of Ansett Australia that have been reported in the media in the past 24 hours. I wish to express my deep sympathy for all the victims of this corporate collapse — to the Ansett workers, to their families, to all involved in associated travel industry trades, to the many technical and further education (TAFE) students, to regional communities and to the many Ansett retired staff who

will be feeling bitter and confused over the events of the past couple of weeks about the collapse of an icon that they helped create through a lifetime's work.

The significance of Ansett needs to be appreciated. It is the second biggest airline in Australia and employed, and technically still employs, some 16 000 people, almost half of them located in Victoria. Each year some 5.1 million Ansett passenger movements transit through Melbourne, and it is — or at least it was — a significant regional airline operator to Portland, Traralgon, Albury and Mildura.

Victorians need to know that their state government wants answers as desperately as they do for a collapse which all the evidence suggests could have been avoided. Like the state government, Victorians will demand an explanation in the first instance from the federal government as to why for months it oversaw the slippery slope towards financial collapse.

Victorians already understand that the state government has consistently acted in the airline's best interests, and the record will clearly show that. Like the rest of the country, the government has understood for several months that Ansett had a profound need to recapitalise. The reasons for this are well enough understood. The management decisions over many years had given Ansett a fleet of aircraft which amongst its international rivals was on average the second oldest in the world. The Civil Aviation Safety Authority was aware of deficiencies within the company regarding compliance with maintenance regulations. As a consequence of CASA's actions the Christmas and Easter impasses hurt the company's bottom line significantly, and since April we have all understood that Ansett was looking for capital.

There is nothing unusual about companies seeking to recapitalise: it is a common enough occurrence in business. The state government was keen to see the recapitalisation facilitated through the most likely avenue, which was always going to be Singapore Airlines. Singapore Airlines is probably the world's most respected and lowly geared airline. It has a first-class reputation for being judicious in the way it operates.

By early August, after several months of negotiations, a situation had developed where Singapore Airlines, as a 25 per cent owner of Ansett's parent Air New Zealand, was seeking to inject new capital into Ansett via an expansion of its Air New Zealand stake from 25 per cent to 49 per cent — a sensible, rational and entirely reasonable strategy. Singapore Airlines intended to inject into Air New Zealand not just \$100 million, not

even \$500 million as has been suggested, but up to \$5 billion by 2005, a sensible strategy that the Victorian government was happy to support and did support through official correspondence from the Premier to the Prime Minister on 7 August. It was a sensible strategy that required the lobbying of the New Zealand government by its Australian counterpart to ensure that the foreign ownership arrangements could be made to allow that increased stake to develop.

It was a sensible strategy under any circumstances until the Deputy Prime Minister got involved. In a remarkable backflip in early August the Deputy Prime Minister, John Anderson, went from supporting the Singapore Airlines position — and the Ansett position, as it turned out — to rejecting it and taking entirely the opposite line. This was a monumental backflip.

On 6 August the *Australian Financial Review* summarised the position well in its headline ‘Ansett attacks Anderson ‘protectionism’, and I will read some comments from that article, which states:

Ansett has launched an extraordinary attack on the federal transport minister, Mr John Anderson, describing his support for a Qantas plan to block increased investment in Ansett as a threat to its viability.

In a private letter sent to all state and territory governments, the embattled Ansett accused Mr Anderson of confusing the commercial interests of Qantas with the national interest.

The article further states:

In its letter Ansett said: ‘This extraordinary development is dangerously anticompetitive and directly puts at risk the public interest in our nationwide 12 000-plus jobs, network and competitive balance to Qantas.

‘Masking commercially expedient Qantas decisions as “national interest” is short sighted and high risk — the QF interest and the public interest in Ansett’s future are not the same’.

Further on it states:

Every state and territory has a public interest in a healthy, viable Ansett to ensure diversity in employment, services, investment and aviation-reliant industries in their state.

It could not be clearer than that.

One of the questions Victorians require an answer to urgently is on whose advice John Anderson did this monumental backflip. Was it his National Party colleagues in Canberra? Was it his National Party colleagues in this state? Was it the Leader of the National Party in this state? Upon whose encouragement did the Deputy Prime Minister abandon the obvious solution to Ansett’s woes?

Mr Steggall interjected.

Mr ROBINSON — Perhaps it was the honourable member for Swan Hill; perhaps he is an expert on aviation policy. It has not been a good year for the federal government in administering corporate and regulatory environments in this country.

Not long ago we saw the Minister for Financial Services and Regulation sweating it out on *A Current Affair*, trying to tell a bewildered Australian public that there was no need for a royal commission into the collapse of HIH Insurance. The following day he looked just as bewildered when his Prime Minister overruled him.

Honourable members interjecting.

Mr ROBINSON — He might have. He is going to put his hand up and take credit for that as well.

In recent weeks we also saw an amazing compromise by the Prime Minister when his Minister for Small Business completely failed to understand the notion of a conflict of interest and was more or less advising his electoral council officers on ways they could avoid the tax system that he was charged with overseeing. So perhaps the Prime Minister and the Deputy Prime Minister’s inaction on Ansett should not surprise us.

The minister also wears a regional development hat. I have been involved in some of the forums that the Deputy Prime Minister has convened in a supposed effort to flesh out some of the regional development concerns of and strategies for this country. We have attended two meetings. One was in early March 1999, at which representatives from around the country were pushing the Deputy Prime Minister to consider a whole raft of issues associated with regional development. I refer to issues such as the fly-in, fly-out taxation arrangements in mining settlements; regional and remote communities communications; petrol taxation; and community building. Consistently, for months, the Deputy Prime Minister busily palmed these issues off to other ministers. He clearly said they were not his responsibility as the Deputy Prime Minister and minister responsible for regional development.

It is little wonder that, in the aftermath of his deputy’s Ansett misadventure, the Prime Minister had to send in the head kicking minister responsible for workplace relations to defend the Deputy Prime Minister at a recent National Party of Australia conference. We saw Tony Abbott up there, doing the job that the Deputy Prime Minister would normally do. How desperate the National Party must now be to have to call in Tony Abbott to entertain them. Honestly, if he has the

minister responsible for workplace relations defending him the Deputy Prime Minister is really on thin ice!

There are numerous concerns about the minister's competency, as demonstrated by his lack of leadership over Ansett. Bear in mind that the Deputy Prime Minister was effectively in charge of this country while the Prime Minister was abroad during the tragic events of last week. If the minister is prepared to change his mind so mysteriously and so quickly on an issue as critical as Ansett and its future, what guarantees do the Australian public have that he would, in the event of any serious threat to Australia's security in events similar to last week, be able to conduct himself any more appropriately? The answer is of course that in the aftermath of the Ansett fiasco we have no guarantees. That should trouble every Australian citizen regardless of their direct involvement in the aviation industry.

I feel particularly concerned for the people of regional Victoria, and I include the people of the Latrobe Valley. Earlier this year I visited the Latrobe Valley airport at Traralgon. They have had a difficult — —

Mr Steggall interjected.

Mr ROBINSON — I have been to Swan Hill, yes, do not worry about that. The Latrobe Valley airport has done a lot of work with the council over the years to build up the services — —

Mr Smith — Madam Acting Speaker, I raise a point of order which relates to the relevancy of this to Victoria. I know it is a wide-ranging debate, and I know it is a matter of public importance, but chapter 20A on matters of public importance at page 96 of *Rulings from the Chair — 1920–2000* talks about:

... whether it relates to or concerns a subject in respect of which the house has an authority to act ...

In this particular case there is no tying in with the state of Victoria. The honourable member is continuing with his bashing of John Anderson without referring it back to paragraph (b) of chapter 20A. I would like the Chair to take that as a point of order.

The ACTING SPEAKER (Ms Barker) — Order! I do not uphold the point of order. As the honourable member says, the debate is wide ranging. However, matters of public importance have to relate to Victoria, and I ask the honourable member for Mitcham to ensure that he comes back to that in his closing remarks.

Mr ROBINSON — I feel particularly aggrieved for the people of regional Victoria, including the people of

the Latrobe Valley, which last time I checked was in Victoria. We notice that the airport operators and the council have done a lot of work over many years to build up that airport and to build its services. The collapse of Ansett has meant that the weekday service to Sydney from Traralgon has been suspended. Earlier this year the state government made a substantial grant to the airport to purchase back land that the previous government had forced it to sell off. There was the crazy situation in the Latrobe Valley where the end of the runway extension went into the land which had been sold off a few years earlier by the Kennett government and which had to be managed by a special Crown committee. It was an amazing situation and an indictment of the former state government.

I feel great sympathy for the 500-plus Kangan Institute of TAFE students who are undertaking aeronautical courses — and that includes 80 trainees, many of whom expected to go into second-year apprenticeships with Ansett next year. Their futures and their aspirations have been left hanging in the balance. Since news of Ansett's imminent demise emerged early last week the Victorian government has been very active in undertaking a range of initiatives as best it can, given the implications and consequences of the collapse. Those were detailed yesterday by the Minister for State and Regional Development, and I expect more will be said about them in the course of this debate. But the damage has been done.

The months have passed in which rescue packages could have been developed, and it has been entirely fanciful for the federal government to pretend in the past few days before the administrator was brought in that anything could have been done constructively, but it pretended nonetheless. We are owed an explanation from the Deputy Prime Minister. All Victorians are owed an explanation. John Anderson, having failed to deliver an explanation, has only one option. He has only one choice to make — that is, whether he hands in his resignation tomorrow, or he does the decent thing and hands it in today.

In closing I congratulate the Australian Services Union, of which I am a proud member. We hear honourable members opposite all the time out there bagging unions and questioning the role of the value of unions. How much worse would the situation and circumstances have been for thousands of Ansett workers in the past week had they not had the Australian Services Union there to act as their representative in the very tight time lines laid down by the administrators to register as people who were owed entitlements. They have done an absolutely sterling job. But for the ASU this incredible tragedy would have scarred the lives of so

many thousands of Victorian workers and their families so much harder. The Ansett collapse is a calamity which demands answers from, in the first instance, the federal government, and the sooner we get those from the Deputy Prime Minister the better.

Ms ASHER (Brighton) — What an extraordinary performance from the parliamentary secretary, whom I expect will not be given another matter of public importance. However, I congratulate him on his wonderful reading style! I am sure his alma mater, which I understand is St Leo's College, Box Hill, would be very proud that it taught him to read so well.

When this government faces problems it has two reactions. First of all, it may set up a committee to have a review — and I am sure that is coming on this one — and secondly, it blames somebody else. That is its style. I note here that while the matter of public importance submitted by the honourable member for Mitcham asks that this house notes the devastating impact of the collapse of Ansett on Australia and Victoria, the opposition would like to go one further than just simply noting it. What the opposition would like to do is suggest something that this government could actually do rather than blame somebody else!

Make no mistake about it: the single most important task for this government — the single most important task for the Premier and the Minister for State and Regional Development — is to retain an airline headquartered in Melbourne. That is its task. Its task is to get proactive; its task is to get on the phone. Its task is to offer incentives to ensure that whatever comes out of this, if Ansett is sold in one lot, if it is fragmented or if the worst option prevails — a Qantas monopoly supplier — there is some element of headquartering and some element of a main office in Melbourne. That is the issue for this government. That is the issue for this minister. That is the issue for Victorian jobs.

Potential investors should be contacted. The administrator should be contacted. Deals should be struck. That is the proper use of the Department of State and Regional Development. That is the foremost task for this government, rather than retracing history, blaming somebody else and, as I am sure it will do, set up a committee of review at some stage.

The problem with this government is its style. After all of the businesses that have left Melbourne and regional Victoria and those that have chosen not to invest in Victoria we have a half-hearted reaction from the Minister for State and Regional Development and the Premier. We saw this happen with Virgin Airlines, which is obviously a very relevant comparison. Virgin

Airlines took its headquarters to Brisbane because this government did not even bother to pick up the phone. Qantas is headquartered in Sydney. We need an airline headquartered in Melbourne. The problem with this government, because of its style, is that we have missed opportunities. Virgin Airlines was a missed opportunity. It is very important at this stage in the Ansett collapse that this is not another missed opportunity for the Bracks government.

Make no mistake about it, the impact on Victoria of this collapse will be profound. Dr Brain from the National Institute of Economic and Industry Research, an economic entity used by this government, and by the previous government, to calculate a range of economic impacts, has estimated that the impact on Victoria could be up to \$400 million. As I said, part of this is due to the fact that Victoria is Ansett's base. It is also estimated that the jobs of some 6000 Victorians currently are in jeopardy. But to put that in context, I also draw the attention of the house to the fact that under this government, in the first eight months of this year, 36 300 full-time jobs have already been lost in Victoria. And what does the government do? It sets up committees of inquiry and blames someone else!

It is time for the government to get proactive. It is not only about the actual Ansett jobs, and the parliamentary secretary should know this. There are other jobs in related industries — for example, in aircraft maintenance, suppliers of the airline industry, tourism and travel agents. A whole raft of Victorian jobs will be impacted on if Dr Brain's \$400 million estimate holds true. I note that the Labor Party has basically walked away from its election promise of a 5 per cent unemployment rate. The minister has almost completely abandoned that promise.

It is also important to note the comments of respected industry groups. Paul Fennelly from the Australian Industry Group has warned the government of the ramifications of this collapse and the need for the government to do something. Paul Fennelly made the comment in the *Age* of 15 September that this is a particularly serious collapse with the potential to impact on Victoria in a most significant manner. He states:

At the moment, it's difficult to know the multiplier effect of how many other companies will now experience significant difficulty following Ansett's troubles ... there will be repercussions throughout the whole economy.

In the face of those warnings, it is vital that the government actually does something about it rather than what it has done previously — that is, assume the role of commentator and observer.

I turn now to the tourism industry, an industry in which I have a particular interest. Tourism in Victoria now faces a twin threat: first of all, the threat to its international tourism numbers, in part impacted upon by the fallout from the American situation; and also the threat to its domestic tourism numbers.

I direct to the attention of the house the fact that tourism in Victoria on both the international and domestic fronts is not performing well. The current Minister for Tourism has taken his hands off the wheel, and the tourism industry — a vital industry for Victoria — is now at a critical stage. The figures for both international and domestic tourism under this government are already showing a decline.

I will make a couple of comments about international tourism. I note that the Australian Tourist Commission (ATC) has 'pulled' its advertising campaign in the United States. Australia spends something like \$50 million advertising Australia, including the states, internationally. That campaign has been temporarily halted in the United States for the justifiable reason, according to Mr Boundy, as reported in yesterday's *Australian Financial Review*, that:

Clearly we have to advertise when these things are going to fall on fertile ground.

The ATC, as I understand it, will resume the advertising campaign for Australia in January, that time being deemed to be more fertile ground. However, in Victoria — and it is very important that the government does not hide behind the international crisis in the United States — our international tourism is already in decline. I draw the attention of the house to budget documents that illustrate this.

In the 1998–99 financial year international visitor nights — visitor nights being probably the most critical tourism indicator — were 20.6 million. By 1999–2000, the first year of this Labor tourism minister's year in office, the figure had declined to 20.5 million. Indeed, I also note in the budget that while the forecast bands for international visitor nights are broad — remembering that the forecast was prior to the fallout from the American situation — the government forecast no growth, and the figure has already gone backwards.

Domestic tourism falls fairly and squarely in the province of this state government and into the lap of the Minister for Major Projects and Tourism. In this area I am sure he will seek to hide behind the Ansett collapse; however, it is in this area that this government is failing dismally. About three-quarters of Victoria's economic benefits come from domestic tourism. The government was already failing prior to the Ansett collapse, and that

is an enormous threat to the tourism industry and the Victorian economy. The government is failing because it has adopted a hands-off approach. As I said, I am sure the government will hide behind Ansett to conceal its deficiencies.

I again refer to the domestic numbers and put these firmly on the record so the honourable member for Gisborne can advocate for her electorate. I am on firm ground here, given that I was the Minister for Tourism in the previous government. In 1998–99 Victoria had 55.4 million domestic visitor nights. Unfortunately after this new Labor minister took over by the end of the 1999–2000 financial year Victoria's domestic visitor nights had dropped to 52.5 million — a decline of around 3 million. That was prior to the Ansett collapse. Under this minister, under this government and with a hands-off, review-it-all, blame-someone-else approach domestic visitor tourism is declining in Victoria at a time when in other states it is increasing.

I contrast that strongly against the actions of the previous government. We faced two crises in tourism when we were in office. The first was the Asian downturn, and we immediately revised the business plan. I call on this tourism minister to do likewise.

Mr Pandazopoulos — What did you do?

Ms ASHER — We gave them a lot of money. The second crisis was the Gippsland floods. We immediately put aside money to readvertise the Gippsland area. We announced funding not after a review and not after three weeks, but immediately.

I welcome the \$10 million of new money, but I would like to know from the minister, who has now emerged from his office, what his targets are. What are we going to get in terms of domestic visitor nights? What is the target —

Mr Pandazopoulos interjected.

Ms ASHER — The minister says, 'They're in the budget papers'. So you're not prepared to revise them?

Mr Pandazopoulos interjected.

Ms ASHER — 'We'll maintain the no-growth target', he said. First of all his numbers are down, now he has forecast no growth, and he says that even with the \$10 million there will be no change to those targets.

This tourism minister has an immediate problem. Some 3500 bed nights have already been cancelled. Yet we are about to have the Australian Football League Grand Final and the Spring Racing Carnival. The minister

needs to get on the phone. Tourism Victoria was once proactive. He needs to ensure that these events, and most importantly their economic value to Victoria, are not threatened. Get out of the blame game is my advice to the government.

I note in conclusion that this motion has been moved by the honourable member for Mitcham expressing some concern about the aviation industry. This is the same honourable member I saw photographed in a demonstration wanting to close Essendon Airport. I might call on the Premier to advise me, as the member for Brighton, whether if Essendon Airport were closed planes would fly over Brighton. That would be unacceptable to the residents of Brighton, Mordialloc and Bentleigh. I call on the Premier to rule out increased flights in the Moorabbin area.

The government needs to become proactive and secure an airline headquarters for Melbourne, and it needs to secure jobs. This government needs to ensure a viable domestic tourism strategy. The issue of the impact of the Ansett downturn on domestic tourism falls fairly and squarely into this minister's lap. Where is the quarantined budget for regional tourism the previous government had? Where is the 50 per cent quarantined domestic advertising budget? We have not heard any of that since this minister has been in office. His figures are down internationally and domestically. It is most important that the Minister for State and Regional Development secure an airline headquarters for Melbourne and that the Minister for Major Projects and Tourism come out with a decent strategy to increase domestic visitor numbers for Victoria.

It is also very important that this government stop this hands-off approach and do something for Victoria, rather than blaming others.

Mr RYAN (Leader of the National Party) — The *Weekly Times* has today published a report card on the first two years of the Labor government. The newspaper gives it C+ for attitude, B for effort, A for consultation — because it will talk to anyone about anything at any time to get another committee running — and, most importantly in this debate, D for achievement. That says it all. It is absolutely right in terms of the Labor government's efforts.

You will never see a better example of the government in full flight than what it has been doing with the Ansett issue. Government members have been using the lives of Ansett workers, who are unfortunately caught in the middle of all this, for their own miserable political gain. It is a deplorable approach to take to this whole issue, and they are to be condemned for it. The hypocrisy they

have displayed over these past weeks has been absolutely breathtaking.

Let us look at some of the facts behind the issues that have given rise to the problems with Ansett Australia. Ansett, an airline which commenced in Hamilton about 65 years ago, is now in administration. The seeds of this problem were sown in the early 1980s, when Sir Peter Abels was in charge of the airline. He decided to acquire a fleet of aircraft of different types and makes. That meant that by the time Air New Zealand became involved the problems were already there to be seen.

In 1996 Air New Zealand spent \$475 million buying out TNT's share in Ansett. In April 2000 it spent another \$580 million buying out News Ltd's share to become the 100 per cent owner of Ansett Australia. It is now recognised that on the way through the managers of Air New Zealand simply did not do their homework. They did not exercise due diligence. They acquired a fleet which comprised 69 aircraft of eight different types. In today's world that was always going to be a problem.

They were also faced with having to supply something of the order of \$4 billion to replace that fleet. There is also the fact that since 1992 there has been an inexorable slip in Ansett's market share in comparison to the increasing share held by Qantas. All those factors were involved when they paid over the rest of that money — the \$580 million — in April last year. Since then Ansett has been a wholly owned subsidiary of Air New Zealand. In other words, Air New Zealand has had the call.

It is also relevant that 25 per cent of Air New Zealand is owned by Singapore Airlines — it is a non-voting share, but a 25 per cent share nevertheless — and another 30 per cent of is held by Brierley Investments Ltd.

We have heard a lot of talk about the Qantas options and the Singapore Airlines options, but the fact is that the problem lies squarely with Air New Zealand and its board, and then with the New Zealand government as a second rung.

An honourable member interjected.

Mr RYAN — John Anderson, the minister responsible at the federal level, has done an absolutely fantastic job. I am proud to say that his efforts are now being recognised as the true facts emerge. John Anderson has done a mighty job of looking after Australia's interests in all of this. I am also proud to be able to say that that is one of the reasons why the only money on the table at the moment to look after the

Ansett workers has come from the federal government. The \$400 million that is on the table has come from the federal government, and not by way of indemnity or otherwise. For all their bluster, the state governments in Victoria and the other Labor states have not put a single cracker on the table to help those people, whom they are now using for their own miserable political ends.

Let us look at what the Treasurer is saying about all of this. He says it is the fault of the federal government. What an absolute furphy! Of course it is not the federal government's fault. Air New Zealand is a 100 per cent foreign-owned company. To the mix can be added the comment made last night by the minister at the table, the Minister for Major Projects and Tourism, who said the federal government should never have approved the sale of the last 50 per cent to Air New Zealand. The fact of the matter is that the federal Labor opposition absolutely agreed with and consented to the sale taking place.

Without going to the precise words, in the course of the debate federal Labor's shadow spokesperson was loud and effusive in his praise of what the federal government was doing. He said it would ensure proper competition in Australia. That is what the federal Labor opposition said at the time of the sale of that last half of Ansett Australia to Air New Zealand.

But what did the Victorian Treasurer have to say about it? He said it was the fault of the federal government. What a lot of absolute rubbish! He overlooks the fact that the federal Labor Party consented to the sale. He says the federal government should somehow have gone over there and convinced the New Zealand government to adopt the Singapore option. He also says it should somehow have used its influence to force the board of Air New Zealand to adopt the Singapore option, which he sees as the solution to all this.

It has been pointed out to the Treasurer that Australia does not have the capacity to do that. We cannot convince 100 per cent foreign-owned companies to do such things.

The efforts of the Treasurer on this issue are to be compared with what he has done elsewhere in Victoria: Nestlé in Warrnambool has collapsed with a loss of 122 jobs; Heinz at Dandenong shed 192 jobs; Email-Chef lost over 550 jobs to Adelaide; Benalla Spinners has gone to New Zealand, causing a loss of 40 jobs; Ford Australia at Geelong and Broadmeadows has shed 300 jobs; Arnott's Biscuits at Burwood shed 613 jobs; Solelectron at Wangaratta has lost 220 jobs; and Nestlé at Maryborough lost 140 jobs. The list goes on — and all of them are foreign owned.

What success did our Victorian Treasurer have in influencing the decisions of all those foreign-owned entities? I do not know how many thousands of jobs it adds up to here in Victoria, but here he is bleating about the fact that the Australian government should have gone over there and somehow caused the New Zealand government and the board of Air New Zealand to take a position which he, here in Victoria, could never achieve, despite all his bluster. He says the federal government is to blame because it was unable to do what he could not do here in Victoria! Absolute rubbish!

His classic interview with Jon Faine on ABC radio on 11 September has some great moments in it that I would love to read out, but time it is against me. For example, Jon Faine put it to the Treasurer that the situation in Victoria was something about which he said action should be taken and asked what he was going to do about it as a member of the government. He put it to the Treasurer that the government had put up money for the GMH program and asked why it could not put money up to protect the Ansett workers?

Of course the Treasurer said it was a silly analogy, to use his term. Later on Jon Faine says in effect, 'Well, in light of my silly analogy as you say, what are you going to tell us that your government is going to do to assist the situation?'. This is worth reading out. Jon Faine says:

I understand that, Mr Brumby, but I'm asking if the state government will do anything of itself, rather than ask the federal government to solve the problem.

Response by Mr Brumby:

Well, well, I ...

And then silence, absolute silence! Isn't that the wonder of live radio when you get to hear it as it really is? Jon Faine then comes back in and says:

It would seem the answer is no.

Isn't that a classic summary of it? Just in keeping with the *Weekly Times* mark of D for achievement, the answer is no — and that is of course the case. The government has nothing it can do or is able to do to bring about the sorts of solutions it is supposedly proposing to the Ansett workers. I might say that at a federal level Mr Beazley is equally hopeless. Had we pursued the position he put forward over the course of the last weekend what a disaster that would have been!

At the end of the day where does all this take us? I will tell you, Madam Acting Speaker. The state government in Victoria should be absolutely condemned for the way

it has used the Ansett workers. It has nailed those people to the political cross of opportunism. That is what it has done. It is using them to advance its own miserable ends because it knows that a federal election is due and that soon enough federal Labor will have to face the music. All the rhetoric will count for nothing then, because the numbers will come in and we will all be faced with the fact of whatever the numbers say.

In the meantime, in a desperate and grubby measure to assist the federal Labor Party, this pathetic bunch here in Victoria, led by a Treasurer who is not up to it, is putting propositions to these workers which simply do not stand scrutiny. So I say on behalf of all Victorians, this government deserves to be condemned.

Ms BEATTIE (Tullamarine) — How extraordinary. We see the death of a great Aussie — indeed, a great Victorian — icon and all we get from that side of the house is cheap political opportunism, absolute opportunism. The last time I looked aviation was a federal responsibility. It still is. The blame lies with the federal government. John Anderson and John Howard will go down in history as Ansett's undertakers. That is how the people of Tullamarine regard John Howard and John Anderson. Leaving John Anderson in charge of aviation policy — indeed, in charge of this country — is like leaving Dracula in charge of the blood bank.

Yesterday we heard the Leader of the Opposition say he did not think the federal government should do anything to alleviate the pain in the aviation and tourism industries. He will stand condemned by the people of Tullamarine and the Ansett workers who live in my electorate, because I will be showing them *Hansard* and they will judge him at the next election.

I congratulate the people who are working very hard to try to get things back on track. The chief executive officer of Melbourne Airport, Chris Barlow, and his team are doing everything they can to help. Locally the City of Hume is arranging nights with Centrelink, and it has arrangements in place for the deferral of rates, as has Western Water. However, the deferral of rates does not help the 6000 Ansett workers in Victoria. They do not want deferral of payments; they want their jobs and their entitlements, and that is what they should be given.

We hear John Howard say that he is going to give them some of their entitlements. What entitlements is he talking about — the entitlements that are due to them, or the statutory entitlements? There is a difference between them, a difference of between \$300 000 and \$50 000, so I urge people to be careful when they talk

about John Howard guaranteeing entitlements. We know the entitlements he guaranteed; they were for his brother Stan's workers. That is the only time he ever guaranteed anything.

The federal government has been totally incompetent in this. Anderson watched while Ansett buckled at the knees and fell down — 16 000 Australian jobs gone, and he claims it was a surprise. It was not a surprise. Ansett has been losing market share for some time, and the workers of Ansett deferred their pay increases to help Ansett out. That is the sort of work force Ansett has — long-serving, loyal employees who will do anything to help the company out. But how do the people on the opposite side feel? They could not care less. They could not care less about the people of Tullamarine and the people of Gisborne. They just stand there and deride the Bracks government, which was the first government to do anything — \$10 million into the tourism industry and a consumer hotline that took 4000 calls in a matter of hours. And what do they do? Absolutely nothing. They try to sheet the blame home to the Victorian government.

Aviation policy is a federal matter, and the opposition should take note of that. Where is Anderson's aviation policy? Does he have one, or is it in his back pocket? Is he keeping it a secret like everything else? The absence of leadership in this matter is deplorable. Howard and Anderson — Ansett's undertakers!

An honourable member interjected.

Ms BEATTIE — You just amaze me at times, honestly. What is the federal government doing about this? It is still sitting on its hands doing nothing, absolutely nothing. As I said, the Bracks government has put \$10 million into the tourism industry, it has set up consumer hotlines. Loyal employees who want their jobs back are ready to go back to their jobs.

The City of Hume estimates that between 1000 and 1500 families in the Sunbury area will be affected by this, which will be absolutely catastrophic for Hume. On a local issue, I call on the Sunbury Residents Association, which has a mad campaign to separate Sunbury from Hume, to now desist from this campaign and back away from it, because it will cause rate increases. The local chamber of commerce should be out there assisting businesses to stay afloat in these terrible times rather than joining that mad campaign to separate Sunbury from Hume.

The honourable member for Hawthorn talked about leadership. Where was the leader of this country when this was going on? Having lunch with Rupert Murdoch.

What did they talk about at that time? Yesterday in this house we heard the extraordinary statement from the honourable member for Wantirna, which was totally incorrect, that there was a union picket line around the New Zealand Prime Minister's plane. There was no union picket line around that plane. There was a group of very distressed workers who had just lost their jobs and lost their futures, who reacted and surrounded the plane with equipment. The honourable member asked about the cost of all this. I will tell him about the cost of some of these things.

The cost is shown in this newspaper story about the Stanley family of Sunbury. Mum and dad, John and Rose, work at Ansett. Their son Aaron is a second-year apprentice at Ansett. Their other son, Jason, is a fourth-year apprentice at Ansett. Those jobs are gone because of the total incompetence of Prime Minister Howard and Minister Anderson. They are a family not only without jobs but without any guarantee of their entitlements, nothing at all. Again, what do Howard and Anderson do? Sit on their hands. What does this hapless opposition do? It tries to sheet the blame home to the Bracks government.

Once again I say that the Bracks government is the only government in Australia that is doing so much at this time. I was present at a round-table discussion that included airline operators, the secretary of the ACTU and representatives from Australian industry groups, tourism and Melbourne Airport sitting down together, trying to do something to alleviate this position. Absolutely!

From that there came several actions. There was a meeting with the investors; meetings with the unions, whose representatives are working with regional networks, which are obviously very important; phone link-ups with Singapore Airlines; meetings with the Ansett administrators; the call on the commonwealth government to safeguard Ansett's 17 000 employees; and the consumer hotline. And the opposition asks what is being done. There were also calls for future action, phone link-ups with other states, investment facilitation, and the bringing together of parties. I understand that former President Clinton calls it triangulation. It is happening with government business brokerage, and we are willing to talk about payroll tax. We have all these systems in place. What does the federal government have in place? Absolutely nothing.

In conclusion I say that the domestic route between Melbourne and Sydney is the third-busiest route in the world, and we need more than one airline in our sky servicing that route. We need Ansett to get up and fly again, we need to reward those long-serving

employees, and we need to get them their jobs back. For this appalling opposition to try to blame the Bracks government in some way or other — —

An honourable member interjected.

Ms BEATTIE — It is federal policy. For its members to try to blame the Bracks government in some way is absolutely appalling. They will stand condemned by the people of Tullamarine for their ineptitude, and the cheap political opportunism they used yesterday and are again using today will see them stand condemned by this state.

Mr WILSON (Bennettswood) — I am pleased to make a contribution to this matter of public importance. When we heard of the collapse of Ansett Australia last week it was indeed a very sad day. It was a very sad day for Victoria, it was a very sad day for Australia and it was a very sad day for good aviation in this country. It was an especially sad day for the employees of the company and their families.

For over half a century — for 65 years — Ansett has been an icon of Australian, and indeed world, aviation. Over that period it has provided extensive national, regional and, in more recent years, international air services. To lose such an icon is a genuine national, corporate and historical calamity — a calamity for employment, a calamity for tourism and a calamity for aviation in this state and in this country.

I commence my speech — and I notice he has left the chamber — by reflecting upon the contribution of the honourable member for Mitcham and I will touch on a few points made by the Deputy Leader of the Opposition in her excellent contribution. The fact that the honourable member for Mitcham moved this matter of public importance is interesting, because it is not his first entry into aviation policy in this state or in this city. The Deputy Leader of the Opposition in her contribution correctly brought to the attention of the house, as I will again, an article in the *Herald Sun* of 27 August which states:

Essendon Airport would close if Labor wins the next federal election, the opposition said yesterday ... Opposition transport spokesman Martin Ferguson said the ALP would negotiate with lease owners Edgelear to close it.

A photograph accompanying the story shows two honourable members who sit in this chamber — the honourable member for Essendon and, believe it or not, the honourable member for Mitcham — —

An Honourable Member — Who?

Mr WILSON — It shows the honourable members for Essendon and Mitcham walking in a rally to close Essendon Airport. That is interesting in itself. But it should be also be noted that according to the *Handbook of the 54th Parliament of Victoria* the honourable member for Mitcham has another title. He is the parliamentary secretary for state and regional development. His thinking appears to be that state and regional development is possible without a major second airport in Melbourne.

It is a remarkable contradiction for the honourable member for Mitcham to stand up this morning and talk about aviation policy, when only a matter of a few weeks ago he was walking the streets of Essendon calling for the closure of Essendon Airport. The honourable member for Mitcham should spend a little more time in his electorate on state matters. He should worry about schools; he should worry about police numbers and police on the streets; he should worry about some of the traffic black spots that my constituents in Bennettswood tell me are very bad in his electorate of Mitcham; and perhaps he should spend a bit of time worrying about getting a community bank into his electorate.

The honourable member for Mitcham offered very little explanation of what the Bracks government has done and what it intends to do about the situation. As the Deputy Leader of the Opposition said in her contribution, at the moment the Bracks government has two main tasks. One is to retain or secure an airline headquarters in Melbourne. Qantas has its headquarters in Sydney and Virgin Airlines has its headquarters in Brisbane. We all understand that Melbourne should have had the Virgin Airlines headquarters, but because of the total inaction of the Bracks government we failed to secure it. That great opportunity went north to Brisbane. The second task is to ensure that regional Victoria is well serviced by air services.

Those are the two main tasks before the government. But look at the table in this chamber. Where is the Treasurer? Where is the Premier? The Labor Party has proposed a matter of public importance for debate in this chamber, and neither the Premier nor the Treasurer, who is also the Minister for State and Regional Development, is in the chamber to hear the contributions. In fact, there is not a minister at the table. The Minister for Tourism is over there giving some lines to the honourable member for Gisborne for her contribution. It is extraordinary that no senior minister is at the table and that we are left with the junior Minister for Tourism to run the show.

In contrast to the Bracks government, the Howard government has been very productive. Yesterday, services to 23 of the 34 regional centres which had been previously serviced by Ansett had resumed. That is what good government is all about — getting on with the job, getting aeroplanes into the skies again, and linking up Australian cities — instead of the rhetoric we are hearing from this government and from the honourable member for Mitcham. We also heard an extraordinary contribution from the honourable member for Tullamarine a little while ago; presumably we will hear from the Minister for Tourism later. We are not hearing about plans for the future or about action; we are simply hearing Labor Party rhetoric.

The honourable member for Mitcham said a lot about the federal government's role in the Ansett situation. Unless I failed to hear him correctly, the honourable member for Mitcham did not at any stage during his contribution mention the incompetence of Air New Zealand, its board and its management. More importantly, I do not think I heard the honourable member at any stage mention the absolute incompetence of the New Zealand Labour government and its appalling performance in this great calamity. The performance of Labour Prime Minister, Helen Clark, has been, to say the least, abysmal. Has the Victorian Premier, the Honourable Steve Bracks, made a phone call to his colleague across the Tasman to insist that Air New Zealand does the right thing by Ansett employees in this country?

Mr Baillieu — He said he had not yesterday.

Mr WILSON — Thank you; the honourable member for Hawthorn tells me that yesterday he said he had not. He has not made that phone call. It is not a difficult task to pick up a telephone in Melbourne and phone Wellington, New Zealand. They are members of the same political grouping.

Mr Baillieu — He has not written; he has not rung!

Mr WILSON — He has not written and he has not rung. It is extraordinary. The New Zealand Labour Party, like Labor parties all around this country and Labour parties throughout the world, have displayed extraordinary incompetence in this area.

Earlier this week I was listening to the New Zealand Prime Minister being interviewed on 3AW. When the Labour Prime Minister of New Zealand was asked whether she had been in contact over the weekend with Air New Zealand, what was her response? I will tell you. Her response was, if I heard her correctly, 'Yes, via the media'. What prime minister in a situation such

as this contacts a major player such as the board and management of Air New Zealand via the media? It is an extraordinary performance or lack of performance.

The Labor Party at both the state and federal levels is playing gutter politics with this tragedy. To see that you have only to look at and listen to the actions and bleating of Kim Beazley over the last few days — look at his backflips and his contradictory comments. What happened yesterday in Canberra was a perfect example of how the Labor Party and the Australian Council of Trade Unions (ACTU) are playing dirty politics with the corporate tragedy of the Ansett collapse and the accompanying personal tragedy for its employees throughout Australia.

Referring to a rally of Ansett workers in Canberra the *Herald Sun* reports today that Mr Abbott, the federal workplace relations minister, tried to talk to the rally but was told by ACTU president, Sharan Burrow, that he was not welcome to address the crowd. The article states:

Mr Beazley defended the decision to ban government ministers from speaking to the rally and accused them of seeking to provoke the protesters.

‘What Abbott was coming down here to do, like Baird, was to provoke them, so that (the media) would follow them around with cameras, with that provocation’, he said.

The Labor Party at both state and federal levels should be ashamed about its inaction in this area. The Ansett tragedy is indeed just that — a tragedy — and we commend the Howard government on its fine work in this area.

Ms DUNCAN (Gisborne) — It was quite extraordinary sitting here listening to the comments of the honourable member for Bennettswood. I noticed a few laughs from the government benches in response to his comment about the fine work of the federal government in the Ansett crisis. It is difficult to imagine a more abysmal approach to the collapse than the one we have seen from the Howard government. It seems to me that the Prime Minister has adopted the approach of just curling himself into a ball, trying to appear consumed by other issues, making himself the smallest possible target and blaming the various owners, operators, boards of directors and others.

There is no doubt that all those parties have been part of this collapse, but what the honourable member for Bennettswood and other honourable members fail to understand and are unable to explain is why a government — any government, including a federal government — would knowingly sit on its hands when at least 16 000 jobs are on the line. Regardless of whose

area of responsibility it is, you would imagine that a federal government would have something to say on the matter and would at the very least lift a finger to try to do something to address it.

I am sorry, Mr Acting Speaker, that I jumped straight into referring to the honourable member for Bennettswood, but his closing remarks were so extraordinary that I could not help but respond immediately to them. I wanted to start my contribution by saying that it is very difficult for me to talk about a matter of public importance without referring to what has occurred overseas — the tragedy and sheer horror of the events that have occurred in the United States of America. I am sure every honourable member of this house is appalled by that, and our prayers and good wishes go out to all the people who have died or have lost members of their family or friends. It makes us all very fearful about the future and what the fallout from this may be. I fear the ramifications of this. It may take us all down a road where none of us ever thought we would be.

As I said, the Ansett Australia collapse is a tragedy of huge economic proportions. As the house would be aware, I represent the seat of Gisborne, which is located very close to the airport, so naturally there are a lot of people in my electorate who worked for Ansett and have been devastated by this collapse. I will give some examples. It was estimated that in just one of the secondary schools about 25 per cent of the students have been affected one way or another — either by one or two parents or guardians being affected by this collapse. That is part of the tragedy. It is not uncommon to find many members of the one family who have worked for Ansett, some of them for many years. I have heard that four members of one family all worked for Ansett. To have every dollar of income in the household vanish overnight is absolutely devastating for that family.

I will refer to two residents whose situations were reported in our local newspaper. Referring to the Ansett collapse the headline in the *Macedon Ranges Telegraph* of 18 September reads ‘Absolutely devastating’. That sums up what this Ansett collapse means to the people of my electorate. I will quote from the newspaper the words of two residents of my electorate. One of them, Bill Richards of New Gisborne, has had 24 years service with Ansett but considers himself one of the luckier ones because his mortgage is not as big as those of many of his friends. His friends have much bigger mortgages and higher debt levels than he does and will suffer more as a consequence. Another is Tony Little, a Macedon resident who has had four years service with Ansett. He referred to the effect this is having on the

children in our local schools, such as Macedon Primary School. Just in his immediate circle of friends seven families have been affected. Similar effects are being felt right across the electorate. When we think of the number of jobs that will be impacted on indirectly as well, it is frightening and devastating.

It has been further compounded by the events in the United States. Those events have made the entire world fearful and will reduce air travel — no-one doubts that. As the Premier said in the house yesterday, the enormous number of overnight stays that have been cancelled just in Melbourne in the past 48 hours is quite frightening.

Obviously this is going to affect the entire world. As we have seen from the stock market's reaction, it has happened at a time when many airlines in the United States and across the world are facing great difficulties. To have Ansett collapse at this time is even more devastating. In this house some time ago the Deputy Leader of the Opposition stated that she could not believe the government had done nothing. At the time I thought she must have been referring to the federal government, because she could not possibly have been referring to the Bracks government.

