

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FIFTH PARLIAMENT**

**FIRST SESSION**

**25 November 2003**

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**Tuesday, 25 November 2003**

**The SPEAKER (Hon. Judy Maddigan) took the chair at 2.05 p.m. and read the prayer.**

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! Today is the 147th birthday of the Parliament of Victoria. We welcome to our gallery today a member of the Hellenic Parliament, Mr Papanickolaou, and a member of the Arizona House of Representatives, Mr Ken Clark. Welcome to our Parliament!

**QUESTIONS WITHOUT NOTICE**

**Freedom of information: ministerial intervention**

**Mr McINTOSH (Kew)** — My question is to the Attorney-General. Is it the government's policy to allow a minister to personally intervene in the freedom of information process in an attempt to persuade an applicant to withdraw their request for information?

**Mr HULLS (Attorney-General)** — I thank the honourable member for his question. It has been 539 days since he last asked me a question — 539 days! I had this card prepared, which says it has taken 539 days — —

**The SPEAKER** — Order! The Attorney-General, to answer the question!

**Mr HULLS** — I am happy to hand it across to him, because I appreciate the fact that — —

**The SPEAKER** — Order! The Attorney-General, to answer the question!

**Mr HULLS** — I appreciate the fact that after more than two years the opposition has finally found — —

**Mr Doyle** — On a point of order, Speaker, relating to relevance, we know the Attorney-General thinks all issues are about him, but this question is not about the Attorney-General, it is about probity and it is about process. I ask, Speaker, that you require relevance, directness and truth from the Attorney-General.

**The SPEAKER** — Order! Question time is not an opportunity for the government to attack the opposition. I ask the Attorney-General to answer the question.

**Mr HULLS** — So for the honourable member after two years — —

**The SPEAKER** — Order! The Attorney-General will answer the question or I will sit him down.

**Mr HULLS** — So for the honourable member to finally come up with a question after two years is great. I say simply in relation to freedom of information that I am quite sure the honourable member would know that under this government more documents have been released more often. I am also quite sure that he has read the relevant legislation and that he would know full well what a person's rights and responsibilities are under that legislation — and indeed we abide by that.

**Public transport: government initiatives**

**Mr HUDSON (Bentleigh)** — My question is to the Minister for Transport, and I ask: will the minister outline the details of the Bracks government's plans to fix the mess left for all Victorians resulting from the previous government's failed public transport privatisation experiment?

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is too high. I could not hear the member's question, and I ask him to repeat it.

**Mr HUDSON** — I will repeat it with pleasure, Speaker. My question is to the Minister for Transport. Will the minister outline details of the Bracks government's plan to fix the mess left for all Victorians resulting from the previous government's failed public transport privatisation experiment?

**Mr BATCHELOR (Minister for Transport)** — I thank the honourable member for his question. This morning I announced a major restructure and streamlining of our public transport ticketing system, which involves an increase in fares. This action was necessary to fix the mess left behind by the failed Kennett privatisation. This restructure is taking place despite the fact that 12 months ago the system was on the verge of collapse as a result of the mishandling of contracts by the previous Liberal government.

We have been able to keep the system running and services have been improved. It is a great credit to all those who have put their shoulders to the wheel in these very difficult circumstances, and in achieving this we have been able to improve services right across the board. As a result of today's fare increase we have been able to contribute to the increased viability of our public transport system while at the same time minimising the impact on pensioners and regional Victorians. These two groups were consistently neglected and ignored by the previous Liberal government.

V/Line fares will only increase by the annual consumer price index rate, and pensioners will only pay an extra 20 cents for their 60-plus tickets. This means that they will be able to travel on the entire metropolitan system all day for \$2.80. Across all zones no single daily fare will increase by more than 90 cents. In fact, the fare increases for tickets generally range between 10 cents and 90 cents for individual tickets.

This restructure will deliver financial stability, improved safety, and a simplified range of ticketing options — and all the revenue raised from the new fare structure will go back into running the public transport system; and that includes 100 extra safe travel staff, who will be employed to patrol every train on Melbourne's metropolitan system after 9.00 p.m. until the last train. This is a great initiative. We will have extra staff out on the train network so they can cover every train after 9.00 p.m. through to the last train. They will travel out along every train line, they will walk through the carriages, and they will be able to get out and patrol the stations and go into the car parks. We have done this because the community has said it wants safer public transport. We have listened and responded, and through this initiative we will be able to deliver.

Unlike the previous government, we are committed to ensuring the ongoing viability of our public transport system so that it continues to operate and is available to all Victorians. Increasing fares was a necessary decision; it was the only way we could guarantee that all public transport services would be open, functioning and continuing. We will not close lines, and we will not cut back services, because these are not options that this government is prepared to adopt, in stark contrast to the previous Liberal government.

This package delivers safer services and a more streamlined and equitable fare structure, with minimal impact on pensioners and regional Victorians, and it is all done in a financially responsible way.

### **Hazardous waste: containment sites**

**Mr RYAN** (Leader of the National Party) — My question is to the Minister for Major Projects. Will the minister publicly release the list of 100 sites originally considered by the government for a toxic waste dump, together with the data already compiled relating to the three short-listed sites?

**Mr BATCHELOR** (Minister for Major Projects) — When I was at Violet Town recently this question was asked; I answered it then and the answer is still the same. Interestingly the Leader of the National Party

was in the audience, but he must not have been paying attention and not listening.

It was a very constructive meeting of people from one of the study areas. This government is prepared to go out and talk to local communities, as we have done with the people of Violet Town. Together with Minister Holding, we will go to the other areas. Communities that are in or surrounding the study areas for this total containment facility can be fully apprised of all the actions we are taking and, importantly, what role they can take in the environment effects statement that is planned for each of these sites.

As I said at that public meeting, we are encouraging local people to get involved. They have a wealth of valuable information; they have local knowledge. We want them to feed that into the environment effects statement process. This is the beginning of a process, it is not the end of the process. We have identified the study areas, and we have set in place a process that will engage with people and respect their local knowledge and views. We are encouraging them to engage with it right from the very commencement, not at the end.

### **Rural and regional Victoria: growth**

**Ms OVERINGTON** (Ballarat West) — My question is to the Premier. Will he advise the house of recent evidence that supports the government's strategy in rebuilding confidence and optimism throughout regional Victoria?

**Mr BRACKS** (Premier) — I thank the member for Ballarat West for her question and for having a longstanding commitment to regional policy in Victoria. I would like to inform the house of a recent annual report that highlights the success of this government in its initiatives aimed at building the economies of regional and country Victoria.

The annual report, *State of the Regions 2003–04*, was prepared by National Economics and released by the Australian Local Government Association (ALGA) on 23 November. It is an annual stocktake of the economic wellbeing of Australia's regions, and it does some ranking of them. It shows up very clearly that in Victoria our regional centres, particularly Ballarat, Bendigo and the Shire of Mitchell, are stand-out centres in relation to economic and population growth.

The report details that between 1996 and 2001, the study period, the population of Ballarat, for example, grew by 5.7 per cent and employment growth was a whopping 19.7 per cent. In Greater Bendigo, where I had the opportunity to be recently with two ministers,

population grew in the same period by 7 per cent and employment was even greater, at 20.9 per cent. Population in the Mitchell shire, which I know the member for Seymour has a keen interest in, grew by 10.7 per cent, and employment growth was a whopping 29.1 per cent in that period.

On top of this growth I am pleased to say that the report rates Ballarat as the regional city in Australia with the best growth potential of all those cities that were examined by the ALGA. It also rates Bendigo in the top 10, at no. 5, and Albury-Wodonga features in the top 20. Mitchell shire rates as the nation's third-best performing regional area for job growth.

Looking at the aggregate and overall position of unemployment and job growth in regional Victoria, when we came to office the regional unemployment rate was 8.9 per cent. The most recent figures for last month show that there is now a country unemployment rate of 5.3 per cent. That is a turnaround of 3.6 per cent — an enormous turnaround in only four years, a short period of time.

**Mr Smith** interjected.

**Mr BRACKS** — I welcome the interjection. Although I will not respond to it, because it is out of order, I will make a related point. If you look at the comparison between Victoria and the rest of the country, you can see that we have the lowest unemployment rate and that our country unemployment rate is amongst the lowest, if not the lowest, in the whole of Australia as well. So not only have we done well from 1999 to 2002–03, but we have done well when compared to other states. I put this down to a government that is willing to ensure that country and regional Victoria are part of the growth picture in our state.

The Regional Infrastructure Development Fund, which now has contributed some \$166 million to 81 capital works projects around the state, has been an outstanding success — one which is being copied by other jurisdictions around Australia and also internationally. It has also levered significant extra private sector and other government investment.

The investment in regional rail by this government has been unprecedented and has turned around what we found with country rail closing in regional Victoria under the previous Liberal-National party government. We have also invested in information and communications technology links so that not only do we have better transport but better communications links, which all helps make regional and country

Victoria more competitive for jobs and population. We know now with the Make It Happen in Provincial Victoria campaign that many people are starting to choose regions as their location to live and work in in the future.

I am very pleased with this report. It endorses and supports everything this government has done over the last four years. It has ensured that we all recognise and acknowledge that country Victoria — regional Victoria — is much better now than it was four years ago.

### **Police: files**

**Mr DOYLE** (Leader of the Opposition) — My question is for the Minister for Police and Emergency Services. I refer the minister to his improper and illegal access to police files and to subsequent freedom of information applications by Liberal members of Parliament, former members of Parliament and candidates. Is the minister aware of any other freedom of information applications regarding illegal or improper access to the LEAP — law enforcement assistance program — system, particularly by representatives of gun owners and sporting shooters?

**Mr HAERMAYER** (Minister for Police and Emergency Services) — I do not know what freedom of information applications representatives of sporting shooters may or may not have put in. I am aware of some that have been touted about in the media, but if the Leader of the Opposition has some specifics, I would be happy to try and treat with him.

### **Rural and regional Victoria: government initiatives**

**Ms GREEN** (Yan Yean) — I direct my question to the Minister for State and Regional Development. Will the minister outline to the house a recent initiative assisting communities across regional Victoria, and will he advise of any particular endorsements of such policies from former critics?

**Mr BRUMBY** (Minister for State and Regional Development) — At the last election the Bracks government promised to introduce a new program called the Small Towns Development Fund, committing \$20 million over four years. In this year's budget we provided funding for that, and I am pleased to say we now have programs, initiatives and projects out there sustaining small country towns right across the state of Victoria.