As we heard yesterday, this government has been the leader among state governments in responding to this crisis, and I will give a snapshot by way of example. Yesterday this government announced that it would give a \$10 million boost to Victoria's international and domestic tourism marketing effort in response to the crisis. Round-table meetings were held with industry on Monday to brief stakeholders on the latest and to fully list all the problems and bring them to the attention of the Howard government, which had already been done some time ago.

It was another extraordinary insult and slap in the face for Ansett workers when the federal Minister for Transport and Regional Services, Mr Anderson, suggested that he was unaware of any of these difficulties when quite clearly he was. He knew of the enormity of the problem and the unsustainable position Ansett was in. That is the point: they knew that it was unsustainable; they knew what was coming. To my mind, it is almost akin to someone ringing in a bomb threat only to have the recipient of the threat refuse to respond to it and allow the bomb to go off in its own time. That is exactly what the Howard government has done.

I note the hypocrisy of the Deputy Leader of the Opposition, as shown in her comments on the government's response to this issue. She referred to and

made comparisons with the Asian economic crisis that we experienced some time ago and the federal government's response to it. At the time the Hawke government injected \$26 million in response to the pilots crisis, and that was considered by many to be appropriate. By way of contrast, the Kennett government's response was to close the overseas offices of Tourism Victoria in Osaka and Korea. The Deputy Leader of the Opposition obviously thought this was admirable, because she referred to it. The former government scaled back its advertising campaigns!

That was the Kennett government's response, and that is what the Deputy Leader of the Opposition refers to now when she asks what this government is doing. I can tell her what it is doing. The government is doing everything in its power, including putting its money where its mouth is, to try to revitalise what we know will be an ongoing collapse in the tourism industry across the world. We are preparing for that, and we are taking action to minimise the impact. We know how important it is to keep airlines flying. If they close, how much harder will it be to regenerate the tourism industry?

This matter of public importance is about a huge economic blow to Australia that has happened at a particularly unfortunate time — not that there could ever be a good time for it to happen. In light of what occurred last week in the United States, it is even more tragic. I mourn for the families in my electorate who know they will have a battle on their hands, with no assistance from the federal government, to make sure they get all their entitlements. Most workers would say that what they want is jobs. They need jobs! It hurts me to see ongoing snickering from members of the opposition whenever we refer to workers or unions. They seem to have a really negative view of workers in this country. You ask any worker what they fear most and they will answer, 'Losing my job'. This situation is being imposed on them, and it is a tragedy.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Mr CLARK (Box Hill) — The house is united in recognising and deploring the devastating impact that the collapse of Ansett has had on both Australia and Victoria. I grew up in a family that derived its income from the aviation industry. My father worked at Essendon before moving on to work at Tullamarine. The aviation community is closely knit. The workers of both the major domestic airlines have a strong loyalty towards their airlines. They have given years of service and are understandably devastated when the rug is pulled out from under their feet. My extended family

has also been affected in another way. Relatives who are pensioners have collectively lost thousands of dollars spent on buying tickets to visit Townsville for the wedding of a grand-daughter and grand-niece. They cannot go as it is virtually impossible to obtain seats on another flight.

Like thousands of Victorians and Australians I am angry about what has happened, but my anger is primarily directed to what has taken place within the management and governance of Ansett and its parent company, Air New Zealand. I hope the regulators are vigorous in pursuing what has gone on there and vigorous in asking questions about carrying on business while not having a reasonable expectation of being able to pay debts. Unless there is a remarkable explanation forthcoming from those concerned, I hope the regulators are also vigorous in bringing prosecutions for any infringements of the Corporations Law or any other laws that may have taken place.

As well as focusing on that responsibility we also have to focus on the future. The tragedy with a lot of the debate that has gone on in the media, and which has been generated by honourable members opposite, is that it is distracting from what needs to be done. It is distracting because it is about trying to score political points against the federal government.

If you applied the standards set by members opposite to their own performance they would be found wanting. The honourable member for Tullamarine accused the opposition of blaming the state government for the collapse of Ansett. That is simply a ploy to play for victim status. Unless evidence to the contrary emerges, the fact of the matter is that members cannot blame either the state or the federal government for what has happened with Ansett. However, we can look to both levels of government to respond to the situation which has occurred, and it is on that score that the state government is to be held accountable and so far has been found wanting.

Let us look at the argument being run by the state government and honourable members who have spoken in support of it today. Members opposite have said that the state government warned the federal government a month ago that there was a problem, and it did not respond. According to members opposite that shows that if the federal government had listened to their words of wisdom Ansett would not have collapsed. The honourable member for Mitcham told us the letter in question was dated 7 August, but did he table the letter? No. Did he read the letter to the house? No. Has the letter ever been made public? Not as far as I am aware. The Minister for Major Projects and Tourism is sitting

at the table, and I hope he contributes to the debate. If he does, I hope he will table this letter in the house so we can all read these wonderful words of warning given by the Premier to the federal government.

Whichever way one looks at it, there is a dilemma in the blame game the state government is trying to play. Either this letter was totally fatuous, wheel spinning and reciting facts already known to the federal government and in the public arena — and I suspect that is probably the case — or the state government had some genuine inside knowledge about the situation, information not previously known to the federal government or others in authority. If that was the case, what was the state government doing to act on that information? What was the Victorian government doing about warning Ansett employees or the travelling public? What was it doing about making representations to the New Zealand Labour government? If that letter added any genuine value to the sum of human knowledge, then the very inaction of the state government would condemn it. However, I suspect that that is not the case; I am pretty certain that all the state government was doing was reciting concerns which were well known and added nothing to the sum total of human knowledge.

That conclusion is borne out by remarks the Treasurer made on the Jon Faine program on 11 September. At that stage the Treasurer was urging the federal government to get the New Zealand government to allow Singapore Airlines to increase its shareholding. That was the course of action the Treasurer was promoting, and we now know that it was doomed in any event. We know that Singapore Airlines was having second thoughts about going ahead with that arrangement. We know that Air New Zealand was realising that the package put on the table by Singapore Airlines would not be adequate to solve the problems. We know that Air New Zealand subsequently extended the deadline for a decision because it did not have a viable business plan. In summary, this demonstrates that the state government was not in possession of great wisdom on this matter and was not adding value to a resolution of the problem. Therefore, its condemnation of the federal government is total humbug.

The Leader of the National Party cited from that interview statements by the Treasurer which make it clear that up to a week ago the state government had no solutions and no ideas of its own about how to tackle the problem. The state government should not necessarily be expected to be able to solve the problem, but it did not even have any ideas about how to prepare to respond to it. As the Deputy Leader of the Opposition has said, the critical responsibility of the

state government is to secure jobs and investment in Victoria, particularly by securing as much head office capacity as possible of whatever entity ends up taking the place in whole or in part of Ansett. That is where the efforts of the state government need to be focused, not on blaming the federal government.

In many instances the arguments which have been used by government members to blame the federal government are ludicrous. The principal argument seems to be that the federal government is responsible for the problems because it regulates and oversights the airline system. That is certainly what the Premier suggested in question time yesterday. The Treasurer is now in the house and hopefully he will contribute to the debate. Does he apply the same standard to industries and businesses regulated by the state government such as the electricity industry? The state government bears greater responsibility for the electricity industry than the federal government does for the aviation industry, because the state government regulates prices and entry and a whole lot of other things in the electricity industry.

However, travel agencies are also regulated by the state government, as are real estate agencies and brothels. Surely the state government is not arguing that it is responsible for the financial fortunes of businesses in each of those industries simply because it regulates them. Yet that is the standard it is seeking to apply to the federal government.

The bottom line is that we must focus on the future, and in that respect the state government has failed badly. No plans have been outlined to the house showing what the state government is doing to secure the best possible head office function for Victoria. Maybe the Treasurer will give them to us in a few minutes. We have heard reference to the hotline. I have not troubled the hotline because I am sure it is very busy, but I have looked at the state government web site on this issue, and it is pathetic. Given the lack of information it provides to the public it might as well just give a series of links to the web sites that do provide information.

There has been a lot of talk about discussions with potential investors. I would like to know what those discussions have brought to fruition that would not have occurred otherwise. What assistance has the state government provided to any potential investor who could not have found their own way to the administrators? In short, the government needs to focus on the future and not on blame.

Mr BRUMBY (Treasurer) — I will begin my contribution by quoting to the house the press statement

issued yesterday by Melbourne Airport. It is headed 'Support for state government initiative' and states:

18 September 2001, 15.00 hrs: Melbourne Airport welcomes the announcement from the Premier Steve Bracks and his government today to launch a \$10 million marketing initiative to stimulate tourism in the wake of Ansett's recent grounding.

Chris Barlow, CEO Melbourne Airport, fully supports the state government's initiative. 'Melbourne Airport has a strong and constructive relationship with the state government evidenced by an increase in international seats and services to Melbourne over the past 12 months.

'Melbourne Airport will continue this productive relationship by lending its full support to this initiative and playing its part in stimulating tourism to Melbourne. We are also keen to look at ways we might be able to help the administrator and the state government get aircraft flying again.

'Obviously, our thoughts go out to all Ansett employees during this difficult time', he said.

I thought I should bring that to the attention of members of the house, because although I have been engaged in a number of meetings this morning I have heard some of the contributions to the debate. Having listened to the opposition contributions, I found that, as normal, there were no positive suggestions, no ideas and no concrete proposals for the future. All honourable members opposite have been doing is continuing the extraordinary behaviour we saw yesterday of focusing their attention on the state government rather than applauding the positive steps the government has taken, the leadership it has shown and the initiatives it has put in place. No other state in Australia has put these initiatives in place.

The state government has put in \$10 million, and it is the government's view that that \$10 million will have three principal focuses. The first is what we can do for our regional tourism industry. As the Minister for Major Projects and Tourism and the Premier pointed out yesterday, at this time of the year a lot of the tourism traffic through sites such as Sovereign Hill is sourced from overseas. This is a very difficult period for them. It will be some time before people are prepared to get on international planes in the same volume as they have in the past, so the best thing the government can do is get more Victorians to holiday and visit attractions in their own state. That is a key focus.

The national focus is important too. People will remember that after the pilots' dispute in the late 1980s and the Gulf War in the early 1990s it was important to get people travelling again within Australia. I repeat that when there are international crises it takes some time for people to build up the confidence to restore international movements to former levels. That is the

second stage of what the government will be looking to do with the \$10 million.

As the Premier and the Minister for Major Projects and Tourism pointed out, the third stage — when the time is right — will be to put the international focus back on getting traffic into Melbourne and Australia and to spread it out through the regions to multiply the tourism impact.

I have mentioned the support from Melbourne Airport, but other major tourism groups have been equally supportive of the initiative taken by the state government. When one thinks of the benefits it could have, I anticipate that a large part of it, and perhaps the full part, will be matched by industry and by the airlines, including Qantas and the new players who hopefully will come in to replace Ansett. There will be a gearing-up of the \$10 million within the industry.

The state government believes it should be matched by the federal government, so the \$10 million will become a \$30 million initiative to boost confidence in the tourism industry and get people travelling again. I repeat that no other state has taken this initiative. As the Premier and Minister for Major Projects and Tourism have said, Tourism Victoria is working on the detail of the initiative, which will be ready to go in a short time.

Let there be an end to the nonsense from the opposition that the state government should have been doing more about this matter. No state government has done as much about it as this government.

Mr Baillieu interjected.

Mr BRUMBY — I am again hearing interjections from the opposition about what the state government is doing about this national company, so let me talk about the issue of responsibility. In an article in the *Australian Financial Review* of 17 September Mr Chris Brown, the chief executive officer of Tourism Taskforce, stated:

... the TTF (Tourism Taskforce) was assured by three members of cabinet —

that is, the federal cabinet —

as late as Friday night that Ansett was not about to close. We were promised Ansett will keep flying. How totally out of touch can you be?

That was not the Bracks government but Tourism Taskforce saying that the federal government did not have a clue on this issue. Mr Brown continued:

This is the Gulf War meets the 1980s pilots' strike ... The industry is desperately looking for leadership, but all we got was a new tax.

That is the \$10 slug that the federal government is proposing to put on airline tickets. An editorial in the *Age* of 15 September stated:

Mr Anderson was appalled — utterly appalled — by the way Ansett's parent company had concealed the Australian airline's true financial state ... But who really believes it? Warnings about Ansett's dire financial and operational condition had been issued for months ... Why does Mr Anderson expect the Australian people to be so gullible?

In an article in the *Herald Sun* of 15 September, Terry McCrann stated:

Ansett is dead. Murdered by Air New Zealand management incompetence and NZ government fantasising and dithering. With our Deputy PM, John Anderson, an accessory during the fact.

In yesterday's *Australian Financial Review* a federal government backbencher stated:

I simply can't believe that running around saying, 'I didn't know', is reassuring to people — he's the minister for transport and it's his job to know. It suggests an appalling level of incompetence.

That is what people in business, in industry and federal government backbenchers are saying about this issue.

Mr Baillieu interjected.

Mr BRUMBY — The honourable member opposite keeps saying, 'What did you do?'. Here is the letter which the Premier wrote. As he said in question time yesterday, he had numerous meetings with the head of Singapore Airlines, Dr Cheung, who would have a better relationship with the Victorian Premier than any other government official in Australia. Dr Cheung has been rebuffed and insulted by the incompetence of our Prime Minister and Deputy Prime Minister. Among other things, in his letter to the Prime Minister dated 7 August the Premier said:

As Ansett is presently headquartered in Melbourne, Victoria has a strong interest in this matter. The Victorian government was disappointed by the recent statement by the commonwealth transport minister, John Anderson, appearing to favour the Qantas proposal. We remain concerned that given the publicly stated position of Singapore Airlines, the Qantas proposal as it currently stands may jeopardise Ansett's future and whether Australia has a competitive, sustainable domestic airline industry.

You would have to give that 10 out of 10! It is absolutely spot on. Yet that clown the Deputy Prime Minister went to New Zealand saying, 'Have I got a proposal for you?'. It was the Qantas proposal — it was the wrong proposal — and he should have backed

Singapore Airlines. Had he done that weeks and weeks ago we would not be in this crisis today. That is the simple, inescapable fact of the matter. The state government made the representations, and it held the meetings.

I conclude by saying that the state government has done more than any other government in this area —

Mr Clark — On a point of order, Mr Acting Speaker, the honourable member indicated that he would make the letter available. I trust he will do so.

Mr BRUMBY — Yes, I will make it available. The state government has done more in this area than any other government. It has set up a consumer hotline and provided \$10 million for tourism, and it is announcing a further initiative today to provide financial and counselling services to those employees who have been affected. It has held meetings with investors and set up industry round tables. It has brought the unions together. It is doing more than anybody else. What about a bit of leadership from the federal government and the state opposition?

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member's time has expired.

Dr NAPTHINE (Leader of the Opposition) — On both sides of the house there is clearly a unanimous view that the collapse of Ansett Australia is a tragedy for Victoria and Australia. It has had a devastating effect on jobs, the economy and tourism in Australia, and particularly in Victoria. Our sympathy and thoughts go to the 16 000 Ansett workers across Australia whose jobs are either lost or at serious risk and in particular to the 8000 Ansett employees in Victoria as Ansett had its headquarters here. That means the state government has a particular responsibility in this issue.

Our sympathy also goes to the thousands of workers in associated industries, such as those who were direct contractors to Ansett or in associated businesses, who will be affected by the collapse of Ansett. We empathise and sympathise with those people. We wish them well in their endeavours to find employment in the reconstruction of airline services in Australia. We hope the state government will do everything possible to maximise the job opportunities for those people, particularly Victorians, to secure jobs in the industries of their choice in Victoria, because this great state is obliged to provide opportunities for those people. The Liberal Party deplores the actions of the state Labor government in seeking to play crass politics with this issue rather than genuinely focusing on a way forward.

Honourable members interjecting.

Dr NAPTHINE — We will get to that. There is also an element in the actions of the state government which says, 'Here is a government that protests too much'. It protests too much because it has something to hide. I accuse the Bracks Labor government of failing Ansett Australia, Ansett employees and Victoria. Yesterday some questions were raised of the government on the issue of Ansett and we got some interesting answers. The Treasurer — and he has repeated his comments today, as has the honourable member for Mitcham, and *Hansard* records it well — has made it clear that some weeks ago the state government saw that the solution to the problem was for New Zealand to accept the Singapore Airlines offer of 49 per cent ownership. That is what the Treasurer said yesterday and that is what the honourable member for Mitcham said: there is a simple solution to protect jobs, airline services and tourism for Victoria. The state government identified that its solution was for the New Zealand government to accept the Singapore Airlines offer. That is what the government said the solution was.

The question is: having identified that some weeks ago, what did the Bracks Labor government do about it? It did nothing about it! When the Premier was asked whether he had spoken to the New Zealand Prime Minister on the issue, he said he had not. He had not picked up the telephone, contacted the New Zealand Prime Minister in writing or made any representations to the New Zealand Prime Minister on this very issue. Yet he knew, or he should have known, that those who had the most to say about this issue were the New Zealand government and the New Zealand Prime Minister. We only have to look back at numerous press releases including one dated 17 April 2000 from the Honourable Mark Gosche who said:

Under existing New Zealand government policy no foreign airline or airline interest may own more than 25 per cent of a New Zealand international airline and foreign airlines or airline interests may not own in total more than 35 per cent of the share capital.

Clearly the New Zealand Labour government policy limited foreign ownership of Air New Zealand. It was a Labour Party policy in New Zealand implemented by the Prime Minister of New Zealand, Helen Clark, and her cabinet.

I take honourable members back to what the Treasurer said today and yesterday and to what the honourable member for Mitcham said in his contribution. They said the Victorian Labor government firmly believed the Ansett situation could have been resolved satisfactorily in terms of jobs and air services if the New Zealand government had lifted that ban and allowed Singapore Airlines to take 49 per cent of Air New Zealand. Their

Labour colleagues were the ones who blocked this in New Zealand. Yet did this Labor government, these fellow travellers, these Labor mates, use that influence to protect Victorian jobs and Victorian interests? No, they did not.

The Premier admitted yesterday that he did not even take the trouble to pick up the phone and talk to the Prime Minister of New Zealand. He did not take the trouble to use his obvious influence with the Labour Party in New Zealand to try to protect Ansett and its interests. They said they had a solution and they did nothing about it. The only conclusion that can be drawn is that the Labor government here did not care enough about Ansett to do it, or that it did not believe its rhetoric that this solution was viable.

I also accuse the Premier and the Labor government of failing to support efforts to protect employee entitlements. This government has consistently failed to support the federal government's employee entitlement scheme. Time and time again the federal government has offered to provide universal coverage for workers affected by the collapse of companies while the Victorian Labor government has consistently rejected those overtures. It has persistently and consistently failed to protect the entitlements of employees in Victoria by rejecting the commonwealth offer under the employee entitlement scheme.

In addition, the commonwealth government has \$400 million on the table. The Prime Minister, Mr Howard, has told federal Parliament that his government is prepared to put \$400 million of taxpayers' money on the table to deal with this issue.

Contrast that with what happened when Compass Airlines collapsed when we had a federal Labor government. Where was the offer from Mr Keating and Mr Beazley, who was a senior minister in the last federal Labor government? What did they say to the Compass employees who lost their jobs when Compass went belly up? What they said was that they could go and jump. When it was in office the Labor Party failed to protect employee entitlements in Compass. The state Labor government here in Victoria is doing nothing to protect Victorian entitlements in this case. Worse than that, when the federal government has proposed a levy on airline tickets to protect the entitlements of Ansett employees here in Victoria, what does the Premier do? He says, and I quote from the *Age* of 18 September:

... which Mr Bracks said, was 'just stupid, is just ridiculous. It's come at the wrong time'.

Mr Bracks in another article in the *Age* said the \$10 levy was a 'wacky idea'. He said:

The new \$10 levy ... is just stupid, just ridiculous.

But the interesting thing about that is that that \$10 plan is supported by Mr Beazley. Mr Beazley supports this plan. Mr Beazley is interested in protecting employee entitlements. Mr Howard is interested in protecting employee entitlements. The only one not interested in protecting employee entitlements is the Bracks Labor government here in Victoria. It is not interested in protecting employee entitlements.

This matter of public importance was put forward by the honourable member for Mitcham, who is renowned throughout Victoria as the man who wants to close Essendon Airport. He is the man who wants to deny people in regional and rural Victoria access to regional air services through Essendon Airport. He is the greatest hypocrite of all time on this issue of air services in regional and rural areas. Rather than working to close Essendon Airport and deny regional and rural people access to these areas, he should be working to maintain regional air services that are going to be affected by the collapse of Ansett.

Finally, let me say that both the Treasurer and the honourable member for Tullamarine have lied and made misrepresentations to this house when they have said that I do not support the tourism plan.

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

Mrs MADDIGAN (Essendon) — I think the employees of Ansett will be very disappointed in the contribution the Leader of the Opposition has made today. It shows a total lack of understanding of their situation and a total lack of care. In speaking of the Ansett employees in what I consider to be a particularly patronising manner, the Leader of the Opposition had the gall to stand there and say, 'Well, I hope they get a job in the industry of their choice'. If it were not for his federal colleagues, they would still have jobs in the industry of their choice because they were actually working in the industry of their choice.

His comments trying to shift the blame onto the state Labor government are absolutely laughable and show quite clearly that the Leader of the Opposition has not spoken to even one Ansett employee, because he does not even understand. He has not even an inkling of the anger amongst employees of Ansett that is directed firmly at his federal colleague, the Prime Minister of Australia. It just amazes me that he can stand there and talk for 10 minutes trying to blame anyone he can think of, trying to blame the most amazing extraneous issues and calling honourable members on this side liars when

he obviously has absolutely no understanding of the great concern being felt by Ansett employees.

I would like him to come to the electorates of Essendon, Tullamarine and Gisborne, which house many people who worked for Ansett. He is leaving the chamber, and if I were him I would leave the chamber too. Quite frankly he does not want to hear the problems of Ansett employees, because he really could not care less. All he is interested in doing is trying to protect his federal colleagues, and he does not care at all what happens to Ansett employees. As he scurries out the door, I think it is a shame that he is not as quick in coming to Essendon, Tullamarine and surrounding areas as he is in leaving this chamber, because if he were he might get some understanding of the devastating effects this has had on many residents in Victoria.

I should disclose a personal interest in this. My sister-in-law is a flight attendant with Ansett and has worked there for 30 years. She started as an air hostess when Reg Ansett ran Ansett Airlines — and obviously ran it much better than it has been run recently. She is typical of the many Ansett employees who are very loyal to that airline. This week's *Community News*, our local paper, says:

United we stand. Ansett 'family' faces uncertain future.

That is how the Ansett staff felt about working for Ansett Australia. They felt they were part of a family, and they were probably the most loyal and dedicated employees you could ever see. They are just devastated about what has happened to them. I instance how my sister-in-law found out that she did not have a job. She was in the middle of a flight back from Perth to Melbourne, serving a meal, as Ansett employees normally do on such flights, when the pilots got a message from the airport saying, 'By the way, Ansett has just been put in the hands of the administrator'. So the poor staff after they found this out had to keep smiling and keep handing out the food all the way back from Perth even though some of them were standing in the galley in tears because they had just discovered they had lost their jobs. The effect that has had on some people has been quite devastating.

As I said yesterday, among the many people who work for Ansett there are families where both partners work there and have huge mortgages. The same local paper canvasses the fact that they believe many houses will be going up for sale in Essendon because there are many pilots, flight attendants and administrative and maintenance staff who live in the local area. Essendon has a lot of staff at Ansett because, as we know, when

Essendon Airport was the main airport in Victoria Ansett started there. A lot of facilities linked to Ansett are still in Essendon. There are many businesses in the area that provide Ansett with services.

The Ansett Pilots Association is still located at 19 Napier Street, Essendon. It was a very sad sight to see on Saturday morning a number of pilots still wearing their Ansett uniforms standing outside their office discussing, I guess, what was going to happen next. The Flight Attendants Association of Australia is also located in Moonee Ponds, at 670 Mount Alexander Road. So there is a great concentration of people from Ansett who live in that area. There is a business called Aerostaff Australia run by Stephen Roebuck. He assembles oxygen masks for airlines. His office is full of oxygen masks with the Ansett logo, so he is concerned about the fact that he may have to retrench staff because obviously he has lost half his business with the demise of Ansett.

The effects are not limited just to Ansett employees or even those we can recognise easily as direct suppliers of Ansett like the catering services. Many people will be affected. The local paper even refers to local restaurants and businesses that provide services for Ansett staff. It is considered that in Moonee Valley, and it would be the same for Bulla and other local councils, there is going to be a significant effect right through those council areas and their residents.

But the point the Leader of the Opposition basically misunderstands is that the staff, who have worked excessively hard and have fulfilled all their part of the industrial agreement they had with the owners of the airline, have been treated in such an offhand manner by the federal government. They, I think quite reasonably, saw Ansett as an icon of Australian industry and would quite reasonably have expected at least some support from the federal government or some understanding of the trauma they were going through, but for days and days — —

Honourable members interjecting.

Mrs MADDIGAN — It is all right for the honourable member for Box Hill to interject. I would like to know how many Ansett employees he has spoken to. I would hope that perhaps he has a better understanding of their concerns than his leader does — or perhaps he has lost his frequent flyer points.

For days and days all we heard from the federal minister for transport was, 'It has nothing to do with us'. As I said yesterday, the employees were so grateful to Kim Beazley, the Leader of the Opposition, when his

first response was, 'These are Australian jobs. What are we going to do about it?'. It was only the Labor politicians, including the state politicians, whose first response was concern to look after Ansett employees.

It has taken almost a week for the federal government to even suggest that it is going to give them some financial return for their employee entitlements.

But the thing that added insult to injury for Ansett employees was the Prime Minister's having the gall to say, 'We'll make a contribution' — much less than, 'We'll meet all the entitlements' — 'but we're not going to pay the redundancy provisions because they're too generous'.

We did not hear anything from the Prime Minister about the provisions being too generous when the industrial agreement was organised between airport staff and airport management. The Ansett staff have met the conditions of the industrial agreement. So far as they are concerned they worked under incredible pressure as they saw their airline disintegrate, and they did everything they could to assist Ansett.

For the federal government to say it is going to ignore the industrial agreement — including the employer side of it — because it thinks the agreement is too generous is bizarre. Doesn't the Prime Minister have any respect for the law? I would have thought the Prime Minister of Australia would be out there supporting industrial agreements that are properly negotiated between unions and employers. To now say that the federal government has done wonderful things for the Ansett employees is a case of far too little too late.

If the federal government thinks Ansett employees are so stupid that they do not understand the real reasons for its late entry and that they do not appreciate who cares about them in this country, I can only say that it is extremely mistaken. It will find out a lot more about that during the coming federal election.

The people in my area are devastated about what has happened to Ansett. The sympathy of the whole community has gone out to them. The Ansett situation affects a whole lot of people. A lady whose parents had gone to Perth for a holiday rang me yesterday. She said they were due to come home last Friday. However, they are unable to come back until 1 October. They cannot even get on a train, because the trains are booked out.

The number of people who have been left stranded in other places around Australia is also of significant concern. Some general comments have been made about getting the army to fly them home. However, nothing has been done to help those innocent victims

who have had the temerity to be loyal to an airline and support it as much as they could, even when they knew it was in financial trouble.

People spoke to me even the day before the announcement about Ansett was made and said, 'We're still going to fly with Ansett because we want to do all we can to support the airline'. The loyalty of the community and the staff was there, and the Victorian government has made a real effort to assist Ansett employees as much as it can. Yet all we have heard today from members opposite is an attempt to shift the blame from where it really lies.

The Ansett situation is not the first trouble we have had this year as a result of the federal government not looking after its areas of regulation properly — the HIH Insurance collapse was another one, and we have already lived through that and seen how it has devastated our community — but all we have heard from the other side are negative views.

Mr MULDER (Polwarth) — I rise to express my concern for the people of rural and regional Victoria in the wake of one of the greatest disasters to strike the state — the loss not of an Australian airline but of a Victorian-based airline, right under the nose of the Premier and the Minister for State and Regional Development.

This collapse will have a devastating effect on rural and regional Victoria. Rural and regional Victoria does not have the capacity to absorb the impact of a collapse such as this in a manner that a metropolitan district can. Rural and regional Victoria is going to lose out to an enormous degree because of this collapse.

Perhaps the collapse was unavoidable, but how on earth can the Premier and the responsible minister admit that their only involvement was a letter when they knew trouble was on the horizon a long time ago? They should feel ashamed to table in this Parliament as their contribution to the Ansett issue a single letter. That is an indictment of their involvement in this entire collapse. What Victoria needs at this point in time is strong leadership.

I went to the parliamentary library to try to find out about the state government's involvement in the events leading up to the Ansett crisis. The only article I could find in relation to a state Premier was about Peter Beattie in Queensland, who at least tried to do something knowing that this problem was pending and would affect his state. In Victoria nothing appears to have been done by the Premier and the Minister for State and Regional Development.

I would like to know what happened at the Premier's round table conference, and I would like to know about the advice the Premier was supposed to be getting in relation to pushing and driving Victoria forward. It appears to me that this government is one that turns up after the event. No matter whether you look at Melbourne or rural and regional Victoria, this is an after-the-event government. It does not appear to have the leadership required to deal with the big issues.

Was it possible to find a buyer for some of the routes into regional and rural Victoria? If you don't ask, you don't know! I cannot believe that the Premier of this state stood back, showed no leadership and allowed this catastrophic event to happen right under his eyes.

An Honourable Member — Under his nose!

Mr MULDER — And his nose as well! Victoria has lost its status as a state with a major airline. Qantas and Virgin Airlines are located in Sydney and Brisbane. Victoria has also lost its head status as a provider of airline services, and the impact will be felt throughout rural and regional Victoria.

The greatest indictment of the Labor government is a report card which appears in today's *Weekly Times* in an article headed 'How Labor rates'. It shows that the government has been given only a 'D' for 'Achievement'.

I, like many other honourable members, met with a number of municipal mayors and chief executive officers from throughout rural and regional Victoria at their latest meeting here in Parliament House and discussed their concerns about the Labor government. It was interesting to hear them say, 'Yes, we came to one of these last year, and we're at another one again this year!'. Quite a few left after the first day, and a lot never even bothered to attend the second half of the second day.

There is genuine concern about a report card on the government in which it is credited with a D for achievement. That will no doubt be followed next year by an F for total and utter failure —

An Honourable Member — F minus!

Mr MULDER — Yes, F minus.

Over the weekend in my electorate, as in many other country electorates, the flow-on effects of issues the government is either unaware of or not concerned about were of major concern. There are people in rural towns working in the travel industry. A number of those workers in my electorate were taking calls over the

weekend and calling people who had been booked on flights, advising them of Ansett's demise as a company and explaining that as passengers they had lost their money. It is different in rural Victoria because you are not just another face in the crowd as you are in the metropolitan areas. People who work in rural travel services know the people they are dealing with on a first-name basis.

I would venture to say that by the time this issue is finished those travel workers will require some form of counselling. They have had to ring relatives and very close friends on a day-to-day basis saying, 'Look, we are very disappointed, but you have lost your holiday and your money. We apologise, but there is nothing we can do about it'. One of the agencies I spoke to had had contact with 300 people in their area. That includes not only the town I live in, Colac, but also Warrnambool, Ballarat, Geelong, Bendigo and towns all around regional Victoria. The process is going on on a day-to-day basis. I have grave fears and concerns for the travel businesses in those towns. Many towns have two or three agencies that operate in a very competitive environment. I am not sure they will be able to handle all this.

It gets down to whether the government is going to become proactive about business and business failures or continues to react. The Minister for State and Regional Development is becoming well known in rural Victoria as Johnny-come-too-lately. He turns up after every door is closed. By comparison, the previous government and the previous Premier, when a major business in my electorate was on the verge of collapse, moved in and showed real and genuine leadership. The former Premier threw a lifeline to the investors concerned, gave them a time frame to work to and provided financial support to the business, which is now back up and flourishing.

The perfect contrast to that is Maryborough, where a sign saying 'We are closing' went up. In came the Minister for State and Regional Development. In the township of Camperdown when Biostarch pulled up, in went the Minister for State and Regional Development. He might make a fair Treasurer, he might make a fair Minister for State and Regional Development, he might even make a fair Minister for Industrial Relations, but he cannot do the lot.

Look over there. The engine room is there in the middle of the table, the whistle is up the end and the baggage cars with all the hopelessly performing ministers up the other end. The Minister for State and Regional Development and Treasurer is trying to run the whole show and is failing badly. When he takes on the state

and regional role his time is being spread very thinly throughout country Victoria. Name one project he has been out leading in country Victoria or one business he has gone out and saved when it looked like it was in trouble. All honourable members around this house know of and can name dozens of businesses that have failed hopelessly concerning which he has turned up after the event and said, 'Let's see what we can do with this building or these employees', 'Let's go into a period of consultations', 'Let's go into discussions', but we all know nothing is going to take place. It is too late. 'I arrived after the event. I am sorry, I can do nothing'. No leadership. The leadership that was shown by the previous government in rural Victoria is not being displayed out there now.

The report card reveals that for rural and regional mayors the story is, 'Yes, yes, the consultation process has taken place, and it will happen again in the future'. But in terms of anything happening out there, any concrete developments, any real, proactive roles or any real and true leadership, it is not happening, because we have a one-man band who has been given the role of looking after rural and regional Victoria but who cannot get there in time. When he gets there, it is too late.

Ms GILLETT (Werribee) — Like all honourable members on this side of the house I wish the subject matter of this matter of public importance was not one that had such a dreadful impact on so many wonderful Victorian and Australian working people and their families. Nonetheless, honourable members will discuss and debate the matter today and will try to do so in an accurate way.

At the outset I publicly congratulate the Premier and the Treasurer of the state for their leadership and vision in learning about the potential difficulties that faced Ansett and its track record. If they are not well enough understood by honourable members opposite by now, I will reiterate the facts during my speech. The careful financial management of the Premier and the Treasurer, together and separately, means that the Bracks Labor government is able to respond to the disaster on a number of levels, most importantly on the financial level. Financial assistance of \$10 million has been well received by the industries involved.

In his contribution the Leader of the Opposition displayed an enormous level of ignorance. He accused the Premier of not directly communicating with the Prime Minister of New Zealand. If our Premier had done that — which, of course, he would not do, being the polite and straightforward man he is and being aware he must communicate with heads of other nation states through the Prime Minister of Australia — it

would have been a breach of protocol. He did, however, communicate with the Prime Minister of this country, and it was the Prime Minister's responsibility to do all he could in negotiations and discussions with the Prime Minister of New Zealand. One gets the feeling that had our Premier communicated directly with the Prime Minister of New Zealand the Leader of the Opposition would have seen fit to criticise him for that as well.

May I say how very proud I am to be a member of this government. Last week's events abroad and at home have had an enormous impact on both us and our communities. These are difficult times nationally and internationally.

As I worked in my electorate I was proud to see the constant innovations, the practical issues that were being addressed, based on an understanding of what everyday Australians needed. I congratulate the Minister for Consumer Affairs in another place for her remarkably swift action in establishing a consumer hotline. In times of panic and uncertainty these are the essential practical steps that need to be taken to reassure people. I place on the public record my congratulations to her and to her department for that fantastic effort.

The disastrous circumstances for Ansett Australia and its workers serve to highlight how important it is for working people and their families to have good unions. I also congratulate all of the unions involved. Because I have a knowledge of and a history with the National Union of Workers I particularly want to congratulate Paul Richardson, the national industrial officer of that union who is responsible for the airlines. Paul has been working around the clock to secure appropriate arrangements and agreements based on Ansett coming back as a viable entity. He has also been making sure that working people are well looked after. Charlie Donnelly, the state secretary, is working in conjunction with the national office and is consistently trying to obtain the best outcome possible.

I also offer my congratulations to the secretary of the Australian Council of Trade Unions — a colleague, Greg Combet. These are circumstances where the trade union movement moves into high gear in both a proactive and protective way. My thoughts are with them, as are my best wishes for strength to their arms, so they can look after working people who have conspicuously not been looked after by their employer or by the Howard Liberal government.

The critical nature of having good unions means that those good unions over 100 years ago created a political party, the Australian Labor Party. I remind this chamber just how visionary and wise those people

were. They understood that good unions were needed to protect and nurture working people and they also realised that it was critical that working people had a voice in a parliamentary democracy, and that is why they created the Australian Labor Party.

My association with the National Union of Workers was that as a Victorian organiser I looked after Victorian airlines and their workers. At that stage of the game we had Qantas and the Australian and Ansett airlines. Although I may be showing my age, that was not such a long time ago. When I moved into the national office I assumed responsibility for looking after the airlines' warehousing and distribution on a national level. I remember many occasions when we had to work hard and long to secure good working conditions and good rates of pay and, sadly, on occasion negotiate redundancy packages as airlines strove to become more and more efficient so that Australia could ensure it had an efficient airline industry with secure jobs and the opportunity of creating jobs that were allied to the industry. With the collapse of Ansett those allied jobs are now under enormous pressure. It is only now that we realise just how widely the impact of the collapse of an airline can be felt by ancillary industries and employees in those industries.

For my own part, as the proud representative of the people of Werribee, the impact of the Ansett collapse has had a disastrous effect on the fledgling tourism industry in Werribee. Werribee Mansion Hotel Group and others in the industry, including national and statewide events that are held in our blossoming tourism precincts, are seriously damaged by the sorts of failures that we are discussing today. It is often difficult to understand the ramifications of major calamities such as the Ansett Australia collapse.

Perhaps they are best understood in microcosm, such as the impact they have on a family that is very close to me, people who have been good friends of my family for over a decade. One of those friends works for Kendell Airlines, a wholly owned subsidiary of Ansett Australia. He loved his job and he loved Ansett, as he had previously worked for that company. But because he is now with Kendell he does not have a job. He has an uncertain future. His wife, a good friend of my mine, works in the allied industry of tourism and conferencing. The impact on her business and on her family of a disaster of this sort is just mind boggling. The effect that these sorts of collapses can have on two people in one family is outrageous. It helps one to magnify the effects on this family over the 16 000 employees who are affected. It is hard to

contemplate the impact that this will have on the economy of Victoria.

I applaud the action that has been taken by the Bracks Labor government in announcing its \$10 million boost to Victoria's international and domestic tourism marketing effort in response to the current crisis that we face. I also congratulate the government on having the capacity to bring those who can fix this problem to an industry round table on Monday to brief key stakeholders on the latest developments as well as fully outline the problems and bring these matters to the attention of the Howard government, which seems critically unable to find solutions to these problems.

I congratulate the government on the meetings it has held with investors and with unions, for the work it has done with regional networks that are disastrously affected by the loss of services, for its work to minimise those losses to communities, its work with Singapore Airlines, its meetings with Ansett administrators, calling on the commonwealth to safeguard entitlements to Ansett's employees, establishing a consumer hotline, writing to the Prime Minister earlier on 7 August and the Deputy Prime Minister on 14 September, urging them to take appropriate action before this disaster happened, and initiating discussions to take the matter forward to have it resolved. I congratulate this government on a difficult week. I am proud to be a member of this government.

Mr McINTOSH (Kew) — Like all honourable members, I am devastated and traumatised by the collapse of Ansett — an Australian, Victorian and certainly Melburnian icon. Not only have we lost a corporate headquarters, but most importantly the human tragedy is still to unfold for employees and their families. I too have read many of the articles and seen the families on television and been moved by them, but it is important to note the ultimate effects that may flow from this corporate tragedy concerning the tourist operators, the sports that have lost their sponsorships, the caterers, the cleaners, the security guards and all the ancillary businesses that depend upon Ansett for the basis of their operation.

The most important thing about this debate is to look at the events of the past. You can attempt to allocate blame, and certainly it would appear to be the modus operandi of this government to allocate blame on the federal government, but it is demonstrably wrong to sheet it home to the federal government. From the very first moment that it became aware, just over two weeks ago, of the financial difficulties that Ansett and Air New Zealand have found themselves in, it has attempted to do everything that is humanly possible.

The federal government has demonstrated leadership and a financial commitment to resolve this dispute with the best possible outcome for the people of Australia and particularly the people of Victoria. The federal government has put its money where its mouth is. Almost half a billion dollars is already committed to a package of entitlements and support for the various people who will be affected by this collapse.

There is no doubt that Air New Zealand and the Ansett board, which are one and the same, have effectively misled both the Australian and New Zealand public in this regard. But once the government discovered that matter it attempted to resolve the dispute by firstly approaching Qantas, which looked at the books and discovered the cupboard was bare.

It also supported the administrator on the eve of the Ansett closure by enabling him to continue flights to enable as many stranded passengers as possible to return to their home ports.

The one question that has to be asked in this whole debate is what has changed as a consequence of the state government's involvement. Rather than being supportive, asking, 'What could be done?', and determining what effect showing some leadership would have on this particular issue, what did we get? A single letter to the Prime Minister — a 45-cent delegation! There have been discussions, further consultations and more talks with all sorts of interested parties, but no outcomes.

There is apparently a \$10 million commitment to the tourism industry. I do not think it is new money; I think money has been shuffled across from one side to the other. The real problem with the \$10 million is that this government is again demonstrating that it does not understand its role. The problem is not about Victoria failing to market the industry; it is about the inability, because of the collapse of the airline, to move people around this country and to enable tourists to get to Victoria and enjoy the benefits this state has to offer.

That can be contrasted with the commitment of the commonwealth government, not only in money but through its employee entitlement support scheme, which this government has refused to join and to jointly fund. The commonwealth government is expected to go it alone. We can only hypothesise about why this government is not participating in the scheme. Perhaps one of the crucial reasons is that the union movement will not let it participate.

Failing that, the commonwealth government is saying that to the extent that Air New Zealand is unable — or

unwilling — to meet the entitlements of its employees, it will guarantee them up to a particular level — that is, all the unpaid wages, annual leave and long service entitlements — as well as making a contribution to redundancy payments.

It has also provided an incredible package to rescue some of the stranded passengers. That, of course, has not eliminated the problem, but the package will continue. The commonwealth has been able to obtain the goodwill of Qantas and Virgin Airlines to fill unfilled seats with stranded passengers, to provide discount fares to people holding Ansett Australia tickets and also to service regional areas. As the honourable member for Bennettswood indicated, 23 of the 34 regional services involved with Ansett have resumed.

The commonwealth government has demonstrated commitment, it has demonstrated real leadership, and it is getting an outcome in this difficult circumstance. What have we got from this government? Criticism, negativity, and no real leadership or direct financial commitment.

In my opinion there is no doubt that the commonwealth government should be congratulated for all its efforts on this issue. It begs the question of what this government is doing.

Mr MAXFIELD (Narracan) — I rise with a significant amount of sadness knowing that we have been so badly and brutally misled by probably the most incompetent and uncaring government this country has ever seen.

The performance of Liberal Party members in attempting to shore up the leadership of John Howard has been pathetic. Recently an honourable member opposite made the comment that there were not many Labor members in the chamber. But while the Leader of the Opposition was speaking on this motion only six Liberal members were in the house. Not only did he have to sack the Deputy Leader of the Opposition as Treasury spokesman to shore up his leadership, but quite frankly he could not attract support!

Honourable members interjecting.

Mr MAXFIELD — As a backbencher I happily carry — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The house will come to order.

Mr MAXFIELD — What a shame for the Leader of the Opposition!

Without doubt it was a sad day in Australia's history when Ansett, an airline so valued and important to our economy and our community, suffered the consequences of some tragic financial circumstances. It is a great loss to the community. I place on the record my disappointment at the performance of our national government at a time when we need national leadership.

Previous speakers on this side have acknowledged the concerns, difficulties and vulnerability felt by Ansett employees, especially those in Melbourne and Victoria.

But it is not just in Melbourne that the problems are being felt. The federal government has chosen to allow air services to be lost to rural communities where there has been only one service. I am a rural member of Parliament representing a government that has had the strongest possible focus on rural affairs. My own electorate in the Latrobe Valley had been serviced by Kendell Airlines — the only service. Despite the loss of that service other services have not been upgraded — unlike the situation in the larger cities, where Qantas services are still available.

The reality is that we in the Latrobe Valley have suffered a double blow, because we have lost the only service we had. For those in the Latrobe Valley who used that service, the only option now is to travel to Melbourne and then be slugged with massive City Link charges to get to the airport, whereas before they could travel with Kendell Airlines direct to Sydney via Albury. Clearly rural consumers will be impacted upon.

Contrast that with the wonderful support the state government has shown to regional airports. A good example is the Latrobe Valley airport, where significant funds have already been expended by the Bracks government on upgrades around the airport, including car parking, drainage and some infrastructure works. On top of that there is a \$2 million commitment to the regional airport as part of the Bracks government's financial rescue package for the Latrobe Valley. Look at the state government's performance on this issue and its support for regional airlines and airports, and compare that to the support of the opposition, which in seven years totally and utterly neglected rural air services.

That can be transposed across to the federal government. Where was it? What was it doing over the past few weeks and months when everybody was telling it there was a very serious problem with Ansett?

The National Party leader, John Anderson, exclaimed, 'It comes as a great shock; it comes as a great surprise'. But the only way it would have come as a great shock and surprise was if he had been deaf and dumb. He was told repeatedly that there was a serious problem. But no, he said, 'I did not know it was so bad. I did not realise that Ansett was in trouble'. What a load of rubbish! I do not think anybody in this chamber honestly believes John Anderson's story that he had no idea.

The reality is that John Anderson certainly has no idea — about how to be a leader of a party and about what he should be doing. He is the federal minister supposedly in charge of aviation, but what has he delivered? The worst corporate collapse in Australia's history — aided and abetted by an incompetent Prime Minister, who is hell-bent on desperately spending money on advertising. Think about it — he is spending \$20 million a month of government funds on advertising to get himself re-elected. He was not interested in spending a few minutes trying to deal with the Ansett and Qantas issue. Qantas is a successful airline, but what has he done about Ansett? Where has the Prime Minister been in this country's hour of need?

He could not even stay in Australia. The prospect of addressing the Congress of the United States of America had him on the plane hightailing it out of here. He did not care — —

Mr McArthur — On a point of order, Mr Acting Speaker, I know the honourable member for Narracan gets excitable about some things from time to time, but I wonder whether you would point out to him the traditions of this place. I refer you to the rulings of Speaker Edmunds in 1988, Speaker Coghill and Speaker Delzoppo that in the best traditions of this place honourable members should refrain from making imputations about the official actions of members of other parliaments that could be regarded as being personally derogatory to those people. I suggest that he is attempting to do exactly that, and it should be drawn to his attention.

The ACTING SPEAKER (Mr Kilgour) — Order! I am happy to advise the honourable member of that, and I ask him to take note of it during the rest of his address.

Mr MAXFIELD — I certainly will when putting forward my views on a federal government that is totally and utterly incompetent in running this country and incapable of doing the right and decent thing for the community and the workers. We have a federal government that is rotten and corrupt to the core.

Compare what the federal government has failed to do with what the Bracks government has done. The Bracks government announced a \$10 million boost to Victoria's international and domestic tourism; it held an industry round table on Monday to brief key stakeholders; it met with investors; it met with the unions; it is working with regional networks to ensure that the loss of services is minimised; and it has had a phone link-up with Singapore Airlines. What else has it done? It has made contact with the commonwealth government seeking to safeguard Ansett's 17 000 employees, and it has established a consumer hotline, which has already received more than 4000 calls, so people are able to communicate. Has the federal government set up a hotline? Of course not. Has the Bracks government set up a consumer hotline? Yes, it has. Not only that, it wrote to the Prime Minister on 7 August and to the Deputy Prime Minister on 14 September about this issue. But what have we got from them? Deafening silence.

Is that all the Bracks government has done? Of course not. It has initiated discussions with investors and made contact with potential investors. We have seen the Premier and the Treasurer of this state working day and night, putting in a huge amount of work and resources to try to resolve this. What has our Prime Minister done? While Rome has burned he has played with his fiddle. He has fiddled while Ansett Australia has collapsed. It is a sad day when I have to stand before this house knowing we have a federal government that is incapable of handling a crisis of this magnitude. Fortunately, the Bracks government is holding this state in good stead and acting in the best interests of all the people of the state and the Ansett employees —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired. The honourable member for Hawthorn has 3 minutes.

Mr BAILLIEU (Hawthorn) — What a tragic week it has been for our world, our nation and our state. For us in Victoria the collapse of Ansett has been an extra, very difficult blow. The Ansett staff; the travellers of Victoria and Australia; the traders of King Island, Tasmania and Flinders Island; the passengers; those in the downstream businesses; and the people training to work in the airline industry by doing the vocational education and training courses in technical and further education colleges and other institutions such as Braemar College, all want a viable airline business, whether it is Ansett or a replacement. That is what they want. They want jobs, they want travel and they want the transport infrastructure. In the event that that is not possible, they want the employee entitlements. Those entitlements have been secured by the federal

government without the assistance of the Victorian Labor Party, the federal Labor Party or the Labour Party in New Zealand.

There has been no help. All we have had is the perpetuation of the myth that somehow these entitlements have not been secured — the honourable member for Essendon perpetuated it just a little while ago. But what has this state government done? What is different about this situation because of some action of this state government? The reality is that nothing is different. This government has provided no vision, there has been no action and there have been no results. There has been only one letter from the Premier to the Prime Minister. You can cover your arse, Premier, but eventually you are going to take a bath, because you have done nothing!

This government's only claim is that it has thrown \$10 million at advertising. That is a fascinating reflection of this government. Its instinct is to advertise and to spin. That is what this government has done. All we are doing is grasping at market share while the market is collapsing. That is not what Victorians want; that is not what Australians want. We want to grow our market in the airline industry and secure it. People want to come here, but the problem is that they cannot get a flight because the planes are on the ground. The terrorism we have seen in the last week has only made that worse. When there was the gas crisis in Victoria we had a problem with marketing in the airline industry, and the then minister responded to it. But what this government is doing is not the way to go — it should be moving to secure regional and rural airlines, and it should have put a consortium together to assist with that. What this government has not done is extraordinary. How can one Premier do so much nothing?

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member's time has expired. The time for debating the matter of public importance has concluded.

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That I have leave to bring in a bill to amend the Country Fire Authority Act 1958 and for other purposes.

Mr WELLS (Wantirna) — I ask the minister to explain the purpose of the bill.

Mr HAERMEYER (Minister for Police and Emergency Services) (*By leave*) — Firstly, the bill deals with the issue of Insurance Council of Australia appointments to the Country Fire Authority board. The ICA has written to the government asking that it no longer be required to submit a list of names for appointment to the board because it has not been doing so for quite some time. It simply formalises an arrangement that currently exists. The Municipal Association of Victoria is also required to submit names for appointments, one from a rural ward and another from an urban ward. It has some difficulties with definitions, particularly with the interfaced councils, so the bill simply gives the MAV discretion to submit a list of names without necessarily specifying rural or urban. It also makes other amendments dealing with the use of scatter guns in high fire-risk areas and some other housekeeping matters.

Motion agreed to.

Read first time.

TRUSTEE (AMENDMENT) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to amend the Trustee Act 1958 and for other purposes.

Read first time.

VICTORIAN ARTS CENTRE (AMENDMENT) BILL

Introduction and first reading

Ms DELAHUNTY (Minister for the Arts) introduced a bill to amend the Victorian Arts Centre Act 1979 to change the functions and powers of the Victorian Arts Centre Trust, to amend the Museums Act 1983 and for other purposes.

Read first time.

TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Telecommunications (Interception) (State Provisions) Act 1988 as a consequence of amendments to the Telecommunications (Interception) Act 1979 of the commonwealth and for other purposes.

Read first time.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 mainly as a consequence of amendments to the Classification (Publications, Films and Computer Games) Act 1995 of the commonwealth, to amend the Magistrates' Court Act 1989 and the Crimes Act 1958 and for other purposes.

Read first time.

ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Roman Catholic Trusts Act 1907 with respect to the administration of trusts and for other purposes.

Read first time.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend further acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes.

Read first time.

LEGAL AID (AMENDMENT) BILL*Introduction and first reading*

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Legal Aid Act 1978 and for other purposes.

Dr DEAN (Berwick) — I ask the Attorney-General to explain the purpose of this bill.

Mr HULLS (Attorney-General) (*By leave*) — As members of the opposition would know, when legal aid is granted in many cases a caveat is taken out on a person's property. When that property is ultimately sold, part of those funds go to settle the legal aid account. Victoria Legal Aid has received advice that it may not be possible to recover moneys that would have been owing for 15 years or more because of the limitation of actions legislation. It has requested that we introduce legislation into this house to ensure that those moneys are recoverable.

Motion agreed to.

Read first time.

BUSINESS INVESTIGATIONS (REPEAL) BILL*Second reading*

Debate resumed from 23 August; motion of Mr HULLS (Attorney-General).

Mrs PEULICH (Bentleigh) — This is a very short bill, and I understand that some agreements have been reached in the desire to get it through Parliament expeditiously. As the opposition is supporting the Business Investigations (Repeal) Bill and the Scrutiny of Acts and Regulations Committee did not make any comments or raise any concerns about it, I will make my comments fairly brief.

It is a little bit sad that the Minister for Small Business in another place is not capable of generating legislation that is more meaningful and more important to small business than merely a bill to repeal redundant legislation. That is probably a reflection of the general disposition of the Labor Party and the Labor government towards small business.

The Business Investigations Act was consolidated in 1958, the original legislation having gone through Parliament in 1949. It was initially designed to cure a range of evils that were prevalent at that time,

particularly what were referred to as the evils of fraudulent business. These issues were raised in Parliament on numerous occasions. The Business Investigations Act allowed the Attorney-General to instigate investigations by inspectors into business operations and to order the winding-up and sale of businesses after considering inspectors' reports. It also restricted the offering of interests in a business to the public — that is, the hawking of business interests by going from place to place. Further, it prohibited the sale of interests in any business with illegal objects.

The then Attorney-General led the second-reading debate in the house in 1949. He outlined the circumstances that led to the bill being brought to the house and said:

This measure is designed to cure evils that have been referred to on many occasions in this house during the last few weeks; namely, the hawking of interests in fraudulent businesses that are not registered companies. These interests are sold under a variety of names, the commonest of which are option certificates, concession certificates, lot holders' certificates and the like. The technique employed to sell certificates for sums up to £100 or more each upon representations of fantastic interest returns, couched in language that excites the cupidity of the would-be investor.

...

From time to time consideration has been given to the possibility of launching a prosecution against the promoters of some of these concerns but the evidence available has not supported the offence. If the interests sold had been shares in a company incorporated under the Companies Act 1938 then the offence of 'share hawking' could have been prosecuted and the affairs of the concern investigated under the Companies (Special Investigations) Act 1940, but as they were merely firms that action was not available.

That was the reason for the introduction of the Business Investigations Act.

Interest in business is defined fairly broadly in the act as an interest in business and includes every conceivable form of interest in any business whether active, prospective or contingent, or in the business itself, or in the profits, assets or realisation of the business. Under the bill the Attorney-General could specify a business and appoint a competent inspector to investigate its affairs and to submit a report to him on the result of the inquiry. After considering that report he could direct that the business be wound up under the supervision of some person appointed by him.

As I said, the act was designed to respond to concerns that were fairly prevalent at the time. Mr McDonald, the then honourable member for Shepparton, made the following remarks during the debate:

Share hawking is the financial racket of the age, and investors have been robbed of millions of pounds by those who practise it.

Mr Dodgshun, the honourable member for Rainbow, said:

Probably all members know of cases where ‘vultures’ over the years have attacked their constituents and robbed them of thousands of pounds. I have submitted specific cases to previous attorneys-general. There has been much crooked dealing behind share hawking.

...

I have received affidavits from some of my constituents who could ill afford to lose their life savings.

A National Party member, Sir Albert Dunstan, the honourable member for Korong, who I presume was his party’s spokesman in this house, said he found it difficult to agree to the period of adjournment of the debate because there was not a lot of legal expertise in the National Party. He said:

This is largely a legal bill, and the members of my party have the advantage, or disadvantage, of being only laymen.

Many constituents out there in voter land would probably agree that sometimes there are possibly too many lawyers in this chamber and that laymen bring an important, everyday perspective to the proceedings.

The Business Investigations Act has not been used for at least 20 years, and it is being repealed following its identification as part of the review required by national competition policy. Over the past 20 years the objectives of the act have been met by other forms of legislation including corporations and securities legislation and trade practices and fair trading laws. The act’s objectives have become redundant because of modern approaches to dealing with current-day business problems such as seeking an injunction under fair trading or trade practices legislation.

The commonwealth Trade Practices Act of 1974 and the Victorian Fair Trading Act of 1999 cover misleading and deceptive conduct in trade and commerce, but they did not exist when this act was passed by Parliament. Furthermore, the sale of interests in companies is now regulated by the commonwealth Corporations Act and the offering of interests in business schemes is now largely regulated by modern corporations and securities legislation.

The opposition supports this bill, and it supports the removal of redundant legislation. The opposition is a little saddened that the only legislation pertaining to small business is a repeal act and not a bill that facilitates and responds to the needs of small business

and its particular concerns about Workcover premiums and their escalation, falling investment, the Labor government’s blind eye being turned to unions, and attempts to reregulate industrial relations as well as a raft of other matters. This bill acknowledges the fact that redundant legislation should be removed from our statute book; therefore, the opposition supports it.

Mr WYNNE (Richmond) — I am pleased to support the bill, as I understand from my briefing by the office of the Minister for Small Business that the Business Investigations Act has not been used for at least 20 years.

The need for repeal was acknowledged during the national competition policy review. I thank the honourable member for Bentleigh for her contribution. I understand she is chair of the relevant opposition committee which has been dealing with those matters.

I am also indebted to my colleague the honourable member for Burwood who unfortunately will not have the opportunity to speak today. As always, particularly in the areas in which I have the pleasure of representing the government, he has done some research on the bill and it makes for some interesting reading. The original bill was introduced into the Parliament in 1949 and, as I understand from the honourable member for Burwood, a scandal ensued at that stage. Mr Galvin, the then honourable member for Bendigo and a very esteemed member of Parliament, did an extensive exposé on a company called Bristo Plastic Industries, which the debate suggests was involved in some less than appropriate behaviour at that time. He was joined in that debate by a famous name in the Labor Party, Mr John Cain, Sr.

Mrs Peulich — I didn’t quote him!

Mr WYNNE — The honourable member for Bentleigh indicates by interjection that she did not seek to quote a great Victorian leader of the Labor Party and former honourable member for Northcote.

I understand there was extraordinarily vigorous debate and much mud-slinging in what was obviously a heated interchange in the Parliament surrounding the introduction of the bill. Indeed there was talk of a possible royal commission. We are now revisiting an argument about legislation that has not been used for 20 years. I am indebted to the honourable member for Burwood for providing some of the genesis and history of why some bills were debated and put on the statute books although, of course, time has moved on.

The 1958 act applied to businesses that were not conducted by a company whereas now most businesses

are conducted within a company structure. As most businesses operate through some form of corporate vehicle they are regulated by modern corporations and securities legislation. The modern approach to dealing with problematic businesses is to seek an injunction under trade practices or fair trading legislation. Clearly at the time the legislation was enacted — which almost predates me — such legislative structures were not in place.

The act also permitted the appointment of an inspector to investigate the affairs of a business and for the minister of the day to direct how such a business should be dealt with. The act did not identify any criteria or guiding principles for the minister's decision, which is inconsistent with best practice and does not promote open, good and transparent government. It is important that when those sorts of decisions have to be made, they are made within a clear legislative structure and with a clear understanding of how ministers should make those decisions.

The act's investigatory powers are no longer required as they exist in other more specific and relevant legislation. Dealing with fraudulent businesses now is successfully carried out under the Trade Practices Act where specific criteria are applied and, most importantly, natural justice is observed. Where there are reasonable grounds to believe there has been misleading and deceptive conduct under the Fair Trading Act an inspector may apply to the court for an order compelling the production of information and documentation. Inspectors also have the power of entry and search and the Australian Competition and Consumer Commission has wide powers to obtain information and documents under the Trade Practices Act. The act is no longer relevant and needs to be repealed because it has not been enacted for more than 20 years. It is clear the bill enjoys bipartisan support and I wish it a speedy passage.

Mr STEGGALL (Swan Hill) — The National Party also supports the legislation. It is one of those little shooters that governments tend to put into the Parliament when it is a bit short of business. I suppose by now we have caught up with the business of the house and will be able to have enough legislation to keep the Parliament going!

The Business Investigations Act has not been used for at least 20 years and that is a frightening thought. I guess other pieces of legislation on the statute book have not been used although there has been a clean-out of legislation over the last four to five years of bills that have not been activated in recent times and this one is now being added to the list.

As honourable members have mentioned, there are now far better ways to handle issues that the Business Investigations Act was designed to do — that is, with the trade practices, fair trading and federal corporations laws that provide for the handling of the issues and set out all the problems that occurred with the regulation of business back in those days.

With the legislation not being used for the past 20 years, it is time it went to sleep. The commonwealth laws and some of the state laws replace it, and the regulation of our businesses will continue tomorrow as it did yesterday with the bill having been alive until today. The National Party supports the legislation.

Mr STENSHOLT (Burwood) — I rise, like others, to support the bill, which must be one of the shortest on record, consisting of only three paragraphs. The purpose of the bill is to repeal the existing act, it states the date on which it will come into effect, and the third clause provides that the Business Investigations Act is repealed.

As other speakers have mentioned, the bill has a long history, and perhaps I should say a little more about it. In 1949 Lieutenant Colonel Leggatt as Chief Secretary introduced the originating bill on behalf of the Attorney-General of the time. It was a vigorous debate.

The then honourable member for Bendigo, Mr Galvin, came up with a long exposé of the work of Bristo Plastic Industries, which had premises at various times in Toorak and Box Hill, as well as other companies such as the Grampian Olive Plantation Company, South Pacific Oil Projects, the Tan Bark Development Company and Power Fuel Industries. People were obviously undertaking scams where they took a few pounds and would say your £30 would really have a value of £300 and it was your chance to get rich quick — not just double your money but get 10 times your money. These extraordinary schemes were being peddled.

In one scheme at the time I think a Mr Cameron was said to stand to make £1.3 million. These schemes were extensive, and other members, rightly or wrongly, were implicated in some of the schemes. Certainly the members were much concerned with these schemes. As was said, the honourable member for Northcote, Mr Cain, joined in that important debate.

Obviously I support the bill and support the repeal, because the matter is covered by other bills.

Ms PIKE (Minister for Housing) — I thank all honourable members who engaged in this important debate, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 1.01 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Essendon Airport: sale

Dr NAPHTHINE (Leader of the Opposition) — In light of the disastrous collapse of Ansett Australia and the impact it and the demise of its subsidiary airlines will have on regional and rural Victoria, will the Premier now reverse Labor's flawed policy to close regional and rural Victoria's most crucial air link to Melbourne — that is, Essendon Airport?

Mr BRACKS (Premier) — You would love to be a fly on the wall in their questions committee, wouldn't you? Where do they get these questions from? They have a great brains trust in there!

If I could answer the question, the contract for Essendon Airport has been given to a consortium of Lindsay Fox and the Becton group. My understanding is that the consortium has been given the contract by the federal Minister for Transport and Regional Services on the basis that it is retained as an airport. I would not imagine that the federal government would have entered into a contract with a contractor which did not require it to remain an airport when that was its policy. So clearly, under the contract arrangements it will remain an airport, and the matter will not come up.

Ansett Australia: financial crisis

Ms GILLETT (Werribee) — I refer the Premier to the continued failure of the federal Howard coalition government to respond properly to the Ansett crisis, and I ask: what is the latest action this government has taken to deal with the impact of the crisis on the Victorian economy and Ansett employees?

Mr BRACKS (Premier) — I thank the honourable member for Werribee for her question. Building on what we mentioned yesterday with the boost of \$10 million for tourism in Victoria, which will lift the tourism effort in this state by some 30 per cent, allowing for cooperative marketing with the airlines, marketing into regional Victoria and promotion of the Jigsaw campaign, I can also announce that we will have a particular and unique targeting of the New Zealand

population as well. That is for a very obvious reason: our biggest international inbound tourism market is New Zealand.

If you look at the figures over the past 12 months you will see that of all the visitors to Australia from all international destinations, 140 925 were from New Zealand, and about 1.7 million visitor nights are coming into Victoria from that country. It is a big market.

There is no doubt at all that Air New Zealand bears some of the responsibility for this demise. The other share goes to the colleagues of these people across here!

It is important to recognise that while blame should be attributed to Air New Zealand, the New Zealand people themselves are not at fault for what has happened. We want to ensure that as many New Zealand tourists as possible make Victoria their destination and spend their money here, which will generate jobs and growth in our economy.

Since the demise of Ansett, and since the dreadful and tragic terrorism attacks in the United States of America, bookings from New Zealand to Victoria are currently down by some 40 per cent, and across Australia those bookings are down by some 40 to 50 per cent. We have only half the number of tourists coming from New Zealand that otherwise would have been coming. As part of that \$10 million campaign, we want to say to the New Zealand people, 'We want your business. We want your tourism. We want you to keep up your bookings into this state. We want to see as many of you as possible make Victoria your destination'. We will also redouble our efforts over that very important event, the Spring Racing Carnival, when so many people from New Zealand come to Melbourne and Victoria. We want to market the Spring Racing Carnival as an important tourism event for this state.

I can also report to the house that following a meeting this morning with the Minister for State and Regional Development and the trade unions, a proposal that was put on the table will be funded and supported by the government of Victoria. That will provide some immediate financial assistance for financial counselling for Ansett employees so that very early on, before the employees make decisions, they will have expert financial counselling advice to assist and support them. An additional \$250 000 will be made available to the Minister for Community Services to employ some qualified financial counsellors to assist people who have been affected to plan their futures and their

outcomes, given that their incomes have been reduced as a result of this crisis.

I congratulate the Minister for Community Services for recognising that. We will make that additional money available, which is aimed particularly at the north-western suburbs, which have been very hard hit by this downturn. The honourable member for Tullamarine put that well during her contribution to the debate on today's matter of public importance. The effect on that region and on Victoria has been profound. We want to ensure that we stand side by side with those people to assist them in their financial planning and in their planning for the future.

I can also report that the consumer hotline set up by the Minister for Community Services, the only such hotline to be set up in the country, has now had 5400 calls. A large number of those calls have been from interstate. We are processing those calls and making sure they are answered expediently and well.

I reiterate that this government, as distinct from the federal government, is doing everything possible to assist those affected, not only by seeking interest in investing in the business of Ansett Australia but also by helping those who have been hard hit — those workers and also those in the tourism industry in Victoria. The last thing we need at this time when tourism is being hit is this ridiculous \$10 fee on air tickets which the Prime Minister is proposing. It will help downturn jobs in this country. We oppose it: we think those entitlements should be met by Air New Zealand itself. It will serve only to depress tourism and depress air travel in this country.

Water: rural charges

Mr RYAN (Leader of the National Party) — I also record my concern: there is an obvious difference between the state Labor government and the federal Leader of the Opposition on that \$10 issue. I support the \$400 million — —

Honourable members interjecting.

Mr RYAN — It is \$400 million more than you are putting up!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I will not permit the Leader of the National Party and the Premier to partake in an exchange of that nature. The Leader of the National Party, asking his question.

Mr RYAN — I was distracted, Mr Speaker! I ask the Minister for State and Regional Development whether it is the government's intention to remove control of water pricing from country-based authorities and to regulate water services by placing them in the hands of the proposed Essential Services Commission?

Mr BRUMBY (Minister for State and Regional Development) — I am happy to answer the question, but the legislation is before the house — —

Honourable members interjecting.

Mr BRUMBY — Settle down! The legislation has been introduced and has been second read by the minister. Obviously this is part of the legislation.

The opposition needs to understand that as part of the national competition policy arrangements, to which the former government in this state was a signatory and to which the present government is a signatory, there is a need for a mechanism to independently regulate and set water prices across Victoria.

At the moment those prices are set by the state government under competition policy, and consistent with what occurs in other essential industries — the energy industry, the gas industry and the electricity industry — these are set independently. If they are not set independently, there is a clear breach of the criteria and the key understandings which underpin national competition policy. So what the Essential Services Commission will do from 2003 onwards is independently review, regulate and set prices for water.

If you ask those who are properly informed on these matters whether that will lead to a maintenance of the status quo of country water prices, a likely increase or a likely decrease, you find that the most common view is that it would lead to a likely decrease and not a likely increase in prices. But it is not — —

An honourable member interjected.

Mr BRUMBY — No. It is regulation where a regulator looks at the costs of the industry and then sets those prices.

Dr Dean interjected.

Mr BRUMBY — The honourable member for Berwick — —

Mr Hulls interjected.

Mr BRUMBY — 'Ignore him; I do'. That is good advice.

I expect the honourable member for Box Hill to understand these matters — and I hope that as the new shadow Treasurer he understands these matters. This is an issue about independently looking at the cost of the industry and setting the price.

I am not quite sure what the concern of the honourable member is, but if he is saying that the National Party, and by implication the Liberal Party — —

Mr Cooper interjected.

Mr BRUMBY — The interjections from the honourable member for Berwick and the honourable member for Mornington do not support competition policy.

Dr Napthine interjected.

Mr BRUMBY — Is that right? You do support competition policy? The National Party — —

Dr Napthine interjected.

Mr BRUMBY — So you do support competition policy?

The SPEAKER — Order! I ask the Treasurer to address his remarks through the Chair and not across the table.

Mr Ryan — On a point of order, Mr Speaker, while the minister is getting more instructions over there, I raise a point of order on the matter of relevance. The minister, as has been said before, is a serial offender of the activity he is now setting out on. He should answer the question that has been put to him. If the answer is simply yes, just say so and sit down, Minister!

The SPEAKER — Order! Before the Leader of the National Party took his point of order I was calling upon the Treasurer to address his remarks through the Chair and to come back to answering the question.

Mr BRUMBY — During the debate on the Essential Services Commission Bill, which I believe will commence this week on Thursday and move through next week, the National Party will have the opportunity to put its views about these matters. The proposed Essential Services Commission has been widely supported by industry, consumer groups and trade unions alike. It sets the correct directions for this state in the future.

As I have said, in relation to water and other industries it is the policy of the federal government, supported by the states, that there should be independent regulation

of these prices, and that is precisely what this legislation puts into effect.

Smoking: Quit campaign

Mr LEIGHTON (Preston) — I refer the Minister for Health to the Bracks government's support of a \$3 million media campaign to encourage parents to quit smoking, launched by the minister in August. What has been the impact of this new campaign?

Mr THWAITES (Minister for Health) — Every day one Victorian child loses a parent as a result of a disease caused by tobacco. This figure is unacceptably high, and that is why the Bracks government has contributed \$2 million of additional money to a \$3 million campaign aimed at reducing tobacco smoking.

The campaign focuses attention on parents particularly and on the loss they would suffer as a result of tobacco-related illness. It is a particularly moving advertisement in which a child who is visiting her sick father says, 'You should've been there, Dad'. I am pleased to say that research conducted by the Anti-Cancer Council of Victoria has indicated that the campaign has been highly effective. In the first month of the campaign calls to the Quit line have more than doubled.

I am sure there are many people in this house who do smoke and want to quit — a lot of people — and if there is one thing that will make people quit it is seeing this sort of advertisement, because it focuses on the effects of smoking on a family. I am sure that on both sides of the house, unfortunately, we still have some people who continue to smoke, and we will do anything we can to help them — everything. I would urge honourable members on both sides of the house to call the Quit line — do it this afternoon — because the best thing someone can do for their health is to stop smoking.

The figures that were released today by the Anti-Cancer Council reveal that cancer still is the no. 1 cause of death in Australia. As a government we have shown that we are prepared to tackle this tough social issue. We have shown that we are prepared to take the action that is needed. We have not always been supported, as when we took tough action to stop the sale of cigarettes to minors. We all agree that we should not be selling cigarettes to children, and that is why we have taken the tough action of having a tougher enforcement regime to increase penalties and to take out point-of-sale advertising. Also, the campaign we have run around restaurants has been extremely successful. This has not

only been widely supported by the public; restaurateurs as well are widely supporting it.

The best thing all of us can do for our health is to ensure that people do quit, and that is the way we will turn around the cancer rates. We on this side of the house are doing that.

Education, Employment and Training: offices

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to the fact that she is located at 2 Treasury Place, that the secretary of her department is located at 2 Treasury Place and that virtually all her head office education personnel are located at 2 Treasury Place.

An honourable member interjected.

Mr HONEYWOOD — The minister does not go to any schools, so we know where she is!

Why did the minister allow her hand-picked director of schools, Mr Michael White, on his third office relocation, to move away from the minister and virtually every bureaucrat that reports to him to a special new office in 33 St Andrews Place?

Ms DELAHUNTY (Minister for Education) — We know what this is about. We know that after the next federal election the blood will flow in the Liberal Party. They are scrabbling desperately to try and get the numbers for the leadership spill. Whether it will be a Doyle–Honeywood ticket we do not know, but we know that for the shadow Minister for Education the big issues are ministerial expenses and refurbishment in the Department of Education, Employment and Training.

When we came into government we realigned the Department of Education, Employment and Training so that it would focus on the government's education policies — early years, middle years, later years. As part of that reshaping of the department there was a section rearrangement on level 1 of 33 St Andrews Place in August 2000, and yes, there were some building decisions made around 33 St Andrews Place. And why was that? Because the director of schools under your government did not even have a meeting room because — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Glen Waverley knows very well what will happen to him if he continues to interject in that manner. I ask the whole house to come back to order.

Mr Honeywood — On a point of order concerning the issue of debating, Mr Speaker, the director of schools had five meeting rooms to choose from on the first floor — five meeting rooms!

The SPEAKER — Order! The honourable member for Warrandyte is clearly attempting to make a point in debate and I will not continue to hear him.

Ms DELAHUNTY — They did not need any of those meeting rooms when you were in government because you had everyone gagged. There was no-one in education — —

The SPEAKER — Order! The minister will address her remarks through the Chair.

Ms DELAHUNTY — We have made some adjustments in the Department of Education, Employment and Training and the reason the new director of schools was moved over to 33 St Andrews Place is — —

Dr Napthine interjected.

Ms DELAHUNTY — You are keeping away from the voters, thank God! The director of schools now has an appropriate meeting area so he can conduct the sorts of consultations that this government is serious about as we turn it around in education.

Local government: rural mayors' summit

Mr HOWARD (Ballarat East) — I ask the Minister for Local Government to inform the house of the outcome of last week's rural and regional Victoria mayors summit and what was agreed upon to help continue to turn around the years of neglect of country Victoria by the Kennett government.

Mr CAMERON (Minister for Local Government) — Last week I had the pleasure to host in this house the 47 mayors and chief executive officers from country Victoria, together with the Minister for State and Regional Development. It was a tremendous success.

Mr Cooper — Who told you that?

Mr CAMERON — Who told us that? The communiqué told us, and I quote from it:

Delegates express appreciation at the mutual relationship that is developing and the free exchange of ideas between the two levels of government.

'Mutual relationship' and 'Free exchange of ideas' — things that could never have occurred with the previous

government, let alone between two levels of government that wanted to work together for the benefit of country Victoria. That was the view of the mayors across country Victoria. I quote again from the communiqué:

Delegates noted that overall rural and regional Victoria was doing better than it had done for decades in terms of regional employment growth, food and fibre exports and building approvals.

As you can see, Mr Speaker, by consultation and working cooperatively the government is able to deliver a framework that delivers for country Victorians as we turn around country Victoria from the mess we inherited.

Country mayors appreciated the announcement by the Minister for State and Regional Development of \$10 million dollars over the next two years for rural community infrastructure and also the announcement by the Minister for Housing of \$7 million for greater community building capacity.

With the cooperative approach we have delivered, the encouragement the Bracks government has given local government in country Victoria and the abolition of compulsory competitive tendering we have seen local councils, together with the Bracks government, wanting to work for their communities, and that is building confidence. Certainly when you look at the satisfaction surveys conducted every year for the past four years you will see the enormous approval in the attitude of country people towards local government as we are able to deliver these things.

Mr Ryan interjected.

Mr CAMERON — The Leader of the National Party does not want confidence in country Victoria, he does not want employment growth and he does not want these positive things that the community wants — and we know that. That has always been the National Party's position.

Mr Ryan — On a point of order, Mr Speaker, on the issue of debating the question, I want the minister to know that the *Weekly Times* performance register has today given the government a D — a D for performance!

The SPEAKER — Order! The Leader of the National Party has raised a point of order on whether the minister is debating the question. The Chair is prepared to rule on that and will not permit him to make any further comment. I uphold the point of order, and I ask the minister to come back to answering the question.

Mr CAMERON — Thank you, Mr Speaker. I did not notice any coloured pictures on page 3 of the *Weekly Times* today, but I certainly do note the comments of country mayors about the growth of confidence in country Victoria. We want to work together to continue it. It is certainly clear that when it comes to country Victoria's attitude, it is an A for the Bracks government. When it comes to effort, it is an A for the Bracks government. When it comes to consultation, it is an A for the Bracks government, and when it comes to achievement, it is an A for the Bracks government.

Education, Employment and Training: offices

Mr HONEYWOOD (Warrantyte) — I refer the Minister for Education to Labor's sustained attack when in opposition on the Taj Mahal renovation of 2 Treasury Place and 33 St Andrews Place. Given that 33 St Andrews Place was totally refurbished and renovated a mere three years ago, how does the minister justify her authorisation of Mr Michael White's \$30 000 new office complete with reconfigured glass walls and including one special boat-shaped boardroom table modelled, we understand, on the *Queen Mary*, one special corner TV and fridge unit, one special wall unit including — —

The SPEAKER — Order! I ask the honourable member to come to his question.

Mr HONEYWOOD — One special wall unit including lockable buffet hutch and one matching NEC bar fridge?

Ms DELAHUNTY (Minister for Education) — This is really big picture, isn't it? The government is spending \$2.2 billion in education and training across this state. We are putting in more teachers, more programs, more opportunities for our kids, and what does the shadow Minister for Education ask about? He asks about ministerial expenses and refurbishment in the Office of School Education. That is the big picture!

But of course, just as he was wrong on class sizes — and now principals have had to say publicly how the shadow minister has embarrassed both his party and himself by getting it wrong on class sizes right across the state — he is also wrong on this.

I am informed by the department that Schiavello Commercial Interiors was contracted to undertake a section rearrangement on level 1, 33 St Andrews Place in August 2000. The cost was \$19 562, not \$30 000 as the honourable member described. Of course, the opposition on education are the masters of mendacity.

Transurban: technology development

Mr WYNNE (Richmond) — Will the Minister for Transport inform the house of the outcome of negotiations with Transurban to create new investment and job opportunities in the Victorian information technology industry?

Mr BATCHELOR (Minister for Transport) — Melbourne will become an international centre for the development of intelligent — —

Mr Ryan interjected.

Mr BATCHELOR — They do not like good news. They just hate hearing good news being delivered by the Labor government, particularly when it relates to the creation of new jobs, new investment and jobs in the cutting-edge technologies to which this announcement relates. No wonder they want to interject and try to interrupt, because Melbourne will become the centre of — —

Mr Leigh — The toll capital of Australia!

Mr BATCHELOR — No, you're wrong. The poor shadow Minister for Transport. Melbourne will become a centre of jobs for developing new information technology services for electronic tolling. Under an agreement, Transurban will invest \$20 million in developing its electronic tolling systems for export to other markets interstate, around Australia and overseas. This may lead to the further development of future multimillion-dollar investments in research and development and high-tech industries in Melbourne. It will also lead to Transurban maintaining its headquarters in Melbourne to provide ongoing leadership in electronic tolling and intelligent transport systems to the world.

As part of the agreement the government will release Transurban from its single-purpose entity, a restriction in the contract entered into in 1995 that prevents Transurban from using the technology it has developed and exporting it to the world.

In order for taxpayers to share in the expanded economic activity, Transurban will make payments to the state over three years in recognition of the new opportunities that will be presented to it as a result of this agreement. The first payment, in 2002, will be \$3.7 million. The second payment will be \$3.15 million, and there will be an equal amount the following year. Over three years a total of \$10 million will be paid to the state so the taxpayers can share in that expanded economic activity.

The most important aspect of this agreement between the government and Transurban is that Victorians will have new jobs that will develop cutting-edge technology and attract new investment money to this state. The agreement the government has reached with Transurban is subject to the finalisation of some documentation and approval by the shareholders of Transurban. It is a timely announcement because at the end of this month and the beginning of next month an international conference on intelligent transport systems will be held in Australia, and companies and governments from all around the world will send representatives here. This will be an important opportunity for Transurban to take the creative opportunities provided and turn them into jobs for Victorians.

Ansett Australia: replacement airlines

Ms ASHER (Brighton) — I refer the Premier to the fact that the Queensland Labor Premier has offered incentives such as payroll tax holidays to any investors who re-establish even parts of the former Ansett Australia in Queensland, and I ask: what financial incentives has the Victorian government offered potential investors to keep an airline headquarters in Victoria to replace Ansett?

Mr BRACKS (Premier) — We are prepared for that under our investment attraction program, which includes payroll tax provisions. I am not sure if the honourable member has been briefed on her new portfolio, but we have the existing arrangements which applied under the previous government — that is, we do not offer payroll tax holidays but payroll tax equivalents as grants, which is a system that operated transparently through the budget and through the industry attraction program. We have that full facility available to us for new players in the field.

We have a combination of activities and facilitation, but that is only one issue. The key issue is to get a buyer to the table. Once we get a buyer to the table we can have the industry attraction programs and others as part of it. The reality is that we do not yet have someone who has gone through the due diligence effectively, who has gone through the books and who has said they want to make a commitment. That is the work that is required right now. When that work is undertaken we will engage properly with those people who want to have an interest in our state.

Corrections: home detention

Mr LIM (Clayton) — Will the Minister for Corrections inform the house of the impact of the

Liberal Party's decision to block the home detention bill on Victoria's corrections system in the upper house?

Mr McArthur — On a point of order, Mr Speaker, I suggest to you that this question breaches the rule of anticipation, given that this matter is currently listed for debate in the other place.