If it was true that the former government believed the country parts of Victoria were the toenails, the Bracks government believes that country Victoria is the lifeblood of our state in building and sustaining opportunities for all Victorians. We are delivering to every town and every suburb across the state. To date we have announced programs for small towns like Hattah — and I was there recently with the member for Mildura — and places like Yea.

Today I am pleased to announce two further grants. One is \$200 000 toward the Glenelg telecommunity project. This will link four areas in south-western Victoria: Casterton, Heywood, Dartmoor and Nelson. I am also pleased to announce a commitment of \$120 000 towards the Yackandandah industrial estate. I am pleased to say the council has already confirmed two long-term lessees: Yackandandah development company fuel outlet and Indigo Way Services.

All of that builds on what we have been doing in things like the Regional Infrastructure Development Fund. That has now built up something like \$400 million worth of activities and projects across the state. As the Premier said earlier, whatever set of variables you want to examine for country Victoria, they have been fantastic since the election of the Bracks government.

Population growth is the highest in 10 years; employment growth has been almost 10 per cent since we were elected — the unemployment rate is down from 8.9 per cent to 5.3 per cent; and there have been record levels of building investment. It is a strong story of growth from a government that believes provincial Victoria is really the lifeblood of our state.

Finally, another town we could look at is obviously Shepparton. We have provided \$200 000 to upgrade Shepparton aerodrome, \$500 000 for the Florence Street industrial development, and we have committed up to \$3 million to redevelop the Shepparton showgrounds. The government's commitment in this area has been confirmed in a recent commentary, and I quote:

Over the last year the number of people living in Shepparton has increased by 1.5 per cent and yet Shepparton —

despite that —

is only ranked the 24th fastest growing local area in the state.

It goes on further to state:

For the 12 months ended to June 2003, there was \$110.6 million invested in the construction of houses and other buildings in the Shepparton area.

...

Almost 1000 hectares of new orchard plantings have also been undertaken in recent years and the net total of fruit trees in Goulburn Valley has now risen to about 4.6 million trees.

I would have to say that is a great endorsement of an area that is growing. This particular commentator is certainly not well known for his knowledge of regional Victoria, but in this case you have to say that that commentator is spot on. Who is this commentator? It is none other than the Leader of the Opposition. At the recent Liberal Party — —

**Mr Perton** interjected.

**Mr BRUMBY** — I read the speech. I will tell you what I noticed in reading the speech: I noticed those sections, and they were a very good endorsement of the Bracks government. And I noticed that a number — I think eight — of the shadow ministers were referred to in the speech but that three were absent: the shadow Minister for State and Regional Development, the shadow minister for manufacturing — —

**Mr Perton** — On a point of order, Speaker, the minister is debating the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. The minister was debating the question. I ask the minister to return to answering the question.

**An honourable member** interjected.

**Mr BRUMBY** — No, I said the shadow minister for manufacturing did not get a mention either.

**The SPEAKER** — Order! The Minister for State and Regional Development, to answer the question.

**Mr BRUMBY** — I am doing that, Speaker. As I said, that part of the speech I think was positive, but it was of concern that although a number of shadow ministers were mentioned, there some who were not, and they are the ones that the Leader of the Opposition — —

*Honourable members interjecting.*

**The SPEAKER** — Order!

### **Police: files**

**Mr DOYLE** (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I refer the minister to his previous answer, and I ask — —

**Mr Nardella** — You are going to have another go!

**The SPEAKER** — Order! The member for Melton will be quiet while the questions are being asked.

**Mr DOYLE** — I refer the minister to his previous answer, and I ask: did the minister personally meet at the Park Hyatt with a representative of a lobby group for gun owners and shooters to discuss that person's police file freedom of information application and to assure that applicant that there was nothing to worry about in the applicant's confidential police file?

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I have to say, given this sort of little campaign the Leader of the Opposition has been running, there was an article in the *Sunday Age* some weeks ago where the Sporting Shooters Association of Australia, or I think they called themselves the Combined Firearms Council of Victoria at that particular point, made a complaint that they suspected that files of candidates supported by them prior to the last election had been improperly accessed.

I contacted Mr Ziccone, with whom I have met on a number of occasions, as I do with a variety of stakeholders across the whole firearms issue. I asked him to meet with me to discuss the suspicions, or accusations if that is the case. I met with him at the Park Hyatt hotel, and he in fact indicated that he was a bit embarrassed by it all. He said it was really an attempt by the Combined Firearms Council of Victoria to get attention for another issue. That was what he — —

**Mr Doyle** interjected.

**Mr HAERMEYER** — I did not approach him to in any way — —

**Mr Doyle** — You can't even get your story straight from question to question.

**Mr HAERMEYER** — I did not approach Mr Ziccone to ask him to withdraw a freedom of information application. That is absolute nonsense. What I said was that I discussed it with him, and I assured him that no member of this government has any interest in checking the files of the Combined Firearms Council candidates or any others.

### **Employment: growth**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Employment and Youth Affairs. Will the minister advise the house of any recent evidence that reaffirms the strong optimism in Victoria's employment outlook?

**Ms ALLAN** (Minister for Employment and Youth Affairs) — I thank the member for Bellarine, who also has a strong commitment in this area, for her question.

The Bracks government is very proud of its strong record in growing jobs right around Victoria over the past four years, and the employment forecast study that was released today by the *Age* further confirms the fact that Victoria is the place to be, the place to work and the place to live. The forecast indicates that this trend is set to continue. The *Age* forecasts 15 000 new jobs for Victoria for the February quarter of 2004. The *Age* also highlighted the fact that job growth is up from an average of 12 700 jobs per quarter earlier this year to 13 500 jobs for the November 2003 and February 2004 quarters.

According to the *Age* there are other indicators that also look promising, including gross state product and consumer spending confidence, which is on the improve. This also points to continued strong jobs performance for Victoria. These figures confirm that the policies of the Bracks government are making a real difference right across Victoria.

The Premier and the Minister for State and Regional Development have referred to Victoria's strong employment figures. We know that Victoria's unemployment rate is the lowest in Australia, and we have been at or below the national rate now for the past 41 months. Compare this to the previous Liberal and National Party government when Victoria's unemployment rate was consistently above the national rate.

Since the Bracks government came to office in October 1999 we have seen an additional 188 000 jobs created in Victoria, which is fantastic news for the state, but particularly for country Victoria which has also shared in this growth. Employment in country Victoria has increased by more than 50 000 jobs over the same period. In the last 12 months the average unemployment rate in country Victoria has been at 5.4 per cent. Compare that to the previous government when it did not drop below 8 per cent for its entire seven years in office.

The evidence is clear that the Bracks government is rebuilding country Victoria. To confirm this we only have to ask some of the National Party members about their regions. If you look at the regions covered by the electorates of Murray Valley, Shepparton and Benalla, you will see that the unemployment rate across this area has dropped by 1.6 per cent since October 1999 and is now at 3.2 per cent — very strong figures. The member for Lowan, along with the members for Polwarth and

South-West Coast, should also note that regional unemployment has dropped by 2.1 per cent.

At lunchtime many members attended the function in Queen's Hall hosted by the Shire of Baw Baw and organised by the member for Narracan. We heard there about the strong economic performance and employment growth in the Baw Baw shire. Figures show that in that Gippsland region the unemployment rate has dropped by a significant 3.1 per cent since the government came to office in 1999. These results confirm that job creation is not just a matter of luck. It is something that takes a lot of hard work and commitment by a government that is determined to ensure that country Victoria gets its fair share. That is what the Bracks government is certainly committed to doing.

Yesterday I announced our latest initiative in attracting skilled migrants to Victoria. This is something that is mentioned in the *State of the Regions 2003-04* report, which highlights population growth as being vital to regional economies. Part of our new initiative in this area is that in six regions around country Victoria I will be conducting working parties with local communities to look at ways to better attract and retain skilled migrants in those parts of Victoria.

This is an important part of our Jobs for Victoria package of employment programs, which of course includes the highly successful community jobs program, which is the only employment program of its type in Australia and is having some outstanding outcomes. Ominously for this jobs program, it is one that the opposition did not commit to in its 2002 election policy, so we know clearly what would happen to this program under a Liberal government.

We are committed to getting on with the job in this area and to growing jobs right around Victoria, which is why we have our \$155 million Jobs for Victoria package. Compare that to the pathetic \$1 million the opposition promised at the last state election!

**The SPEAKER** — Order! The Leader of the National Party was about to point out that the minister has spoken for too long.

#### **Police: files**

**Mr DOYLE** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Attorney-General's first answer today and to the two contradictory answers by the Minister for Police and Emergency Services. Further I refer the Premier to the Minister for Police and Emergency Services's improper

use of police files, his misleading of the house on the speed camera contract and his incompetence, leading to the subsequent revenue freeze on 47 speed cameras, and I ask: if the Minister for Police and Emergency Services has now also improperly met with a police files freedom of information applicant, shown a knowledge of the applicant's police file and sought to have the freedom of information request withdrawn, would this finally constitute a sacking offence?

**The SPEAKER** — Order! It was a very lengthy question. The Premier, to respond.

**Mr BRACKS** (Premier) — Yes, Speaker, it was a lengthy question. I thank the Leader of the Opposition for his question. I actually disagree with the assessment of the opposition leader. Firstly, the Minister for Police and Emergency Services's answers were not contradictory at all; they were consistent. Secondly, the Minister for Police and Emergency Services answered the questions appropriately.

What you have to say about this police minister is he has employed more police and has presided over a reduction in crime and the most resources that have gone to police for more than a decade — very successfully.

#### **Chief Justice of Victoria: appointment**

**Ms McTAGGART** (Evelyn) — I direct my question without notice to the Attorney-General. Will the Attorney-General inform the house of his progress in appointing a new Chief Justice of Victoria?

**Mr HULLS** (Attorney-General) — I thank the honourable member for her question. Can I say that one of the privileges of being an Attorney-General is to be involved in the appointment of judges. However, with this privilege comes a critical responsibility to appoint the best and brightest to our benches. This responsibility is particularly acute in the context of the appointment of a chief justice.

The Supreme Court of Victoria, I am sure everyone will agree, is one of Australia's greatest common-law courts. This proud history must be preserved and enhanced through the appointment of judges of the highest calibre. The Bracks government understands this responsibility, and that is why I have undertaken an extensive search on behalf of the government.

The government broke with tradition by calling for expressions of interest for the judicial appointment from all sectors of the legal profession. The government also broadened the eligibility criteria for appointment to include in its consideration many legal professionals in

Victoria and right around Australia. We can now see that this exhaustive search has been truly worth while.