Mr Batchelor — On the point of order, Mr Speaker, I draw your attention to the rule of anticipation, which relates to the government business program that is currently before the house. This bill is not before this house, and the rule of anticipation does not apply in these circumstances.

Mr Ryan — On the point of order, Mr Speaker, the reality is, of course, that while it is in the process of debate there is the distinct prospect that the bill will come back into this house, subject to what happens in the other chamber. So as a matter of sheer consistency, while the matter is being debated before Parliament — in whatever chamber that debate is occurring — it seems to me that the point of order is perfectly valid and should be ruled upon accordingly.

Mr Haermeyer — On the point of order, Mr Speaker, if the opposition is of the view that this is anticipating debate on a bill in the house, I draw to the attention of honourable members the fact that I think it was only two weeks ago that the honourable member for Wantirna asked me a question about home detention.

The SPEAKER — Order! I am prepared to rule on the point of order, having heard all the argument. The rule of anticipation prevents questions being asked on matters that are currently before either house. However, my understanding of the question asked by the honourable member for Clayton is that it relates to a decision that was taken by the Liberal Party. I shall listen very carefully after calling the Minister for Corrections. He must not in any way anticipate the debate that is currently before the upper house, or indeed its decision.

The question asked by the honourable member for Clayton related to what would occur to the home detention proposal. I ask the minister to refrain from anticipating debate and to make his comments of a general nature in regard to the home detention program.

Mr Cooper — On a point of order, Mr Speaker, I draw your attention to two rulings by Speaker Coghill in 1991 and a ruling by Speaker Delzoppo in 1994, in which they said that question time is an opportunity for ministers to be questioned and provide information on

government administration and should not be used as a vehicle for attacks on the opposition. By its very nature the question invites the minister to attack the opposition and therefore invites interjections. Therefore, Mr Speaker, I would suggest that the precedent that has been set by two distinguished predecessors of yours in ruling that question time should not be used in that way but should simply be used for ministers to respond to matters relating to government administration should be upheld by you.

The reality is that this question is clearly designed to elicit an answer from the Minister for Corrections that will be directed towards a decision which has been taken by the Liberal Party but which has not been acted upon. Therefore under your previous ruling the minister cannot answer in anticipation of what might be occurring, and the only direction in which he can direct himself is that of attacking the opposition — and clearly that is in breach of the decisions — —

Honourable members interjecting.

Mr Cooper — I will not sit down until I have finished!

That would clearly be in breach of the precedents that have been established by your two distinguished predecessors. Therefore, Mr Speaker, I suggest to you that this question should be ruled out of order.

The SPEAKER — Order! The honourable member for Mornington has raised a point of order bringing to the attention of the Chair the rulings of Speakers Coghill and Delzoppo on ministers using answers to questions to attack the other side. Upon reflection, I am of the opinion that the question asked by the honourable member for Clayton allows or asks for that to occur. I will assist the house by asking the honourable member for Clayton to rephrase his question to ensure that that does not occur.

Mr LIM — Thank you, Honourable Speaker, for the opportunity again. Will the Minister for Corrections inform the house of the implication of the Liberal Party's decision to block the home detention bill on Victoria's corrections system?

Mr Cooper — On a point of order, Mr Speaker, your ruling on my point of order and your request to the honourable member for Clayton to try to clean up his question has fallen on deaf ears. The question still contains the invitation to the minister to attack the opposition. Therefore, Sir, I request that you rule the question out of order and call the next question.

Mr Thwaites — On the point of order, Mr Speaker, there was no attack on the opposition in that question. It clearly asked the minister to refer to the implications of this decision for government administration. The question was quite in order and referred to matters that this house deals with on a daily basis.

The SPEAKER — Order! I have asked the honourable member for Clayton to rephrase his question, and he has done so. His question seeks an answer from the minister about the implications for government administration should home detention not be proceeded with. I will allow the question, and I will listen very carefully to the minister's answer.

Mr Richardson — On a point of order, Mr Speaker, the question as rephrased is asking what the implications are. It is requesting an opinion and is, therefore, out of order.

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

Mr McArthur — On a point of order, Mr Speaker, before you allow this question, I refer you to a ruling by Speaker Plowman on 23 March 1999 in relation to minister's responses to questions, when he said that in responding ministers should not debate opposition policy or promises. I put it to you, Mr Speaker, that that would include decisions made by an opposition on issues relating to legislation. They would clearly fall within the ambit of the Speaker's reference to opposition policies or promises.

Mrs Peulich — On the point of order, Mr Speaker, I support the honourable member for Monbulk citing rulings of previous Speakers, who obviously knew full well the meaning of standing order 95, which clearly states:

No member shall allude to any debate in the other house of Parliament, or to any measure pending therein ...

It then makes provision for members of Parliament to make personal explanations when they have been misrepresented. I am afraid there is no leeway in the rulings of the Chair in relation to this question, which is absolutely veiled and in direct contravention of the standing orders and which you, Mr Speaker, have assisted in rephrasing.

The SPEAKER — Order! I am not prepared to uphold the point of order. As the Chair understands the question as rephrased by the honourable member for Clayton, it asked about government policy and administration in regard to the home detention program. I will hear the minister on that aspect of the question.

Mr HAERMEYER (Minister for Corrections) — I will certainly take on board the comments you have made, Mr Speaker, so as not to fall foul of the Chair. I will endeavour to answer the question in the same fashion as I dealt with the question asked by the honourable member for Wantirna a couple of weeks ago.

The government went to the last election with this home detention proposal — in other words, we faced the voters with it. It is a proposal to put 80 low-level offenders on a trial for a period of three years. So the legislation would have a three-year — —

An honourable member interjected.

The SPEAKER — Order! The minister just made reference to the legislation; he has not in any way anticipated it.

Mr HAERMEYER — The home detention proposal would sunset in three years. It would then have to be reconsidered at the conclusion of that trial period. It is something that has received the support of the Salvation Army, Odyssey House, the Victorian Association for the Care and Rehabilitation of Offenders, the Victorian Employers Chamber of Commerce and Industry and Walter Jona, a former Liberal Party Minister for Corrections in this place.

That is not to mention the support of the editorial writers of two major newspapers in Victoria, the *Herald Sun* and the *Age*. Both have articulated the view that home detention ought to be given a go. Victoria is now the only mainland state that does not have it. Home detention schemes in the Northern Territory and New South Wales have shown that only 5 per cent of those who go on home detention reoffend, whereas the reoffending rate in the prison system is more than 10 times as much.

When the opposition says it does not want home detention it is saying that it does not want offenders to repay their victims; it is saying it does not want them to pay restitution; and it is saying it does not want to cut tenfold the number of people who reoffend after they have been convicted by a court. That is what they are saying. As I said, this was a very high-profile — —

The SPEAKER — Order! The minister is now debating the question. I shall not permit him to do so.

Mr HAERMEYER — As they say, home detention was a very high-profile component of this government's corrections policy that we took to the voters at the last election. I have to say, Sir, that it is very sad that we are now being invited by the members

of Jurassic Park who have not faced an election since 1996 — —

The SPEAKER — Order! The minister shall refrain from using such terminology!

Mr HAERMEYER — I couldn't help myself, Mr Speaker. Certainly they have not faced an election since 1996 — —

Mr Leigh interjected.

The SPEAKER — Order! I ask the honourable member for Mordialloc to cease interjecting. The Chair needs to hear the minister.

Mr HAERMEYER — On advice from the Minister for Finance, I apologise to the dinosaurs.

We have a situation where a proposal that was supported by voters at the last election, it being part of this government's corrections policy, is now being proposed to be knocked down by members of Parliament who have not faced the electorate since the previous election.

Mr McArthur — On a point of order, Mr Speaker, the minister is clearly flouting your ruling in that he is entering into the particulars of a debate that is about to occur in the other place. I suggest that you remind him of your ruling and that if he continues to flout it you sit him down.

The SPEAKER — Order! I uphold the point of order. The minister may not anticipate a decision in the other place.

Mr HAERMEYER — Mr Speaker, I got out what I had to say.

The SPEAKER — Order! The time set down for questions without notice has expired and a minimum number of questions has been dealt with.

Mr Robinson — On a point of order, Mr Speaker, in her recent contribution on a point of order the honourable member for Bentleigh referred to previous Speakers' rulings on standing order 95. I drew the strong inference from her contribution that she was suggesting that you, Sir, had not observed the precedents established by previous rulings, and that might constitute a reflection on the Chair. Could I suggest to you that you might wish to study the report of the honourable member's contribution, and if my understanding and the understanding of other honourable members on this side of the house is

correct, I suggest that appropriate action might be taken.

The SPEAKER — Order! I do not uphold the point of order. The Chair did not interpret the honourable member for Bentleigh's remarks in that vein.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

Second reading

Debate resumed from 16 August; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — This bill does two things. Firstly, it creates the opportunity for a —

Honourable members interjecting.

The ACTING SPEAKER (Mr Plowman) — Order! There is too much audible conversation. I ask honourable members who wish to leave the chamber to please do so and I ask the Minister for Health to either resume his seat or leave the chamber.

Dr DEAN — This bill does two things. One is that it introduces a life imprisonment sentence for those who are convicted of a new crime in relation to commercial drug trafficking — I will come to that in a minute. It also allows the aggregation of illicit drugs when determining whether or not the magical quantity of drugs which determines commercial trafficking has been met. Before I get on to that, I point out that both the bill and the second-reading speech reveal quite a lot in relation to this government and where it is at.

Basically we have already had the trifecta this afternoon. Within the space of about half an hour we had the Treasurer of the state look honourable members in the eye and say that he is a great supporter of competition policy, yet we all remember his speeches in relation to the electricity industry, the gas industry and so forth in which he said the opposite. We have seen the Minister for Transport get up and say that he wants to sell tolling to the world. With this piece of legislation we have heard the Attorney-General becoming part of the trifecta by saying how he supports the confiscation of assets bill, what a wonderful bill it is and how it will pick up that beautiful piece of legislation he argued against as hard as his lungs could shout when it was introduced by the previous government.

In the Bible they talk about the cock crowing three times. Well, within 1 hour we have had three of the most hypocritical displays one could imagine from this

government. One case was almost like the road to Damascus, where competition policy was suddenly embraced. This was followed closely by highway tolls being embraced. Now the government is embracing the Confiscation Act. In all three cases the government had previously said that each of them was an abomination.

I do not know whether the press will ever pick this up, but we on this side of the house and the government know just what a hypocritical state it is in. After two years in government Labor cannot even apologise or say it has changed its mind. It simply slides over the top as if the arguments it made when it was in opposition do not exist. What integrity can one assume this government to have if it can simply look this Parliament in the eye and utter that hypocrisy as if the past did not exist.

Another aspect of the government is brought out by this bill. Time and again this government has shown itself to be one which is very high on rhetoric, on window-dressing and on trying to ensure that the public enjoys its policies, but it is very short on policies of substance. The integrity, the hard work of government, the nuts and bolts which may not be popular and may be difficult but have to be done simply are not seen in this government. Although this piece of legislation introduces life imprisonment for this new category of commercial trafficking, with which this opposition will agree, the bill does not go nearly far enough. We all know that a large aspect of this bill is window-dressing.

The government has done very well. It got publicity on the front page of the *Herald Sun*, but what the government did not tell the *Herald Sun* about this piece of legislation, this quick grab for publicity, was that a sentence of a maximum term of imprisonment has never been given for commercial drug trafficking. The existing maximum sentence for commercial drug trafficking of an amount of drug which is something like one-third the amount introduced for this offence is 25 years imprisonment and it has never been given. The chances of a life sentence being imposed for this crime are virtually zero. Although we may abhor and regret that, it is the truth. The government knows it, the opposition knows it and the courts know it. This is a cynical attempt on the part of the government to try to tell the people of Victoria that it will put these people in jail for life. The government and the opposition know that that will not happen unless the government ensures that the courts get tougher in relation to this matter.

Another thing the government has done which is part of the window-dressing and demonstrates that it is simply not serious about commercial drug trafficking is it has said this higher sentence will not apply to the existing

definition of commercial drug trafficking — that is, the equivalent of 250 grams of heroin. Commercial drug trafficking is presently defined as trafficking 250 grams of heroin, an amount which clearly demonstrates that someone is in it for profit and not because they are addicted to a drug. However, the government has said that this penalty will not apply to that amount or even to 500 grams or 600 grams; it will apply only to 750 grams of heroin. Given the strength of heroin today we are looking at between \$500 000 and \$1 million worth of heroin being the cut-off point for this increased penalty. The government did not say that to the *Herald Sun*. It did not say that it was upping the quantity of heroin to create this super, super drug trafficking offence to which this sentence will apply.

I have news for the government because when the opposition gets into power it will ensure that it does not create a nonsensical new 750 gram commercial drug trafficking offence when everybody knows that 500 grams and 250 grams is just as heinous because this is about people who make profit out of drugs, profit out of misery, profit out of young people's deaths. To say that that does not occur until you get to 750 grams is a nonsense. To say that is to act out a travesty on the Victorian people. Sooner or later the opposition will do its best to explain to the Victorian people that they have been conned about this amount.

The Liberal Party will not tolerate that sort of artificial distinction. It will be looking at legislation which will allow the courts to decide whether a person is a trafficker because he is a user and caught up in the desperate plight of an addict or is out to make a buck from selling drugs that kill young people. That will be the key. To suggest some artificial amount of 750 grams — which would probably kill classrooms of young children — as the level to determine whether trafficking is for profit is a nonsense. The opposition will be seriously looking at that.

It is worse than that. If you go to the statistics on commercial drug trafficking to try to get a grip on whether this bill will have a modicum of effect, the first thing you find is that you cannot get court sentencing statistics from this government for the past five years. The most current sentencing statistics in the County and Supreme courts are up to 1996. We have no idea what the Supreme and County courts have imposed in sentences for drug trafficking and other serious offences for the past five years. Maybe they are getting tougher, and maybe they are getting weaker. We have no idea, because this government, through the Department of Justice, cannot put together up-to-date statistics; the best it can do is five years out of date.

However, let us use the statistics we have for 1996. In 1996 the situation was probably even more desperate than it is today because there has been a downturn in the number of heroin deaths. In the trafficking of opiates and so forth with respect to years of imprisonment imposed by the courts in 1996 three people were sentenced to imprisonment for between one and two years; one person got between two and three years; 12 people got between three and four years; one person got between four and five years; and one person got between 5 and 10 years.

The commercial quantity trafficking sentences apply to 250 grams or \$100 000 worth of drugs in someone's pocket — that is not a habit, that is profiting; it is making money out of drugs. Only 66 per cent of people who came before the courts for drug trafficking in commercial quantities got a custodial sentence. Of those, one got a suspended sentence, one got between four and five years and one got between 5 and 10 years.

The maximum sentence for commercial drug trafficking as it exists right now is 25 years imprisonment. The government has said that it will make the penalty even higher for this super, super commercial trafficking, that it will make it life. The courts have been giving a maximum of about four years so far. It might be a little bit more helpful if the government started to send out messages to the courts suggesting that they could look at the 25-year maximum and see how they go with that.

I talked earlier about the hypocrisy we have seen three times in a row in the last hour in relation to competition policy, tolling and the Confiscation Act. Let us look at the Confiscation Act brought in and toughened by the previous government, but first I will turn to the Attorney-General's second-reading speech on this legislation. He said the legislation will introduce life imprisonment if a person is caught with 750 grams of heroin — between half and one million dollars worth. He made a long second-reading speech because it is about drugs, and if it is about drugs and crime it will get into the newspapers. If you are going to put out a piece of puff and fluff like this, make it in relation to drugs and crime and make a really long second-reading speech because that way it will get the maximum observation by the press.

The government says the legislation will pick up a number of things. It says drugs are a national problem and the bill will pick up the Bail Act provisions that say that a person cannot get bail unless it is in exceptional circumstances — I should think so! That was introduced by the previous government and applies to 250 grams of heroin. It would be extraordinary if it did

not apply to 750 grams, so why put it in? More fluff! The speech says the bill picks up the serious sentencing provisions. A serious offence is where a particular offence is in the serious offence category and if it is repeated — committed twice or three times — the penalties escalate. Again this was introduced by the previous government, and if my memory serves me correctly it was argued against by the opposition of the time, which in government is proudly saying it is being picked up — and I should jolly well hope so, seeing the 250 grams already picks it up.

The bill talks about a unanimous not a majority verdict, which is what would be expected from this government, and the second-reading speech goes on to say that it picks up the confiscation of profits legislation. Honourable members should remind themselves of what the Attorney-General said in his second-reading speech. He proudly announces:

Victoria's confiscation laws are among the toughest in Australia.

The Attorney-General continues:

The toughest procedures under the Confiscation Act are known as automatic forfeiture and civil forfeiture.

Words that he almost spat out when he was arguing against the legislation some years ago. The speech continues:

Automatic forfeiture applies to a limited number of serious offences.

He is explaining it to the opposition! He continues:

If a person is charged with an automatic forfeiture offence, all of their property can be restrained to prevent its disposal. Following conviction, all of the restrained property will be automatically forfeited unless the defendant can prove that the property was lawfully acquired ...

His speech goes on to talk about reversal and the onus of proof and says it is all right because it is a serious offence. Do members of the opposition recall sitting here hearing the then shadow Attorney-General talk about the heinous reversal of the onus of proof and what terrible things that would do? The speech continues:

Civil forfeiture has similar reverse onus provisions but applies where the offence is proved on the balance of probabilities —

he is purring like a little pussy about how wonderful this is! —

rather than beyond reasonable doubt, as occurs in criminal proceedings.

The speech goes on to say:

The application of these confiscation processes to the new offences provides a significant deterrent by ensuring that those who engage in drug trafficking will not profit from their criminal activities.

Let us go back and look at what the previous shadow Attorney-General had to say in 1997 when the former government introduced the legislation. He moved what is called a reasoned amendment, which says, 'Take this legislation away because we do not like it'. When the previous government was arguing its confiscation legislation the shadow Attorney-General moved the following amendment:

That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this house refuses to read this bill a second time until the government ensures that there are appropriate safeguards in the legislation which will (a) preclude innocent persons having their property forfeited by the state; and (b) address the issue of the proceeds from substantial corporate crime'.

That was what he said then. He said, 'Take the legislation away because it could hurt innocent people'. Where are the Attorney-General's amendments now? When the Labor Party came into government why did it not introduce amendments to the Confiscation Act to ensure that the things it was worried about were fixed? In the debate in 1997 the shadow Attorney-General said:

The opposition does not believe there are enough safeguards in the legislation to ensure that the property of innocent persons will not be forfeited to the state. If the government agrees with the reasoned amendment it will be expressing similar concerns to those expressed by the opposition.

The shadow Attorney-General took up the cudgel on behalf of the Law Institute of Victoria and said:

The Victorian Law Institute has other concerns —

which he was embracing. He continues:

In particular the institute refers to clause 106, which makes it quite clear that when being examined a person has to produce certain documents in relation to assets.

He said that was wrong because the previous government was forcing people to produce documents which included documents that could be a breach of legal privilege. He said it was suspending legal privilege, which was an outrage. The previous government replied that it was an outrage for young people to die on the streets from overdoses of heroin and if it had to suspend legal privilege in relation to the war on drugs then it would do so. The former shadow Attorney-General said it was wrong and the previous government should not do it. He wanted it to take the bill away. The previous opposition agreed with the Law

Institute of Victoria that the Kennett government should not do it.

I say to the Attorney-General, 'Where are your amendments?'. The opposition is waiting and will fight them. The government should bring in amendments to water down the Confiscation Act because then it will be complying with what it said in such a forthright manner a few short — and boy do they seem short — years ago.

The then shadow Attorney-General went on to say:

It therefore appears that a restraining order can be taken out over any property that was gifted by the defendant to another person six years earlier.

He said it was terrible, it was too long a bow and the legislation should be looked at again.

There is his third amendment, and the opposition is looking forward to getting them from the Attorney-General. He goes on to rant and rave against the legislation and he then made what I regard as the prince of comments. You will recall, Mr Acting Speaker, that I read how the Attorney-General said the reversal of the onus of proof ensures that this is a deterrent, that this is a serious piece of legislation and that reversal of the onus of proof, where the assets are first frozen and then, on the balance of probabilities, it is the person who owns the assets who has to come in to say they are theirs. The Attorney-General said the reversal of the onus of proof is there but it is a good thing because it is a deterrent. However only a couple of years ago as shadow Attorney-General he said:

As I said, this places a reverse onus on people who have been acquitted of certain offences. One of the concerns the opposition has is that in all likelihood some innocent people will fall through this net, people who for one reason or another — not because they have been involved in criminal activity — are unable to establish on the balance of probabilities that all the property they have acquired over a certain time has been acquired legally.

The opposition has legitimate concerns ...

And so on. We said that if a person who owns the property cannot come forward and demonstrate to the court where that property came from or that it is their property and therefore reverse the onus of evidence, the balance of evidence, which is something I do not think the then shadow Attorney-General rightly understood, they ought not keep that property. It ought to remain confiscated. It is exactly what the Attorney-General is now saying is such a good thing. The hypocrisy of the Attorney-General is just extraordinary. This is what he says at the end — —

Mr Wynne — Do you support the legislation?

Dr DEAN — We absolutely support the legislation, but it should go further and the government should admit its hypocrisy. The government cannot simply get up here now, having said what it has said, if it has integrity. If the government has integrity it cannot close its eyes. That is the great thing about *Hansard*. In this place what you say is recorded in detail. The reason it is recorded in detail is that when you do a complete about-face someone like me can get up and say that the government should acknowledge it has done a complete about-face. That is the least you can expect.

The government came into power saying it is a government of integrity. It is a government where integrity is a no. 1 matter. In fact, there was an entire policy — I have it somewhere — transparency and integrity. It was Mr Bracks's own policy. It has his name on it: 'the integrity of the Bracks government'. This is the man who sits there as Premier; the man who says, 'I am a man of integrity'. So you would have thought that his government, which has quite clearly changed its mind on something, would advise the public. The public has a right to know that this is a change in policy and would probably welcome it. This is the way the shadow Attorney-General finished up his contribution to the debate on the Confiscation Bill:

It is all right for people to stand up in this place and be hairy chested about introducing legislation that purports to be tough on crime, criminals, drug dealers and the like. Professor Penington makes it clear that introducing this type of legislation is not the answer.

That is what he said. So, Attorney-General, have you suddenly grown hair on your chest? Have you decided to start beating your chest? Or were you wrong? Was it in fact a very good piece of legislation and it was you just trying to use political ploys and beating your chest in a political way to capture a small group of the community who you hoped would vote your way?

Come into the house, Attorney-General. Very rarely does he come into the house when his bills are being debated. I say to the Attorney-General, 'You have a lot of explaining to do. Come in here and say that you have changed your mind or say, 'Look you are quite right. I had forgotten about all those amendments you wanted to move to the Confiscation Act to make it weaker. Sorry, it slipped my mind. I'm letting you know I'll be doing it next week. I'll be coming in here and saying to the people of Victoria all those things that were wrong with the Confiscation Act. I am a man of integrity and I am now in government and control the legislature. I now can get things through the Parliament and I will

come in and move amendments'. See how you go, Attorney-General, on that one.

Anything that can be done to try to get the message across to the Mr Bigs of this country that a government or a Parliament is on their case and will not tolerate what they want to do — anything that can be done even if it is a piece of puff — is welcome. We welcome it and will go with it. However, the Liberal Party says, 'We will do a lot more. We will do a lot more because the people who are the Mr Bigs decide that young people are fair game. We in the Liberal Party want to say to them, 'You're fair game. We don't care what happens to you'.

A decision by a Mr Big is not made on the basis that he has some commitment to some particular country in selling off the drugs. It is a commercial decision and a Mr Big weighs up all the risks. Just like any business, a Mr Big says, 'I want to sell drugs in that country. What are my costs?' and one of his costs has to be that the government of that country will pursue him with every resource it has and when it gets him it will take everything from him, throw him into jail and make sure even when he gets out of jail he does not have a chance to offend again. That will not stop the Mr Bigs. It will not stop them, but when they make the market decision about which country they will sell in, what the demands are and what the risks are, they will say, 'That Australia is a bit of a tough one. If I have to choose between selling my drugs here or there, I will not sell them in Australia because there the risks are greater for me'. I would probably still get away with it, but the way in which a country writes its legislation and the attitude it displays shows whether the risks are greater. So I would weigh up the risks and I say, 'I would not go there'. That is why you draw lines in the sand.

You do not try to pretend that every large cargo of drugs that lands around the coast of this massive country will be stopped. You know it will not be, but what you do is acknowledge that the risks are there. You say, 'If you want to chance it, you go ahead and chance it, but compared to other countries (a) you have a bigger chance of being caught, and (b) when you do get caught, you will be wrecked for life. They are the chances, buddy. You go ahead and choose which country you want to come into'. That is what this is all about.

What do you think the Mr Bigs are thinking about this piece of legislation? As I said, they are looking at the sentences that are being handed down and saying, 'The sentences do not even get up to 5 years on a 25-year maximum'. Why on earth would they consider life imprisonment to be a deterrent? If on 25 years you get

only 4, it will not make any difference. In addition they would think, 'We have to get caught with 750 grams, so we will just make sure when we are doing our commercial dealing that we walk around with only 500 grams' — or 250 000 bucks worth of stuff — 'in our pockets. If we do that we will never get into the life imprisonment thing. Why should we risk walking around with 750 grams when we can walk around with 500 grams, which is enough to make us a bomb, an absolute fortune? You've got to be joking!'

Yes, the opposition will support it, but on a 12-inch ruler this is a quarter of an inch. But if the government does not get serious about this and do something to ensure that the courts get serious about it, the Liberal Party will, because it is that sort of crime. This is about the murder of young people. These people end up overdosing and dying. It is not just a matter of people getting hit by a truck. It is a two-year or three-year process, during which their lives and their prospects are ruined: they end up in and out of hospitals, they end up in prostitution, or they end up breaking into houses to try to feed their habit — and then they die. So it is worse than murder.

For the government to bring in a pussy piece of legislation like this as an answer to the problem is an absolute disgrace. We will support this quarter inch, but we are saying to the government, 'Get real, or we will!'

Mr RYAN (Leader of the National Party) — The National Party does not oppose this legislation. All other things being equal it would have our absolute support, save for the fact that we do not want to send the message that by any stroke of the imagination this represents a conclusive answer to a terrible issue. So with that qualification we support this bill, but it is not to be taken as simply applauding the totality of the government's efforts to deal with the drugs issue.

This legislation deals with probably the most heinous of offences. I say that advisedly, because the people who deal at the level that this legislation is intended to address do so with the attitude that life is an aspect of what they trade in. The natural consequence of the success of their trade is to kill people. In its own way, it is murder in the foulest of forms, and the planning that goes into it and the mechanisms of execution that are used are far more heinous than would otherwise apply to the vast raft of other forms of murder. I even put that at a level over and above those who deal in murder as a trade — and fortunately very few people in communities around the world kill by design.

These people ply their insidious trade from the point of view of knowing fulsomely that in the course of doing so their ultimate clients will more often than not die or, at the very least, be subject to a life of abject misery. That is why I say this bill endeavours to deal with those involved in the most heinous of offences.

You can talk about the issue in the abstract, and you can talk about it from experience. When I was practising law I dealt with people who used drugs, who trafficked in drugs and who were involved in them in different ways. I was often involved with the families of those who had been subject to all the dreadful outcomes associated with the use of drugs. If honourable members wanted to have a look at a film which is currently available and which in a melodramatic sense, I suppose, conveys some of the appalling images of the drug trade, I would recommend that they see 'Traffic'. It is not an enjoyable film, but it is compelling. It is played out in four parts: it comprises four stories within the one main story. In its own way it is a snapshot of the insidious nature of the drug trade and those involved in it at the level which, as I say, this legislation is nominally intended to address.

It depicts the circumstances of a family man, played by Michael Douglas, who is a judge appointed to head the United States Drug Enforcement Agency. His intent is to tackle the horrors of the drug trade, but through a sequence of events he discovers that his own daughter is caught completely in the horrors of the trade itself, to the point of prostitution, stealing items from her own home and doing anything to enable her to gain a supply of drugs. That element of the story concludes with the family man eventually abrogating his role as head of the DEA to return to doing what he can in conjunction with his wife to save the life of his child.

It has a second story about a husband who is involved in trafficking at the highest levels. His wife discovers through a drug raid on their house that her husband is involved in that dreadful activity. The film traces his initial jailing, or his being held on remand, as we would know it, and the wife's consequent transition to being the strongest advocate for his release, because she sees it as a way of getting back their former way of life, with all the money that went with it. It ultimately results in the murder of a lead witness and this fellow being discharged from custody.

The third story involves two police officers who are in pursuit of those involved in the trade, the death of one of them and the way in which the surviving officer of the two-man team pursues Mr Big. The fourth story has to do with the cross-border trade between Mexico and the United States of America, including the way the

drugs get across the border in a manner almost unrestrained.

For those who want a Hollywood version of what this trade is about and what this legislation is intended to address, the film is recommended viewing, not, as I say, because it is enjoyable — if anything, it is a matter of enduring it — but because it is instructive.

The issue of the validity of this legislation in the sense of this government bringing it in has to be a genuine cause of concern. I say that advisedly, because the shadow Attorney-General has traced through the commentary made by the current Attorney-General when he was in opposition on the confiscation legislation introduced by the former government.

I understand the realities, and I make this concession: being on the opposition side of the house gives you free rein over some things compared with the constraints that can be imposed by being in government. However, this legislation seems to go well beyond the bounds of the shallow political principle that may have application in very limited circumstances. This bill goes to a core issue, because the then shadow Attorney-General spoke with passion — and I remember it — about the legislation the former government introduced. He made great show of presenting a position on behalf of the Labor Party, yet we now find that this legislation has as some of its core content the very issues the then shadow Attorney-General opposed so vehemently. One would have to wonder what sort of message that sends to the community. You would have to wonder what the people who witnessed what, it is now obvious, was a charade on the part of the then shadow Attorney-General think about how serious he and the government of which he is a part are in pursuing this principle.

So far as the issue with the courts is concerned, there is a fundamental matter here that we as legislators and as members of Parliament have to be careful about. It is a question of the dividing line between our capacity as parliamentarians to pass legislation that becomes the law and the way the courts actually interpret, apply and deal with that law. There is an element of the temperate, I suppose, about my comments on this issue. Suffice it to say, though, that I wonder whether the sentences now being imposed by the courts are truly reflective of community views about the crimes to which those sentences relate. I wonder whether the sense of outrage in the community, particularly with offences of this ilk — and I speak particularly of these — is reflected in the sentences that are being applied by the courts.

I respect the fact that judges have to make sentencing decisions. I have said many times, and not only in this forum, that the role of a judge is surely one of the most difficult to discharge one can imagine. Having to wrestle with the notion of sending someone to jail is in itself a terrible decision to have upon one's shoulders. I respect the difficulties associated with that. From my perspective as a member of Parliament I make little distinction between those who committed the appalling events in America only a week ago — who without reason killed many people in dreadful circumstances — and the people who are involved at the upper echelons of the drug trade and what they intend by what they do. It is a valid comparison, and I see very little distinction between the intent of those who are involved in those respective activities.

Just as there is quite rightly a sense of dreadful outrage about the activities on the other side of the world only a week ago, as was echoed in the sentiments expressed by the government, opposition and National Party yesterday, so the community views drug trafficking as a dreadful outrage. It is for that reason that I say, again with the greatest respect to those who have the role of sentencing in the courts, that community views are not being properly reflected in the sentences that are being imposed by the courts. I might say, for what it is worth, that this is the first time I have put that point of view in this place, but it is timely and appropriate so far as the matters involved in this legislation are concerned.

The other reason for the National Party's somewhat qualified support of this legislation is that we need to keep a careful eye to the total package of what is associated with the attack on drugs. While this is an element of that package, it is by no means definitive of the way the attack is to be launched and maintained. At the time of the ill-fated discussion about endeavours by the government to introduce legislation on injecting rooms we made the point on behalf of the National Party that you have to have a package of approaches to deal with drugs.

Notions of prevention, education, diversion programs, rehabilitation and all the other forms of health treatment, the capacity to provide decent housing and accommodation for users who are caught by the drug trade and those who are involved in the sale of drugs not as traffickers in the true sense of the word but simply to maintain their own habit, all those sorts of things and more have to be wrapped up in the approach to dealing with this problem.

As we debate this topic today we realise that the number of deaths in Melbourne have dropped radically in the past 12 months. Something like 30-plus people

have died this year compared to the 230 or 240 people who had died by the same time last year. And there are various rationales for why that is so. The principal reason is said to be that we simply do not have the supplies on the streets that we did 12 months ago and before, and the concern is that when the supply returns the quality of the drug will be such that, along with the fact that people will have been off the drug for some long time, the outcome will be additional deaths. Time will tell. Not to be ignored in all this is that good policing and the support of those who apprehend the people engaged in the trade are absolutely critical to the outcome.

I return to the legislation itself to comment that there must be a system whereby those who are prepared to take the risk of trading in those substances understand that when they do it and are caught, tried and convicted, they are going to be sentenced to a term of imprisonment that is proper in all the prevailing circumstances. The pivotal issue of the legislation is that it is aimed at the proverbial Mr Bigs. That is a laudable aim, but in the whole package of approaches to this most heinous of offences the harsh reality is that we are not getting the results out of the operation of the sentencing system that the nature of the crime deserves. I also believe people in the community at large expect better results.

The bill has been discussed in some detail by the honourable member for Berwick. The essence of the legislation, however, is the overcoming of the position whereby people who are prepared to deal in drugs in significant quantities have been able to avoid the most serious charges by ensuring they are trafficking in or cultivating an amount that keeps them just below what is regarded as enough to take them over the line and attract the charge of dealing in a commercial quantity. An example of how the legislation will apply is provided in the second-reading speech, and is also, interestingly enough, provided in the legislation itself.

I pause here to indicate that it is somewhat innovative to have within the general provisions of the legislation examples people can use to make the calculations applicable to the operation of the legislation. I think it is a good innovation and a good idea. At the moment a person trafficking in or cultivating, say, 200 grams is charged with a separate offence if found trafficking in or cultivating another 200 grams. The new legislation provides for an aggregation of the two amounts so that a person might be charged with either trafficking in or cultivating a commercial quantity — or, indeed, if the aggregated total is more than 750 grams, a large commercial quantity. I think that is a worthy idea, and I am pleased to see it in the legislation.

Similarly, if a person is in possession of a drug that is in two different forms the legislation provides for aggregation of, for example, cannabis plants and cannabis resin. It contains a formula whereby the two quantities can be aggregated, and the total might put the accused over the line and into the area of trafficking in or cultivating a commercial quantity or even a large commercial quantity. I think the notion of aggregation is good, and the new charge of cultivating or trafficking in a large commercial quantity is also a good idea. The National Party supports those initiatives.

Confiscation provisions will apply, and confiscation legislation as we now know it will have application to the new charges. Similarly, those who are on bail or seeking bail and who are charged with cultivating or trafficking in a commercial quantity will be subject to the current strictures provided within existing legislation and will face the same regime as if the charge concerned a large commercial quantity.

The legislation refers to repeat offenders. One would presume that for a repeat offender who has previously been before the courts on charges concerning a commercial or a large commercial quantity it will be all the more difficult to obtain bail. That will have the effect of giving the court the discretion, where appropriate, to reduce the quantity a person might be charged with being in possession of. In other words, the legislation provides flexibility to ensure that second or third-time offenders receive tougher treatment when they seek bail. As with existing sentencing legislation, the bill provides that if you have been through the mill once and you turn up again you can expect a much more difficult path before you, since the court will be instructed under the terms of the legislation to be harder on you than might otherwise be the case.

There is the provision about majority verdicts. The exception is that if a person has been charged with trafficking or cultivating a drug in a large commercial quantity there will still be the need for a unanimous verdict. Then there are some jurisdictional issues to do with the Magistrates Court no longer having the capacity to deal with what is clearly an indictable charge and therefore removing the prospect of being able to sentence people who are convicted of these offences to a maximum imprisonment of three years. There are also provisions about appropriate penalties to be imposed upon those who are trafficking to children.

As I said, in the qualified sense that I have outlined, the National Party supports this legislation. I have before me correspondence from the Hindmarsh Shire Council which deals with the fact that that council has recorded its concern about this terrible problem we have in our

community. To its great credit, the council has taken the trouble to address some correspondence to the office of the honourable member for Wimmera and to say to him that the Hindmarsh Shire Council supports the contents of this legislation and the overall attitude I have expressed today on behalf of the National Party, which is its complete opposition to this most appalling of trades. It also supports the steps taken to deal with those who are prepared to traffic in what can be described as the concept of death by a thousand cuts in the most insidious and heinous fashion. So with those qualifications the National Party supports this legislation and wishes it a speedy passage.

Mr WYNNE (Richmond) — I thank the Leader of the National Party for his contribution to the debate today. Normally I would thank the honourable member for Berwick as well, but I must say that his contribution was at best fractious and bordering on bile. One cannot understand why that is so. I would have thought the honourable member for Berwick would have wholeheartedly supported this legislation, not wrap it up in a contribution which sought to mount an attack upon the Attorney-General, which I am sure he will have no difficulty in dealing with in his summary. The honourable member for Berwick suggested that there had been some massive backflip by the government over this initiative.

Dr Dean interjected.

Mr WYNNE — I point out to the honourable member for Berwick that this was a pre-election commitment — part of the policy of the Bracks Labor government which included a proposal to introduce tougher penalties for convicted commercial drug traffickers. We went to the election with that policy. These changes were necessary to protect the community and to meet the safer and just society election commitment. I direct the attention of the shadow Attorney-General to that document. It is an extraordinary accusation to suggest that there has been some backflip on the part of the government. This has been part of the policy position we took when we went to the election. It was one of the issues on which we were judged and ultimately what this government was elected upon — a safer community.

Perhaps more than most other honourable members I have the unhappy experience of having to deal with the outcomes of drug trafficking and drug addiction on a day-to-day basis. From the first day that I had the honour to come to this house and to represent the people of Richmond I indicated in my inaugural speech that one of the most devastating social issues confronting the people of my electorate was drug

addiction and the horrendous outcomes of that for people.

As the government indicated in its pre-election policy, we sought to provide a comprehensive response to this social scourge. As the Leader of the National Party has very fairly indicated in his contribution, to address the question of drug addiction in our community you must start with education. You must look at the prevention programs; you must look at diversion programs; you must look at opening up treatment beds; and at the other end you have to look at stiffer penalties. It is important that that be done.

I well recall that historic day when we had the debate in this chamber with very eminent people, including Dr Penington, former chief commissioner Comrie, people who had worked on the streets, and Professor Margaret Hamilton — without question one of Australia's leading drug experts. All of them suggested that the only way you can tackle the problem of drug addiction is in a holistic way, and that is very much the way that the Bracks Labor government has sought to address this question. We have poured enormous amounts of money into rehabilitation programs, opening up detoxification beds and dealing with councils at a local level to find local solutions. As I have said, the Yarra City Council has stood up on this issue and has said that it will work with local communities to find local solutions to the problems of drug addiction.

Many pilot programs have been run. One of the most successful diversion programs runs out of police stations at Collingwood and Fitzroy. Called Care, Collaboration and Innovation, the program seeks to get first-time drug users out of the criminal justice system. It is merely one example of how this government is trying to provide a comprehensive and innovative approach to this issue. We have had the debate about safe injecting facilities. Sadly, that debate was lost. The government clearly said it was prepared to trial safe injecting facilities. In the course of another inquiry I have been undertaking on street prostitution I was in Sydney some weeks back and in discussion with police in the Darlinghurst area many of the potential concerns that were raised on the other side of the house about the honey-pot effect and various other issues raised at that time have not come to fruition.

Mrs Peulich interjected.

Mr WYNNE — I take up the interjection from the opposition benches that people do not want safe injecting facilities. Can I say to you that the independent polling on safe injecting facilities

undertaken by the Penington inquiry indicated that 70 per cent of the constituents of the City of Yarra were prepared to give it a trial? But I only paint this picture by way of background to suggest to the house that this proposal to increase the penalties for drug trafficking is part of a suite of strategies which this government is putting in place.

An honourable member interjected.

Mr WYNNE — Yes, absolutely. At the hard end of things you have to send a clear and unambiguous message to drug traffickers that this community abhors their behaviour, that we do not accept this behaviour and we do not accept this scourge of drug trafficking in our community. But at the same time you cannot take the course suggested by the shadow Attorney-General that in some way we should be interfering with judicial discretion. You simply cannot do that.

There is that fundamental principle of the separation of powers. In that context, by passing this legislation today we are sending a very clear message to the community, and the courts will have a suite of sentencing opportunities open to them. For trafficking under 250 grams a maximum penalty of 15 years can be imposed, and for trafficking over 250 grams there is a maximum penalty of 25 years.

An honourable member interjected.

Mr WYNNE — I will not go there; I will let the Attorney-General deal with that. For over the 750 gram benchmark there is life imprisonment. No more severe a penalty can be imposed upon an individual than to take away their liberty for life.