Today Justice Marilyn Warren has been appointed as the new and 11th Chief Justice of Victoria. This is an historic appointment, not least because Justice Warren is the first female chief justice of any Australian superior court. Justice Marilyn Warren is a trailblazing female lawyer who has had, may I say, a stellar career. She was the first woman to serve as an articled clerk in the Victorian public service, undertaking her clerkship with the solicitor to the Public Trustee. She was employed in various positions in the former state Attorney-General's Department and was Assistant Chief Parliamentary Counsel in 1984.

Justice Warren practised as a barrister from 1985 to 1998. She was appointed Queen's Counsel in 1997 and a judge of the Supreme Court in 1998. She will be a superb leader of our Supreme Court, harnessing a wealth of judicial, managerial and administrative experience in her new role. She is a woman of passion, vision and extreme intellect who is committed to serving the public.

At this time I must also acknowledge the contribution of Justice John Winneke for stepping into the breach as acting chief justice with such professionalism and expertise.

I have no doubt that Justice Warren's appointment as chief justice will be warmly welcomed by all stakeholders. I wish her every success as she leads our Supreme Court into the 21st century. I believe she will leave an indelible mark in her role as Victoria's most senior judicial officer.

## NURSES (AMENDMENT) BILL

### *Introduction and first reading*

**Ms PIKE** (Minister for Health) — I move:

That I have leave to bring in a bill to amend the Nurses Act 1993 to provide for the endorsement of registration of nurses registered in division 2 of the register of nurses kept under that act and for other purposes.

**Mrs SHARDEY** (Caulfield) — Will the minister give us a little more detail on the bill?

**Ms PIKE** (Minister for Health) (*By leave*) — The amendments to the Nurses Act will extend the scope of practice for division 2 nurses, enabling them to administer certain prescribed medications.

**Motion agreed to.**

**Read first time.**

## PUBLIC PROSECUTIONS (AMENDMENT) BILL

### *Introduction and first reading*

**Mr HULLS** (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Public Prosecutions Act 1994 to confer an immunity from personal liability in certain circumstances on certain persons performing duties under that act and for other purposes.

**Mr McINTOSH** (Kew) — I ask the minister for a brief explanation of the bill.

**Mr HULLS** (Attorney-General) (*By leave*) — I thank the honourable member for the opportunity to present him with this. This bill is about amending the Public Prosecutions Act to confer an immunity from personal liability. That is what I just said. But in effect it arises as a result of the Tache case, where action was taken against a number of officers of the Director of Public Prosecutions. Whilst that action was overturned by the Court of Appeal, we believe there should be consistency and certainty for officers of the DPP's office in prosecuting cases without fear that they may be subject to personal civil liability if they act in good faith.

**Motion agreed to.**

**Read first time.**

## PETITIONS

**Following petitions presented to house:**

### **Taxis: multipurpose program**

To the Legislative Assembly of Victoria:

The petition of the residents of the state of Victoria draws to the attention of the house that the proposed changes to the multipurpose taxi program will have discriminatory outcomes for many Victorians and will especially create financial and social hardship for rural dwellers.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria not introduce a financial cap to the multipurpose taxi program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the

program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered.

**By Dr SYKES (Benalla) (250 signatures) and Mr MAUGHAN (Rodney) (21 signatures)**

**Legal aid: funding**

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the current level of government funding for legal assistance in Victoria is not adequate, and disadvantages the underprivileged citizens of Victoria. The present level of assistance has led to cuts in legal services provided to the underprivileged members of the community, leading to a breach of human rights. Many citizens are being denied the choice for legal assistance, and are forced to represent themselves, or not proceed ahead with cases that would otherwise be heard before a court. This is leaving many citizens of Victoria with unresolved legal issues.

The undersigned petitioners therefore pray that funding for legal assistance in the state of Victoria be increased to a level that provides equality amongst its citizens.

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

**By Mr CLARK (Box Hill) (42 signatures)**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Regulation review**

**Ms D'AMBROSIO (Mill Park) presented annual review, regulations 2002, together with appendices.**

**Laid on table.**

**Ordered to be printed.**

**STANDING ORDERS COMMITTEE**

**Modernisation of standing orders**

**Mr LONEY (Lara) presented report, together with appendices.**

**Laid on table.**

**Ordered to be printed.**

**PAPERS**

**Laid on table by Clerk:**

Beaufort and Skipton Health Service — Report for the year 2002–03 — together with an explanation for the delay in tabling

*Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease by the Moonee Valley City Council

East Grampians Health Service — Report for the year 2002–03 — together with an explanation for the delay in tabling

Edenhope and District Memorial Hospital — Report for the year 2002–03 — together with an explanation for the delay in tabling

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2003

*Financial Management Act 1994:*

Reports from the Minister for Health that she had received the 2002–03 annual reports together with an explanation for the delay in tabling of the:

Dunmunkle Health Services

South Gippsland Hospital

Report from the Minister for Health that she had received the 2001–02 annual report of the Pathology Services Accreditation Board

Report from the Minister for Water that he had not received the 2002–03 annual report of the First Mildura Irrigation Trust

Footy Consortium Pty Ltd — Report for the year 2002–03

Kerang District Health — Report for the year 2002–03 — together with an explanation for the delay in tabling (two papers)

Latrobe Regional Hospital — Report for the year 2002–03 — together with an explanation for the delay in tabling

*Planning and Environment Act 1987* — Amendment No 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C48

Baw Baw Planning Scheme — No C22

Darebin Planning Scheme — No C48

Greater Geelong Planning Scheme — No C85

Hobsons Bay Planning Scheme — No C40

Melton Planning Scheme — No C48

South Gippsland Planning Scheme — No C16

Wyndham Planning Scheme — No C53

Stawell Regional Health — Report for the year 2002–03 — together with an explanation for the delay in tabling (two papers)

Tallangatta Health Service — Report for the year 2002–03 — together with an explanation for the delay in tabling (two papers)

Tattersall's — Report for the year 2002–03

West Gippsland Healthcare Group — Report for the year 2002–03 — together with an explanation for the delay in tabling

Western District Health Service — Report of the year 2002–03 — together with an explanation for the delay in tabling

Wimmera Health Care Group — Report for the year 2002–03 — together with an explanation for the delay in tabling.

## ROYAL ASSENT

Message read advising royal assent to:

**Electoral (Amendment) Bill**  
**Emerald Tourist Railway (Amendment) Bill**  
**Residential Tenancies (Amendment) Bill**  
**Road Safety (Amendment) Bill.**

## APPROPRIATION MESSAGE

Message read recommending appropriation for Gas Industry (Residual Provisions) (Amendment) Bill.

## BUSINESS OF THE HOUSE

### Program

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

That, pursuant to sessional order 6(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 27 November 2003:

Road Safety (Drug Driving) Bill  
 Parliamentary Committees Bill  
 Gambling Regulation Bill  
 Shop Trading Reform (Simplification) Bill  
 Firearms (Amendment) Bill  
 Crimes (Money Laundering) Bill.

In addition to these bills, which are listed under the government business program, it is also the intention of the government to deal with three other items in government business during the course of this week.

The first is item 8 on the notice paper — the amendments of the Legislative Council to the Accident Compensation and Transport Accident Acts (Amendment) Bill. In addition to that, we will also be dealing with the notice of motion moved by the Premier, and the planning scheme amendment moved by the Minister for Planning.

It is in all circumstances, I believe, an achievable target in that all of those should be dealt with by 4.00 p.m. on Thursday. I am sure that will be the case. If it were not, we would sit past 4.00 p.m. to resolve any of those last three items that had not been dealt with by then; but my expectation is that the workload contained in the government business program should be such that we would be able to accommodate the other matters for a scheduled 4.00 p.m. finish on Thursday.

**Mr PERTON** (Doncaster) — We oppose the government business program.

**Mr Helper** — Surprise, surprise, surprise!

**Mr PERTON** — It is interesting that the witless member for Ripon, 'Toxic Joe', as the honourable member from — —

**The SPEAKER** — Order! Interjections are disorderly, but I ask the honourable member for Doncaster not to refer to members by their first name.

**Mr PERTON** — The point has been that in general we have been prepared to accommodate the government's business program and have either not opposed it or supported it. But the parliamentary business programs for the last two weeks have included additional items: both of those have involved the Minister for Planning, and both have involved substantial planning matters.

In each case the staff from the Premier's office and the Leader of the House have assumed that the shadow Minister for Planning has been properly briefed on these matters, along with the National Party. What is interesting is that in the case of the motion that the Minister for Planning put on notice today, there is no briefing being made available until 3 o' clock this afternoon. In other words, the Parliament is dealing with a planning matter in the same week as — in fact within a day or two of — not only being given notice of the matter but being given first sight of the matter. Parliament sat last week. There is no reason why the Minister for Planning, given the words of the statute, cannot give the Parliament notice the week before these motions are to be dealt with, and then allow at least consultation over the weekend or over several days.

That is one of the two reasons for the Liberal Party opposing the business program. The other concerns the Gambling Regulation Bill, which as you know, Speaker, was a bill of such size and with such printing problems that the Parliament did not have multiple copies available on the day the second-reading speech was read. In fact the honourable member for South-West Coast on that day raised a point of order with the Deputy Speaker in respect of that matter.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Melton and the honourable member for Ferntree Gully!

**Mr PERTON** — Perhaps their interjections are a sign of their embarrassment at the fact that they did not have much input into the bills.

There are literally hundreds of clubs and pubs that would want to have their say on the gambling legislation, and the member for Bass, the Liberal Party spokesman in this area, has tried to touch base with as many of those clubs and pubs as he can, as have other members of the Liberal opposition and I presume the National Party as well. With the time constraints involved it has been very difficult.

It is unusual that we have not been able to distribute copies of bills to those people given the limitation of numbers and the extraordinary size of the bill. In most cases the reaction we are getting from the pubs and clubs is that, 'When we tried to download it from the Internet, it took so long to download and the cost of printing was — —

**Ms Delahunty** interjected.

**Mr PERTON** — That is interesting. The Minister for Planning, in a very supercilious way, says, 'Oh diddums', as if it is not right for clubs and pubs, along with ordinary citizens to have a say in the legislation that regulates them and gaming.

It is for those two reasons that we oppose the business program — firstly, because of the Minister for Planning's disdain for providing appropriate notice and timely briefings to the opposition and to the National Party; and secondly, because the gambling legislation, as we indicated at the time it was introduced, is a very difficult bill on which to consult, and requires more time.

The honourable member for Bass has made extraordinary efforts in reading the legislation, interpreting the bill and consulting to the best of his

ability; nevertheless more time should have been available for this purpose, and it is for those two reasons that the opposition opposes the business program.