Due to the changing nature of the drug trade new offences are required to provide higher penalties for larger quantities of drugs and to close loopholes that exist for those who trade in a range of drugs. As has been indicated in the second-reading speech, the legislation is aimed at those who are trafficking in commercial quantities of drugs. They are the people we call the Mr Bigs of the trade, who operate at the top of the manufacturing and distributing hierarchy. As we know, they are the same people who make huge profits from drugs and trade on the misery of users and their families. Without doubt, they are the most unscrupulous individuals.

Large-scale commercial trafficking is defined in this bill as any aggregated amount — and that is an important point — of more than 750 grams of pure heroin, cocaine or amphetamines. Quantities for other drugs have also been set according to their commercial values.

The bill increases the maximum sentence to life imprisonment for trafficking in a large commercial quantity. As we know, such large quantities are not uncommon in Victoria, and a number of cases have come before the courts involving the trafficking of several kilograms of heroin. I should indicate that the maximum sentence the government is proposing with this bill accords with the maximum penalties in New South Wales, South Australia, the ACT and the Northern Territory.

Mrs Peulich — For the same amount?

Mr WYNNE — I will — —

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh is out of her seat. I ask her to stop interjecting, and I ask the honourable member for Richmond not to take up interjections.

Mr WYNNE — Thank you, Deputy Speaker. Importantly, this bill also closes a significant loophole in the current legislation. Currently traffickers holding amounts of various types of drugs will be charged on a separate offence for each type of drug held, and to be considered a commercial dealer there is a requirement that a large amount of one particular drug has to be held.

This legislation provides for various types of drugs to be aggregated to establish their commercial quantity. By drugs being permitted to be aggregated, drug traffickers will no longer be able to avoid the harsher drug trafficking sentencing regimes by deliberately trafficking in a range of different types of drugs, each of which constitutes less than the commercial quantity — and in their contributions the honourable member for Berwick and the Leader of the National Party indicated their support for that way forward.

The bill also provides that people charged with these commercial drug dealing offences must be refused bail unless there are exceptional circumstances to justify that bail should be granted. That shows a clear recognition by this Parliament of a community expectation that where somebody is trafficking in such amounts, bail should be refused. Obviously the consideration of community safety is fundamental to the government strategy with this proposal.

The bill amends the Juries Act to provide for unanimous jury decisions in cases of large-quantity commercial trafficking, as these offences carry the most stringent penalty of all — that is, incarceration for life. If the offence is punishable by life imprisonment, the jury verdict must be unanimous, and for any other offence, the jury verdict must be by a majority —

which I would have thought any fair-minded person would accept to be a reasonable approach.

Victoria's confiscation laws are among the toughest in Australia. This bill provides for automatic forfeiture and civil forfeiture processes to be available for the new offences of trafficking in commercial quantities of drugs. This is intended to be a further deterrent to those engaged in the vicious and nasty crime of trafficking.

An important feature of this bill is its increase in penalties for trafficking drugs to children. If a person traffics or attempts to traffic a drug of dependence to a child they will be guilty of an indictable offence and liable to a level 3 imprisonment, which attracts a 20-year maximum sentence. The government regards that as a critical section of the bill, as statistics reveal that more people are using illicit drugs and, tragically, starting at an earlier age.

On an international scale, Australia's young people are comparatively high users of marijuana and, as was identified in the Penington report of 8 February 2000, such use may mean they are introduced to drug dealers who offer a suite of drugs, including heroin. It is estimated that approximately half of the injecting drug users in the CBD are under 21 years of age. That was shown by the important work done by Dr John Fitzgerald from the criminology department of Melbourne University and others who have done some of the leading groundbreaking work on these issues.

In concluding my contribution I have to reflect upon the issues that confront the community which I have the honour of serving. The community of Richmond is made up of an extraordinary mix of people, from high-income earners through to those in the largest public housing estates in Victoria. In that respect my community has hosted some of the major drug trading precincts in Victoria — the Smith Street area and, more recently, the Victoria Street area. And of course, as we are well aware, you only have to walk down Bourke Street to Russell Street — as I did today at lunchtime — to see the impact of drug trafficking and drug trading in the Melbourne CBD.

This is a social scourge that affects all of our community. But by any measure, the Bracks government has attempted to respond to this issue in an innovative and courageous way that works with local communities and with local councils. I believe that will ultimately lead to the success of any strategy to hopefully discourage young people from taking drugs, to educate young people about the effects of drugs, and to offer diversion and treatment programs for people

who are inextricably linked to the cruel habit of heroin or amphetamine addiction.

This government will reach out and will seek to provide support to those people. This government and this Parliament send a clear message to those seeking to traffic in commercial quantities of drugs — that is, over 750 grams — the option of life imprisonment will be available to the courts. That is a clear and unambiguous message that this government is prepared to offer a suite of opportunities — it is a clear message to the community that we find this vicious, ugly trade of drug trafficking abhorrent. We have to send a clear and unambiguous message that that is our intent.

We all come here with our own experiences. Many of us have children, some have young children, and we are here to try in a genuine and bipartisan way to do good things for the community. One of the great struggles we have before us is to deal with the social scourge of drug addiction. This is merely one part of the chain of initiatives the government has put in place. More than anything else this government is very serious about addressing this social scourge and is committed with dollars and other initiatives such as the sentencing regime we are proposing. I wish this bill a speedy passage.

Ms McCALL (Frankston) — The opposition supports the Drugs, Poisons and Controlled Substances (Amendment) Bill. As the shadow Attorney-General said, it is another step along the way, but it is only a step. I have been in this Parliament for five and a half years — how many times have bills relating to drugs come into this Parliament? There will never be an easy solution; there will never be one solution. But as we take the steps and build more pathways along the way we come closer to achieving the ultimate goal — that is, saving and preserving lives.

In the five and a half years I have been in Parliament I have noticed that an entire language has grown around the drug culture. We talk about dealers and traffickers, but make no mistake, the people who deal in drugs are murderers, and the only punishment they deserve is the strongest, longest and harshest punishment of all. It is premeditated murder. These people benefit from trafficking in lives, and the punishment they receive should be the harshest, the maximum.

I stand here as the honourable member for Frankston. As many people in this Parliament know, Frankston has a drug problem, like many other places in this country and overseas. The problem as I see it is that we now have middle-aged drug addicts who are committing crimes to maintain their habits and who are becoming

dealers and traffickers. There are also first-generation dealers and addicts who see their parents living a particular lifestyle — not the one that most, if not all, of us would choose — and they are encouraged to follow suit by dealing and trafficking. There are cases in my electorate of people as young as 11 and 12 dealing in drugs on street corners, around the Frankston railway station and, God forbid, even in primary school yards. This means the problem is not getting smaller; it is not going away. Therefore, we must be creative and understanding and take some very serious measures to deliver to those who wish to perpetrate this premeditated crime on our community the message that this Parliament will not accept them as part of the community. We will deliver a message to them that says we want a sentence that is a deterrent.

In my electorate there is a fairly strong groundswell of opinion in favour of our following the Malaysian or Singaporean model — that capital punishment is a reasonable punishment for people who deal in death. I do not support capital punishment, but I can understand that view in the wake of the senseless and needless deaths we saw during the terrorism attacks in America. Having lived in London in the United Kingdom during the IRA bombings between 1975 and 1977, I know the community understands that senseless killing should have the ultimate punishment attached to it. As the Leader of the National Party said, dealing in drugs is probably no different from terrorism, because it is just as premeditated. I also would argue that dealing in drugs is premeditated.

I would like to see debates on these issues in Parliament having only the parameters necessary to maintain the safety of the communities we represent — we must recognise that the most important thing is that vulnerable members of our community are protected by the actions we take. When I refer to vulnerable members of the community I mean particularly the young, the old and women. Those people in the community, like those who have roles as carers and those who hold our communities together, deserve to be as safe and as protected as is humanly possible. As the shadow Attorney-General and I have said, the bill before the house goes some way towards addressing that.

I will pick up on a couple of issues raised by the shadow Attorney-General. I was also in the house when the then shadow Attorney-General filibustered, screamed and shouted about how it was appalling that we should be introducing draconian legislation to provide for the confiscation of goods from those who deal in death. He was absolutely appalled by it, and we thought his performance was pretty appalling at the

time. I find it fascinating that in the second-reading speech on this bill he talks about the confiscation of goods being the most draconian measures in Australia and wears it as a badge of honour. This side of the house wears it as a badge of honour, because we introduced it. I am sorry to say that the parliamentary secretary, the honourable member for Richmond, said that this was part of their election platform. If it was such an important part of their election platform, why has it taken them nearly two years to introduce this bill into Parliament?

Let us look at the bill in some detail. Separate offences are now put together when we look at the cumulative effect of possessing 750 grams. I hold the view that 1 gram is one too much. I accept the shadow Attorney-General's view that it does not matter whether it is 750, 500 or 250 grams. There are some very pure drugs in Australia. The heroin obtainable in this country is one of the purest of any in the world. What concerns me is that the purity of 750 grams of heroin has the potential to kill very quickly. I certainly endorse what the shadow Attorney-General talked about. Yes, there is an aggregation of quantities and goods, but I have some difficulty that the quantity is still as high as 750 grams.

When talking about changes to the Sentencing Act — and we are talking about life sentences — my views may differ from those held by some people here. When I came to live in Australia life sentences to me reminded me of the novel *For the Term of His Natural Life*. From where I sit life sentences should mean just that.

I turn to the provisions for confiscation of goods. There has always been a view that goods received as a result of illicit behaviour deserve to be removed. I well remember the debate within our own party when we were in government about how far that should go. I hold the view that the clause in this bill still does not go far enough. These people have to be delivered a message — that is, they are not acceptable, their behaviour is not acceptable and they are not welcome in our community.

Although I accept that the bail provisions contain words that we in the opposition have put in, I have difficulty in working out what an 'exceptional circumstance' would be when someone may be granted bail if they have been charged with such an horrendous crime against humanity. I would be interested to hear from the Attorney-General what those exceptional circumstances are. Clause 14 of the bill uses the words 'may impose'. My question is: why not 'will impose'?

Clause 15 amends the Juries Act which concerns the move towards unanimous verdicts. Some of us in this chamber who are not legally trained have had the benefit of sitting on juries. We know the difficulties that relate to unanimous verdicts and majority verdicts. If life sentences are to be imposed — and I do mean life — then I have no difficulty with a unanimous verdict. That is a good step forward.

On the subject of the amendments in clause 16, I am of the view that, when we talked of forensic sampling — and the arguments of DNA and forensic sampling, the retention and taking of samples are an argument for another day — there is no question in my mind that if these people are charged with dealing with death then they are no different to those who perpetrate rape, domestic violence, child abuse and sexual assault. They are the worst criminals in our community and they should not be treated as victims but as outcasts and pariahs.

Given that a large number of my colleagues wish to speak on this bill, I propose to finish by pointing out that these death dealers are the grim reapers of the year 2000 and beyond. They will be dealt with with the same level of contempt as those who deliberately spread disease or terrorise communities. This is not a yellow brick road with a happy solution at one end; it is a winding, curving, treacherous road we have only taken a quarter-inch step along. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise to speak on this bill because, as the previous speaker has said, it is a bill that concerns everyone in this house whether they are parents, brothers, sisters or young people who might be enticed into the drug scene by either using them or selling them.

The government has gone in the right direction. The community has reached the point where people are seeking to impose life sentences for substantial crimes. For that reason we have defined 750 grams as a substantial amount and dealing in that amount as a substantial crime. If a life sentence were to be imposed for the selling of a lower amount, our society would not accept it, even though it is accepted in other countries. Therefore I say this is a step in the right direction. It needs the support and understanding of the wider community.

Our judiciary and other members of the legal fraternity need to understand this point, because it is in the legal system that we have come undone and where the deterrents are sometimes not strong enough. The amendments to this bill do clarify some of the issues

that have been open to clever barristers to tease out and discuss in order to convince juries. In particular, the new offence of cultivating marijuana is important. It clarifies the offence and spells out exactly what the laws are and where the parameters are.

Like those of many honourable members, my electorate is also infected with the scourge of drugs. I regularly find syringes outside my office door, around the shopping centre and in the car park. During the last election campaign my vehicle was mutilated with needles. Obviously some crackpot was trying to pass on some message. As I went to the car there were needles all around the floor and stuck into the rubber parts of the car. Some people tried to say that my warped, twisted Liberal or Independent opponents or their supporters were responsible for that, but that is not the way to go about it. We must deal with the issue in a responsible way and not just attack one section of the problem. The government has tackled the problem by having services for parents and offering them counselling. The parents of children on drugs are the silent sufferers, because they do not know where to turn, what assistance is available and how to cope with the problem.

This part of the legislation will help by reducing the amount of illicit drugs which come into the state. Victoria will no longer be singled out as a soft state where drug dealers can do business. Every time the police move in one state there are more drugs available in the other states. The same principle applies within the state: if you have a blitz in Frankston or Springvale they move to Footscray, and when there is a blitz in Footscray they come out to St Albans and sell their drugs in the streets — and I know that because I get the complaints. I always know where the police drug squad is active, because the trade moves around. We need some stronger laws, and we need society to understand and cope with the issues.

However, this government, and any government for that matter, will only implement a law which can be accepted by society and which complies with how much society is prepared to spend on monitoring and fighting the scourge of drugs. At the end of the day it comes down to enforcement and how much money a society is prepared to spend to fight this scourge. If the society is prepared to spend more money, bigger action will take place and the legislation will be amended in the future.

This is a step in the right direction. Having life sentences sends an important message overseas to everyone who is trying to smuggle drugs into this country. Unfortunately tourists and our unwise young

people are being conned into trying to smuggle drugs into Australia. Some of them are caught in Thailand, where there is a mandatory life sentence, and there are strict laws in other countries. We are approaching this point in a step-by-step process. I support the bill for those reasons. The parents of young Australians trapped in jails overseas because they have been convicted of drug smuggling have asked me to assist in getting their children released. They ask for help in getting a King's pardon in Thailand, because in the lead-up to his birthday the King will hear petitions seeking pardons for people sentenced to life imprisonment.

We understand that situation, and people who come to trade drugs in this country, and particularly in this state, need to know that we mean business. It is unfortunate that there are no uniform drug laws right across Australia. If there were we could tell the whole world where we stand on that issue and people would not risk bringing drugs into this country and infecting our society and our children. The emotional and social costs of drugs to parents, their children and society are enormous. Strong enough deterrents will reduce the use and proliferation of drugs.

The drug barons have money and can influence the media and judicial outcomes in different places. I dare say that even in Australia they influence how much money is spent fighting them. At least this government has taken a step in the right direction. Every political party and public activist in the country should be supporting all possible deterrents and the allocation of more money to law enforcement, including the detention and punishment of people who sell commercial quantities of drugs.

Another part of this legislation provides for the civil and mandatory seizure of property. Nobody should get rich on ill-gotten gains. We had a long battle with the German government and German companies to win compensation for the people kept in forced labour camps during the Second World War. It took many years of debate to win that argument, and I put this at the same level.

People who get rich selling drugs in commercial quantities are no different. They are criminals, and their assets should be automatically seized and placed in a trust fund for people who suffer from using drugs. The assets should be used by government agencies on withdrawal centres and cures and to help people who have been hooked on drugs. Compensation should be available for the families of young people who die from overdoses. Having made those few comments on this bill, I wish it a speedy passage through the house. But I

note that we have a long way to go in combating the scourge of drugs in this state.

Mr McINTOSH (Kew) — Like all members of this house I am appalled by the drug trade. We have dealt with particular issues like supervised injecting facilities, and we have discussed both the beginning and the end — the introduction of drugs into our community and how we deal with those who peddle them. According to the honourable member for Richmond, this legislation was a major plank of the law and order policy Labor took to the last election. Labor promised to introduce life sentences, and I am pleased the legislation has finally come before the house. From my recollection of the last state election it has taken just on two years and one day for this legislation to come into this house, but perhaps the government's massive legislative reform package has been holding these things up!

Like my colleagues on the opposition side I support this bill. It introduces a deterrent, and under our system of justice the maximum deterrent for any crime is life imprisonment. Whether that is the outcome of a trial is determined by a number of factors, but basically the decision resides with the trial judge. Part of our system in this place is to gradually increase the penalties for those offences which we consider to be reprehensible.

I pause at this stage to say that it is interesting to deal with the issue of murder. Historically murder attracted an automatic sentence of death. Capital punishment was the reward for murder, and it was a mandatory sentence, one that a judge had to apply. That was changed in this state in the early 1970s. The penalty became life imprisonment, and that was also a mandatory sentence. The law was changed only recently to allow flexibility to reflect the culpability attached to the offence of murder.

We can all think of reprehensible circumstances in which a murderer should receive the maximum penalty. There would probably be unanimous opinion in the community and perhaps in this place that a life sentence would be appropriate for anybody convicted of the recent terrorist attacks in the United States. Such a person would probably receive a life sentence, which is the maximum penalty a court in this jurisdiction can impose. That would certainly be the case if we were dealing with the murderer of a child or the murderer of someone killed in a cold-blooded assassination, even if it was a mistake, as in the case of that poor woman out in Niddrie who was killed a few years ago. That case was publicised recently, as the police have some lead they wish to pursue.

There is no doubt that you still attract condemnation. Perhaps it goes back to our basic human instinct to protect human life at all costs. Essentially there is quite a difference between the types of murders I described and perhaps the traditional murder, the one that is probably more prevalent in this jurisdiction. One of the most dangerous places for any Victorian is not in the workplace, in the street or in a plane, it is in the family home. The correlation between people who commit murders who know their victims — husband and wife, neighbours, things like that — and those murders being committed in the family home is astronomical.

The most important thing is that we still treat murder as a single offence. You are convicted and then dealt with by the process. It is interesting that for some reason the previous government when it introduced the original Juries Bill back in 1993 maintained unanimous verdicts for murder but allowed for majority verdicts for other offences apart from treason. Of course there was a jurisdictional problem in commonwealth offences. For example, offences under the Customs Act and offences involving the importation of heroin still require a unanimous verdict under commonwealth and state legislation.

My only concern with the bill relates to the provisions dealing with majority and unanimous verdicts. The government has said that if you are tried for an offence that carries a life sentence as a maximum penalty, then you should have the benefit of a unanimous verdict. For example, if you are charged with trafficking a large commercial quantity of a prohibited substance such as heroin, you should be entitled to a unanimous verdict. If you are only charged with trafficking a commercial quantity, you go before a jury where the prosecution is entitled to ask for a majority verdict.

People who peddle large commercial quantities of drugs, be it a kilogram or 700 grams of heroin, are probably the most reprehensible people I can think of. Each and every one of the people who participate in that crime must understand that they are killing our young people as well as the people around them. They create trauma and tension in the community. People addicted to these drugs will go out and commit further offences, and the families of those people suffer the trauma and perhaps the indignity of having an addict in their own home. I have been touched by a close friend of mine — and I certainly do not propose to relate the story — whose daughter luckily is no longer an addict. But it was a long, slow, turgid and traumatic process for her and her family to go through as well as family friends who knew that a friend's child, whom many of us had known for a long time, had to go through this trauma.

Those people are the real killers; they are the real terrorists of our community. They are ripping the heart out of our community. It is far worse than perhaps a crime of passion in a household. For example — and I use this case advisedly and understand the reasons that the Attorney-General recently made the decision — the Heather Osland case where the Victorian Court of Appeal said it was premeditated murder. It could be associated with some form of battered wife syndrome, but it is still murder. There is a hell of a difference between that and the people who trade in commercial quantities of drugs. A kilogram of heroin can be used by hundreds of addicts around Victoria.

The bill as it stands seems to be an unsound basis for justifying the argument that the difference between unanimous verdicts and majority verdicts is simply the outcome, or the sentence. The thing that concerns me most is that many of these cases are about trying people for trafficking large commercial quantities of drugs. The Mr Bigs, the people who are dealing, in many cases may not be caught with any drugs on them at all. Recently there was a drug bust in Melbourne in which some 40 people were arrested. Many of them were not in possession of drugs or even in the same premises as the drugs. It will take countless hours to get sufficient evidence to produce in court to enable a jury to convict somebody for conspiring to traffic in a commercial quantity of drugs when they may not actually be caught with the drugs on them.

I am concerned about the original reason for the introduction of majority verdicts, which was vigorously opposed by the then Labor opposition in 1993. The now Minister for Health stood up in the house and opened the batting for the opposition by saying, 'I oppose this bill'. One of the reasons he opposed the bill was supposedly that majority verdicts denied the accused the benefit of having every aspect of the offence proved beyond reasonable doubt. We have now come full circle. The government has introduced its own Juries Act that maintains majority verdicts in precisely the same terms as the previous government did. Again it refers to these provisions. It always remains with the trial judge to allow a majority verdict or not. After some 6 hours if a jury is hung — that is, it has not reached a verdict, or the verdict will not be unanimous — the trial judge has the capacity in all circumstances, particularly where it has been a long trial or a complex matter, to enable the jury to return a majority verdict.

It seems to me, as I said, that just because the outcome happens to be a life sentence it is not a reason for majority verdicts to be used or not used. It is an unsound basis for allowing a majority verdict. It seems

to appeal to some civil libertarian view simply because it is a life penalty — that getting a life penalty for trading in a large commercial quantity because your conduct is reprehensible is disgraceful. Frankly, that degree of culpability — of trading in a drug that you know is going to kill hundreds or thousands of people — seems to me an obtuse distinction. Whether you trade in 250 grams or 750 grams of heroin seems to me an absurd and anachronistic distinction. The distinction is there to allow a penalty outcome. It should not be the basis of the conduct of a trial. I raise the matter simply for the purpose of debate. I do not waiver from my support of the bill. I raise it for consideration perhaps at a later stage.

Finally, I make the point that some statistics must be kept by the Director of Public Prosecutions that would be available to the government. I would dearly love to know whether majority verdicts operate — whether they are used extensively or otherwise. I have anecdotal evidence from my own experience and perhaps a couple of colleagues from the Victorian Bar who said that it is not a major problem. They are not used in many cases, but where they are used I would like to know the outcome and how often they are used as a method of assessing whether majority verdicts should be kept or otherwise.

I do not disagree with the proposition of majority verdicts. I have seen and been involved in long and turgid trials — perhaps not on the criminal side but certainly in the civil arena — and it would be unjust, unfair and an impost on the community to have to go back to square one and start again. It would be unfair to the accused and in many cases would be unfair on the community who would foot the massive bill that would be associated with that matter. When it does make a change to the provisions relating to majority verdicts as they have done here under the Juries Act, I would certainly like to see the government justify the change with some statistical material. That seems substantially absent from this debate. I call upon the Attorney-General to provide those statistics in his summing up.

Ms GILLETT (Werribee) — It is with pleasure that I contribute to the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill, and in doing so I would like to quote a small part from the Attorney-General's second-reading speech. He states:

Large-scale drug traffickers peddle in death and misery, affecting hundreds of individuals and families. The Drugs, Poisons and Controlled Substances (Amendment) Bill will enable the full force of the law to be brought to bear on such drug traffickers ...

It is an important piece of legislation introducing as it does:

... a new offence of trafficking or cultivating a large commercial quantity of drugs, punishable by a maximum penalty of life imprisonment; and

enabling drugs to be combined in the one offence so those drug traffickers will be sentenced for the true extent of their drug trafficking and its harmful effects in our community.

I will relate to the chamber the significance of the legislation to my community in a couple of ways. The first is to explain the circumstances of a constituent and her family. It was about three years ago, on a Friday afternoon, and I guess my electorate office is as busy and chaotic as any other electorate office in Victoria. Among the rushing about, the constituents at counters, phones going mad and everyone working terribly hard I saw a fax come through addressed to the then Premier of Victoria, Jeff Kennett. It was from a woman in my electorate, Marie Mobbs. Usually, as I walk past the fax machine I have a quick look. This letter was an absolute cry for help in the most awful circumstances imaginable. I took the letter, closed my office door, sat down and read it carefully. It deserved at least that much attention.

In her letter to the Premier, Marie Mobbs explained that she had three sons in their late teens and early 20s. In the previous six weeks, two of her sons had overdosed on heroin but luckily had survived. She had real fears and concerns for the third son who was also using. She pleaded for assistance. In her letter she went through in great detail the agencies and places she had been to seeking help for her sons over the previous six-week period which must have been horrendous. At the end of the six-week period, on that particular Friday afternoon, she decided there was simply nowhere else for her to go other than the Premier of Victoria.

To the Premier's credit someone from his office had just phoned Marie after I had called her at about 4.30 p.m. and said they could circumvent the processes, do some favours, get some rehabilitation for her sons. In an enormous act of selflessness Marie said, 'No, I am not asking only for myself and my sons. I am trying to explain to the whole community, to anyone who will listen to me, that we don't have the sorts of services we need for my boys'. 'It won't just be my sons that are in this set of circumstances, it will be a whole lot of other people's sons and daughters as well'. When I spoke to Marie that Friday afternoon I was able to go through with her the places to which she had been to seek assistance. I was then able to find a couple of services that the family could employ.

It is with great regret and sorrow that I have to report that the efforts of Marie, her husband, her family and supporters were not able to save two of her three sons. They died of heroin overdoses in the weeks that followed. Marie is a woman of remarkable courage — it is a much overused term, but it is true in Marie's case — and complete selflessness. When we got together at various stages during this period Marie was convinced, and so was I, that Wyndham needed to do something as a whole community to make sure this sort of incident could never happen again.

Even more tragically, it was not only the Mobbs family who lost children during that terrible period at the conclusion of what had been a heroin drought. But in honour of all those who had lost their lives and the families who had suffered as a result we decided that we would send out expressions of interest to service providers, to our schools, to our police and to anybody else we could think of who may be interested in coming together and bringing their hearts and minds and wit and wisdom to bear to help us sort out how we as a community could deal with this problem.

I am overjoyed to report that three years, many meetings and, in some cases, many tears later the group we sought to establish in Wyndham has been a success. I must acknowledge the support and assistance of my federal colleague and good friend Julia Gillard, for it was through our working together that Julia and I were able to bring this fantastic group of people together. They include mums and dads, brothers and sisters, service providers, some of our fantastic school principals, and some of our great local police. It is about a whole community being ready to meet one another and explore whatever options they have. I have neglected to mention the Werribee Mercy Hospital, which also sat around that table as a service provider.

Given that early on everybody was a volunteer, and given that we suspected we had a huge job of work ahead of us — and we were right — we desperately needed a fantastic human being, and we needed the money to pay him or her. This was just after the change of government. I approached the Minister for Health in the corridors in this place and said, 'Look, this is the project we are looking to do as a community. If there is a small amount of money that could be available to assist us, we would be very grateful'. We were looking to raise funds in the community too.

I say in all gratitude that the minister came through with enough funding, combined with the generosity of the Sisters of Mercy, who must be congratulated on their part in all of this. The sisters, who run the Werribee hospital, put in \$10 000, and the Department of Human

Services put in \$35 000. That gave us the seeding funding we needed to employ a terrific person called Loretta Asquini, who has not only carried the burden of developing our response to our drugs problem but also helped us identify it. So I would like to place on the record my gratitude and thanks for the work of the ministers involved and the Sisters of Mercy.

I thank as well another individual who agreed to chair the Wyndham substance abuse forum, as we called it, and that is Dr Gavan Scott. At that stage he was a director of the emergency department at the Werribee Mercy Hospital. He is probably one of the busiest medicos in all of Victoria, yet with his onerous workload he volunteered his time generously and selflessly to help to steer the committee to doable and achievable targets.

It is absolutely terrific that just two weeks ago now the Minister for Community Services, Christine Campbell, visited Wyndham to launch our community's substance abuse strategic action plan for 2001–04. The Minister for Community Services is one of those outstanding ministers — and we have many of them — who reads the material she launches. This document is a manual that outlines what we are going to do. As honourable members can see, it is not a glossy document, but it is full of the love, the energy, the intelligence and the commitment of those who put it together.

I am pleased to be able to say that in launching the document the Minister for Community Services was glowing in her praise of all of those who had given months and in some cases years of their time to producing it, as well as conducting a number of research and community exercises that helped us to find out what our real problems were. The document itself — and the minister generously congratulated those who were involved — is unique, based as it is on a whole-of-community response to the problems of substance abuse.

The bill is an important part — but only one part — of the fight we have as a community in dealing with substance abuse. The substance abuse strategic action plan overviews the key findings of the substance abuse project's extensive community consultations. It summarises the various alcohol and other drug-related data that we gathered in putting together the document. Importantly it also sets out a plan to address the key local substance abuse issues in Wyndham. The project, which includes the development of locally based actions and responses to substance misuse within our community, has been community driven. Extensive consultation with residents, businesses, service providers and key stakeholders has been undertaken to

ensure local responses to locally identified substance misuse issues. Our community consultation has identified the need to expand and better promote existing services in the community.

Some interesting things happened when we conducted our research. Many honourable members on both sides of the house represent what in old-fashioned terms are called growth corridors, the new term for which is 'interface councils'. One of the problems with knowing what is going on in a growth corridor is that the census that is done every four to five years is ancient history. Because the census gives you a snapshot of a community that 12 months down the track no longer exists, we had to embark upon some serious and grassroots information gathering.

The survey we did shows that heroin is perceived as the substance that causes the most problems in our municipality, followed by chroming and glue sniffing, and marijuana and tobacco abuse. This finding was not entirely consistent with the data we obtained. The misuse of legal substances such as tobacco, alcohol, prescription pills and volatile substances was identified as the substance-related behaviours that are causing the most harm to our local community. This demonstrates, therefore, that there is a need to provide further education and awareness-raising forums about substance abuse issues and to facilitate open discussion and informed debate within our community.

Residents surveyed support a diverse range of responses and actions to address substance abuse, which include education and the safe use of drugs and programs to prevent people from using drugs. Community training on safe handling and disposal of used needles and syringes, more local services and supports for those affected by substance misuse and the installation of more needle bins were other initiatives supported by residents.

These issues are difficult for most of our communities to confront. Werribee, which is part of the community of Wyndham, is not a Footscray, which is looked after by my friend, the honourable member for Footscray. We do not see the level of drug abuse that is seen in Footscray every day, and people do not like to talk about it in my community. Talking about it and then putting a plan into place was no mean achievement, but it was part of the process of helping a community look at its problem and come to understand and deal with it compassionately, intelligently and comprehensively.

This is not to say that you do not also need to have punitive measures in place, as are provided for in this bill, because the message that is sent by the bill

introducing as it does the new life penalty for large commercial quantities of drugs is of enormous assistance. It will stop incredible frustration felt by the police, the Director of Public Prosecutions and others in bringing the offenders to justice.

On that point, I bring to conclusion Marie Mobbs's story. I am sure the pain will never go away, but Marie was able to talk to her sons and find out who was supplying them. In Marie's own way she promptly marched them up to the local police station. Without much hesitation the young men were happy to say who was supplying them. They provided vital and necessary information that helped to bring to justice the people who caused such misery in our community. It happened in Marie's case. In some way that probably provided a level of comfort and reassurance that the systems we have in place at least worked. The sadness was that we did not have this sort of legislation in place at the time, and the quantities found were not sufficient to lead to the length of sentence that is provided for in this bill.

In our community consultations we found that Wyndham acknowledges the need to avert a crisis point. We do not want to wait until we have problems of the shape and size that exist in other communities. We want to be proactive. We want to respond to the harms and issues associated with legal and illegal drug use. The planned actions in response to the substance abuse issues have considered the fact that the misuse of legal drugs can cause enormous harm to those living in the community today. The substance abuse strategic action plan identified 12 broad strategies and approximately 45 actions to be implemented over the next three years.

The actions can be categorised in the following main sections: education and prevention; treatment and community support; detection and community safety; and providing harm minimisation. The principles that underpin the action plan can be categorised as: harm minimisation; community partnerships and advocacy; strategic and informed local action; local responses to local legal and illegal substance misuse by building community resilience and promoting drug education and prevention programs; the identification and development of diverse responses to local substance misuse; and, most importantly, community development.

It is without any shame that I say to my colleagues on this side of the house and the opposition that I am very proud of my community for having worked so hard to produce such a terrific blueprint for action and change. It is also without shame that I advise my colleagues on this side of the house that by the end of tomorrow they

will all have in their pigeonholes a copy of this very fine document, which hopefully is not just about saying, 'This is what my community has done and I am ever so proud of them', it is about saying, 'If you have issues in your community too, this is made available'. It is offered to all of us to be able to take it back to our communities and say, 'Would this be of any use for us?'. This is a struggle we have as a whole community.

I commend the bill to the house, I commend all those involved with the strategic action plan, and I hope it all helps.

Mrs FYFFE (Evelyn) — I am pleased to speak in support of the Drugs, Poisons and Controlled Substances (Amendment) Bill. I am disappointed that it only applies to those who commercially traffic in 750 grams. Even 250 grams is a horrendous amount and can cause enough damage. Why 750 grams? I do not know. The commercial amount was 250 grams.

'Life sentence' sounds great, but will people actually get a life sentence? The people who pose as businessmen in our community but who run drug-dealing businesses have no morals at all. They operate marketing syndicates and pyramid-selling schemes. They have warehouses and use sales people who are chosen to target certain groups. They aim at the very young. They offer \$10 starter packs which they peddle to innocent children in country and regional areas, the suburbs and the inner suburbs. About 18 months ago they had a \$5 special introductory offer into the world of drugs. If they have insufficient heroin they dilute it with any substance. They have no concern about what the long-term effect is going to be or the damage that is going to be done to the people who take these substances. All they care about are the dollars.

They introduce very young people to marijuana. Some people in the community paint marijuana with quite a romantic brush. They think of it as being part of the hippie days of freedom, of loving and of free civilisation. But I do not think any honourable members would not have been exposed to the damage that marijuana does to a lot of their constituents. All honourable members who work their electorates properly will meet with their constituents and will be well aware of the long-term damage that marijuana inflicts. Marijuana as it is produced nowadays produces flashbacks. People can smoke it heavily for quite a long time and then go off it, but three to five years later they can have flashbacks. These illegal drugs inflict mental damage.

The commercial dealers may never touch the substances they are peddling. That makes it hard for

police officers to prosecute them because the Mr Bigs of the world are never caught with the actual drugs on their person. They use others: runners, deliverers, order takers and marketing people. They themselves very rarely actually touch the drugs.

Some deal in ecstasy. Again, young people will say that ecstasy is harmless. They might say, 'It just makes me feel happy, it gives me energy, it makes me dance all night and it is safe!'. But often the tablets they are taking are not what they think they are. Recently there has been a shortage of the ingredients and the producers were putting in LSD instead. Anyone of my age will know what damage LSD can do. It is dreadful for a parent to have a teenage child having a bad trip without knowing what is wrong with the child, and the child itself possibly not knowing why they are behaving the way they are; or to know that their child has been hanging off a railway bridge and has been rescued by the police just in time. This is behaviour they may have no control over, but it is unpredictable and puts other people's lives in danger.

Drugs are mixed with other substances and then peddled as, say, pure ecstasy or pure heroin. People taking these mixed drugs and thinking they know what they have taken are getting behind the wheels of cars, committing crimes, losing memory and losing a part of their lives. And, sadly, many of them are dying.

We are told the use of heroin is dropping off, whether due to the shortage of heroin or because the marketing of other drugs is producing more income and it is now not so popular to self-inject. We know that cocaine has for some time had more use and more marketing appeal in America, and it is growing in use here each year. We hear of other horrific drugs being brought in.

When the Mr Bigs of this world are sentenced to life imprisonment it should be life imprisonment. I would have been thrilled if the Attorney-General had stood up in Bendigo and said, 'Life means for the term of their natural life' I would have applauded him for it. Those Mr Bigs are sentencing so many people to a horrific time for the rest of their lives, sometimes through their children or their partner or through anyone who is close to them who has either died or been adversely affected by drug use. It is dreadful to have your bright-eyed child, who is good at sport and good academically, change; to watch the child go into that semi-zombie state because of continual use of marijuana; and then watch them graduate onto hard drugs. These things happen no matter what the parents do. I have so many coming to see who have sent their children away on holidays or to camps and are doing all they can; but unless you lock the children in a jail and do not allow

them out their easy exposure to drugs makes it so easy for them to slip.

Like any product, if you really want to take it off the market you have to do something to stop the consumer demand. That is the other side of the drug problem that we have to work on. All of us want to do something but it is extremely difficult to know what — to know what it is that is in a person's psyche that makes them feel they must have these drugs of dependence and cannot cope with each day unless they are taking heroin, marijuana, cocaine, amphetamines or whatever the drug might be. We have to work out why. Why is it happening? Why are they needing it?

Even if the users can come off these drugs, many of them leave people with depression, very severe depression. And even though they may not be on drugs at the time they commit suicide, so many of our youth suicides are being traced back to continuous drug use for a period in their lives that has affected their balance. They have problems separating fact from fiction and of coping with everyday things. Everything is taken out of proportion.

It is difficult to get statistics. A couple of speakers before me have talked about that. I wish we did have statistics, but at the moment they only go up to 1996, and that is five years ago. We know that trends have changed greatly since then. I tried to get statistics on juries because I do not see why we could not have a majority jury system when decisions are made about convicting these people. I could not find out how many times we had had a majority jury verdict. It is even difficult to get a consensus verdict because it is so hard to catch those people in possession of the drug.

The current commercial trafficking amount is 250 grams. That much brings about \$100 000 profit. The Mr Bigs of this world handle drugs in quantities that none of us can imagine. The police seizures, which have been fantastic, are only the tip of the iceberg. We are a wide, vast, open country. They can come in in many ways.

All members of Parliament receive the Australian Institute of Criminology leaflets. It is important that we read these so we stay abreast of what is happening. Issue no. 201 mentions the age of illicit drug initiation and gives facts about what happens to young people when they are introduced to these drugs at a very young age. Although we are saying that Mr Big who deals in 750 grams will get a life sentence, I wonder whether we should not be saying if Mr Big supplies drugs to minors, that life sentence should be for the term of his

natural life — and I would argue strongly that it should be for dealing in 250 grams.

The legislation refers to the seizure of assets that are proven to be from the profits of drug dealing. I would prefer it if all assets were seized after a conviction of being a commercial dealer, that everything they own should be seized. If they have dependents then the dependents can apply to the courts to be given sufficient money for them to survive provided they can prove they were not involved in the drug dealing, because for anyone who is caught dealing in 750 grams it is not going to be a one-off. It can be a fairly safe assumption that they have been doing it for a long time.

There are people sitting in beautiful houses in some of our more affluent suburbs, and driving beautiful cars, who are drug dealers. There are people who we would be shocked to discover are drug dealers, and I think for them the sentencing has to be so tough and so strong as to in some way deter other Mr Bigs. I am disappointed because I really thought we would start getting tough on the Mr Bigs, but this bill is more window-dressing. It is a cynical grab for the headlines. It says, 'Put people in jail for life'. We know that will not happen. At the moment the maximum term for 750 grams is 25 years. People are very rarely sentenced to anywhere near 25 years. In fact, quite a few do not even get a jail sentence. The average life sentence seems to be about 15 years. But then it is a popular ploy to say 'sentenced for life'.

It is cynical to say that we are getting tough with drug dealers, that we are getting tough with the Mr Bigs, and that we will lock them away for life. As you, Mr Acting Speaker, would know from your previous life, that does not happen. Fifteen or twenty years is not long enough for someone who has killed people, for someone who has destroyed so many lives purely for their own selfish greed — for money. I would ask the Attorney-General to look at this again, to consider taking all their assets, to encourage the judiciary to actually sentence for the length of time the community wants. We must stop being considerate of the rights of the Mr Bigs. They have no rights. They are dealers in death; they are dealers in the destruction of family; and they are dealers in the destruction of our society.

Mr MILDENHALL (Footscray) — It is a pleasure for me to join this debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. As the honourable member for Footscray — one of the traditional hot spots and targets of action of this and the previous governments — I have particular experience and obviously a strong interest in this issue and the need to get it right.

This legislation is part of a suite of measures by this government to make further inroads into this scourge. It would be no surprise to honourable members if I said that drugs in Footscray is the major issue that I have faced as a member of Parliament and it is still the most significant issue facing my community. But the good news is that we are making significant progress. We have turned this issue around and we are winning; we are winning on the streets and alleyways of Footscray, in the houses, the boarding houses, the railway stations and the shopping centres.

In the 12 months between July of last year and the end of June of this year more than 403 individuals were charged with trafficking and using in the streets of Footscray. The good news about that figure is that while it demonstrates an enormous level of police activity on the streets, within that figure there has been a tapering off towards the end of that time. Compared to when the issue was at its peak, very few apprehensions and arrests are taking place on the streets of Footscray, the number of needles distributed by the needle service has dropped by more than a third and the number of people going into treatment has significantly increased.

Why has this happened? How have we managed to turn around what has been an escalating problem for the last 10 years or so? The answer is that this government has invested the resources, has put in the effort, has made a fair dinkum commitment to deal with this problem. When we talk about resources we are not talking about increases at the margin, we are talking about a major increase. We have effectively doubled the law enforcement effort — doubled the number of police on the streets in Footscray. The law enforcement effort has been a significant improvement. We have put a mobile police booth into the shopping centre. As part of the law enforcement effort by local police we have seen the closure — admittedly for a short period — of one of the major gaming venues in Footscray that had a significant record for trafficking in its premises.