**Mr MAUGHAN** (Rodney) — The National Party is also very critical of the government for the business program. I was on my way to Melbourne yesterday, at 11 o'clock in the morning, when I first received notice of the planning amendments to be debated this week; and my colleague the honourable member for Shepparton still has not had a briefing on the planning amendment.

We complained about that last week. Why did the government not get it right? It came in at the last minute, we complained about the fact that there had not been sufficient time to consult and to think about these issues, and it proves the point that some of the amendments coming in are to do with legislation that was dealt with last week, and clearly the government did not get it right and is having another go at it.

Because we are rushing it through again there is no time for us to consult, because we have not even seen the amendments yet let alone been able to talk to the people affected. My understanding is that on this particular piece of legislation to do with local government the municipality itself has not even been consulted. I will take advice on that, but that is our advice at this stage. That is totally against the notion of democracy that we on this side of the house hold very dear. We should be able to go out and talk to interested parties, to properly consider the legislation before coming in and having it rushed through the house.

Likewise with the one on the Ombudsman. We first heard about that yesterday — and yes, we are prepared to debate it this week. But I register the National Party's concern that we do not have sufficient time to properly consult on these pieces of legislation.

There are six bills in the program. As the Leader of the House indicated, with cooperation it is possible to get through them by 4.00 p.m. on Thursday; but they are all important pieces of legislation. Members on both sides are going to have to restrict their comments on the Gambling Regulation Bill, for example, when there is widespread concern in the community about gambling. The government when in opposition was very strong on the growth of gambling and how terrible it was that the government of the day was so dependent on gambling revenue. What do we find? Gambling revenue is continuing to climb, and the government is in fact banking on it.

We do not have sufficient time to look at the complications in this very comprehensive and huge piece of legislation — and likewise with the other pieces of legislation. Shop trading reform is an issue of great concern to my constituents in Echuca, for example, which is a tourism area. There was great concern when shop trading legislation was brought in previously, and here we are making changes to it without having the proper time to debate and consult.

The government is rushing some of this legislation through. We believe there is not sufficient time to consult with interested parties, and therefore on behalf of the National Party I want to register our complaints about and criticism of this whole process. I hope the government tries a little harder to give the opposition parties adequate time to consult with their constituent bodies so that the various groups that have an interest in legislation can voice their opinions and we can then properly express those views in the Parliament.

**Mr NARDELLA** (Melton) — I support the government's business program. There are only six bills to debate, yet the opposition is complaining. It is complaining about having to debate the Gambling Regulation Bill, but that bill consolidates all the relevant acts. The debate has already occurred; there are only some small changes that they will probably agree with, yet they are complaining. It is a bit too hard for them, because they are lazy and do not want to debate the issues. All they want to do is delay the Parliament. That is what all this is about. It is not about talking about the real issues that affect communities in this state; it is all about delaying the process.

It is very sad that we have to have these debates on a regular basis. The opposition says it cannot handle six bills. Last week we handled seven or eight bills and the planning motion without any problems. Yet there are six bills this week, one of which is a consolidation of many acts, and the opposition remains lazy, having no policies or vision for Victoria. All opposition members can do is whinge, harp and complain about having to work in the Parliament. I support the government's business program.

**Mr SMITH** (Bass) — I would like to speak against the government's business program. The issue I want to debate is this. Yes, there are only six bills, but I say to the member for Melton, through you, Speaker, that the gambling bill is a consolidation of eight separate pieces of legislation that really should have been looked at as separate bills. I am not arguing about the consolidation, but I do say there is a lot. There are 630 pages in the bill; there are another 100 pages of explanatory memorandum; and 140 pages have been deleted. We

have to go through and pick up every one of them to see where the changes are. Another 40 changes have been made to the bill, and I bet the minister is not prepared to sit down in committee and talk about them so we can work our way through it.

The problem is that people worry about problem gambling, but this government has not been able to do anything about it. We see the government wanting to make a lot of changes to this legislation. It has deleted two of the bills, including the casino bill, but in the second-reading speech the minister — —

**The SPEAKER** — Order! The member for Bass, on the question of time. This debate is about time, not the content of the bill.

**Mr SMITH** — I am talking about time and the enormity of this particular bill. I am giving some details so people can understand what it is all about. Gambling is one of the biggest industries and one of the bigger employers of people in the state. But we are going to fiddle and go through the legislation in a matter of hours. This government should be taking a long, hard look at itself. We are happy to debate this bill and make improvements to the gambling industry because of its importance. But you have to give us a fair amount of time to talk to the 650 different outlets. We can talk to the leading authorities and to the associations in regard to their feelings, but you have to understand that we have to be able to talk to the people who are going to be affected by your advertising and your signage bans. No proof has been presented in the Parliament — —

**Mr Lupton** — On a point of order, Speaker, the member is going into detail about concepts and sections of the bill that are inappropriate to be talked about in a debate about time. We are only concerned here about time and the government business program.

**The SPEAKER** — Order! This is a debate on the government business program. The member cannot go into the content of the bills, but he certainly can talk about the problems he may have in being able to debate the bills on the government business program.

**Mr SMITH** — It is important that the government has some understanding of the enormity of this gambling bill and of the others — and not just five, because we now hear that three additional matters are going to be brought into this house. They will be about important issues as well, otherwise they would not be coming before us in this Parliament. You want to rush them through. You do not want to be scrutinised by this Parliament or by the people of Victoria.

This government is developing a very bad habit of arrogance and of ignoring the principles of the Parliament of Victoria. If you think we are just going to go away and not argue about what we consider to be a reasonable time for us to debate these issues, you have another think coming! We want to debate them and we want to have the time to debate them. For every sort of reason you should be wanting to debate these bills — —

**Ms Lindell** — On a point of order, Speaker, the member is constantly using the word ‘you’. This is a reflection on the Speaker, and I ask you to direct him to make his references through the Chair.

**The SPEAKER** — Order! I ask the member to address his comments through the Chair.

**Mr SMITH** — When I say ‘you’, I mean ‘youse’. All right?

**The SPEAKER** — Order! If the member for Bass wishes to refer the government, he should refer to the government. When he refers to ‘you’, he is addressing the Speaker.

**Mr SMITH** — So I was speaking to you, Speaker. All right?

**The SPEAKER** — Order! I sincerely hope not! I think the member for Bass should be a little bit more careful.

**Mr SMITH** — I give up!

**Ms DELAHUNTY** (Minister for Planning) — That last comment is the only time I have heard the member for Bass make sense in all the time he has been in this chamber.

I support the government’s business program. I particularly congratulate the Leader of the House on his management of the government business program throughout this sitting.

What we hear from the opposition is beginning to sound like a cracked record. We come into this place and hear the mantra of, ‘We’re not ready. We have not had enough time. We cannot get the information. No-one will talk to us’. Honestly, it is embarrassing. It confirms that unfortunately democracy is not well served by the opposition, because the Liberal Party in particular is lazy. It comes in here complaining about planning amendments when it has had 12 months to put in a submission.

**Mr Smith** interjected.

**The SPEAKER** — Order! The member for Bass has had his turn.

**Ms DELAHUNTY** — Members of the opposition did not contribute one page, one word or one syllable, and yet they come into this place when they are asked to debate these matters and have done no preparation.

**Mr Perton** — On a point of order, Speaker, on the question of relevance, the Minister for Planning always likes to make great play of whether the Liberal Party has put in a submission to her so that she could make a decision. The question before the house is how we deal with her notice of motion, which we have not received a briefing on, given the way it was treated last week, when it was brought in on Tuesday and rammed through on Thursday. I ask you to bring her back to order.

**The SPEAKER** — Order! I think the minister was just making a passing reference, but the matter in this debate is the government business program.

**Ms DELAHUNTY** — Yes, indeed, and I was about to raise the government business program. I thank the member for Doncaster for giving me a lovely segue into it.

The member was complaining about the fact that a briefing for the shadow Minister for Planning had not occurred yet. I might share with the house the problems we had finding him. We put out an all-points alert yesterday, but were told by the people in his office that they could not find him. So we kept ringing, we sent emails, we sent a donkey cart around to see if we could deliver the message — —

**Mr Perton** — On a point of order, Speaker, this sort of abuse and reflection upon another member can be done by way of substantive motion, but the minister does herself no credit with this sort of nonsense during the government business debate. One email sent last week — —

**The SPEAKER** — Order! What is the point of order exactly?

**Mr Perton** — The point of order is that the minister is reflecting upon another member and she ought not to do so.

**The SPEAKER** — Order! The minister, on the government business program.

**Ms DELAHUNTY** — On the government business program, I do support it. It is a good government business program. It has been well considered — well

thought out. Certainly we are offering briefings, but if shadow ministers are on strike that is not our problem; it is the opposition's.

**Motion agreed to.**

## MEMBERS STATEMENTS

### **Tullamarine Primary School: *Pirates of Penzance***

**Ms BEATTIE** (Yuroke) — It was with great pleasure last week that I attended Tullamarine Primary School's annual production. This year's play was a fantastic rendition of the *Pirates of Penzance* directed by Deborah Buzza with the assistance of Sally Davies, Margaret Reid and the Tullamarine Production Company.

Children from grade 3 upwards were involved in the performance. In particular I would like to mention the members of the Tullamarine Primary School choir, who did a magnificent job demonstrating not only their talent but also their remarkable patience and stamina throughout the play.

I congratulate the school's principal, Michael Gregory, for his commitment to this annual event. I applaud him and his staff for providing his students with opportunities to develop skills and enjoy experiences that move beyond the classroom environment. I am aware that productions of this nature take an enormous amount of effort and energy on the part of the school community, volunteers, staff, and of course the students themselves. In the increasingly busy schedules that schools are facing, it is admirable that school communities remain committed to their annual end-of-year productions.

I would also like to acknowledge the local businesses that offer the valuable and greatly appreciated sponsorship that ensures a quality production is available for all our community to enjoy and appreciate. This is the fourth performance of the Tullamarine Primary School's annual school play that I have been to, and I believe I will be going to many more as the member for Yuroke.

### **Budget: surplus**

**Mr COOPER** (Mornington) — The November 2003 report of the Auditor-General has confirmed what many Victorians have long suspected — that is, that the Bracks government is now operating well beyond its financial means, with expenditure outstripping income

and the surplus reduced by a massive \$553 million in just 12 months.

The Bracks government has not only ignored the warnings given to it by the Auditor-General over the last two years but has also ignored the lessons of history that it should have heeded from the terrible financial mismanagement of the Cain and Kirner Labor governments. Under the leadership of former Premiers John Cain and Joan Kirner, the Labor Party nearly bankrupted Victoria between 1982 and 1992. Now we can see it is well and truly heading down the same path again after just four years with Mr Bracks in power.