One part of the equation is the presence of police on the streets not only to make the enforcement effort more potent but also to provide an increased level of confidence and security for ordinary shoppers and members of the community as they go about their daily business. The other part of the equation is the treatment and rehabilitation effort. There is no point in merely dislodging the drugs problem from the streets of Footscray and taking it to another community. We must provide the opportunities for people to rid themselves of this horrendously destructive lifestyle.

I am pleased to inform the house that the number of treatment options and their availability has dramatically improved. This government is effectively doubling the number of people working in the treatment and rehabilitation areas. The waiting time for getting into drug treatment has been dramatically reduced. As the Minister for Health reported to the house yesterday, the average waiting time is now less than two days after being something like three weeks to a month nearly two years ago. So the legislation represents a vital cog in the machinery of the government's multifaceted drug strategy.

The sentencing and diversion options are a key strategy. The police in my local area express frustration that it takes a number of convictions before a custodial sentence is imposed by a magistrate or judge if things get to the level contemplated by the legislation. They say that from their experience on average a person must be convicted of seven or eight offences before a custodial sentence is contemplated.

But I do not think the government ought to be necessarily concerned at that rate. It behoves the Parliament and the law enforcement effort to look at every possible opportunity to divert people away from the street drug scene and into treatment opportunities before they are incarcerated. But let there be no mistake that once we get into the traffickers league contemplated by this legislation the message has to go out that this is a serious business which involves serious sentences and serious treatment.

As a member of the parliamentary Drugs and Crime Prevention Committee I was fortunate to see some of the recent developments on the international scene. Members of the committee spent some time with the United Nations drug control centre in Vienna and the United States government's drug surveillance and enforcement operations in Washington.

The international scene, where the Mr Bigs operate, is interesting indeed. The worldwide drought of heroin and, to a certain extent, cocaine has been influenced by decisions that the Taliban, who are the subject of a lot of current media attention, have been party to. The United States of America and the United Nations both report that the Taliban had instructed that opium poppies for this current session should not be planted. But neither agency was able to report back to us on whether that strategy had to do with a stockpile of heroin being available for international trade or whether the Taliban had been influenced by the international law enforcement effort and had decided to get out of the firing line, as it were, of the United States and United Nations drug control strategies.

In other words, the world community does not know what the situation is in terms of the availability of heroin for the international trafficking effort. It will be some time before we know whether the current heroin drought on the streets of Melbourne will continue.

More ominously, we know from United States reports that as a result of its law enforcement efforts in particular cocaine traffickers are turning their attention to Australia. There is some evidence of early forays into the Australian street drug scene by South American, particularly Columbian, cocaine traffickers. Obviously if the Columbian cocaine traffickers were to obtain a foothold in the Australian drug scene, the impact could be reminiscent of some of the worst conditions in US cities. So we need to be vigilant and to have as part of the government's armoury legislation such as the bill before the house to enable us to deal with these Mr Bigs. We need to be not only forewarned but also forearmed to make the prosecution and law enforcement effort more potent.

I turn from the global scene back to the local scene. Some of the other good news in the Bracks government's multifaceted drug strategy is the appearance on the streets of Footscray of even more accessible treatment options for people. The major recommendation of the Maribyrnong drug strategy was that there be established a primary health service — that is, a street drug centre. That will be known as Healthworks, and the mechanics institute in Footscray has been earmarked as the site. It will be a one-stop shop where people who are affected by the street drug scene can receive assistance in a crisis and where addicts can obtain their needles. There is an in-principle agreement with the municipal council and the Western Region Health Centre, which is the auspicing body for the needle service, to relocate that service out of the shopping strip and into the primary health service. So we will have an integrated health service for those affected by the drug scene.

Already three staff have been employed — a community health nurse and two community health workers — and early work has begun on setting up the centre. The staff are undergoing an intensive training program in areas including venepuncture, testing for HIV and hepatitis B and C, mental health issues, first aid, diet and nutrition, as well as the referral processes that go out to the other existing drug services in the area.

In conjunction with other local agencies, they will access a mobile street service to enable them to get around to the remaining hot spots in the Maribyrnong area. That will be useful in that they will be able to

follow the drug scene as it moves. There have been a number of reports that with the success of the police operation the street scene has moved to Sunshine, to St Albans and over to Kensington. Strategically the street drug workers need to be able to go where the action is. Otherwise there is the potential for the law enforcement effort to conflict with the treatment effort. Concentrating treatment efforts just on single sites, with users and potential traffickers coming to those sites, could conflict with the law enforcement effort.

As the police succeed in dislocating and relocating the street scene from Footscray to other areas, the access to treatment options should be able to follow the success of those police efforts. One of the features of this drugs initiative that gives me a great deal of confidence is the calibre of people who are assisting the establishment of the Healthworks initiatives. It is worth noting that one of the world-renowned researchers from the Macfarlane Burnet Centre for Medical Research, Dr Nick Crofts, is a member of the steering committee. Also on the steering committee are Jon Evans, an eminent health practitioner from Western Health, senior people from the Western Region Health Centre and representatives from both the council and the Western Melbourne Division of General Practice. They will give us a very potent steering committee that will be able to direct the health service in a way that will make it most accessible to those who need it most.

There is good news in this drug debate. Through the efforts of Victoria Police and the Department of Human Services we are attacking the drug issue from both ends. We are reducing the number of traffickers and users on the street and forcing, directing and encouraging them into treatment. That is happening on a daily basis for greater and greater numbers of people. Footscray's business district is showing the signs of recovery. Admittedly, we are coming off a low base, but there is a new air of increasing confidence and a large number of town planning applications for residential and commercial developments in the business district. So there are signs from investors that Footscray is a place of new hope.

Visually the street scene has changed dramatically — there are no longer the users and dealers we used to see, but increasing numbers of shoppers going about their daily activities. We are seeing the revival of Footscray both in a commercial and a community activity sense, which is due in large part to the concerted efforts of Victoria Police and the Department of Human Services in ensuring that these Bracks government drug strategies are taking place — —

The ACTING SPEAKER (Mr Kilgour) — Order!
The honourable member's time has expired.

Mr KOTSIRAS (Bulleen) — I am pleased to contribute to the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill, which involves one of the most disgraceful crimes and one of the most lucrative criminal businesses — that is, drug trafficking. The United States Attorney-General said last month that worldwide money laundering activities are estimated to involve about \$1 trillion a year. Half of that is tied to drug trafficking, which is \$500 billion — that is a 5 with 11 zeros. That is a lot of money!

The final report of the Drug Policy Expert Committee states:

Global production of illegal drugs is growing and so is the gap between production and seizures, despite increased efforts and resources.

... the highly organised illegal drug market is increasingly global. It is characterised by high profits, high levels of investment in security and transport ...

...

Australia remains a favoured destination given our affluence, proximity to the sources of production and the ease of importation resulting from our size and level of trade.

Doug Johnson from the Australian Institute of Criminology (AIC) says:

... evidence over the past several years, as shown in newspapers and on television news reports, suggests that young people in Australia are experimenting with drugs at younger ages.

...

Such behaviour not only has personal costs ... but also consumes considerable public resources.

In another article **Paul Williams from the AIC** states:

The number of people using drugs increased in both metropolitan and regional Australia over the last decade ...

...

From a crime and criminal justice perspective, illicit drug use is intimately associated with criminality.

There is no doubt that all Victorians would like governments to get tough on crime. We need to have a tough regime. It is not good for parties to play games and try to score cheap political points — we have to resolve the problem by dealing with it. A very close family friend's son died from an overdose recently. The mother and father are very upset and stressed — even now the mother sets a third plate for dinner and talks to the person who is no longer there. Drugs cause

emotional strain and pain for families and friends, not just for the victims.

It is a serious problem facing all countries; there does not seem to be a single effective solution to this major problem. Selling drugs, especially selling drugs to young people, is a terrible crime, and we should all work together to eliminate it. It is important to look at our laws and update them to make them relevant for today.

In the second-reading speech the minister said:

... the current regime for drug trafficking and cultivation offences is inadequate. Because of the changing nature of the drug trade, new offences are required to provide higher penalties for large quantities of drugs and to close loopholes that exist for those who trade in a range of drugs.

I agree with that, but although the bill attempts to be tough on drugs, it fails. While some aspects of the bill are good and I support them — they have been taken from the policies of the previous government — the bill is what I call window-dressing legislation. It will have very little impact on the trafficking of drugs. More needs to be done.

This bill creates a new offence of trafficking in a large commercial quantity — that is, more than 750 grams. The penalty for this new offence is life imprisonment and a \$500 000 fine. While this is good, why have we chosen 750 grams? Why not 500, 300 or 200? If we are serious and wish to get rid of drugs, we must not run away from this problem.

The second change proposed by this bill is that any illicit drug possession may now be aggregated to arrive at 750 grams. This is also good, because at present if someone is caught with more than one drug they are charged with each drug individually.

The third change relates to the confiscation of profits. I believe that if a person is convicted of drug trafficking, his total assets should be confiscated. It is interesting to note that in 1997 the current Attorney-General opposed this, but fortunately he has made a 180-degree turn and now supports this concept. Many of my constituents in Bulleen believe that all assets should be confiscated. They hold this view because they believe the only way to combat crimes that involve profit is to target the financial reasons for people committing them. We must deal with the people who have acquired assets through illegal means with an appropriate and timely response. Finally, the bill amends the Juries Act to provide that on the trial of a person for such offences the verdict of a jury must be unanimous.

As a father of three children I find it appalling and despicable when adults sell drugs to children. The bill allows for a maximum of 20 years imprisonment and a fine of \$240 000 to be imposed on individuals for trafficking any amount of illicit drugs to a child. Our first and overriding priority must be to prevent young people from using illegal drugs. While we must continue to fight drug use and continue to change our laws to make them more relevant, it is important that we not run away from the hard choices. I call upon this government to show some leadership and take this further for the sake of our children.

Ms ALLAN (Bendigo East) — I am pleased to join the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. It is an important bill, as it is part of the government's package in dealing with the drugs issue. As the honourable member for Richmond, the parliamentary secretary to the Attorney-General, said in his opening remarks, this was an election commitment made by the government as part of its safe and just society policy. As part of our policy we were committed to introducing tougher penalties for convicted commercial-level drug traffickers. It is pleasing to see that this is yet another election commitment this government is delivering on. We can put ticks beside many of our election commitments.

As part of the government's approach to dealing with the use and abuse of drugs, this bill aims to stem their supply. This is one of the key social policy issues for this government. There are a number of comprehensive long-term measures that this government is taking as part of its whole-of-government approach to the issue. As we have heard already, this bill will enact legislation to enable the police to deal with large-scale drug traffickers. Essentially it has two parts to it. Firstly, it introduces a new offence of trafficking or cultivating a large commercial quantity of drugs that is punishable by a maximum penalty of life imprisonment. Secondly, it enables quantities of drugs to be combined into the one offence so that drug traffickers will be sentenced based on the true extent of their drug trafficking and its harmful effects.

It flows from this that the bill also makes amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Confiscation Act 1997, the Magistrates' Court Act 1989, the Juries Act 2000 and the Bail Act 1977.

The state government has a four-pronged approach to dealing with the drug issue. They include the areas of prevention, rehabilitation and treatment, saving lives and enforcement. It is in dealing with the last point of

enforcement that this bill fits into the overall strategy. However, it is important to note that we cannot just deal with these four areas in isolation. They are all clearly linked with one another, and it is important to approach it in that way.

Many local communities around the state are trying to deal with the social problems that arise from drug use and abuse. My own community of Bendigo is approaching this problem seriously, particularly the way drugs are brought into smaller, country communities in Victoria. As many of us have said many times, this is not a problem confined to metropolitan areas. Bendigo is certainly not immune from the tentacles of large-scale drug traffickers. In many cases their impact is felt as harshly as it is in Melbourne. There is a smaller number, but they wreak havoc not only on the drug users but also on their families and the broader community.

An important part of the government's whole-of-government approach is to work with local communities to deal with the problem. We held a drug and alcohol consultative forum on 11 May to consult with a wide cross-section of the Bendigo community about how the drug problem impacted on young people and their families and, importantly, to talk about local solutions and approaches to deal with it.

We have already heard the honourable members for Werribee and Footscray speak of the drug forums that have been held in their communities. We modelled the Bendigo forum on the one that was held in the City of Wyndham, because we saw that as a good way of bringing together a number of the communities that were involved with a number of organisations. Importantly it also brought people like the media and the police into that network to talk about these issues.

The forum in Bendigo was run by Bendigo Community Health Services. Sue Clarke, the chief executive officer, is also the chair of the primary care partnerships drug and alcohol working group. She ran and organised the day. I want to thank her and her staff for the enormous effort they made, because it not only gave an opportunity for people to talk about the issues but also was used as an opportunity to showcase a number of important new initiatives in the drugs area in the Bendigo community. The invitation list was incredibly broad, and many people were involved.

Part of the day involved showcasing the initiatives the government has introduced to the Bendigo region. It is important to note that enforcement cannot be looked at in isolation, and a number of other initiatives in the Bendigo community link in with what we are talking

about here. I am pleased to see that the needle and syringe exchange program is going very well. It has been running for quite a few months, and the feedback is that the number of people using the exchange service is growing and it is being operated in a safe environment. Further, and this goes back to the whole-of-government approach, not only is it an opportunity for people to have needles exchanged but also a lot of education and health information is being provided to the people who use the service.

Other programs the government has introduced in Bendigo include the mobile drug safety worker, which is another educative program, the methadone outreach worker and important community-based programs such as a parent support program and continuity of care and community strengthening initiatives. These initiatives are about helping the communities and the families of people who might be affected by drug use. We need strong legislation like the bill we are now debating to complement all of these initiatives and strategies. The bill will send a strong message not just to the drug traffickers but also to the broader community.

Large-scale drug traffickers have had an impact on my community of Bendigo, and that impact has become more obvious and overt over the past few years. Looking through the local media one can see that it is reported on more often. There are heightened community concerns about the safety aspects of some of the social problems caused by drug use. I chair the Safe City Forum group in Bendigo, and the issue of drugs and the social problems which flow from them is a constant topic on our agenda. We had a spate of hold-ups at local milk bars. These crimes were committed by people in desperate need of help; they were holding up the milk bars to get some cash to sustain their addictions. The programs I spoke about earlier that are designed to help the community and provide new initiatives to help drug users are all related to what we are talking about today.

A number of areas were touched on at the drug forum held in Bendigo in May, and one of the topics of discussion was our legal and justice system. One of the feedback points from the groups at the forum was that people were seeking stronger measures to stop the traffickers who come into our communities and deal drugs. Those people saw this bill as a way of dealing directly with the source of the problem. I participated in the youth focus group as part of that forum, and it was interesting to listen to the young people of our community and some of their parents and teachers talk about the accessibility of drugs particularly and sadly in our schools. I thought it was very interesting that the young people spoke about the fact that legal drug use

by young people led to illegal drug use. We should remember that when we are talking about this issue.

I found it incredibly eye opening to listen to these young people talk about the availability of drugs in their communities. One of them said they get offered things like speed and ecstasy all the time. These were quite young people who were still at school, and that is the way drugs have changed the Bendigo community. When I was at school I was not being offered speed and ecstasy all the time — it was foreign to my school community — but a short time later this is the reality of what young people have to face in the Bendigo community. I am pleased to participate in the debate this evening because this bill is about a package of measures to deal with the drug problem and stop the next generation of drug users. Part of that is coming down harder on the drug traffickers and stopping the flow of drugs to young people.

We have heard a lot about the first point of the bill, which is the issue of life imprisonment for people caught trafficking drugs. The introduction of life imprisonment is a very serious step. It will send a strong message to the community and to those who traffic in drugs that the government is serious about clamping down on the supply of drugs. As we have heard this evening, this approach is consistent with that of New South Wales, South Australia, the commonwealth, the Northern Territory and the Australian Capital Territory. The drug issue and drug trafficking cannot be confined within state boundaries. They affect the country as a whole, and it is important that these measures are consistent across state borders.

The second area of the bills deals with the aggregation of drugs and closes a loophole by allowing various types of drugs to be aggregated for prosecution. The changes will mean that large-scale drug traffickers will no longer be able to avoid tough penalties by not having the drugs in their possession aggregated. The third important component of the bill complements the harsher provisions it introduces with the confiscation of property of those who profit from the drug trade. These three fundamental parts of the bill are very important in dealing with the drug problem.

In the two short years it has been in government we have seen that the Bracks government recognises that new initiatives must be tried. We must give things a go. The honourable member for Richmond spoke about the failure to grasp the opportunity to trial the supervised injecting facilities in the five communities in Melbourne. That opportunity has been lost but hopefully not forever, because it is important to try new initiatives and see how they go within communities.

Many members of our community feel very strongly about drug traffickers, and this bill will be welcomed by them. People have strong emotional reactions to those who traffic in drugs. They are pretty much seen as the lowest people in our society, particularly when they prey on people who are very vulnerable and often quite poor. It is important that we introduce tougher measures to come down on people who profit from other's addictions. That is why I think the community will welcome this measure. This legislation is an important part of the government's strategy to tackle the drug problem. As I said at the outset, the government has taken a multifaceted approach of prevention, education and treatment as well as coming down hard in the area of enforcement and punishment of large-scale traffickers. I am pleased to commend the bill to the house.

Mr KILGOUR (Shepparton) — I am pleased to make a contribution to the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill. I do so as a former member of the Victorian Parliament's Drugs and Crime Prevention Committee. I travelled overseas with that committee to look at this issue on an international basis. Given what we saw overseas I am pleased that something is being done and that this sort of legislation is coming into the house so we can try to deal more appropriately with the Mr Bigs and the dealers in the drug community — the dealers in death and destruction.

As the honourable member for Bendigo East said, the bill is part of a multifaceted program. A very important part of the program is the fight against the scourge of the heinous crime of trafficking in drugs and the commercial traffickers who are so prevalent in our society.

As I travelled overseas with the committee with people like Eddie Micallef, the former honourable member for Springvale, I really wonder about the Labor Party, which shuns that man when it is bringing forward committees to deal with drugs under Dr Penington, et cetera. It shuns a man like Eddie Micallef, who was so bipartisan on the drugs issue, who had such a passion about trying to control drugs, who had people dying of a drug overdose across the road from his office. Here was a man who was prepared to put in hundreds of hours of work for the Labor Party, but did it put him on a committee when trying to get people together who would work on the drug problem? No. Because of issues within the Labor Party and its factions it has shunned Eddie Micallef and not put him on the committee. He is a man who could add much to the fight against drugs. The Labor Party stands condemned because a man who had given as much to the issue as

Eddie deserved to continue to be a part of the fight against drugs.

Having said that, I am pleased to see the government bringing forward legislation to try to stop the big traffickers in drugs. In California committee members saw the sorts of things that can happen when drug gangs take over the cities. We were lucky enough to go to the March air force base in California and see the customs department interdiction centre. We walked into a massive room with monitors on the walls showing the movements of every plane in the southern part of the United States of America and across the southern border. They knew where the planes were coming over the border, particularly from South America, and where they were trying to land to distribute their loads of deadly drugs.

It was nice to know that they had a task force ready to get into a helicopter and move as quickly as possible to intercept the planes that were travelling over the borders carrying drugs. They had a good arrangement with the sheriffs across the southern part of the United States. As soon as they advised an officer that an unknown plane that had not scheduled a flight plan was flying towards their area, the sheriffs in the various towns were ready to go out if the plane landed and intercept it to see if they could take the drugs.

That is why I am pleased to see discussion in the legislation about the confiscation of assets. Quite clearly in the United States many of the drug dealers, after they have got out of jail, have not been able to get back into the drug scene because all their assets have been confiscated. It is interesting to note that the Department of Customs in the United States has a good arrangement with the sheriffs. If the sheriff of a particular town goes out and intercepts a plane that has landed and finds it is full of drugs and is able to arrest the people, the sheriff takes advantage of the confiscation of that plane. There were sheriffs flying around the southern part of the United States in new King aircraft that had been confiscated following their arrest of people coming across the southern borders with loads of drugs. The government of the United States of America has spent a tremendous amount of time trying to stop the Mr Bigs. That is why I am pleased to see today that the Victorian government is trying to help with the issue.

Committee members had the opportunity of driving through the streets of Harlem in an unmarked police car with an undercover policeman watching the drug deals taking place on street corners. It was not necessarily the dealer the police were looking for, it was the distributor, the person who many times is able to offer a family a

month's holiday in the Bahamas if they move out of their unit. The distributor then moves into the unit and distributes drugs. We saw a drug bust while we were there and saw the big distributors being caught. They were stopped from being involved. It is the distributor that supplies the street gangs.

Quite frankly, in California the war has been lost. There are something like 2000 drug gangs in the Greater Los Angeles area alone. We saw drug gangs working from the street. We flew over Los Angeles in a police helicopter looking down to see drug gangs working the streets. We drove into a police station just around the corner from Skid Row in downtown Los Angeles, and as we drove in we were asked to park next to a police car that was two days old but had 11 bullet holes in it. Two police officers had been shot because they happened to drive around the corner into a gun fight between two rival drug gangs.

The sad part about the Los Angeles community is that many people no longer go down the street to shop. They drive to the mall, do their weekly or fortnightly shopping at the supermarket, drive home and lock themselves in their homes, because if they walk down the local street they get to the corner and find that a drug gang is operating. The drug gangs will go to a corner store and say to the operator, 'We are going to take over this area. You will supply us with free drinks, the use of the toilet, et cetera'. The drug gangs are taking over. It is the Mr Bigs of this world that make it possible for the drug gangs to operate the way they do.

While in Australia the major problem is heroin, it is not the major problem in the United States of America. In fact only a small percentage of the drug problem comes from people injecting heroin. Their problem is the more deadly drug, crack cocaine. Cocaine is cooked into a substance that can be rolled into cigarette-type paper and is smoked. The effect goes directly to the brain. It is easy to see why the crime rate immediately rises substantially when the big cocaine dealers decide to move a drug gang into an area.

When crack comes into an area people who smoke it have no compunction in killing a policeman or a person, or robbing a service station, or going into a shop and causing trouble. From what we saw on the west coast of the United States of America I believe the war with cocaine has been lost and it was also pretty bad in the streets of New York and Harlem.

We were pleased to see some of the measures being taken such as the drug courts, where a person before the court on a drug charge for the first time was given opportunities by specially trained judiciary and court

staff to take up a health campaign which would attempt to get them off drugs. That is the sort of program that must be introduced here. While we have the demand we will have the supply because it is worth billions and billions of dollars.

I welcome the effect of being able to aggregate quantities of drugs to ensure the commercial drug dealers and the ordinary dealer on the street cannot get away with the loopholes. I welcome the sentence of life imprisonment for a person convicted of cultivating or possessing a large commercial quantity of drugs. I hope we will see the life sentences imposed by the courts so we can ensure the message is being given out to people that if they are into drugs they will suffer. I hope the passage of the legislation will have an effect and that we may see a better result in the fight against drugs. I commend the government on introducing legislation that will hit at the bigger dealers who deal in death and destruction.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Drugs, Poisons and Controlled Substances (Amendment) Bill. The issues are important because they affect people in our society, sometimes unexpectedly. On many occasions people close to me have been affected by the abuse of drugs. I am sure all honourable members have spoken to constituents who come to them about their terrible and very sad problems.

It is great that this election promise is being implemented for a safe and just society. The bill introduces tougher penalties for convicted, commercial-level drug traffickers. Everyone will agree that these people who deal in large commercial amounts of drugs are parasites on society. They consider what they do is a business so they need to weigh up the risks. The bill increases the risk of them losing everything, of them having life in prison and of the punishment fitting the crime. It is a punishment that I hope will deter those people. People who seek to profit from the misfortune of others will have to further evaluate the risks.

The penalty will also fit the crime because it closes the loophole presently used by drug traffickers which allows them to traffic in smaller quantities. Now the courts will be able to aggregate those quantities and put them together into large commercial amounts. Therefore the traffickers will not be able to escape the justice system. Drug traffickers may not pull the trigger but they are responsible for untold human misery and the deaths of hundreds of people each year. I would like to talk about some of the people who, to my knowledge, have been affected by harsh drugs.

One of those people was a student in my class in Flowerdale. We were going along as normal and one day news came to school that his mother had died from an overdose. It was a very sad day, and his mother had been clean and had been getting counselling for a long period of time. The number of people affected was amazing: obviously all of the neighbours were affected; her partner, who was a lovely fellow who tried to help her and help to bring up her son; and all of the kids in the class at school did not understand what had happened — why was this person's mum gone; where was the little boy who didn't come to school anymore? The boy just stopped coming and ended up moving away to live with his natural father. A couple of weeks later I received a phone call from the mother's counsellor who had not heard about the situation. She was quite upset because of all the work she had put in to helping the person get off the drugs. Relapse is a serious issue with drug addicts. Drug traffickers are the people who peddle the drugs, the people causing the hurt.

There were a lot of drug deaths a couple of years ago. I remember watching the table at the bottom of the editorial page of the *Herald Sun*. It was amazing to learn about other people with young kids — not necessarily at my school — taking their lives, not necessarily with drugs but by committing suicide because they were so lacking in hope and using the various methods that people use to end their lives. Again we see the resultant spread of misery from the actions of those people.

I think in country areas sometimes we like to think we do not have the same drug problems as other areas, but we are becoming more aware now that drug problems do exist in our schools and communities and that they are very serious. It is great to see programs like the needle exchange being offered through our local hospitals. It is something that if widely publicised would probably cause some hysteria, but the system works. The local police do not patrol the area, as a rule, which ensures that the drug users can go there to exchange their needles and that sort of thing, because they are the victims, I suppose, as addicts.

An eye-opener for me recently was attending a dual diagnosis forum in Seymour that was organised by local mental health organisations, including Goulburn Valley Health and the Schizophrenic Fellowship of Victoria. It was interesting to see the correlation between drug abuse or addiction and mental illness. It shows again that in most cases drug addicts are our most vulnerable people. They are people who might be depressed or might have a mental illness. They are the people who are being affected. The drug traffickers, at

whom this legislation is aimed, are a main part of the whole problem, and under the bill they will be given a punishment that truly fits that crime.

It was amazing to learn that if you have a mental illness you have a very good chance of being a drug abuser, and vice versa. I thought that was an interesting fact. The ripple effect was seen there as well, because some of the people there were drug abusers or addicts, but many of the people there were the carers of those people. They talked about some of the things they had to go through in their lives as carers of drug users, whether they were brothers, sisters, children or young adults. Their lives were totally mucked up by the problems caused by drugs. I am sure that if we could prevent that happening in the future we would have a better society.

I spoke to another carer recently about her experiences as her child goes through withdrawal. I know she is working in the area as a volunteer, helping other parents, but at home she is going through the experience of her child's cold turkey withdrawal. There is hope as the withdrawal has gone ahead, but then there are relapses as maybe contact is made with friends or some stressor causes the person to go back onto the drugs again. That would be so frustrating; it must be very difficult. Obviously there need to be stronger penalties.

I was also speaking to a local police officer who had been involved in a couple of stings, I suppose, on amphetamine factories in Broadford. Two factories were caught within a short period. Amazingly, one of the people involved was caught and then caught again three days later doing the same thing. Obviously the deterrent for that person was not strong enough. Those people need to know that when they get caught, they will be punished.

I would like to finish by commending the Bracks government not only on working on this end of the fight against drugs but also on working to prevent drug use. Recently in my electorate we received a \$60 000 grant in the Wallan area for Mitchell Community Health Services to put together over three years a program that will work on the preventative end by providing young people with activities that they do not have there at the moment. As you know, different communities have different problems, including the lack of activities for young people in growth communities. Mitchell Community Health Services will try to work to improve that situation. That is one thing. I would also like to commend the government on the other work that is being done on getting treatment for addicts. I commend the bill to the house.

Mr SMITH (Glen Waverley) — This bill reflects community attitudes towards drugs. I have listened to honourable members tonight with a great deal of interest. We are all concerned, because as we know the vast majority of criminals in jails are there for drug-related offences. Drugs are the scourge of our society. We all have tales of horror that we either know personally or have come across in our electorate duties.

When the bill was introduced a few weeks ago the front page of the *Herald Sun* said these draconian measures were going to be the panacea for the drug problem. That is misleading. Of course, the sentences provided for in the bill will be deterrents, if there are deterrents, but we all know that time and again the court system lets us down. It is only when dealing with criminals like Dupas, the mass murderer, that we have judges courageous enough to impose sentences that are in keeping with the heinous offences that are committed. For the normal run of offences we do not have courts with the courage to impose the sentences they should be imposing.

The government is talking about life sentences. The only way to ensure the courts do this properly is not to put these incredible sentences on the end — although of course that is one way — but to have a system whereby there are minimum sentences, and where the minimum sentence is not imposed the judge has to give written reasons explaining the exceptional circumstances that existed at the time that prevented him imposing the minimum sentence. Only in this way will we get the message across to the judiciary, because the members of the judiciary are the ones letting society down.

Many of the sentences in this bill are similar to sentences that are already provided for. They have been beefed up slightly, but they will be no use at all unless members of the judiciary decide they are going to go with the spirit of the community and start imposing heavy sentences.

For the past two years I have been conducting a program called Leaders for Tomorrow, which is a youth leadership training program. It is being attended by the leaders from many schools. Last Monday night we celebrated the graduation from the last program of 21 students, mainly in years 11 and 12. They came from a number of schools, including a couple in my electorate such as Glen Waverley Secondary College, Caulfield Grammar, Huntingtower, Brentwood, Brandon Park and Highvale, which is not quite in my electorate, but a lot of its students live in the electorate. The point is that these marvellous young people presented their own papers from the forums we ran. We had a fascinating program specifically on drugs. We

specially convened a session in which they examined the youth aspects of the drug crisis, which as we know affects an increasing number of young people from all walks of life. We had three people who I thought were eminent speakers.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr SMITH — Honourable members who were not in the house before the break for dinner would not be aware that we were debating the Drugs, Poisons and Controlled Substances (Amendment) Bill. I was talking on the sincerity of the government's approach to a bill such as this and the sentencing that was involved.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! The level of conversation in the chamber is too high. I ask honourable members to keep their voices down and be seated.

Mr SMITH — I was telling the house about a youth leaders' program, which I had been running and some of the results that came out of a forum that it conducted on drugs. I mentioned the schools that had been involved, and I was about to say who else was involved. As I said earlier, 21 people attended the forum, which was addressed by Commander Rod Lambert, a good and old friend of mine, Maureen Buck, of Waverley Emergency Adolescent Care, which is brought up whenever the subject of drugs is discussed, and Andy Hamilton, the principal of Heatherhill Secondary College.

These people, in particular Commander Lambert, gave valuable contributions. The results of the seminar that followed gave the young people a feeling for the drug problem. Commander Lambert and the detectives in the Victoria Police have reduced the number of drug deaths from in the vicinity of 200 at this stage last year to about 33 at the moment, which is an unbelievable result. It is due almost entirely to the work of the Victoria Police and the customs, particularly the way in which they have managed to clean up this area.

The point I was coming to was what the young people felt was important with a bill such as this and what they were saying about it. They told me at the forum that they had great problems with the judicial system. I share that sentiment, because although the government is ostensibly bringing in life sentences for drug traffickers, the reality is that the courts will offer sentences of a few years.

Listen, Madam Acting Speaker, to the opinions expressed by the program participants:

It was believed that handing down only minimal, non-custodial sentences for repeat offenders was often little or no deterrent for those caught either in possession or trafficking even small quantities. Considering, then, the vast amounts of time and effort invested by police in identifying and catching traffickers, to have a minimalist sentence imposed would undoubtedly reduce the morale of even the most dedicated of police.

In other words, all the good work done by the police is undone in one hit if they go to court and the offenders get minor sentences. The participants went on to say:

Participants addressing this issue believed that those found in possession of commercial quantities of illicit drugs should be exposed to the full force of the law.

The only options in their opinions were either a custodial sentence or the requirement to complete community service in the form of the program.

The point I have been making all along here tonight has been that what we have to do is educate our judges. We know we have recently had a judicial college bill brought in by the government wherein new judges appointed to the bench of either the County Court or the Supreme Court are asked to go through a particular course. The big thing they have to be exposed to is the community feeling about the leniency of the sentences they are awarding. It is all very well for the honourable member for Richmond over there to snigger at this sort of thing, along with the honourable member for Coburg, but the real point is we have to get the message across to the judges that the community is not satisfied with the sentences being handed down.

Those young people on that particular course of mine were, as far as I could see, completely oblivious of where they were going, but they came up with these recommendations. I merely had the privilege of passing those things on to them. The point is that we, as legislators, have to get the message across to the people in the judiciary that the community is not at all satisfied with the way they are awarding sentences — in particular to the murderers, the people into drug trafficking and the people into child abuse. Those are the areas in which the community is not satisfied with sentencing.

As I said earlier, sometimes you get a judge, like Justice Frank Vincent, with a fair degree of courage awarding some more severe sentences. What we need to do is not what we are doing here tonight, just showcasing. What we need to be doing is ensuring that the judges understand that the community requires them to do better than they are doing at the moment. We need, particularly for drug traffickers, to have minimal sentences, as the Liberal Party has been proposing for the last 12 to 18 months.

If the judges cannot be forced to provide a minimal sentence as will be required in the laws we will bring in when we come into government — not mickey mouse pushing up of sentences by 5 or 10 years — then the judges will not do it. They have to be forced to do it. If they will not, and there are exceptional circumstances where they say, 'We have not got the ability because of a particular circumstance' then they have to put that down in writing. Then the defence can in turn appeal against that and the community will reinvest confidence in the judicial system.

In conclusion let me say, Madam Acting Speaker, that we have here tonight a showcase. The honourable member for Berwick went through it before and was scoffed at by the honourable member for Richmond. It is all very well to say that we are criticising what the government is doing. We heard what the Attorney-General when in opposition had to say about bringing in severe sentences. Now, in government, it seems he is going to bring in something of value, as the *Herald Sun* said on its front page. In point of fact, however, what the government is doing is quite trivial compared to what it really should be doing.

Bring in minimal sentences. If the judges cannot order a minimal sentence, they must have a responsibility to write out their judgments and explain the exceptional circumstances making them unable to do so. That is the only way we will get the judges to take this thing seriously, and that is the only way we can restore the confidence of the people of Victoria in the true tradition of our state's judicial system.

The ACTING SPEAKER (Mrs Peulich) — Order! Before I call the next speaker I draw the attention of the honourable member for Glen Waverley to previous Speakers' rulings in relation to reflections upon sovereign and judicial members, including making reflections on present judges. I allowed him to continue without interruption because of the general nature of the statements. Specifically reflecting upon present-day judges is — —

Mr Smith interjected.

The ACTING SPEAKER (Mrs Peulich) — Order! Yes, it was a general statement. I just wanted to make clear why I did not interrupt the honourable member while he was on his feet.

Mr LANGUILLER (Sunshine) — It gives me no real pleasure to rise in support of the Drugs, Poisons and Controlled Substances (Amendment) Bill because, like all honourable members, I wish we did not have to

deal with this issue in our community; but it is regrettably a fact of life.

I have the same level of commitment, passion and determination that is held, I know, by all honourable members in this chamber in relation to drugs, drug trafficking issues and their tragic effects. I also place on record that I am absolutely convinced that the sooner the political parties, particularly the major political parties, agree on how they are going to deal with the challenges in this area, the sooner we will be able to make significant inroads into dealing with the effects of drugs and the criminal elements associated with the drugs issue.

The bill fulfils a commitment the government made prior to the election. The Labor Party at the time said it would continue with its election commitment to a safe and just society, and I welcome the bipartisan approach to the bill. The Labor Party will continue with its election commitment to a safe and just society and will consequently introduce tougher penalties for convicted commercial-level drug cultivators and traffickers.

On 21 March the Parliament heard and debated the effects of drugs on our society and heard also the varying strategies which have been used since the emergence of the problem. We also heard proposals as to how best and most effectively to deal with the issue. I recall clearly, however, that one of the recommendations made at the time by Mr Comrie and Dr Penington was that we try as political parties to reach agreement between ourselves in relation to strategies to overcome the problem, or at least to make inroads into it to some extent.

There is a clear need for effective prevention, education and treatment strategies and services. It is also essential to stem the supply of drugs, and this amendment goes to the heart of doing that by introducing, among other things, life imprisonment. From the outset I wish to place on the record my total support for life imprisonment for commercial drug traffickers. I sincerely hope that the drug barons, or the Mr Bigs, as we call them, get life imprisonment that means life imprisonment.

The bill introduces a new offence relating to trafficking in and cultivating large commercial quantities of drugs of dependence which is punishable by a maximum penalty of life imprisonment. It also closes a loophole by allowing for the aggregation of certain quantities of drugs to establish whether they are commercial quantities for the purposes of trafficking. It is important to close that loophole, because as I understand it commercial dealers have become somewhat

sophisticated and are consequently carrying only small amounts of various types of drugs in the full knowledge that if they are apprehended by the law and end up in the Magistrates Court they would be able to present and defend a case. Under the provisions of the bill, however, those quantities will be considered in the aggregate, and consequently the dealers will be harshly punished.

I also welcome as part of this Attorney-General's reform agenda the measure that relates to jurisdictional methods. As I understand it, currently drug-related matters are heard in the Magistrates Court, where the maximum penalty is imprisonment for up to three years. That is not the jurisdiction where they should be heard — and certainly not the only one. The legislation now provides for the County Court to hear these matters, where consequently, given the upgrading of the jurisdiction, harsher penalties may be imposed.

The Sentencing Act currently provides that a person who is convicted of trafficking in a commercial quantity of drugs or of cultivating a commercial quantity of drugs may be regarded as a serious drug offender. In light of the proposed changes I understand that the court must have regard to the protection of the community as the principal purpose of a sentence. The court may also impose a longer sentence proportionate to the gravity of the offence, which must be served cumulatively upon any other sentence of imprisonment unless the court otherwise determines.

Another important change that I welcome is in the tradition of rule of law — a good tradition of commonwealth countries. It relates to verdicts and requires that the imposition of the maximum penalty of life imprisonment must be by consensus — or, in other words, as a result of a unanimous decision of the jury. It certainly needs to be that way. I also understand that in the event of the maximum penalty not being imposed, a unanimous jury verdict would not necessarily be required or warranted. In addition to imprisonment, the maximum fine for this new offence is \$500 000, which is double the maximum fine applicable to the offence of trafficking in a commercial quantity.

On 21 March Parliament heard that in 1991 there were 49 heroin-related deaths in Victoria. It also heard that there were 359 heroin-related deaths in Victoria in 1999, a sevenfold increase in eight years. If we were to extrapolate those figures we could be facing 2500 heroin-related deaths by 2007. I am certain everyone would agree that this situation is horrible and absolutely unacceptable. In their contributions to the joint sitting former chief commissioner Neil Comrie and Dr David Penington told us that in 1966 the

average age of first-time heroin users was approximately 26 years but that by 1998 the average age had fallen to 17. We also heard that the number of non-fatal overdoses attended by the Metropolitan Ambulance Service averaged 5 per day in 1998 and 11 per day by 2000.

There is a strong body of evidence to show that of the order of 70 per cent of all major crime in Victoria is drug related. We are all increasingly concerned, and we are increasingly becoming victims of the drug problem in one form or another because we are members of this community. We have families and relatives, and we are real people with real problems. I am sure there is not a single member of this house who is not aware of or has not been in contact with a close personal friend or relative who has in one form or another been associated with drugs or drug addiction. We are also victims, because we have to pay more taxes and insurance levies, and we have to make greater contributions to the state and society in order to deal with these issues. If we are not victims we are still involved, because this is the biggest challenge ever in our society. It is consuming more lives in Australia, and it is becoming one of the greatest expenditure items in our budgets as more and more resources have to be devoted to dealing with it.

In simple terms the drug problem is a consequence of the supply and demand cycle. There is supply because there is demand. On 21 March members of Parliament heard the experts in the field say that notwithstanding the efforts a government of any persuasion might wish to make to obstruct drugs coming into this nation, the reality is that unless we work to bring the economy to a halt we will not be able to stop, preclude or totally obstruct their introduction. That is simply because we are not in a position to X-ray each and every one of the thousands of containers that come through our ports, apart from the fact that we are an island nation and have, as we have seen time and again, extensive borders and thousands of kilometres to monitor, which is realistically impossible.

Essentially we are being told by the experts and by our own instincts that in the end it comes down to us as individuals and as members of families, communities and society to strengthen our value systems and all those things that in one form or another help us, and particularly young people, to reject the temptation to get involved with drugs, because drugs will always be in this nation — or at least they will be around for a long time.

Ultimately we know that for as long as there is demand there will be supply. No matter what we do — and we do a lot; I think we have to commend this government,

the previous government and federal governments — we can always do more. We always want to do more. We may have differences on some of the strategies, but in the main I think we agree that we have to do more. But drugs will be there, and unfortunately that is a factor we all have to face as members of communities, as families and as parents — as in my case, with three children, aged 19 and 21. They are real people, and unfortunately they face those challenges.