Mr Bracks was a senior advisor to Joan Kirner, but obviously he has forgotten anything he might have learnt from the hopeless performance of her government. The Auditor-General spelled out the problem clearly by drawing attention to the fact that while there has been a 21 per cent increase in revenue, expenditure has increased at a greater rate — at 35 per cent.

Just how much clearer does the message have to be before it sinks into the brain of Premier Bracks? Every householder knows that spending more than you earn leads to major problems; and even worse is doing that while spending all your savings. That is the lethal financial cocktail which the Bracks government is now brewing, and it is all bad news for the people of Victoria.

### **Rotary Eltham Town Festival**

**Mr HERBERT** (Eltham) — I recently had the pleasure of participating in the Rotary Eltham festival, a highly successful event run primarily on the fantastic community spirit that is evident in the district. As usual, I found the Eltham festival was very well run, and I must commend the organisers at Eltham Rotary for a fine job once again. In particular, Chris Chappel, the Rotary Eltham Town Festival director, did a fantastic job in organising the event.

The parade, stage, and many stalls and displays at the festival gave visitors an insight into the depth and breadth of the area's community groups and organisations, which all contribute to the rich tapestry of the district. The weekend's festivities began on Saturday morning at the Eltham town square, with a lively musical introduction by the Eltham High School band and a visit by Humphrey Bear. On the Saturday evening locals were bedazzled by an impressive fireworks display, a hit among the young and old alike. During the course of the festival I greatly enjoyed catching up with the numerous community leaders who

are heavily involved in the event. It was also terrific to see stalls where students from the Eltham area displayed their work, reinforcing the integral role that local schools play in community beyond the school grounds.

I had the opportunity to meet with my predecessor, Wayne Phillips, and I was pleased to see that he is still active and going strong after life in state politics.

I congratulate Eltham Rotary on its fine effort, and I congratulate all participants and visitors. It was an excellent weekend.

**The SPEAKER** — Order! In calling the member for Lowan, I remind him that there are water restrictions in place in this state!

### **Natimuk Frinj Festival**

**Mr DELAHUNTY** (Lowan) — Last Saturday I was privileged to witness a world-class event — not the Rugby World Cup but Space and Place, a different visual and aerial art performance as part of the Natimuk Frinj Festival. This interactive animated and aerial performance involved the use of the 27-metre high Graincorp silos. Animations were projected onto the silos, and the aerial dance by Y Space climbers involved the full area of one side of the silos. The performances included shadow sculpture, puppetry, paintings, images, music and a community choir.

This was a unique and memorable performance that was not only beautiful, but sometimes comic and sometimes dramatic. It was a collection of poetic images that played with extremes of the region — drought, fire, plague and flood. It was a performance that explored the relationship between land, space and the community.

I congratulate president Jillian Pearce; festival director Shiree Pilkington; the Arapiles Community Theatre; the staff and committee; and the many volunteers. The sponsors — Vichealth, Regional Arts Victoria, Graincorp and the Horsham Rural City Council, along with many others — received excellent value for money, and all should be extremely proud of this world-class performance.

The growth in the arts, particularly the performing arts, over the last decade has been astounding. The Lowan electorate, and Natimuk in particular, has earned a well-deserved reputation for being a strong and well-supported arts community. It was really one of those memorable performances that I am sure many more people would have loved to have seen. Next year, in 12 months time, be there or be square.

### **Ivanhoe Primary School: 150th anniversary**

**Mr LANGDON** (Ivanhoe) — It is a great pleasure to today pay tribute to the Ivanhoe Primary School. The school, which is in my electorate, this year celebrated its 150th birthday, which is an enormous achievement. As we discovered today, this Parliament is only 147, but Ivanhoe Primary School is 150. I pay credit to the school for its enormous community spirit.

The other day I was at a launch at the Linlithgow Centre for Older Persons, and Ivanhoe Primary School students were present for the official opening, or the turning on, of the water tank at that centre. The Ivanhoe Primary School is represented at many functions I attend. When I was at the Linlithgow centre I discovered that the students often help the elderly with reading, or the elderly help them — it is a shared arrangement. The elderly go there all the time to participate in all sorts of programs.

As the member for Ivanhoe I am also often at the Heidelberg repatriation hospital, and at all the services — Anzac Day and Remembrance Day — representatives from the Ivanhoe Primary School are always present representing the school.

The school has a great school spirit. As I said, it celebrated its 150th year this year on 12 and 13 September. I pay tribute to the school; its principal, John Clark; the teachers and staff; the many, many parents involved in all the school activities; and obviously the school council. It is a great school with a great community spirit, and I commend it to the house.

### **Multimedia Victoria: director**

**Mr KOTSIRAS** (Bulleen) — Last week I highlighted how Multimedia Victoria is employing consultants at a cost of thousands of dollars to advise it on what to advise the minister.

This week I find out that the director of Multimedia Victoria enjoys a good feed and a good glass of wine at taxpayers expense. During this year the director visited a number of restaurants and wine bars, including: Florentino, Kenzen Japanese Restaurant, Punch Lane Wine Bar Restaurant, and Langton's Restaurant and Wine Bar. At Langton's Restaurant and Wine Bar, he spent \$11 on a glass of shadow chardonnay and \$19.50 for a burger for someone.

I am sure that Victorians in regional Victoria who are unable to access the Internet will appreciate his taste for fine wine. I am sure that students who are unable to access the Internet will appreciate his generosity to his mates. According to a dining guide:

Langton's Restaurant and Wine Bar in Melbourne claimed the highest award, best restaurant in Victoria for 2001 in the 15th annual American Express awards. Combining a first-class restaurant and a first-class wine bar, and operated by the Langton's of wine auction fame. The restaurant features a kitchen and a much talked about Bonnet stove from France. The wine bar has around 30 wines by the glass, and links to the alfresco terrace, for enjoying casual fine wine in the open.

Multimedia Victoria needs to get its priorities right. I urge the minister to check to see what Multimedia Victoria is doing and to restructure it to make it more efficient and more effective.

### **Planning: urban growth boundary amendments**

**Ms LOBATO** (Gembrook) — I wish to congratulate the Bracks government and the Minister for Planning for the recent amendments made to the urban growth boundary. Subsequent to the thorough consultation that led to over 500 submissions being received from Victorian councils and other members of the community, the urban growth boundary has been settled.

The electorate of Gembrook will benefit in various ways from the historic green wedge legislation. In the City of Casey, the Casey foothills will now be protected from ad hoc development. In the Shire of Cardinia the townships of Upper Beaconsfield and Gembrook will continue to grow and attract tourism, whilst enabling the retention of the green wedge land that surrounds them. The urban growth boundary placement also allows for localised employment for the south-east growth corridor by allowing for the proposed Greenhills industrial estate.

Urban growth boundaries placed around Warburton Highway townships, including Woori Yallock, Launching Place, Yarra Junction, Wesburn, Millgrove and Warburton, will ensure long-term viability and continue to be a drawcard for tourists.

More than 99.6 per cent of green wedge land as defined under the interim boundary has been unaffected by changes. The electorate of Gembrook has some of the most environmentally significant areas in the state and the urban growth boundary will ensure their protection.

### **Rail: gauge standardisation**

**Dr NAPHTHINE** (South-West Coast) — I rise to condemn the Minister for Transport for continually deceiving the people of south-west Victoria with respect to rail standardisation. This project, which was announced in 2001 by the Bracks Labor government,

has now been completely abandoned — another broken transport promise in country Victoria by the Bracks government.

Recently the office of the Minister for Transport deliberately lied to the media whilst seeking to embarrass Cr Geoff White, a hardworking local Shire of Glenelg councillor, who is chair of the Councils for Rail Freight Development. Cr White advised his local council that he had been surprised to learn recently that the \$15 million allocated to the Portland Cliff Street overpass actually came from moneys provided for the rail standardisation project. In response the minister's office said this information was not new, and that it was in the government's media release of 6 May. This is simply untrue; it is a blatant lie for political purposes.

Media releases on 6 May and 8 May by the Bracks Labor government do not make any reference to the source of funds for this overpass. This clearly shows that the Bracks Labor government has completely abandoned the rail standardisation project, which will hurt economic development in western Victoria and regional Victoria as a whole. It is now using the funds for other purposes.

This government and this minister continually lie in order to deceive country people about this broken promise to the people of Victoria.

### **Women: Premier's summit**

**Ms GILLETT** (Tarnait) — I am grateful for this opportunity to advise the house of the wonderful success of the fourth annual Premier's women's summit, which was held in Bendigo last Friday. The focus of this year's summit was women building communities.

Over 160 women were at the summit, and they heard the Premier launch the report and proposals of the government on work and family balance. The Premier also announced the first two pilot projects, organised in conjunction with employers, that are designed to develop practical approaches to assist working people balance their work and family responsibilities.

The summit participants heard the Minister for Women's Affairs outline the government's actions in supporting, developing and acting on women's health and safety, and women's leadership at work and within their communities. The feedback from participants was remarkable. It was wholeheartedly enthusiastic about the current, and continuing, work of the summit.

I place on record the congratulations of the government, certainly of the minister and myself, to Fiona Sharke,

director of the Office of Women's Policy, and her inspired and hardworking team on putting together such an important gathering of Victorian women so that their voices can continue to be heard and acted upon by the Bracks government.

### **Bushfires: fuel reduction**

**Mr JASPER** (Murray Valley) — I rise to express concern about the lack of coordinated action by the government in regard to the reduction of fire hazards across country Victoria before the approaching summer and fire-ban season. Victorians have not forgotten the massive fires earlier this year in north-eastern Victoria's high country, the subsequent federal and state government inquiries, and the resultant recommendations for future fire control measures. One of the things that was universally commented on was the lack of adequate fire prevention work to effectively reduce the understorey in national parks and forest areas, which was a major contributing factor to the extent of the burnt-out areas.

With the recent winter rains we have seen enormous growth, not only in grain crops and pastures in the farming areas of north-eastern Victoria, but also in the extensive grass growth along major and minor roads. The question must be asked: have any lessons been learnt from the devastating fires of last summer. Apart from mowing along the borders of many of these roads, we have not seen any coordinated action from the Department of Sustainability and Environment to reduce what will be a massive fire problem during the coming summer season.

The department must utilise its own facilities, and seek cooperation from municipalities and the Country Fire Authority (CFA) in reduction of the potential fire hazards by further mowing and burning off immediately to reduce the enormous dangers from bushfires. This would also assist in providing essential fire breaks along these areas.