In making the following points I wish to mention three people who were dear to my heart — Nicolas, Wilson and Valesca. They were three normal people who were friends of mine when I was much younger. They died; they were victims of drugs. So it is close to home, as it is with all of us, I guess.

My modest knowledge tells me that when we are developing strategies they must be very localised, they must be very regionalised and they must be very targeted. They must also take into account that we have a diverse community and that people in rural and regional Australia, in inner Melbourne and in the western suburbs are not necessarily the same, that we have a linguistically and culturally diverse community that does not necessarily face this issue in the same way, and that we have communities with different backgrounds and different approaches who do not necessarily share the same value systems. Consequently our education programs, our early intervention programs and our diversionary programs must be more and more tailored to the communities we represent.

I know it is hard. Every time we talk about programs, education and strategies in this chamber, we talk about money and about putting in resources. The challenge for us is to find ways of reaching agreement as much as possible on those strategies. That makes it easier for all of us to get out there and sell the message to the community and to say that we in this Parliament stand as one when it comes to dealing with these issues. I again make the point that the strategies have to be targeted as much as possible.

I also think we need better ways of communicating. I must say that when we had the supervised injecting rooms debate I do not think we were terribly successful in reaching the non-English-speaking communities. That was my experience in the course of that controversial debate. I think we need to do more, because some of those communities were misinformed and not necessarily fully involved.

I think governments, employers and communities can do more. I wish to place on record that in my judgment early intervention programs, particularly, and

diversionary programs must become more and more occupational diversionary programs. They have to be related to employment, particularly those involving early intervention. We also have to be realistic with our expectations and the message we send to communities.

This is a twofold strategy, one that again puts on record our strong commitment to early intervention, diversionary programs and treatment, but at the same time one that sends a clear message to the community that we will be dealing with the Mr Bigs and the commercial traffickers in the harshest possible terms. I fully endorse that, and I look forward to seeing many of those people who peddle drugs and bring death and damage to our community spending their lives in prison. I commend the bill to the house. I commend also the Attorney-General and the honourable member for Richmond, who continue to bring into this chamber a good reform agenda.

Mr LUPTON (Knox) — It is with pleasure that I join this debate. As a member of the Crime Prevention Committee — which later became the Drugs and Crime Prevention Committee — since 1992, without a great deal of interruption, I have had the opportunity on a number of occasions to study this problem. As a member of the committee I have visited every state of Australia with the exception of Tasmania, which I visited in my own right, and I was also fortunate enough to visit Canada and the United States of America.

The problem is not unique to Australia. I was fortunate to visit a secret establishment in the southern part of the United States where they demonstrated to us in quite clear terms the way in which the confiscation of profits or assets can be very effective. I note with concern, when the Attorney-General was formerly in opposition, how much he vehemently opposed the concept of confiscating the assets of those people involved in drug dealing.

At this particular facility we saw that the US customs department had confiscated a Blackhawk helicopter from the drug dealers. It had also confiscated a Nomad plane, and members of the department were ecstatic because this particular Nomad was the only type around with its wings above the fuselage, which enabled those on board to view straight down without the wings causing an interruption to their viewing. It is important that we study carefully this concept of confiscation of assets.

When I was having meetings with the Australian Federal Police in Darwin it became quite apparent that up there its restricted police force made drug busts

difficult. If the federal police embarked on an operation to apprehend drug dealers — and the Northern Territory is probably four times the size of Victoria, with probably about 20 police officers — a great deal of expenditure was required to arrest and prosecute those drug dealers. When they were successful in apprehending a person and had gone through the lengthy process of attempting to confiscate the goods, it was interesting to note that the money from the sale of the assets went back to the Crown.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! I ask the honourable members for Richmond and Glen Waverley to resolve their differences about the time arrangements either quietly in the chamber or outside the chamber. It is quite distracting for the honourable member for Knox.

Mr LUPTON — Before I was rudely interrupted I was saying that the money that was gained by the police from the sale of the confiscated assets was given back to the Northern Territory government, and I believe the same would apply in Victoria. Police and customs officers expend a great deal of government money in overtime, setting up stings and hiring vehicles, aeroplanes or helicopters prior to apprehending their targets and they then find that the budget of their department is — —

The ACTING SPEAKER (Mrs Peulich) — Order! Past experience has shown that it is very difficult for speakers after dinner time. I ask honourable members to be respectful of the speaker on his or her feet by keeping their voices down.

Mr LUPTON — It is very difficult for police and customs departments to try to operate a successful business just by spending their own budgets. Money is tight and cannot be obtained, yet the profits from those confiscations go back to the government rather than being refunded to the police or customs. This is a matter that this government has to look at. It is no good confiscating the assets, getting the money and keeping it for the government. It has to go back to the law enforcement agencies that have expended their budgets in taking this particular course of action.

It should be noted that the Attorney-General when in opposition opposed this concept of the confiscation of assets most vehemently. He opposed it for being draconian and absolutely terrible! We should remember that. The previous Kennett government was the first to introduce this sort of system.

Let us look at the other provisions of the bill. It prescribes a sentence of life imprisonment for large-scale commercial trafficking which involves more than 750 grams of pure heroin, cocaine, et cetera. My God — 750 grams of heroin, cocaine, et cetera is thousands of hits! I wonder when they last got hold of anybody who had 250 grams of heroine, cocaine or whatever. We are going to prescribe life imprisonment as a maximum penalty for someone who traffics in 750 grams of drugs, but I ask the house when was the last time in Victoria, or even in Australia, anybody got a maximum penalty? The last bloke who got a maximum penalty I know of was Ronald Ryan; nobody else in this state ever gets a maximum penalty.

We should be looking at having a minimum penalty. If you are caught with 250 grams you should cop a 10-year minimum sentence. Let the judge or magistrate, or whatever the hell he or she is, determine whether there should be a higher level of imprisonment. This business of saying that the maximum penalty shall be life imprisonment is rubbish because no judge in this country will ever enforce the maximum penalty for a drug deal. It is just not on.

We had the situation where recently there was a large drug bust and I think \$12 million worth of assets were frozen. The bloke appealed and they let him out because of exceptional circumstances. My God! What are the exceptional circumstances for a drug dealer who has been involved in millions and millions of dollars in drug dealing and has probably killed hundreds of people? Yet we let him off because of exceptional circumstances. Where is the logic?

The ACTING SPEAKER (Mrs Peulich) —

Order! I remind the honourable member for Knox that reflecting on the judiciary is against the practices of the house, especially when the comments are quite specific and the case can be identified. General comments about the judiciary, except the present judiciary, are in order.

Mr LUPTON — I accept your ruling, Madam Acting Speaker, but the fact remains that it is very difficult for any judge in this country to give anybody a maximum penalty for any crime at all. I have to believe the government's intentions are honourable, but why on earth are we not looking at a minimum penalty? Instead of saying, 'Right, you are caught with 500 grams or 750 grams of whatever drug it is, you are going to get life', why not say, 'You are going to have 10 years or 20 years as a minimum sentence'? This business of having a maximum penalty is a joke, because nobody ever enforces it.

This bill reflects the provisions of the Bail Act to prohibit bail being granted to a person charged with one of the new offences unless there are exceptional circumstances. I tried to explain what taking exceptional circumstances into account can mean when I talked about the case earlier. However, because of various rulings it will probably be deemed inappropriate to go down that particular path.

I turn to the issue of unanimous verdicts. The former Kennett government introduced a situation where unanimous verdicts were not necessary; off the top of my head I believe they had to be 11 to 1. Today we are making it easier for these peddlers of death and destruction to slip through the noose because now we want unanimous verdicts. I recall a situation where a couple of members of the Victoria Police were regrettably involved in a serious case. I was told some three weeks before the verdict was handed down that they would get off because of the way the jury was made up. That is what happened. I have heard of another case where a person has just been granted bail and a threat was made that they were going to buy off police officers. Yet here we are reintroducing a system of unanimous verdicts.

It is a breakdown and a watering down of existing laws. I believe the Attorney-General is doing what he believes is the right thing to do, but there are a number of flaws I would like to point out. They include the maximum penalty, the confiscation of assets, and unanimous verdicts. There is no doubt that in Victoria the party that is tough on crime is the Liberal Party. We are the ones who went down the path of endeavouring to tighten the laws relating to this scum — that is the only way you can describe them. They peddle death and destruction and they make profits that enable them to live in a manner that is inappropriate to the filthy acts they carry out.

I turn to an article produced by the Pharmaceutical Society of Australia. It refers to the heroin 'drought' and states:

The illicit drug users of Melbourne are experiencing a heroin drought due to increased policing, floods and droughts in the crop areas of the world and the unfavourable Australian market caused by the low value of the \$A.

Drug users have now gone on to a pharmaceutical product called Temazepam. It is being used to assist heroin users to get over their habit. The drug is available on prescription and organised criminals are going around farming off prescriptions of this drug. I do not know whether that is covered in this legislation because it gets a bit vague once you get passed heroin and cocaine.

Although the Liberal Party does not oppose the bill there is concern in the community about a number of provisions. For the life of me I cannot see why any government would impose a maximum penalty. A minimum penalty, yes, and then one can move upwards. There is no way known a judge in this country will impose a maximum penalty. We must enable the judiciary to move because it is inappropriate to specify where the high-jump bar should be.

The concept of the bill is good, but there are other aspects that have not been thought out, particularly with regard to the confiscation of profits. If one talks to representatives from the Victoria Police, the Australian customs, the Australian Federal Police or to police in other jurisdictions throughout Australia, they will all say the same thing: their budgets are useless because they have to spend so much money on operations that enable them to apprehend and prosecute these people. It is not appropriate for confiscated profits to go to the Crown; they must go back to law enforcement agencies to enable them to continue to operate in an efficient manner and to continue to fight drug abuse.

If their budget is reduced by \$500 000 because of their attempts to apprehend people involved in one particular case, that would mean that they cannot do anything for the rest of the year. I believe the concept is right, but honestly, Madam Deputy Speaker, the logic in this bill has not been thought out and there are a lot of loopholes.

Mr STENSHOLT (Burwood) — I rise to support the bill, which amends the Drugs, Poisons and Controlled Substances Act 1981. The bill is part of the implementation of the Bracks Labor government's social policy, as was explained in the platform document that we took to the last election, *A Safe and Just Society*. The bill delivers on the promises we made as part of that platform and is part of the government's attempt to turn the state around after many years of neglect by the Kennett government. The government is delivering on those promises.

The policy of tougher penalties for commercial traffickers is mentioned not just once in our policy platform document but twice. The bill has been put forward by our Attorney-General and is supported by his very good parliamentary secretary, the honourable member for Richmond. It aims to implement that part of our comprehensive policy on fighting drugs and crime, which is designed to break the nexus between drugs and crime. That is why we have concentrated on many fronts in the fight against drugs.

Only the other day the Minister for Health told us about increased funding for detoxification and rehabilitation facilities, which are very important parts of the fight against drugs. There have been additional resources to fight drugs and crime, particularly through increasing the number of police. The Minister for Police and Emergency Services told us that there are now an additional 400 police officers in the state, and we are well on the way to achieving the target of 800. They are a top priority for breaking the connection between drugs and crime.

Other important aspects we heard about during the special session on drugs held in this chamber include the importance of community education. We have seen a hard-hitting and effective public education campaign being waged and directed at all sections of society, particularly youth. I should mention the strong emphasis the Bracks Labor government has given to education and training opportunities for our young people. There is a large increase in the number of traineeships and other forms of training being made available. A total package is making these opportunities available for youth, among which are better recreational opportunities. Keeping in mind the old adage that the devil makes work for idle hands, we are making sure that the youth of Victoria is well and truly occupied.

I have seen some of these strategies operating in my own area, and they have been or are starting to become effective. For example, in my electorate there has been an increase in the number of police at the Ashburton police station. Two years ago there were four police stationed in Ashburton; now we have seven. Another example is that two years ago there were 19 police officers at Camberwell police station. When I visited that station recently there were 27 officers, and we hope to have 32 by early in the new year.

The state government and the City of Boroondara have jointly funded a community support worker. That initiative is aimed in particular at helping the youth in my electorate who might be involved in drugs and at providing strategies that ensure they have access to recreational facilities and activities so they can avoid situations where they may be tempted to move into using or become dependent on drugs.

Another area is public housing, particularly in Victory Boulevard, where we have scored a victory at a local level in the fight against drugs. During the by-election campaign for my seat of Burwood I remember the Premier asking me where we should hold our first press conference. I said we would hold it outside the flats in Victory Boulevard, because it was in those flats where the drug war between Oakleigh and Box Hill was being

fought out. About 90 per cent of local crime in the area was occurring in the block of flats.

I was concerned not only because of the appalling condition of those flats, because nothing had been done to them during the seven years of the Kennett government, but also because there was evidence of drug trafficking and crime in the area that had to be attacked. I was concerned about that public housing block having an extremely bad reputation for drug trafficking. I remember the police telling me that there were three or four traffickers in that particular block. We launched a campaign, and after I was elected to represent Burwood I continued to campaign.

Mr Robinson interjected.

Mr STENSHOLT — Indeed it was. I actively campaigned to ensure that the block of flats would be upgraded. I am pleased to record that those flats have now been bulldozed, much to the appreciation of the local constabulary. They virtually promised to provide champagne if the flats were knocked down. That has had a strong impact on the drug situation in my area.

We have no sympathy for drug traffickers and for the Mr Bigs. We applaud the more severe penalties that the bill provides. Like other honourable members, I have heard harrowing stories from parents, grandparents and carers who have lost children or grandchildren to the scourge of drugs, some of whom have died in most unfortunate circumstances. I heard the story told by a parent from the Hawthorn Rotary Club, and I have spoken to members of the Glen Waverley Rotary Club who have pleaded with politicians to be more severe on offenders. I have heard stories of local trafficking and of parents and grandparents pleading for something to be done. I have heard stories of minor trafficking by users to support their habit and of the frustration that has caused parents and others. I commend the local police on their efforts; they have been able to eliminate the trafficking of drugs in Box Hill to some extent.

The people I have talked to are sending us clear messages. They are telling us to be tough on the traffickers and help them look after their children. That is reflected in clause 8, which substitutes parts of schedule 11 in the principal act, and clause 5, which substitutes proposed new section 71. The details have been tightened to catch these traffickers in a variety of ways. My constituents and I strongly support this bill, which is implementing Labor's social policy and ensuring that we turn around the state of Victoria and make it safe for all Victorians.

Mr JASPER (Murray Valley) — I have listened with a great deal of interest to the contributions made by a range of members on both sides of the house. I listened to the honourable member for Burwood, and I was disappointed that he did not give much credit to the previous government even though there has been a recognition for many years that we have a drug problem in Victoria.

I thought credit could have been given to the fact that Dr Penington spoke on the floor of the house in the mid-1990s. He gave a detailed contribution and presented a report. That report made more than 70 recommendations, and the previous government took up all but about 6 of them. The former government sought to give effect to those recommendations to deal with the drug problem. I applaud the fact that this legislation has been introduced in recognition that drugs are a continuing problem that needs to be addressed. We need stiffer penalties for people involved in the drug industry and particularly drug trafficking.

I also listened with a great deal of interest to the contribution of the honourable member for Knox. He mentioned his involvement with the Drugs and Crime Prevention Committee, of which I am also a member. The honourable member spoke in strong terms about his experience touring around Australia with that committee looking at drug problems. He spoke about increasing penalties and the need for the courts to deal with this situation, look at drug traffickers and seek to minimise the problems we have.

Previous speakers have spoken about the provisions of the bill. It seeks to deal with the large-scale drug traffickers, who will face sentences of life imprisonment and fines of up to \$500 000. This tougher legislation is, as has been indicated, in line with the Labor Party's policies prior to the election and is supported by all members of this house. Previously the maximum penalty that could be imposed for drug trafficking was 25 years imprisonment. There is a huge increase in the penalties. I note that the bill also contains provisions to aggregate the types of drugs being sold so that there can be a greater conviction rate for drug traffickers, and anyone with more than 750 grams of particular drugs can receive stiffer penalties in the court system.

There is a drug problem in my electorate of Murray Valley in north-eastern Victoria — there are drug problems right throughout Australia — but I do not believe we have the same major concerns of people in metropolitan Melbourne and other areas I have visited throughout the country with the Drugs and Crime

Prevention Committee. However, we need to recognise that those problems exist.

A couple of months ago I visited London, Vienna and Washington with the committee to investigate a range of issues relating to drugs and crime. The committee looked at emerging crime trends and at the issue on which it has a reference from the Parliament at present — the inhalation of volatile substances. In London the committee met with the Department of Health, an organisation called Re-Solv and the coordinator of the United Kingdom Anti-Drugs Committee. They were able to provide information about the emerging problems throughout London and, as they indicated, beyond London in dealing with the drug problem, and particularly with young people.

That brings me back to the recommendations made in Dr Penington's report in the mid-1990s, and of course his further address to the Parliament in this current session, together with a number of other speakers. He highlighted again the difficulties of handling drugs within Victoria and how we should be tackling the problem, and he said there are many actions that should be taken to deal with it. The bill will assist in meeting the problem of people trafficking in drugs. The committee was able to get some information in London on this important issue.

The committee also visited Vienna. It was interesting because we were able to visit the United Nations Office for Drug Control and Crime Prevention. It provided information that is relevant to the legislation about the production of drugs throughout the world. It highlighted countries in South-East Asia and Afghanistan and the drugs that were being produced. It was looking at the production areas, seizure and of course the demand — demand is really the issue we look at when we come to Victoria — and the consumption areas throughout the world. The United Nations office indicated that the production areas that have come into focus in recent years are in Colombia and Bolivia. It provided information that Colombia is looking particularly at Australia as an area for the distribution of drugs and where it sees an opportunity for an expansion in drug use.

It was interesting to hear only a few weeks ago that a large amount of drugs had been buried off the coast of Western Australia and that the ship that brought those drugs to Australia had emanated from Colombia. The information received a couple of months earlier in Vienna was proved to be correct about the drugs being brought into Australia. In Vienna the United Nations committee indicated that the information provided about Australia was totally inadequate in relation to

crime trends, crime prevention and drugs information. It was coincidental that in getting that information it referred particularly to Australia, and then referred to how we can get a reduction in the drug supply.

The committee also met with other organisations in Vienna, and particularly looked at how Vienna is seeking to deal with its huge drug problems. In Vienna there are between 120 and 150 deaths per year from drug overdoses, so that is an issue and a great problem in the city.

The committee met with some interesting organisations in Washington and saw the difficulties faced there. They talked to us about ways of dealing with drug problems and the overuse of drugs, and how that should be addressed. They are looking at day centres, outpatient clinics and counselling — in fact these methods were being used — in seeking a recognition of the drug problem and then a reduction in usage.

National Party members believe the problems need to be addressed by legislation, and some are addressed by the legislation before us today. However, we believe it needs to go further than that.

Mr Hulls — Further!

Mr JASPER — The Attorney-General interjects, but I am sure he would agree that the Penington report and the recommendations of that report looked not only at minimising and creating an awareness of drug usage but also at other areas. Other areas that should be looked at include prevention, rehabilitation, provision of treatment facilities and education. These were the issues dealt with by Dr Penington and reiterated by him when he addressed the Parliament a second time.

As far as I am concerned, and as far as the National Party is concerned in the information that it has been able to glean from people it has spoken to, the legislation moves in the right direction. It seeks to address the major issues of the supply of drugs, getting to the drug dealers and reducing the supply and demand, and then looking at other methods for making sure that people in Victoria and right across Australia recognise that there are other issues involved in seeking to reduce the incidence of drug usage, particularly with young people.

In the two and a half weeks that the Drugs and Crime Prevention Committee was overseas visiting London, Vienna and Washington, it was clear to us that the problems throughout those major cities are even worse than in Australia. However, we still need to address the problems with the sort of tough legislation that is being

debated here this evening in order to deal with drug dealers.

Mr WILSON (Bennettswood) — I wish to make a brief contribution to the debate on the Drugs, Poisons and Controlled Substances (Amendment) Bill currently before the house.

As a legislator, as an ordinary citizen and as a parent, the whole issue of drugs worries me considerably. Indeed, as a parent nothing worries me more than the scourge of drugs in our society. I am sure all honourable members would share my view.

Since I have been a member of Parliament two incidents stand out that tell me that the drug problem in our society is far greater than I had ever believed, and I am sure the same goes for many other honourable members. About 12 months ago I was catching a train from Mont Albert station to the city at about 6.30 p.m. on a week night. The carriage was half full when I witnessed a drug deal. The people who were selling drugs to young people did not care about what they were doing. All they were interested in was getting the right amount of money for the stuff they were trading. I can only think about the impact it would have upon my children, my family and my children's future if it had been them purchasing drugs from those dealers. It worries me greatly, and I know it worries all honourable members.

The second incident I witnessed first hand was near my electorate office, which is in a middle-class suburb in Melbourne's eastern suburbs. I am talking about East Burwood. I witnessed a deal taking place inside a phone box when the dealer was phoning around to make the relevant deals and people were coming to collect their drugs from the dealer.

I wish to reflect upon the comments of the honourable member for Sunshine. He made the point that no member of this house is unaffected by the drug scourge. In many ways we have experienced the damage drugs do in our society. I concur with the honourable member for Sunshine that it is something that we as legislators and citizens have to address seriously.

The bill before the house goes some way to correcting some of the problems we face. I do not think the bill goes far enough, but it makes a positive contribution along the way. The bill makes provision for life imprisonment for certain trafficking offences. I concur with my colleague the honourable member for Knox, who made the point that currently there are penalties available to the judiciary of up to 25 years. The reality is that those penalties are rarely applied. Under the new

proposals life imprisonment will be available to the judiciary.

The reality will be that the judiciary will never or will rarely apply that penalty. The honourable member for Knox made the point that when we as legislators are well aware of the problem facing our society, we should be talking about minimum penalties and not bothering ourselves with maximum penalties because we know maximum penalties are rarely applied.

The legislation makes arbitrary decisions and I understand that when legislating in this area arbitrary decisions are required. We are talking about 750 grams of heroin, cocaine and amphetamines: 750 grams is a lot of drugs, and dealing in 750 grams of drugs is dealing in a very big way. The people who deal in those quantities deserve everything that is coming to them. I hope, trust and wish that members of the judiciary will understand the spirit behind this legislation and that when they have offenders in their courts who have been trading in these amounts they will understand that we, the legislators, want the maximum penalty applied. We do not want the judiciary to go soft on these types of people.

My friend and colleague the honourable member for Knox often refers to people who deal in drugs as the scum of the earth. That is language I would rarely use, but people who deal in drugs and sell drugs to our young people are indeed the scum of the earth. I have no problem with that language being used to describe them.

The second-reading speech talks about the drug problem being a national problem, and indeed it is. Far more importantly it is an international problem, and the Western world has to deal with this problem on a very serious level. It is worth while that the legislation before the house makes the penalties and legislative requirements consistent between the states of Australia. When we become a more sophisticated society we will be making our penalties consistent with the rest of the Western world.

The other area I wish to comment upon is the confiscation of profits. The legislation refers to the compulsory acquisition of property, and that is a very worthwhile sentiment. However, the language in the second-reading speech is qualified and states that property that has been acquired through lawful means by those who traffic in drugs will be exempt. I happen to think that people who deal in drugs have no rights. I do not care whether they have acquired that property lawfully or unlawfully; when they deal in drugs they lose all rights and my expectation would be that when

they go before a court the judiciary would be able to take away every bit of property they have in their possession, whether they have acquired it legally or illegally.

Finally, I will conclude where I started by saying that the greatest scourge facing this state, this nation and the Western world is the drug problem. This legislation goes some of the way to correcting that problem but it does not go far enough. I suggest to the government that we see this piece of legislation as bridging a gap and that we work harder and more often to find better solutions to the drug problem facing our society.

Debate adjourned on motion of Mr CARLI (Coburg).

Debate adjourned until next day.

COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The purpose of this bill is to implement a limited range of amendments to the Country Fire Authority Act 1958 to further improve the effectiveness of the Country Fire Authority.

Membership of the authority

The Country Fire Authority is a body which includes representatives of volunteers, municipal councils and the Insurance Council of Australia.

The Municipal Association of Victoria is currently required to nominate councillors from urban and rural wards. Changes in recent years to municipal councils and their format have in many cases removed the clear distinction between urban and rural wards. In order to clarify the eligibility requirements for municipal council representatives on the authority, the criteria for eligibility will be simplified by removing the reference to urban or rural wards and simply requiring members to be councillors representing a municipal council within the area under the control of the Country Fire Authority.

There has been a longstanding historical link between the insurance industry and the emergency services and in particular the fire services. This government considers that the insurance industry will continue to be

a key stakeholder in the provision of emergency services.

The government has, however, noted the request by the Insurance Council of Australia that they wish to be relieved of the requirement in the act that they provide two representatives on the Country Fire Authority.

The act will be amended to remove the requirement for the Insurance Council of Australia to provide a panel of names. Provision will be made for the minister to nominate two persons who will be appointed by the Governor in Council.

In accordance with recent practice, the representatives of each nominating body will continue to be appointed at 18-month intervals to provide for continuity of experience on the authority.

Use of prescribed devices during a fire danger period

The act already provides for the restricted use of some appliances in the country during a fire danger period. Other appliances such as gas-fired scatter guns, which are now in regular use, are not technically governed by the restrictions. There will be an amendment to allow for regulations to be made to provide for the safe usage of these appliances at a time when the risk of fire is at its height. These regulations will be developed in close collaboration with the rural industries affected in order to provide the best and most appropriate means of reducing fire risk.

Municipal fire prevention plans

A vital part of dealing more effectively with fire is appropriately locating responsibility for managing the risks in both natural and developed environments.

Municipal councils are already required to prepare a fire prevention plan which identifies the risk treatment strategies to be used. Guidelines have been prepared by the Country Fire Authority which are comprehensive and appropriate for the needs of councils and are regularly monitored to provide the best guidance possible. Provision will be made for the municipal fire prevention plans to be prepared in accordance with those guidelines which are expressed in the language of risk management and more suitable and flexible than regulations.

This bill will further clarify the existing responsibilities of councils for the preparation of a municipal fire prevention plan which relates only to the land for which the municipal council has fire protection responsibility. It is proposed to specifically exclude the land which

comes within the area of responsibility of the Department of Natural Resources and Environment. This will not diminish the effectiveness of the planning process, which will continue to be developed on the advice of municipal fire prevention committees which are representative of key local interest groups including the department.

It will be the responsibility of each municipal council to maintain and formally approve its plan and to act upon it. This will emphasise the importance of proper planning for the purpose of increasing fire safety for the community.

Miscellaneous

There are in addition a series of other minor amendments of a technical nature which will assist in the management of the Country Fire Authority and assist it to carry out its duties and obligations under the act.

There are also some redundant provisions which will be removed, statute law revisions and transitional provisions.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Wantirna).

Debate adjourned until Wednesday, 3 October.

TRUSTEE (AMENDMENT) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The purpose of the Trustee (Amendment) Bill 2001 is to repeal two parts of the Trustee Act 1958 and some definitions, all of which are redundant.

Parts 1C and 1D of the act deal with mortgage-backed securities and mortgage investment certificates respectively. These were forms of authorised investments available to trustees in connection with the investment of trust funds under part 1 of the act. Following changes to the act in 1995, the system of authorised investments was abolished in favour of a general prudential obligation upon trustees. Parts 1C and 1D of the act no longer serve any purpose and will be repealed by this bill.

The bill also repeals six definitions in part 1A of the act that are redundant. The definitions of mortgage-backed security and mortgage investment certificate owe their redundancy directly to the repeal of parts 1C and 1D. The definitions of building society and securities payable to bearer are obsolete because the system of authorised investments no longer applies. The definitions of guaranteed certificate and recognised institution are linked to part 1B of the act, which was repealed by section 6 of the Stamps (Secondary Mortgage Market) Act 1988. However, section 6 could not be proclaimed while recognised institutions remained entitled to certain stamp duty benefits. As there are no more recognised institutions, the repeal of part 1B can now proceed. These last two definitions will be repealed to coincide with the proclamation of the repeal of part 1B of the act.

The repeal of parts 1C and 1D of the act and the various definitions contributes to the maintenance of an up-to-date statute book and helps to ensure that business in general and trustees in particular are clear about their powers and obligations when investing trust funds.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

VICTORIAN ARTS CENTRE (AMENDMENT) BILL

Second reading

Ms DELAHUNTY (Minister for the Arts) — I move:

That this bill be now read a second time.

The main objective of this minor bill is to expand the functions and powers of the Victorian Arts Centre to acknowledge in statute the trust's responsibilities in establishing and managing a public art collection.

The Victorian Arts Centre Trust has been collecting and displaying art since the 1970s. This important public collection comprises over 1700 works and includes artworks by some of Australia's, and Victoria's, most highly regarded modernist and contemporary artists such as Arthur Boyd, Sidney Nolan and Clifford Possum Tjapatjarri. The main purpose of the art collection is to enhance and maintain the cultural amenity of the Victorian Arts Centre, a major icon of the Victorian community. I would hope most honourable members have visited it.

It is important to note that the arts centre's collection has largely been developed through donated artworks and that its future is dependent on the generosity of donors. Clarification of the trust's public art gallery functions will result in the trust being able to participate in the commonwealth government's cultural gifts program, which provides donors of artworks with more attractive tax deductibility arrangements

In addition to the amendments to the Victorian Arts Centre Act, the bill makes a minor amendment to the Museums Act 1983 to make the Museums Board of Victoria fully accountable for the engagement of technical advisers and consultants. This minor amendment will bring the museum into line with the other major arts institutions in this regard.

I commend the bill to the house.

Debate adjourned on motion of Mrs ELLIOTT (Mooroolbark).

Debate adjourned until Wednesday, 3 October.

TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The purpose of the Telecommunications (Interception) (State Provisions) (Amendment) Bill is to make a number of minor technical amendments to the Telecommunications (Interception) (State Provisions) Act 1988.

The Telecommunications (Interception) (State Provisions) Act 1988, which for ease of members' reference I will refer to as the state act, forms part of a national telecommunications interception scheme that provides a powerful investigative tool to law enforcement agencies.

That scheme is primarily contained in the commonwealth Telecommunications (Interception) Act 1979. It enables law enforcement agencies, including Victoria Police, to intercept telecommunications for law enforcement and other purposes. The commonwealth act also specifies the purposes for which intercepted information can be used and regulates dealings with that information.

The state act complements the commonwealth act by establishing a record-keeping and reporting regime in relation to Victoria Police in respect of telecommunications that have been intercepted under the commonwealth act. However, following amendments to the commonwealth act, a number of definitions in the state act are no longer consistent with the equivalent commonwealth definitions.

The bill makes a number of technical amendments to the state act to address these inconsistencies. Specifically, the bill substitutes and amends a number of definitions in the state act.

The bill substitutes a new definition of 'certifying officer' into the state act which is consistent with the equivalent definition of this term in the commonwealth act. This ensures that the same classes of persons who can certify documents under the commonwealth act, in the case of Victoria Police, can certify copies of documents for the record-keeping purposes under the state act.

The bill also substitutes a new definition of 'communication' into the state act to make the definition of this term the same as the clearer equivalent definition of this term in the commonwealth act.

In addition, the bill amends the definition of 'permitted purpose' in the state act to include:

the keeping of records by Victoria Police under the relevant record-keeping and reporting requirements under the state act; and

the making of a decision in relation to the appointment, reappointment, term of appointment or retirement of an officer or member of staff of Victoria Police and in the review of such a decision.

This amendment makes the definition of 'permitted purpose' consistent with the equivalent definition in the commonwealth act and ensures that the record-keeping and reporting obligations in the state act accurately reflect the purposes for which Victoria Police can use lawfully intercepted information under the commonwealth act.

Finally, the bill amends the definitions of 'record' and 'restricted record' to remove redundant references to documents relating to warrants under section 11 or 11A or part IV of the commonwealth act. This amendment makes the state act consistent with the commonwealth act in this regard.

These amendments will ensure that the record-keeping and reporting obligations in the Telecommunications

(Interception) (State Provisions) Act 1988 operate consistently with the interception regime contained in the commonwealth Telecommunications (Interception) Act 1979, and in so doing will facilitate the effective operation of the national telecommunications scheme in Victoria.

The Telecommunications (Interception) (State Provisions) (Amendment) Bill implements a commitment of this government to ensure that police have adequate powers to enable them to protect the community, while providing adequate safeguards on the exercise of those powers. This bill is also evidence of this government's commitment to providing safer homes, streets and workplaces for all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Victoria is party to the 1995 commonwealth/states/territories agreement relating to a revised cooperative legislative scheme for censorship in Australia.

Under this agreement, the commonwealth enacted the Classification (Publications, Films and Computer Games) Act 1995.

As part of this scheme, Victoria has enacted the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 which provides for the enforcement of classification decisions made by the commonwealth Classification Board in accordance with guidelines issued under the commonwealth act.

In March 2001 the commonwealth made amendments to the commonwealth act in a number of areas. These amendments will come into operation on 22 March 2002 or when all states and territories have each enacted complementary legislation, whichever happens first.

Amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995

This bill amends the Victorian Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to reflect the amendments made to the commonwealth act.

This will ensure that Victoria can effectively enforce the classification regime in accordance with the March 2001 commonwealth amendments.

The amendments made by the bill to the Victorian act include:

amendments to definitions to bring them into line with definitions in the commonwealth act;

amendments to exclude the application of the state act to exempt films and exempt computer games so as to be consistent with the commonwealth act. The commonwealth act will no longer apply to a range of films and computer games (such as business, educational, hobbyist, religious and community or culturally related) that would otherwise be of a G or PG rating;

amendments to allow 14 days for the changing of markings and consumer advice after reclassification by the Classification Board;

amendments to create new offences of sale or delivery of publications contrary to imposed conditions, selling publications without the display of consumer advice and making a computer game available for playing on a pay-and-play basis without having the determined markings and relevant consumer advice on display;

amendments to give the Director of the Office of Film and Literature Classification the power to call in unclassified films for classification;

amendments to give the director a power to call in a publication, film or computer game for reclassification.

New offence

In November 2000, this government increased the penalty for the offence of possession of child pornography from two to five years.

In light of this increased penalty, reconsideration was given to the offences of online transmission and publication of objectionable material, especially child pornography contained in the Classification

(Publications, Films and Computer Games) (Enforcement) Act 1995.

As a result, this bill inserts a new section 57A into the act.

Under this section, a person who knowingly uses an online information service to publish or transmit, or make available for transmission objectionable material that describes or depicts a person who is, or looks like, a minor under 16 engaging in sexual activity or depicted in an indecent sexual manner or context (that is, child pornography) is guilty of an indictable offence and liable to a term of imprisonment not exceeding 10 years.

The offence will be indictable, although able to be dealt with summarily.

As the use of computers in the distribution of child pornography is a growing problem, and as such transmission can be made in almost limitless quantities, it is appropriate that the penalty (10 years imprisonment) be commensurate with the penalty for the offence of production of child pornography in section 68 of the Crimes Act 1958.

Amendments to the Crimes Act 1958

Section 70 of the Crimes Act 1958 makes it an offence to possess child pornography. Subsection (4) of that section, however, provides that nothing in section 70 makes it an offence for any member or officer of a law enforcement agency to have child pornography in his or her possession in the exercise or performance of a power, function or duty conferred or imposed on him or her by or under this or any other act or at common law.

Due to advances in police investigation and evidence collection techniques in the area of child pornography offences, computer analysts are being increasingly used by police to detect child pornography on suspect computer hard drives. This bill amends section 70, subsection (4) to ensure that appropriately authorised persons assisting the police in their functions and duties are also protected from possible prosecution for offences under section 70.

As current investigation and evidence collection techniques involve the downloading and printing or digitally copying of material from suspect computer hard drives, legitimate concerns have also been raised about whether police and their computer-analyst assistants are technically committing an offence under section 68 of the Crimes Act 1958, namely printing or otherwise making or producing child pornography.

This bill amends section 68 of the Crimes Act 1958 to ensure that police and their appropriately authorised assistants commit no offence under that section when they act in the exercise or performance of a power, function or duty conferred or imposed on him or her [sic] under law.

This bill ensures that Victoria can effectively enforce changes to the national classification system for publications, films and computer games.

It also recognises the seriousness of the growing use of online information services for the transmission and publication of child pornography.

Finally, it ensures that police are not hindered in their investigation of the serious problem of production, distribution and possession of child pornography.

I commend this bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Roman Catholic Trusts Act 1907, which is a private act, provides for the creation of corporate bodies of trustees in which property belonging to the Roman Catholic Church in Victoria may be vested. Such property includes moneys which have been given, contributed or bequeathed to the church.

The church provides charitable services mainly in education, health and welfare. Most contributions are made to the church, to the archbishop's charitable fund or to one of the church's agencies, which are directly involved in providing charitable services to the community.

The Roman Catholic Trusts Corporation regularly receives gifts from the community in the form of donations and bequests. The gifts are applied to a large number of charitable purposes including education, health and welfare. Some of its support also goes to community-based agencies such as the Australian Aids Fund, the St Vincent de Paul Society and Centacare Catholic Family Services. Some of the local services include the Sacred Heart Mission in St Kilda West,

Open Family in South Melbourne and Mercy Hospice Care in the western suburbs.

The Catholic Church has requested a number of amendments to the act to enable it to more efficiently manage church property and ensure that bequests to the church maintain their value. This bill deals with those amendments.

Mixing of trusts

At present, each trust estate held by the corporate trustees of the church must be invested and managed separately. However, individual investments are inefficient, costly and provide inferior returns especially where smaller trusts are concerned. To enable the corporate trustees to manage trusts more efficiently, the bill empowers them to mix funds from different trusts into one common fund of investment.

As a protection, however, the bill provides that where a donor has set out a specific purpose for which they wish their donation to be used, and the moneys have been mixed with funds for other purposes, the church must see to it that income or losses from those investments go back to the original purpose.

Variation of trusts

At present, if the church finds that the specified purpose to which funds were left cannot be carried out or is of no community benefit, the church must make a cy-pres application to the Supreme Court to seek the court's approval to vary the trust.

However, in many cases the amount left to the church is small and making an application to the Supreme Court could wipe out the gift entirely and detract from the charitable purpose for which moneys may have been left.

To address this issue the bill provides for a less costly process for the church to follow, where the original purpose of the trust is impossible to carry out or of no community benefit. The bill enables the corporate trustees to vary the trusts so that funds can be used for a purpose as near as possible to the original purpose set out in the bequest. Where this is not possible, the church can use the trust for the general charitable purposes of the church, such as those mentioned earlier. However, before a trust can be varied, the bill requires that the corporate trustees of the church notify the executor of its intention to vary the trust.

This amendment will enable the church to clear up some of the past trusts which have lain dormant and

direct these funds towards charitable purposes for the benefit of the community.

The bill does not affect the Supreme Court's jurisdiction to supervise the distribution of trust funds and cy-pres applications to the Supreme Court can continue to be made where appropriate.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Honourable members will recall the passage, with bipartisan support, of the Statute Law Amendment (Relationships) Act through this Parliament earlier in the year. It was landmark legislation and a major step forward in reducing the unacceptable levels of discrimination faced by gay men and lesbians living in Victoria today. It is pleasing to note that a large part of that act is already in operation and gay and lesbian Victorians are today able to receive the benefits of those reforms.

When the Statute Law Amendment (Relationships) Act was introduced into Parliament in November 2000, the government gave a commitment to introduce further amendments this year to deal with a number of other statutes which discriminate against non-heterosexual couples. The Statute Law Further Amendment (Relationships) Bill includes the further amendments that the government committed to introduce and will contribute further to reducing discrimination against non-heterosexual couples.

The Statute Law Further Amendment (Relationships) Bill amends 14 acts ranging from the Architects Act to the Water Act. The bill adopts the model definitions of 'spouse', 'domestic partner' and 'partner' used in the Statute Law Amendment (Relationships) Act. The definition of 'spouse' refers to a party to a marriage only.

A number of the acts amended by the bill mainly regulate licensing of various industries, and the amendments seek to extend obligations to disclose various interests (such as pecuniary interests) to

same-sex domestic partners. For the purpose of these amendments the bill adopts the broader definition of 'domestic partner' included in the Statute Law Amendment (Relationships) Act. The broader definition differs from the principal definition of 'domestic partner' in expressly recognising relationships where the people are in a relationship as a couple but may not necessarily be living under the same roof.

The bill also amends a number of non-licensing related acts, including the Children and Young Persons Act, the Corrections Act and the Firearms Act to recognise non-heterosexual relationships in a non-discriminatory way. For the purpose of amendments to these acts the bill adopts the principal definition of 'domestic partner'. In the principal definition, a 'domestic partner' of a person is defined to mean 'a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender)'. The words 'irrespective of gender' are important, as it also recognises the relationships of transgender and intersex people.

The bill makes it clear that for the purposes of determining whether persons are domestic partners of each other all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the Property Law Act as may be relevant in a particular case. The list of matters to be taken into account was inserted into the Property Law Act by the Statute Law Amendment (Relationships) Act earlier this year.