### **Gippsland Institute of TAFE: Chadstone campus**

**Ms BARKER** (Oakleigh) — On Friday, 14 November, I was very pleased to attend a function in my electorate to mark the transition of the Gippsland Institute of TAFE's Chadstone training facility from its former name, the Line School, to Energy and Telecommunications Training Australia, or ETTA. Established in 1945, the former State Electricity Commission of Victoria Line School is recognised as one of the foremost line-worker training facilities in the world.

ETTA has expanded its focus and reach from the line-worker school into a training and education facility that provides world-class training to the electrical, gas, telecommunications, and water utility and generation sectors. Training delivery has been expanded to markets in Australia and overseas such as Tonga, Samoa, the Philippines, and Thailand. Recent discussions will result in ETTA also delivering training and education capability to China and South Africa.

As a division of Gippsland TAFE, ETTA is a partner in the emerging Gippsland education precinct at Churchill, providing linkages in Australia and worldwide to learning pathways through programs such as vocational education and training, or VET, in schools, through to a diploma and advanced diploma at ETTA which then articulates into engineering pathways at Monash University.

This year over 800 trainees will pass through ETTA's doors. ETTA's general manager, Dr Rovel Shackelford, has worked with a dedicated team of 40 trainers and administration support staff to reshape ETTA's capability to meet this new world demand. I congratulate Rovel on his leadership in this transition, the staff who supported and assisted in the reshaping, Peter West for organising the celebrations to mark the transition, and Jeff Cunningham, chief executive officer, Central Gippsland Institute of TAFE, for his support for this new vision and excellent delivery of training.

### **Crime: incidence**

**Mr WELLS** (Scoresby) — This statement calls on the Minister for Police and Emergency Services to provide an assurance to Victorians that community safety will continue to be a high priority, given the latest information from the United States indicating that New York City is now a far safer city to live in than Victoria. An analysis of the latest Federal Bureau of Investigation (FBI) crime statistics for the United States when compared to Victoria Police crime statistics for 2002–03 reveals that, on average, it is significantly safer to live in New York City than in Victoria.

Victorian crime statistics for 2002–03 indicate that there were 8521 offences recorded per 100 000 head of population. In comparison, United States crime statistics show that New York City recorded 3100 offences per 100 000 head of population and that the US, on average, recorded 4119 offences per 100 000 head of population.

Even if you analyse Victoria's crime statistics using the United States' FBI crime index definition of murder,

rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, New York and the United States on average are still far safer than Victoria. Victoria's comparative rate is 5632 offences per 100 000 head of population — almost twice that of New York.

Action must be taken by the Bracks government to ensure that Victoria is not only the safest state in Australia, but also one of the safest places in the world in which to live. It is simply unacceptable that Victorians are faced with living in a less safe environment than the citizens of New York City, or indeed most of the United States.

### **Lilydale spring show: 50th anniversary**

**Ms BEARD** (Kilsyth) — On Saturday, 15 November, my husband, Ted, and I were delighted to join the member for Monbulk at the Lilydale annual spring show. This year was special in the life of this show as it was its 50th anniversary celebration. Over this time the Lilydale show has played a large part in the Yarra Valley's history by providing a platform for local producers in the area to showcase their agricultural and horticultural heritage. Traditional country techniques and values are emphasised, with attractions such as a children's interactive animal farm, gold prospecting, displays of vintage farm machinery, blacksmithing, dog events, competitions involving arts and crafts, among others. The show is also an ideal location for businesses to promote their products and services, and the many stalls provided opportunities for buying and selling all kinds of wares. Entertainment was a big feature of the show, with the usual popular rides and show bags, musical entertainment, and a spectacular fireworks display on the Saturday evening.

During my visit I attended the official opening of the show in the main arena, followed by the grand parade. I also enjoyed the art and craft displays, some wonderful Scottish dancing, and the photography exhibition. Special congratulations should go to Ray Atchison, the president of the Lilydale Agricultural and Horticultural Society, and Kathie Mason, the secretary and administrator of the society, for their significant contribution and hard work in organising a weekend which had something for the whole family to enjoy.

### **Wind farms: landscape assessment**

**Mr BAILLIEU** (Hawthorn) — On 21 November the Minister for Planning announced that the government would in future require applicants for wind farms to undertake assessments of landscape values as:

... a first step in the process for seeking approval for wind farms in Victoria.

This extraordinary announcement reveals the following. One, coastal landscapes in Victoria are under threat; two, the government has not done enough to protect our precious coastline; three, the government's guidelines for the development of wind energy facilities are totally inadequate; four, applications to date have recklessly disregarded landscape values in their pursuit of permits over people; five, existing applications can plough on regardless; six, some existing applications are inappropriately located, but the government does not intend to do anything about it; seven, future applicants will be making their own assessments of landscape values, despite having blatant conflicts of interest; eight, the government has not understood the need for a moratorium on all applications pending a review of the government's guidelines and a comprehensive independent landscape assessment; and nine, the government has ignored the calls for a moratorium by individuals and groups such as Great Ocean Road Marketing, the Victorian Tourism Industry Council, the shires of Moyne, Bass and South Gippsland, the Victorian Coastal Council, the Coastal Guardians, former Labor Senator John Button, the National Trust of Australia (Victoria), and various community groups.

The statement by the minister that all applications 'will continue to be assessed on a case-by-case basis' flies in the face of all evidence and experience that local communities do not want to have to face repeated, expensive and divisive campaigns to protect their own local environments, particularly as the state government has removed responsible authority planning status from local councils.

### **Baw Baw: Queen's Hall display**

**Mr MAXFIELD** (Narracan) — This afternoon I want to speak highly of the Baw Baw Display in the Pavilion in Queen's Hall. For those members who have not yet visited the display, I urge them to do so. I am standing here wearing the floral spray which has been given to members of Parliament by the Shire of Baw Baw.

The display is a great way of showcasing the Baw Baw shire to the wider community as well as to the parliamentary representatives of this state. The Baw Baw shire has a whole range of diverse activities within it. As can be seen by the display, the area produces many fine and award-winning cheeses — for example, Jindi cheese, which won the best cheese in the world award not so long ago. Tarago River cheeses are there

as well. There is a range of other displays in Queen's Hall.

Not only does Baw Baw shire have a great Gourmet Deli Trail and gourmet foods, it is very high tech as well. A number of very innovative developments have come out of the area — for example, the low-cost Eli milk meter for the dairy industry shows the strong focus there. Modra Technology also has some displays of its great development work in high tech.

Baw Baw, which is a leading-edge shire council on the outskirts of the metropolitan fringe, provides a wonderful rural environment. I commend the Baw Baw display and urge all members to visit it.

### **Ken Young**

**Mr ROBINSON** (Mitcham) — I want to take this opportunity to place on the record my appreciation of the work undertaken by Mr Ken Young of Nunawading. Over a number of years Ken Young has been very heavily involved in neighbourhood watch activities in the Nunawading area. Through his efforts the neighbourhood watch group has been extremely active. Ken recently indicated that he and his family will be moving from Nunawading after 13 years. On behalf of a lot of people we wish them a great deal of success in the future. We also express our thanks for the work they have done over a long period of time, which is greatly appreciated.

### **Life Activities, Whitehorse**

Another group in the electorate which deserves commendation is Life Activities, Whitehorse, an association of older people which provides activities in a whole range of areas. They include cinema and computer activities, caravanning, art, dancing, eating out, 10-pin bowling, golf and gardening. I want to congratulate a number of people involved in this outstanding group: firstly, Barry Virtue, who is the president; the honorary secretary, Bill Walsh; Ted Robinson, who acts as treasurer; the membership secretary, Bernard Shanahan; group coordinator, Cathy Clark; the care person, Val McDonald; and importantly, the newsletter editor, Lorraine McGowan, for continually producing a very fulsome newsletter.

### **Kew Residential Services: site development**

**Mr HUDSON** (Bentleigh) — I rise to speak in support of the government's deinstitutionalisation of Kew Residential Services. The announcement by the Premier in May 2000 that Kew would close is something of which this government can be extremely

proud. It is a major redevelopment of residential services that will dramatically improve the quality of life for 462 Kew residents.

The Premier has given a cast-iron guarantee that all capital realised from the sale of Kew will be spent on new residential services. In addition the government will be spending more recurrently on the residents of Kew living in the community through improved services and facilities. Those who need to live on the site in groups of houses because of high physical and medical needs will be able to do so.

The evidence is now clear. Professor Emerson, recently here from Lancaster University, has reviewed 70 separate studies of 5800 former institutions in the United Kingdom. These studies clearly show that the quality of life of people in the UK who have been moved from institutional to community settings has improved dramatically. In summary, they use less medication, are more engaged in day activities and show substantial improvements in their physical, social and mental wellbeing.

The evidence from community visitors such as Fay Richards shows that where residents have already moved out of Kew the improvements have been dramatic. Kew is one of our oldest institutions and is in desperate need of reform. In government the Liberals finally agreed to close it. They should stop whingeing and carping about Kew and get behind the government.

### **State Emergency Service: Chelsea unit**

**Ms LINDELL** (Carrum) — I would like to congratulate the Chelsea State Emergency Service on celebrating its 50th anniversary. It began with the original Civil Defence Legion and, as I said, has been operating in my area for 50 years. On Saturday night members of the SES had a very successful celebratory dinner, and I would like to thank them for inviting me and my husband, Roland. Also in attendance was the director of the Victoria State Emergency Service, Rhys Maggs; Bob Cowling, the regional manager; and of course the SES chaplains, Jean and Walter Smart. I would like to particularly congratulate Ron Fitch, who is the controller of the Chelsea SES.

A number of awards were given out on the night. The City of Kingston award for the best trainee was given to Carol Ewing, and the controller's award for best volunteer was given to Mark Strange. Tanya Allatt was presented with a 10-year continuous service award. There were some FUBAR awards, which, in the best Australian spirit, are awards for the best muck up. They were jointly presented to Aaron Blamey and Ron Fitch.

My best wishes to the Chelsea SES, and I express my appreciation of their efforts on behalf of my community.

### **Seymour Technical High School: VCAL conference**

**Mr HARDMAN** (Seymour) — I rise to congratulate the students and staff of Seymour Technical High School on a conference they ran and hosted for Victorian certificate of applied learning (VCAL) students and staff from other secondary schools, including those at Kyneton, Gisborne, Yea and Broadford.

The initiative arose from the students' desire to see the VCAL become more prominent and to learn from other schools about how they conduct their VCAL program. It certainly was a successful conference in that it raised the profile of the VCAL and the pride of its participants. This project was part of their learning experience. It was well conducted: invitations were sent, speakers were arranged, workshops were held where good ideas, concerns and experiences were shared, and a frank panel discussion took place.

These students and teachers are pioneers of the Victorian government's VCAL program, which aims to provide an alternative pathway for students whom the academically oriented Victorian certificate of education does not suit. It is also conducted at the TAFE institute in Seymour, and a community VCAL is also conducted at Berry Street. The VCAL has successfully provided an alternative for many students. After listening to the students and teachers at the conference, it is apparent that it is keeping people at school, as intended. The research shows that the longer students stay at school, the better chance they have of long-term success in life and the job market.

I commend the Minister for Education and Training, the school's teachers and students, and the employers, who are an important part of this project, for working so hard and in partnership to ensure that the VCAL is a success.

**The ACTING SPEAKER (Mr Ingram)** — Order! The honourable member's time has expired. The honourable member for Bayswater has 1 minute.

### **Pallesviaki Enosis**

**Mr LOCKWOOD** (Bayswater) — Last Saturday night I had the pleasure of representing the Minister assisting the Premier on Multicultural Affairs at a

function in my electorate for the anniversary of the liberation of Lesvos.

Lesvos is an island in the Aegean Sea near the Turkish coast with a mild climate of warm winters and hot summers. The people of Lesvos grow olives, produce dairy food and catch seafood. More importantly for the purposes of the celebration, they are a major producer of ouzo. I was reintroduced to this famous drink and am now well acquainted with its charms.

The celebration was run by Pallesviaki Enosis, an association based in Bayswater, with an outstanding president in George Stavrinis and energetic secretary in Helen Agiasotelis. The vice-president is Michael Pasalis, and the immediate past president is Nick Vervris.

The association is a social one with the objective of keeping alive connections to Lesvos and bringing people together on a regular basis. Its functions are well attended, with the dinner dance attracting about 300 people to beautiful, sunny Bayswater. The clubrooms are a great example of what can be achieved.

**The ACTING SPEAKER (Mr Ingram)** — Order! The honourable member's time has expired, and the time for statements by members has expired.

## **ROAD SAFETY (DRUG DRIVING) BILL**

### *Second reading*

**Debate resumed from 30 October; motion of Mr BATCHELOR (Minister for Transport).**

**Mr MULDER** (Polwarth) — I rise to contribute to the debate on the Road Safety (Drug Driving) Bill, which is very important to the community. It just so happens that today I noted an article in the *Age* saying that the insurance company AAMI has released some figures indicating that one in five young drivers have driven under the influence of recreational drugs such as marijuana, cocaine, ecstasy and speed. It goes on to state that drivers under 25 years old are twice as likely as older drivers to believe that a small quantity of recreational drugs does not affect their driving.

I suppose that, like many other members, I grew up in an era when drugs were not prevalent in the community. There was plenty of alcohol around, but it was possibly not until my late teens that the recreational use of substances such as amphetamines and marijuana was even discussed. As I said, through those years I was fortunate enough not to come into contact with those types of drugs, but as I have grown older — and,

I hope, a little wiser — I must say I have some real concern about what seems to be a level of acceptance in the community of recreational drugs, especially when it starts to bite very close to home, as it has done on one occasion with me. To see a young person start off as a recreational marijuana smoker and then, under the influence of marijuana and the company they were keeping, be prepared to test other drugs, to the point where their life is completely wasted, to the absolute dismay of parents, family members and friends, has been one of the toughest matters I have had to observe as an adult.

I went through the process of putting a young person through a drug rehabilitation program. I suppose that when you are going down the pathway of putting someone through that program and working with them on it, you get to thinking, 'What was the root cause of this? Where did it start, and what could have been done to avoid it?' I am on the record as saying that there is no place for marijuana and other forms of recreational drugs in our society. They are an absolute scourge for younger people, and I could not, in any way, shape or form, recommend or support their recreational use, simply because of the damage I have seen them cause.

I would like to point out some of the issues in the drug-driving bill before the house. It picks up on a policy commitment of the Liberal Party, which has for a long period of time pushed for random testing for drug use among drivers. We pushed this to the point where we were getting nowhere with the Bracks Labor government. It was not until the government became aware that the Liberal Party was seeking some serious information about the number of people who had died on the road having been found to have cannabis or amphetamines in their system that the Labor Party finally decided to do something.

The concern the Liberal Party has at this time is the lack of commitment by the Bracks Labor government to road safety via the drug-driving bill. The process is based on a random test, whereby a motorist will be pulled over into a bay where there is a drug bus — the only drug bus in Victoria, I might add. The driver will be asked to produce a sample of saliva by sucking on a swab. If that tests positive, they will be taken into the drug bus for a second test. If it is again positive, they will be provided with a sample of the test and, depending on the second result, will be prosecuted for driving with drugs in their system.

I point out that there is already legislation in place which deals with drug-impaired driving, by which someone may be detected driving erratically and taken to a police station, where an impairment test is carried

out. They are asked to stand on one leg, walk a straight line and so forth, and then after those tests the officer may determine that the person has to take a blood test to see exactly what level of drugs they have in their system. As a result of that, prosecution can take place.

The difference in the two systems is that the driving-while-drug-impaired standard is one of zero tolerance, and the random testing we are talking of introducing is a test which will only detect whether the driver of a vehicle either has been smoking marijuana or has taken amphetamines up to 3 hours prior to the test. It does not deal with the person who is stoned out of their brain and has been so for two months, using bongos and smoking marijuana. If such a person has not smoked marijuana 3 hours prior to the test, they will not test positive under this arrangement; yet quite obviously their driving may still be impaired as a result of previous drug use.

The same also exists for a driver who has had amphetamines. It possibly could be a long-time drug user who has his ability to drive affected because of long-term use but who once again will not be picked up under this particular arrangement. To the Liberal Party, as I say, a start is a start, but this does seem to be somewhat of a soft approach.

We understand that we are dealing with new technology. The technology was used mainly in cases of prisoners to detect whether or not they had been using drugs within the prison system. We appreciate that. We know there is going to be a report to Parliament some time in 2004, and we also know that this particular legislation has a sunset date of July 2005. There is some concern in relation particularly to how serious the government is given the resources it has put into this bill and how it will operate once it has started to be put into practice within the community.

We are told one bus will be operating for the entire state. Around 80 officers will be trained to conduct those tests, and it is envisaged there will be around 9000 tests a year. The cost of the equipment is of the order of \$1600, and a test costs about \$32. It is not an awful lot when you think of the problems that are being caused on the road at this point in time — the growth in numbers in relation to people who have died as a result of car accidents and who have tested positive to amphetamines and marijuana.

This particular process that the government is engaging in does have all the smells of a sideshow; it does have a whiff of trying to convince the public that it is doing something. I have no doubt that the vehicle will be well painted and well decorated. There will be whistles and

streamers on the day the project is launched. However, given the growth in the problem that is in the community, we have concerns as to what appears to be the very minimal approach — a small amount of funding to tackle what is a very significant problem within the community.

You would hate to think that the real issue of drug-driving — driving under the influence of drugs — will not be given more prominence at the completion of the test. That is what it is — a test. We are going to go through a process of random testing. It is going to be run as a pilot program, and it will be assessed at the end of that process to see what the outcomes are. We would like to see the government then get very serious about the resources, and I guess that is where the real issue starts to bite with the Liberal Party. We know very well that when you go through the police annual reports you always look at the issues in terms of crimes against the person — where hours are being taken away from crimes against the person and put into traffic infringement.

I would have no problem whatsoever in seeing some of the officers involved in dealing with traffic infringements — I am talking about speeding drivers, and I am talking about people who possibly could improve their driving habits — trained up and able to be used in the drug testing of drivers, because as I say, this seems to be a very scant program for what is a very serious problem within the community.

I will go now to some issues in relation to the Liberal Party's position on the Road Safety (Drug Driving) Bill which point to how long the Liberal Party has been involved with and how serious it has been about this issue. When the Liberal Party had advocated the use of random testing for drug-driving back in 1996, John Richardson, the former member for Forest Hill, was advocating for action on this issue. He made a request then for an international working group to be set up to look at the problem. The working party was subsequently set up — the International Council on Alcohol and Drugs and Traffic Safety — and it reported back to the executive committee in May 2000.

As I say, the Liberal Party has been looking very closely at the issue of drug-driving. Indeed on 26 May 2002 the now member for South-West Coast said in the Liberal's then latest policy announcement that the police would be given increased powers to administer on-the-spot saliva tests on drivers at any time and that police would use a portable drug saliva testing device to detect illicit and excessive amounts of prescription drugs.

The issue we face regarding this is that the testing to be carried out under the arrangement that the Bracks Labor government is setting up will involve one vehicle that will identify what we are being told through intelligence is where the police believe the major problems in the state are in relation to potential drug-driving and that that will be the only vehicle engaged in that type of activity.

When you look at the arrangements that are currently in place for drivers exceeding the .05 blood alcohol limit, you see that police right across the state have the ability at any particular time to pull up a driver to carry out a test in relation to what level of alcohol that driver has in their system. Once again, as I said, we would have thought — in fact we would have hoped — that there would have been a great emphasis placed on this program by the government, given the number of deaths that have occurred where it has been found that the people involved have either had high levels of cannabis or amphetamines in their system.

The opposition understands, as I said before, that it is a pilot program, but because of the intelligence that floats around the drug community — and I have no doubt because of what the government is trying to do with this vehicle, which is convince the community that it is serious about the issue, it will be lit up like a Christmas tree — we are concerned that the drug community's ability to get the message around that the vehicle is in a particular area will probably flatten out the impact of the whole program.

It would be better, and I hope that the minister and the government take this on board, that this program not be run as a circus, that the government be very serious about the issue of trying to detect as many drug-drivers as possible, and that consideration be given not just to nightclub hot spots around town, but also to issues in relation to the transport industry and issues in rural and regional Victoria. But as I say, limited resources being available indicates to me that that is not going to be possible.

As I indicated previously, the Liberal Party has right through the process been very serious in relation to its response on this issue in the community. I will refer to matters that were raised at the International Council on Alcohol and Drugs and Traffic Safety that John Richardson worked on and to some comments that came back from a working group report in relation to alcohol:

Alcohol is a substance which affects the brain in a broad, non-specific fashion. That is, alcohol acts on the entire brain when it is present in a pretty much uniform, predictable fashion. Drugs often (if not usually) don't act as broadly.

Drugs act on specific areas, functions or receptors in the brain, and often with different results in different persons.

I guess this is the issue that we are raising here in relation to the use of drugs within the community — that the impact is quite different on different individuals, and as I said, from my own experience within this field and with people I have worked with who have had significant problems with drugs, I can only endorse those comments.