Factors to be taken into account in determining whether persons are domestic partners of each other include the duration of the relationship; the nature and extent of common residence; whether or not a sexual relationship exists; the degree of financial dependence or interdependence, and any arrangements for financial support between the parties; the ownership, use and acquisition of property; the degree of mutual commitment to a shared life; the care and support of children; and the reputation and public aspects of the relationship.

As with the Statute Law Amendment (Relationships) Act, this bill, particularly amendments to the Children and Young Persons Act, recognises the reality that children can be cared for in material and emotional ways by a parent who is gay or lesbian and the parent's partner. Many children who have lesbian mothers or gay fathers spend time living with that parent and partner after the break-up of the heterosexual relationship, often marriage, in which they were conceived.

The bill also contains further amendments to the Parliamentary Salaries and Superannuation Act. This act was amended by the Statute Law Amendment (Relationships) Act to provide for the same-sex partner of a member of the parliamentary superannuation scheme and the children of a member's same-sex partner to receive the member's superannuation benefits. These amendments came into operation on 23 August 2001. However, these amendments only apply to those members of Parliament who became members before 2 July 1996.

A person who became a member of Parliament after this date has to access the new benefits scheme. The new benefits scheme is regulated by part 2, division 3 of the Parliamentary Salaries and Superannuation Act. Division 3 applies the Commonwealth Parliamentary Contributory Superannuation Act 1948, with modifications.

While the Statute Law Amendment (Relationships) Act made amendments to provisions of the Parliamentary Salaries and Superannuation Act regulating the existing benefits scheme (part 2, division 2 of the act), no amendments were made at the time to provisions regulating the new benefits scheme (part 2, division 3 of the act), which applies to most current members of this Parliament. This bill amends part 2, division 3 of the Parliamentary Salaries and Superannuation Act, by way of modification to the Commonwealth Parliamentary Contributory Superannuation Act, to recognise domestic relationships. These amendments will take effect from 23 August 2001, the date when the other amendments to the act made by the Statute Law Amendment (Relationships) Act 2001 came into effect.

The Bracks government made a pre-election commitment to reduce discrimination against people in same-sex relationships. This commitment was made in the context of a larger commitment to the creation of a socially just and cohesive community in which each person has their place, in which diversity in all its forms, including diversity of sexual orientation, is valued. In this context, the Bracks government stated in its pre-election commitment that it considers the achievement of substantive rights for lesbians, gay men and transgender people as being vitally important.

It is very pleasing to say that in the relatively short space of two years since coming into power, the Bracks government has made large strides in implementing its pre-election commitments to gay, lesbian and transgender Victorians, starting with the Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000. The reforms introduced by the Bracks government in this area have had and will have real and

beneficial impact on people's lives, and help reinforce the message that human rights necessarily involve a respect for the equal dignity of all persons, without discrimination. The government hopes that this bill receives the same level of bipartisan support as for the Statute Law Amendment (Relationships) Act.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

LEGAL AID (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Victoria Legal Aid (VLA) is responsible for the delivery of legal aid services in Victoria. It is required to provide legal aid in the most effective, economic and efficient manner, and to make legal aid available on an equitable basis to the community at a reasonable cost.

Grants of legal assistance are frequently made with a condition that the assisted person pay a contribution towards the cost of providing legal assistance according to their means. Client contributions are assessed by reference to a means test.

Client contributions are an important source of legal aid funding. In the last financial year, VLA recovered about \$3.4 million in contributions.

Assisted persons are often not required to pay their contribution immediately. Where the assisted person owns a house or land, VLA may require that person to provide an equitable charge to secure the cost of providing assistance. These secured contributions are generally recovered only when the assisted person sells their house, unless that person's financial circumstances change markedly for the better in the meantime.

If an assisted person's circumstances do improve significantly, they may be asked to make an earlier contribution either in total or on an instalment basis. However, because VLA's clients are among the most disadvantaged in the community, this happens relatively infrequently.

This means that VLA usually recovers its secured contributions many years after the grant of legal assistance is completed. VLA estimates that over

\$16 million in client contributions is currently secured in this way.

This system of securing client contributions has been around since the 1960s.

A problem with this system has recently come to light. It has been established that client contributions secured by equitable or statutory charge which are over 15 years old cannot be enforced because of the operation of the Limitation of Actions Act 1958.

VLA estimates that the value of secured contributions which are currently over 15 years old is about \$2.2 million. This amount is expected to increase by \$1 million per annum for the next 11 or so years. Needless to say VLA is concerned not to lose this important source of funding.

The government shares these concerns. The government is committed to a justice system which is fair and accessible to all Victorians. VLA plays a key role in that commitment. Without legal aid, the justice system would be the exclusive domain of the very rich. It is essential that VLA receives adequate funding so that it can deliver access to justice. Client contributions are an important source of this funding.

The bill ensures that secured contributions can be collected by VLA. It does this by excluding contributions payable to VLA which are secured by equitable or statutory charges from the operation of the Limitation of Actions Act 1958.

The bill also makes an amendment to section 27(1)(c)(ii) of the act to make it clear that VLA has the power to charge any property in which the assisted person has an interest, including land. The expression 'property' in the subparagraph has always been taken to include land. The amendment clarifies Parliament's original intention in this regard.

The bill will assist VLA to fulfil its statutory charter in this regard and ensure that VLA continues to deliver legal aid services to the most vulnerable and disadvantaged members of the community equitably and at a reasonable cost.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Wednesday, 3 October.

ADJOURNMENT

The ACTING SPEAKER (Ms Davies) — Order! Under sessional orders the time for the adjournment of the house has arrived.

Police: Mornington Peninsula

Mr DIXON (Dromana) — I raise with the Minister for Police and Emergency Services the local perception of police numbers on the Mornington Peninsula. I ask the minister to come down to the Mornington Peninsula and meet with a representative group of concerned citizens.

I wish to cite three examples of that concern to the minister. The first is from a local doctor, Dr Simon Pilbrow, who writes on behalf of one of his patients who described a situation in Flinders. The doctor states:

She describes an incident in which a man, whose identity was handed on to the police, who was shooting in the street one night —

with a gun —

but by the time the police were able to arrive he had disappeared. She has in the past attempted to sell her house, but the 'For sale' sign was vandalised and destroyed several times and in the end she gave up.

The second example is a fax I received from a Sorrento resident, who states:

On Friday evening, 13 July, a group of youths had a party at a house two doors from our home in Coppin Road, Sorrento. The noise from 8.00 p.m. was horrendous. At 3.30 a.m. on Saturday I telephoned the Rosebud police station seeking assistance in quelling the noise. My telephone call was diverted to the Mornington police station —

which is 30 kilometres away.

I was advised by the Mornington police station to telephone 000, which I subsequently did. I had been led to believe that Rosebud police station was operating 24 hours. Why was my telephone call diverted to Mornington?

The third example is a number of letters I have received from chamber of commerce traders in the Sorrento shopping centre. They have indicated to me a litany of vandalism, especially after hours, and as Sorrento has become busier over the years this vandalism has increased at the same rate, to the extent that the shopkeepers have had to band together to employ security guards to protect their businesses from this escalating vandalism. They have been requesting a greater police presence in Sorrento.

Some of the arguments the minister might give me are that I have not raised this before or that this is only a

recent problem that has escalated. I do not want statistics, because I know that even though there are adequate police numbers, many are on leave and have been transferred up the line. I ask the minister to meet with this group of concerned residents.

School buses: Echuca interchange

Mr MAUGHAN (Rodney) — I raise a matter for the attention of the Minister for Education concerning an upgrade of the bus interchange area at Echuca High School. Echuca is very fortunate in having 3 primary schools, 3 secondary schools and 1 church school. Students come from Tongala, Kyabram, Nathalia, Barmah, Gunbower, Cohuna, Lockington, Rochester and surrounding areas, and many of them come from New South Wales. Some travel up to a distance of 50 kilometres to get to school. They are transported by 23 school buses and 3 town buses, and the buses are coordinated by Mr Eddie Butterworth, who does a superb job under difficult circumstances.

Each morning the students need to be brought from their homes and distributed around the seven schools, and of course the process is reversed in the afternoon. This requires a bus interchange area. Currently this takes place in Crofton Street, in front of Echuca High School. Honourable members can imagine the frantic activity between 8.30 a.m. and 9.00 a.m. and between 3.30 p.m. and 4.00 p.m. with 10 or 11 buses there at the one time, in excess of 1100 students, both primary and secondary, a sea of bicycles, parents to collect their children, cars, pedestrians, cyclists, and so on. There is obviously a very high risk in these circumstances of a child being killed or injured. Fortunately, this has not happened, but without major improvements to the area it is inevitable that it will.

The school council, the Department of Infrastructure and the Shire of Campaspe have been most proactive, formulating a plan of action to make the area safer for bus travellers, pedestrians and cyclists. The plan includes creating a clearway in Crofton Street in front of the school, enlarging the turning circle for buses, strategically directing both pedestrians and cyclists away from the high-volume traffic area and through the adjoining Victoria Park, and improving parent parking facilities in Victoria Park itself, as well as creating a much safer drop-off and pick-up point for students.

The indicative cost of this project is \$108 000. The Department of Infrastructure has earmarked \$60 000, the shire is prepared to cover the costs of the design and project management, and the school wrote to the regional manager on 23 March seeking a contribution from the Department of Education, Employment and

Training under its Good Neighbour program. I have reason to believe that the shire council might match a DEET contribution dollar for dollar if and when it is provided.

Six months have now passed, but there is no indication of whether funding for this most important project will be available. The school has done its part, the Department of Infrastructure has generously agreed to provide funding, and the Shire of Campaspe has been most supportive. I now call on the minister to ensure that the department does its part in providing its share of the funding to enable this most important project to proceed during the forthcoming Christmas holidays. I seek a commitment from the minister that funding will be provided.

Volunteers: Burwood

Mr STENSHOLT (Burwood) — I ask the Minister for Community Services to take action to ensure that the International Year of Volunteers continues through to the end of the year with activities supported by the state government. Naturally I hope such activities will be supported in my area, and I am sure other honourable members hope they are supported in theirs. The people of my electorate and I place a very high value on the work of volunteers. We very much appreciate the work that has been done by the minister this year. She has carried this aspect of her portfolio forward with great energy and compassion.

The volunteers in my electorate appreciate that they have been acknowledged — not that they ask to be thanked, because they do what they do with a great spirit of generosity and do not expect to be thanked in return. But when they are thanked, as they have been this year, they very much appreciate it. I commend the minister for making available state government certificates of recognition for volunteers throughout Victoria. I have taken advantage of this and have organised the handing out of well over 1200 certificates to volunteers in and around the Burwood electorate, particularly in the cities of Boroondara, Monash and Whitehorse. I now take part in at least one certificate ceremony a week for volunteers from the many organisations in my area.

I was very fortunate some weeks ago to have the Premier join me for a Burwood volunteers morning tea. We handed out over 700 certificates to almost 80 organisations, with approximately 350 people attending on the day. We had a marvellous morning tea, which of course was provided by the volunteers. We had scones and cream, teacakes, coffee and tea. Groups such as Neighbourhood Watch, the Glen Iris Uniting

Church, the Friends of Wattle Park, schools and preschools were involved. I handed out 100 certificates to Ashburton Primary School. The Box Hill toy libraries, the Chinese Women's Association, the Boroondara libraries, Ashburton Support Services, the Box Hill elderly citizens club, the Burwood and Bennettswood neighbourhood houses, the Rowen Street kindergarten, the Waverley night netball association and the Friends of Damper Creek are just some of the many organisations and volunteers acknowledged this year.

Mountain Gate Primary School

Mr LUPTON (Knox) — I raise a matter for the attention of the Minister for Education concerning the Mountain Gate Primary School. Over the years the school has made a number of applications for upgrades. It received an amount of \$280 000 for major maintenance in 1994. However, in the past couple of years there have been new entitlements for school administration facilities and the principal wrote a letter to the facilities manager for the eastern metropolitan region, Mr Phil Dawkins, indicating that the general office of the school is 17 units when the area schedule is 29, a shortfall of 12 units. The area of the office and security store is 8 units and the area schedule is 25, a shortfall of 17. It is just under one-third of the size it is supposed to be.

Correspondence was received back from Mr Dawkins stating that schools with a greater deficiency in permanent facilities against entitlement would receive forward capital works programs; that teaching spaces take priority over non-teaching spaces; that schools with higher enrolments take priority over schools with lower enrolments; and that fire reinstatement works are an entitlement that usually takes priority over the above.

Concern has been raised with me about the fact that schools with higher enrolments receive forward capital works programs over schools with lower enrolments. This school takes care of hardworking people. It is certainly not a wealthy area. Out of their own money the parents of students at that school have already donated sufficient funds to build a school hall and aircondition the buildings, yet a bureaucrat is saying that schools with higher enrolments will receive the benefit of capital works money over schools with lower enrolments. It is totally inappropriate.

As I indicated earlier, the general office, the principal's office to a lesser extent, and the office and security store are terribly undersized. I ask the minister to take this issue on board and overrule the decision that

provides that schools with lower enrolments suffer the consequences.

St Paul's Anglican Grammar School

Mr ROBINSON (Mitcham) — I raise a matter for the attention of the Minister for State and Regional Development, who is responsible for overseeing Multimedia Victoria and in turn the development of the state's information technology capacity. The matter concerns the recent success of St Paul's Anglican Grammar School in Warragul in achieving world-beating status at the Seattle-based Robocup Junior World Championships. I seek from the minister formal recognition by the government of this outstanding achievement by the school in entering that world competition and coming out as world champions.

Robocup Junior is a competition that has grown like wildfire in popularity in this country. It draws together the skills of children in artificial intelligence and robotics. It is extraordinarily popular among school students. After only a year of supervision by the Interact Events company, which I chair, more than 100 schools across the country are now involved in the national titles, which were held in Melbourne a fortnight ago. A number of those schools were competing in the world championships in Seattle.

The success of St Paul's Anglican Grammar School has recently been recorded in the education section in the *Age*, and I will read the details to the house. There are three disciplines, and St Paul's was successful in the soccer team category, which is nicknamed Linchi's Androids. The article states:

The team has returned home after defeating IGTV Germany by a score of 5 to 1, to become world champions at the Robocup Junior World Championships in Seattle.

The final was tense as Linchi's Androids, built from basic components worth \$300, battled it out against the German team, which, despite university backing and state-of-the-art commercial robots worth \$5000, couldn't beat the Australian side.

Teacher Ian Maud described it as 'another great example of Australian inventiveness and ingenuity'.

I join with the honourable member for Narracan in congratulating all of those involved at St Paul's Anglican Grammar School for wiping the floor with their German counterparts, who had far more resources.

I congratulate Brian Thomas at Interact Events for his sterling work in promoting the Robocup Junior competition in the national titles, and on the work he has done in encouraging schools like St Paul's to compete internationally. I seek from the minister

assistance in offering formal recognition for this outstanding achievement and all that it does to promote the longer term growth of information technology in this state. I also seek support for the school as it prepares to defend a hard-won world championship at next year's titles, which are to be held in Japan.

Bairnsdale Secondary College

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Education that relates to the Bairnsdale Secondary College and its current classification as a split campus. I have raised this issue previously with the minister.

The status of the secondary college is the result of the amalgamation of the former Bairnsdale technical and high schools. In 1991 there was a memorandum of understanding on an agreement reached with the former Labor government, the then Department of Education and the school community. That agreement designated that the school would be classed as a multicampus college. In 1993 under the Kennett government that memorandum of understanding was overridden and overturned and the school was reclassified as a split-campus school. As a result of that reclassification the school exists on two separate campuses. There is a duplication of teaching and staff rooms, library and administrative facilities and so on.

The action I ask of the minister is that she have the original signed memorandum of understanding honoured and have the school reclassified as a multicampus college. That would enable the schools to retain their separate premises — separate libraries, staff rooms and so on — because the Department of Education, Employment and Training is attempting to have the facility bulldozed on one site and rebuilt on the other. This would result in a substandard facility on one site because it does not quite meet the set model that the bureaucrats in Spring Street say it should.

The community is outraged at this and has sent a large amount of correspondence to me and the minister. Members of the school council, the staff and the students have all contacted me. Members of the community are concerned because they want the school reclassified as a multicampus school so the existing education facility can be retained. There was an outstanding issue concerning maintenance funding which has been addressed. I quote from a letter from the minister which states:

... there is an understanding that the situation is more complex than a simple matter of facilities provision and that more work is required to investigate the management of curriculum provision on the Bairnsdale Secondary College

site in the context of current department and government directions.

Basically the minister is acknowledging that there are some problems that need to be addressed for the benefit of the school.

Yarra Valley: fruit bats

Mrs FYFFE (Evelyn) — My request for action is directed to the Minister for Environment and Conservation and concerns fruit bats, or grey-headed flying foxes as they are also known. Earlier this year there was a great deal of interest in the flying fox problem in Melbourne's Royal Botanic Gardens.

I am sure it comes as no surprise to honourable members that another special task force was organised, led by the Department of Natural Resources and Environment, to examine alternative roosting sites and provide advice to the minister by the end of June as part of a long-term strategy for dealing with the bats.

It is now almost three months since the end of June. After all the consultation, discussions and forums, there is still no action. Concerned horticulturalists in my electorate have still not received any acknowledgment from the minister that the Yarra Valley will not become the new roosting site for flying foxes.

Honourable members may have noticed the recent front-page article in the *Yarra Ranges Journal* headed 'Not in our backyard', which states:

Flying foxes already cause substantial damage to local farms, and that would only intensify if more were moved closer to the Yarra Valley.

As things now stand, orchardists already experience many dollars worth of damage from attacks by flying foxes on their orchards. For example, a local orchardist in Yering lost between \$100 000 and \$150 000 last fruit season over a period of three months. Moving the bat colony even closer to fruit-growing areas such as Coldstream or Wonga Park will threaten the livelihood of many growers.

Will the Minister for Environment and Conservation assure the House that the flying foxes that now inhabit the Royal Botanic Gardens will not be relocated closer to the Yarra Valley?

Latrobe Valley: asbestos-related diseases

Mr MAXFIELD (Narracan) — I extend my congratulations to the students of St Paul's Anglican Grammar School in Warragul on their tremendous success in the Robocup Junior World Championships.

I raise a matter for the attention of the Minister for Post Compulsory Education, Training and Employment that relates to the tragic problem of asbestos disease in the Latrobe Valley. This is probably the most critical issue which has affected my area. There has been a higher level of asbestos-related diseases with the concentration of power stations in the Latrobe Valley. A lot of asbestos was used in the power stations in the form of lining and lagging for installation purposes. Exposure of those workers over many years to asbestos now relates to probably the worst industrial disaster this country has seen.

The number of deaths and illnesses that asbestos is wreaking upon the people of the Latrobe Valley can only be described as tragic. There are some places where one can walk up and down the street and say, 'In that house, that house and that house somebody has died or is dying from asbestos-related disease'.

It is an issue that has been around for some time. I congratulate the unions that have put up a long fight over many years to alert people to the dangers of asbestos. We must also be aware that many people in our community have had exposure to asbestos. As a young apprentice electrician I used to dust the asbestos off my tools as I worked in the dairy factory. That exposure level across the country was significantly enhanced in the power stations where there were billowing clouds of smoke where workers were working. We have seen the tragic and devastating cost to the community of the Latrobe Valley as many workers are either tragically ill or have died.

I acknowledge the work of the Bracks government. One of its first actions when coming into office was to enable families of asbestos victims to access compensation after the victims had died, because, sadly, for many years they had been unable to achieve that. The Bracks government cares about the people of the Latrobe Valley. I know it is a high priority of the Minister for Post Compulsory Education, Training and Employment. I congratulate all those in the Latrobe Valley who have assisted in dealing with the issue of asbestos-related diseases. Much great work in the Latrobe Valley is being done with the community to make people aware of the issues and the problems related to asbestosis.

Kilsyth Primary School

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Education to give serious consideration to providing a mod 5 classroom for the Kilsyth Primary School. The school was burnt to the ground in August 1997 and was totally rebuilt while the coalition was in

government. I visited the school on the morning of the fire, and the former Minister for Education, Mr Gude, visited the site in the afternoon.

The school contributed \$168 000 of its own funds to rebuilding, and the total cost of the rebuilding was over \$1 million. The Kilsyth Primary School has a special learning needs index of .9658 for the year 2001, but the new, attractive school buildings have meant that the school population has been boosted considerably.

I was visited in my electorate office by the principal, Allan Thatcher; the chairman of the school council, Barbara Jackson; and another member of the school council, Melinda Ruddick, who said that the school has basically outgrown the new building and needs a mod 5 classroom for four purposes. The first is the storage of school equipment, because they are using a shipping container to store tables, chairs and platforms for hall usage and another one for storing ladders, gardening tools, barbecues, gas bottles and office supplies. Secondly, it needs a uniform shop with space for storage and changing facilities; thirdly, an after-school-hours care room with office and kitchen facilities — between 25 and 30 students per night are in after-school-hours care; and fourthly, a parents meeting room with tea and coffee-making facilities to accommodate the many parents who donate their time and effort to the school.

The expertise to adapt a mod 5 building is available within the school. It does not have to be a new one. I said I would need evidence that they would put some effort in themselves, and the principal wrote to me and said that between 1998 and 2001 the school has raised \$92 295 of its own money, which is a good effort in an area where people are not wealthy. The principal, Mr Allan Thatcher, concluded his letter to me by saying:

The Kilsyth school community has done a fantastic job in raising money for the educational operations of the school in an endeavour to enhance their children's educational opportunities.

I hope you are able to help us in some way.

I again urge the Minister for Education to give serious consideration to providing a second-hand mod 5 classroom for Kilsyth Primary School.

La Trobe University

Ms ALLAN (Bendigo East) — I raise a matter for action by the Minister for Post Compulsory Education, Training and Employment. I want her to raise with the Howard government as a matter of some urgency the issue of the unfair allocation by the federal government

of university places to Victoria, and particularly the way the recent allocation of these places snubbed Victoria's regional universities. I make particular reference to La Trobe University, Bendigo. Despite being one of the strongest regional campuses in Victoria, if not the strongest, La Trobe University, Bendigo, did not receive any of the places recently allocated by the federal Liberal Government.

Members of this chamber know that the Howard government has a very poor record in the higher education area. It has only been five short years since the Howard government came to office, but it has managed to wreak havoc on our higher education system. This has been driven by a very narrow ideological approach to higher education. Since 1996 we have seen funding slashed and the higher education contribution scheme threshold raised dramatically, which has placed an extreme burden on our low-income people. This snubbing of regional universities is making it more and more difficult for people in country Victoria, and particularly young people, to access higher education.

Regional universities and regional university campuses are vitally important to regional development. The Bracks government understands that, and in the two short years it has been in office it has provided La Trobe University, Bendigo, with \$250 000 through the Centre for Sustainable Regional Communities. In addition the Treasurer recently allocated \$3.2 million through the Regional Infrastructure Development Fund for an information and communications technology centre in Bendigo.

However, we are not seeing the same spirit towards higher education from the federal government, and that is having a disastrous impact on higher education for our regional students. Victoria, and particularly country Victoria, needs a robust and properly funded university system, and not just for economic reasons. The campus at Bendigo provides \$50 million to the Bendigo community directly and indirectly, and many cultural benefits flow from that.

I ask the Minister for Post Compulsory Education, Training and Employment to urgently take action in strongly raising this matter with her colleagues at the federal level in order to address this incredibly inequitable situation.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bentleigh has 2 minutes.

Eastmoor Primary School site

Mrs PEULICH (Bentleigh) — I raise a matter for the attention of the Minister for Housing in relation to her department's submitted proposal for a facility of 20 one-bedroom units for homeless men and women on the former Eastmoor Primary School site. The proposal has been submitted to the Glen Eira City Council and is going through the process of advertising for objections, of which there have been many.

I have tabled in this house a petition containing several hundred signatures, and a series of public meetings have been held on Sunday mornings that attracted more than 200 people. The group involved is having another meeting this coming Sunday morning. I have asked for a delegation to be received by the Minister for Housing. I know the group has written to the Minister for Education asking whether she can guarantee that future clients of this facility will not pose any threat to children at the Bentleigh Secondary College and the autistic school, especially given the fact that many of these clients would unfortunately be people with histories of drug and alcohol abuse, mental health problems, and possibly former justice department clients.

The East Bentleigh community wants the Minister for Housing to withdraw the proposal and not let it go to the Victorian Civil and Administrative Tribunal (VCAT), as it invariably will. They want the minister to ensure that more appropriate use of the site occurs. There is very significant concern in the community. This concern has not abated, and it will not abate if the proposal is approved by either the Glen Eira council or VCAT. Furthermore, it is not the preferred site of the people who will operate the facility, Wintringham.

According to freedom of information documents received by the East Bentleigh action group, Wintringham concedes that it is not the preferred site. It prefers an inner suburban facility. Therefore, I ask that the minister make an immediate withdrawal of the existing plans.

Responses

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Narracan referred me to the important matter of former State Electricity Commission of Victoria (SECV) workers who were exposed to asbestos in the time they worked in the Latrobe Valley and the stress created both for those workers and their families by the fear of being diagnosed with asbestos-related diseases.

As honourable members know, mesothelioma is an insidious disease. Development of the disease has a long lead time — it can be up to 40 years — but it can take only a few months between the diagnosis of mesothelioma and death. Many workers or ex-workers at the SECV live in constant fear that they will be diagnosed with mesothelioma or other asbestos-related diseases and suffer ensuing health problems and for many of them have death visit them fairly quickly.

A real concern in the Latrobe Valley has been that the lung function program of regular check-ups designed for people who had been exposed to asbestos and who previously worked at the SECV was not operating. There was no ongoing contact with the workers, and they were not getting their regular check-ups. Those problems were brought to my attention last year as a result of the Latrobe Valley task force, so the government has reviewed the programs in place and their appropriateness.

The lung function program in the Latrobe Valley was established in 1979. At the time it was world best practice. The government is not sure that it is world best practice now. I have taken action to establish a thorough and independent scientific review of the health status of former SECV workers who were exposed to asbestos during their working lives. This research work will develop a control group of former SECV workers. It will look at all their files and all the different variables and track their health progress through to the current day to examine what has happened to them and the treatment they have received, as well as looking at new forms of health management for those with asbestos-related lung diseases.

The government wants to put in place the best program possible, but it also wants to make sure it stays in touch with the ex-workers wherever they are in Australia so that they continue to get the best and most up-to-date information as it becomes available.

The review will start in October. It will take nine months to complete and cost approximately \$200 000. It will be chaired by Ms Alex Butler, who grew up in the Latrobe Valley. She has done a lot of health-related research so she is an appropriate person to steer that committee through its work.

The government will also establish a reference group to ensure that people who have health concerns and who live in fear of contracting asbestos-related diseases can stay in touch with the steering committee. The steering committee will be technical in nature. The government wants to make sure the language is demystified so people can be involved in the process all the way

through. We take their concerns into account. We know what is going to work and what will not work.

I take the opportunity to thank the honourable member for Narracan, who has worked closely with the people down there, including people who are part of the guards group and people who live with the ongoing concern that they will contract an asbestos-related disease. The Department of Human Services is putting a community development worker in place to make sure that people are getting the ongoing information and support they need. We can at least assist with some of the fear they constantly live with, as well as provide the best possible health treatment.

The honourable member for Bendigo East raised a matter relating to higher education funding and recent funding announcements made by the federal government. I take this opportunity to wish the honourable member for Bendigo East a very happy birthday — it's a great place to spend your birthday! You are a lot younger than us.

The matter she raised relates to recent funding for both regional places and Backing Australia's Ability places. I want to put into context some of Victoria's higher education funding cuts. Between 1996 and 2000 higher education places were cut by over 6000 right around Australia. Victoria copped over 98 per cent of those cuts. It has 25 per cent of the population and 25 per cent of all funded university places in Australia, but it is copping almost 98 per cent of the cuts. This means that in the year 2000 almost 20 000 applicants eligible for university places were turned away in Victoria. We are turning away people who are eligible. Other states are letting those people through to higher education. It means that in Victoria you have to be smarter to get a place.

In January 2001 in its innovation statement *Backing Australia's Ability* the commonwealth government announced the creation of 2000 additional university places each year over five years in information and communications technology and mathematics and science and also announced 5226 additional places for regional universities. What did that mean for Victoria? You would have thought it would have got 25 per cent of those places. In fact it did not. It got an appalling 45 regional places in Victoria — not even enough to fill a lecture theatre! Forty-five out of a total of 670 places each year.

Compare this to Queensland, which got 305 places. It does not have the same demand Victoria has; it puts people through easily. Victoria got 45 places; it got just over 6 per cent of the places available across Australia.

It got 430 Backing Australia's Ability places out of a total of 2000, which is just over 21 per cent of the places — Queensland got 520. This is appalling for students in Victoria who are eligible and capable and not able to get the higher education places.

Where did those regional places go? They went to the Lilydale campus of Swinburne University of Technology. It was fantastic that Lilydale finally got some places. It deserves them, but it got regional places rather than the straight places it should have got. Places also went to Monash University's Gippsland campus, but most of the regional campuses missed out. I would have thought all honourable members would be appalled that Victoria missed out on these places.

I have met with all the vice-chancellors, who are very distressed about what is happening. My view is that this was a whiteboard effort designed to meet the needs of an impending federal election. The placements are not based on the demand in Victoria, and they are not based on what we should have in terms of population share. The government will be writing to the Prime Minister to highlight its concerns as well as making sure that the public is completely clear about what is a terrible effort in Victoria.

I will not run through all the capital investment we have made in higher education in Victoria since we came to office, but it is worth mentioning just a few of the investments we have made, starting with \$10.5 million in Churchill for a purpose-built education centre adjacent to Monash University.

We have invested \$3.13 million for a flexible learning centre for regional and rural development at RMIT University's Hamilton campus; \$6.5 million to develop La Trobe University's Bendigo campus; and the list goes on. That is separate to the money we have put in for the synchrotron and also for Bio21.

Mr Baillieu interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Hawthorn is out of his place and disorderly.

Ms KOSKY — We have made a major capital investment, and as the honourable member for Hawthorn knows, we have made a major investment in terms of training in this state. We expect our federal counterparts to come up with the goods for higher education.

Mr Baillieu — On a point of order, Acting Speaker, the minister is ignoring the fact — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I would like to hear the point of order. I ask the Minister for Post Compulsory Education, Training and Employment to wait.

Mr Baillieu — The government will not be funding places in Victoria as the previous state government did.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order. I remind the honourable member not to raise spurious points of order. The minister has finished her response.

Ms PIKE (Minister for Housing) — The honourable member for Bentleigh raised with me the proposed development for older people on the site of the former Eastmoor Primary School in Chesterfield Road, Bentleigh East, which was purchased by the Office of Housing in June 1999. At that time the Office of Housing purchased the site to develop it as a housing development for people with a history of homelessness, people who have a history of insecure accommodation and people who are older and need access to secure and affordable housing at the later stages of their lives.

Mrs Peulich — On a point of order, Acting Speaker, I would hate the minister to inadvertently mislead the house because — —

Ms Kosky — That is not a point of order.

Mrs Peulich — Are you the Acting Speaker?

The ACTING SPEAKER (Ms Davies) — Order! I would prefer the honourable member to continue, making sure she has a point of order.

Mrs Peulich — I would hate the minister to inadvertently mislead the house as the site certainly was purchased for older persons' accommodation, but a contract for the development of older persons' accommodation for the homeless is not tied to that site, and it is the minister's responsibility to find an appropriate site.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order.

Ms PIKE — The application to rezone the land was actually lodged with the City of Glen Eira on 19 July 2000. The application was publicly advertised last year; no objections were received, and the rezoning was approved in February by the Minister for Planning as recommended by the council.

The Office of Housing is proceeding with its plans to work with the community to develop the site, which will be managed by Wintringham. It is important that we consider the process the Office of Housing has undergone.

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Bentleigh to allow the minister to continue.

Ms PIKE — The department has written to 400 residents and councillors of the City of Glen Eira. It has provided details of the proposed development and information days. It has given opportunities for residents to ask questions about the proposed development, and we have — —

Mrs Peulich interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Bentleigh has been asked several times to stop interjecting.

Ms PIKE — The department has engaged in an extensive consultation process with the council and local residents in its work to develop a planning permit and a proposal for the site, which was finally lodged in April 2001. Some residents have expressed concern about the proposed development, but the real issue is where does this concern come from.

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc is out of his place and disorderly.

Ms PIKE — Given that there were no objections to the original proposal, I would hazard a guess that the concern about the proposed development is based on a misunderstanding. Where is this misunderstanding coming from? It has been fuelled by local members who have no understanding or appreciation of the type of service or the client group. The lack of commitment of opposition members is exemplified by their lack of action and their continual questioning about the proposal both in the community and in the house.

The real issue is: where does the honourable member for Bentleigh anticipate that 20 older, long-term homeless people should live? I suggest the honourable member for Bentleigh go to some of the other Wintringham hostels, meet with some of the people who run the facilities, meet with some of the — —

The ACTING SPEAKER (Ms Davies) — Order! Does the honourable member for Bentleigh have a point of order?

Mrs Peulich — I am glad that the Chair is recognising my right to raise a point of order, which is every member's right in this house. My point of order is that the answer is an inner suburb where Wintringham, the operators, would prefer to run the service.

The ACTING SPEAKER (Ms Davies) — Order! I consider what the honourable member for Bentleigh just did was inexcusable. The honourable member for Bentleigh is an Acting Speaker and knows the rules, and I assume she knows in what terms a point of order should be expressed. I will refuse to hear the honourable member unless she expresses her point of order properly, as she well knows she should.

Ms PIKE — We have a responsibility to provide — —

Mr Leigh interjected.

Ms PIKE — Look, I would like to — —

The ACTING SPEAKER (Ms Davies) — Order! I would prefer the minister did not respond to the interjection, and I would prefer the honourable member for Mordialloc to get back to his place and cease being disorderly.

Ms PIKE — The kind of attitude that has been fuelled in the community is that by providing accommodation for homeless people we are, as the honourable member for Mordialloc said, 'dumping these people on us', implying that these people do not belong in the community.

Mr Leigh — On a point of order, I demand the minister withdraw. I was defending the Mentone autistic organisation, which is a fabulous organisation. I participated in making sure that not only they move over in that direction. What the minister is doing is misleading the community, and it is an outrage. You ought to be ashamed of yourself!

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order.

Ms Kosky — On the point of order, Madam Acting Speaker, I heard the honourable member for Mordialloc say the words 'dumping the people on our community', so there is no need for an apology.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order. I ask the honourable member

for Mordialloc to listen to the minister without any further interruption.

Ms PIKE — There is misinformation circulating in the community about the proposed development. Some of this misinformation is that it is going to be a drug detoxification centre and that it will be a rehabilitation centre.

It is reprehensible that the honourable member should come into the house and say that people in the community would be concerned that there would be a threat to children. We are talking about older people — that is, men and women aged over 50 or 60 — who have a history of homelessness.

Mrs Peulich — On a point of order, Madam Acting Speaker, the minister is attributing comments that are a distortion of what I said — that is, on the question of a guarantee being sought by East Bentleigh residents from the Minister for Education that this will not occur. She is attributing comments to me, she is misleading the house, she has misled the committee and she is a disgrace.

The ACTING SPEAKER (Ms Davies) — Order! For the third time, there is no point of order. The minister, concluding her answer!

Ms PIKE — I am proud of the Bracks Labor government's commitment to homeless people, the needy and the disadvantaged in our community. I am proud of the fact that we work hard to make sure these people have every opportunity to be included in our community and that they can live their lives with dignity. We are talking about 20 vulnerable, older, frail people. The only suggestion the honourable member for Bentleigh has is 'I do not want them near me'.

Mrs Peulich — On a point of order, Madam Acting Speaker, I would hate the minister to inadvertently mislead the house. The units are independent units, not units for the frail or aged.

The ACTING SPEAKER (Ms Davies) — Order! There is no point of order.

Mr Robinson — On the point of order — —

The ACTING SPEAKER (Ms Davies) — Order! I have already ruled there is no point of order.

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! Honourable members are getting a little excited. Everybody should calm down.

Mr Robinson — On a point of order, I draw attention to the excellent ruling made by Acting Speaker Kilgour on 23 August this year, when he referred to stupid points of order. I ask that you, Madam Acting Speaker, bear that in mind when ruling on the constant interruptions to the proceedings of the house this evening.

The ACTING SPEAKER (Ms Davies) — Order! I have already ruled there is no point of order.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Burwood for his keen interest in this the International Year of Volunteers and his conscientious work in promoting volunteerism in his electorate, particularly in the municipalities of Boroondara and Monash. From the feedback I have received from his fabulous promotion of the International Year of Volunteers I know that his constituents are most appreciative of the fact that they have — —

Mr Haermeyer interjected.

The ACTING SPEAKER (Ms Davies) — Order! The Minister for Police and Emergency Services should restrain himself.

Ms CAMPBELL — The constituents of Burwood are particularly appreciative of their member's strong representations in promoting volunteerism. The honourable member has pointed out the importance of local government to the International Year of Volunteers, which is a theme the government has picked up on. It has allocated around \$300 000 to local councils for a range of community celebrations in conjunction with their local communities.

I am pleased to let the honourable member for Burwood know that Boroondara and Monash are two councils that have been successful in their applications for the grants program. The International Year of Volunteers community project grants of around \$15 000 — —

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Mordialloc has been asked several times not to interject.

Ms CAMPBELL — The Boroondara City Council put in a proposal for a volunteer community road show. It applied for \$15 000 and was successful in obtaining that grant for its volunteer resource centre to develop a road show in conjunction with not-for-profit agencies,

local business and local government services — an excellent partnership approach.

The road show has three components. The first is a photographic exhibition entitled 'A day in the life of a volunteer'. The second is mobile information booths. As part of the government's strategy in the International Year of Volunteers we want to celebrate, encourage and strengthen volunteering, so this road show we trust will, as a result of Boroondara's proactive work, get more volunteers to sign up. Thirdly, the council intends providing a range of merchandise that will elicit pride in volunteering.

The Monash City Council is keen to promote volunteering among young people. It is an excellent council, as the honourable member for Springvale says. It trained some excellent and able budding politicians some years ago and we are here to reap the great rewards of that council's youth approach. The Monash youth volunteering project has also been successful in obtaining \$15 000, and I am sure the honourable member for Burwood, his local council, businesses and the volunteers in his area will greatly appreciate the partnership of state government and local members getting actively involved.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Dromana raised a matter concerning police presence on the Mornington Peninsula, referring most particularly to the Sorrento area. The concern involves the activities associated firstly with the growing number of people not only living in the area but coming to the area and the extended trading hours. Certainly the whole area seems to have attained a far greater level of liveliness. There is a lot more night-life in the area. It has developed a certain vivacity, which is a good thing, but at the same time that has associated with it some behavioural problems which require police attention. It is a phenomenon we see across the state as we have more 24-hour licensed venues, we have a better night-life and we have a better — —

Mr Leigh interjected.

Mr HAERMEYER — Goodness gracious, Madam Acting Speaker, it is about time we locked Quasimodo up in his belltower!

Mr Leigh interjected.

The ACTING SPEAKER (Ms Davies) — Order! I think we can do without personal insults across the chamber from either side of the house. I ask the honourable member for Mordialloc to keep his mouth shut for a while.

Mr Leigh — Anything you say, member of the government!

Mr HAERMEYER — I think that was a reflection on the Chair, was it not?

The ACTING SPEAKER (Ms Davies) — Order!

Mr HAERMEYER — Certainly with the increase in the 24-hour entertainment venues around the place and the increase in restaurants and entertainment venues all over the state, this phenomenon is probably not unique to the Mornington Peninsula. As perhaps what we might refer to as one of the state's summer playgrounds, it certainly has some heightened impact there.

I will draw the attention of Victoria Police to the issues the honourable member has raised and ask it to investigate the adequacy of policing in the area and have a look at the distribution of police across certain times and days of the week. We will ensure that the honourable member gets a fulsome answer to the matter he has raised.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Rodney raised for the attention of the Minister for Education a matter relating to a bus interchange at Echuca High School. I will bring that matter to her attention.

The honourable member for Knox raised for the attention of the Minister for Education a matter in relation to Mountain Gate Primary School. I note that the school has already received significant funding but there was a request for further funding. I will refer that matter to the Minister for Education.

The honourable member for Mitcham raised for the Minister for State and Regional Development a matter relating to the Robocup junior competition and St Paul's Anglican Grammar School's participation in the Robocup. I will draw that matter to the minister's attention.

The honourable member for Gippsland East raised for the attention of the Minister for Education the Bairnsdale Secondary College being a split-campus school. I will bring that matter to the attention of the Minister for Education.

The honourable member for Evelyn raised for the attention of the Minister for Environment and Conservation a matter relating to fruit bats, or flying foxes, in her electorate. I will draw that matter to the relevant minister's attention.

The honourable member for Mooroolbark raised for the attention of the Minister for Education a matter relating to a mod 5 classroom for Kilsyth Primary School. I shall draw that matter to her attention.

The ACTING SPEAKER (Ms Davies) — Order!
The house stands adjourned.

House adjourned 11.01 p.m.