Further issues that were raised in the Victorian Institute of Forensic Medicine briefing notes to the committee — and there are some very interesting issues here — are:

Drivers positive to any drug or drug combination were 1.7 times more likely to be culpable ...

Drivers positive to psychoactive drugs of any type were 1.8 times more likely be culpable ...

Drivers positive to the active form of cannabis ... were significantly more likely to be culpable than drug-free drivers, by a factor of 2.7 ...

Drivers positive to [cannabis] or higher blood concentrations were 6.6 times more likely to be culpable than drug-free drivers ...

As we can see from the information that has been provided to that particular committee from the Victorian Institute of Forensic Medicine, the crash risk goes up quite significantly as a result of drivers who have either smoked marijuana or been involved in using amphetamines.

I refer to another issue raised by an article entitled 'Drug impairs coordination'. Dated 20 September 2002 and written by Delthia Ricks, it says:

Marijuana use triggers distinct changes in behaviour and coordination, alterations that also have effects on perceptions of distance and time.

Coordination is a central motor ability that becomes impaired, doctors say, because the drug forces a relaxation of the muscles. The more marijuana that is inhaled, studies show, the longer the drug-induced relaxation lasts. This in turn leads to slower reactions and compromising of spatial judgments.

...

... These neurones play a major role in coordination.

The article goes on to raise a whole host of issues relating to drugs. In relation to the use of drugs — I am talking about cannabis and amphetamines, and I hope the minister will cover this in his summing up — what happens when someone is pulled over to a drug-testing station? Will they undertake a breath analysis for alcohol and then have a swab taken for drugs, or will it be purely and simply a drug-testing station? That is an

issue that has not been covered, and I do not believe it was covered in the briefing. It is an important issue, given that somebody who is affected by both alcohol and drugs would pose a significantly greater risk to the community. As I said, I do not believe that was covered in the briefing, and I am not sure how exactly that is going to be covered out in the field.

One of the issues that concerns us is the attitude of some of members of the government to marijuana use in the community. When the Treasurer was Leader of the Opposition he said in this house:

It is an excellent and well-researched document that has already won the respect of experts in the field of drug use and abuse across Victoria. The opposition has been able to produce such an excellent document because it set up a drug task force comprising the honourable member for Albert Park, Mr Thwaites, the shadow Minister for Health and Community Services, the honourable member for Altona, Ms Kosky, the shadow Minister for Youth Affairs and the honourable member for Yan Yean, Mr Haermeyer, the shadow Minister for Police and Emergency Services. They worked together with members of the state opposition and experts in the field, including legal and drug abuse experts to produce the report.

...

... With some minor variations the opposition has adopted Professor Penington's proposal for the decriminalisation of marijuana, and I shall tell the house why. As I have said, tens of millions of dollars of police time and resources and court time are currently devoted to prosecuting, and in some cases prosecuting individuals who do no more than consume small amounts of marijuana for personal use. We say that is a shocking and inexcusable waste of resources when every single dollar of budget spending we can get is needed to tackle the real problem caused by drug abuse in our community. What folly and how absurd it is to spend that time and money prosecuting and persecuting those who do no more than consume small amounts of marijuana for personal use.

Getting back to my initial remarks on this particular matter, there is simply no way in the world I could support those comments. I have seen someone start off as a recreational marijuana user and progress to other forms of drugs. It is about the people they become involved with. It is a fact that when you smoke marijuana your guard is down. When other drugs are put in front of you, the temptation is there to get involved in them.

I understand there are people out there who can deal with it better than others — for example, there may be marijuana smokers who are capable of having a recreational smoke of marijuana without taking it any further. But the simple fact is that we are now seeing it turn up time and again and at greater levels as a factor in road traumas and deaths. It should send a clear message to the government of the day that this is a

growing problem and that there is no way known you should be seen or should want to be seen supporting someone heading down the path of marijuana smoking. It is a hideous drug that has caused an enormous number of problems in the community.

The then opposition leader went on further to say:

The drug problem must be tackled through harm minimisation, and whatever people might think about marijuana, the link must be broken between it and harder drugs.

Once again I point out that it is not the link, it is the associations young people make when they start smoking marijuana. You cannot break that link, because the people who are involved in the trafficking and promotion of marijuana are also in many cases involved in the promotion and sale of harder drugs. It is purely and simply a commercial matter for them. If they get someone onto marijuana, they have a better chance of getting them onto harder drugs. Quite often the more vulnerable people in the community end up going down this pathway, and the cost to the overall community is absolutely ridiculous.

In his contribution the then Leader of the Opposition also said:

People in the community who are cautious about change and who do not want marijuana to be freely available need to understand that even when I was at university more than 20 years ago marijuana was freely available, and it is even more freely available today. To make it a drug for which there is no real criminal offence for small personal use will not change its availability, but it will change the source and supply of it. It will cut the link — that is, marijuana will cease to be a gateway to harder drugs that can do much more damage to individuals.

As I said, I totally dispute that particular statement. In no way, shape or form could I go down the pathway of supporting the promotion of marijuana as a good recreational drug. Indeed, as I said, it gets to the point where younger people then go onto to experiment with hard drugs. From personal experience I have witnessed where that ends up, and I know it is certainly not a pleasant arrangement, not just for the person themselves but for their family and friends and everyone else involved in it. It was put to me by the mother of a young person who found themselves absolutely addicted to drugs through starting off on marijuana that when you have someone at home who is sick with cancer or another major illness, people come from everywhere to help you, but when you have a drug addict in the house, no-one wants to know you.

It creates a massive problem in the community. I note another article, from September 1999, in which the then

opposition spokesperson for police and corrections, now the Minister for Police and Emergency Services, criticised the drug testing plan, saying that some hard drugs did nothing to impair the precision of a user. You would have to wonder about the minister after comments like that, and perhaps some of these early statements of his point to the fact that his judgment, as proven lately, is well and truly off track when it comes to the issue of reality within the community. If he has taken that attitude forward with him, indeed into his role as Minister for Police and Emergency Services, who knows what major problems may confront the minister as he goes forward?

This is a start; we have a pilot program. I believe it has a lot of window-dressing associated with it, and we need to get serious about the issue. The government did not act until the opposition started to chase information in relation to the number of fatalities indicating a presence of cannabis or amphetamines. Their response to that has been very light indeed. We will follow this program very closely. We will have our fingerprints all over it to ensure the appropriate level of testing is carried out — 9000 tests over the trial period. We will follow that closely and we will be pushing to ramp up the level of drug testing across the state once the program is finished. That is assuming that the program is not messed up by the government, and providing that no unforeseen circumstances come to the fore that need further addressing. On that note I wish the bill a speedy passage.

**Mr WALSH** (Swan Hill) — The Road Safety (Drug Driving) Bill amends the Road Safety Act 1986. In going through the bill we need to look at some of the history of road safety in Victoria. We can all be particularly proud of the success of the drink-driving laws here in Victoria, and the random breath-testing program, which has done a lot to lower the road toll in Victoria and reduce accidents, not only fatalities.

There has been bipartisan support for that program since its introduction a number of years ago. It was targeted, people did identify that there was a problem there, people generally supported the fact that something needed to be done, and both sides of politics supported that. The success of the program was that it was targeted. There was a clear, identifiable outcome. It was not about raising revenue. Currently in Victoria we are facing a dilemma in road safety, with doubts about some of the safety programs being used at present. The general community is concerned about revenue raising from speed cameras, otherwise known out there as 'revenue cameras'. The community is losing respect for some of the laws in Victoria and losing respect for the

police because these cameras are being used for revenue.

Recently the Deputy Prime Minister, John Anderson, was here in Victoria. I watched an interview with him where the interviewer had to really draw him out to get him to comment on state issues in Victoria. He was very hesitant, but the Deputy Prime Minister finally said that he felt there was a community suspicion of speed cameras in Victoria and of road safety being implemented with those cameras. He said that the tolerances were set very low, because of the position they were put in, and that they entrap people into being fined rather than being used for road safety.

**Mr Carli** — Tell us about the bill!

**Mr WALSH** — It is important to put these things in context. If we are to introduce laws in this state we need to ensure that the community has respect for what they are trying to achieve and the fact that they do achieve it.

The bill was the first implementation on the issue of drugs to arise from the 1996 parliamentary Road Safety Committee inquiry into the effects of drugs other than alcohol on road safety in Victoria. Those amendments at that time set up detection and prosecution of persons found to be driving while impaired by a drug.

That was the first step in that direction, and in those first two years of those changes, some 375 drivers were charged with offences under those provisions. Of those 375 drivers, 56 per cent were detected by police observation for poor driving behaviour, and 44 per cent were detected following involvement in a non-injury collision. It was an important first step, but as we all know — and it is the same with the effects of alcohol — drugs increase the risk of crashes, but that risk is actually increased before there is physical impairment evident in the driver; so it is very hard for police to pick up people who may be at risk of an accident if there is no physical impairment to their driving.

In 2002 the Victorian Institute of Forensic Medicine reported that drugs other than alcohol were detected in the blood of 27 per cent of fatally injured drivers, and 29 per cent of drivers in fatalities had alcohol in their blood. So when analysis is done of people who have been killed in car injuries, there is a significant number with drugs in their bloodstream.

Turning now to truck accidents, the Victorian Institute of Forensic Medicine found in a 10-year study that in excess of 25 per cent of truck drivers killed in road accidents had drugs in their bloodstream which were

likely to impair driving; and of this number, 97 per cent tested positive to drug stimulants.

In the truck industry drug use is probably more for work-related reasons than for recreational use, and we would all acknowledge that the majority of people do the right thing, but we need to ensure that the minority do not give that industry a bad name, do not cause accidents on our roads, or put undue cost and pressure on the rest of the transport industry.

Recent technological advances have now made it possible to screen for low levels of certain drugs by testing a sample of oral fluid using portable equipment at the roadside. So as technology has gone forward, we now have the opportunity to go the next step and test people who are showing no visual signs of drug-induced behaviour in their driving.

These amendments put in place a legislative pilot program of random roadside drug screening. The fact that it sunsets on 1 July 2005 is a positive move. We should give credit where credit is due — it is something that we should do more of in this house — and putting in place a sunset clause as has happened here means that if the program does not work it will not be there forever. The sunset clause will ensure that this house scrutinises the measures coming up to the sunset clause, and if there is a good outcome from the trial program, and a need to put it in place permanently, that can be done.

There are two particular drugs that are defined as proscribed illicit drugs under this bill. One I must admit I have trouble pronouncing is delta-9-tetrahydrocannabinol. I will abbreviate it to THC as I talk, because it is much easier. The second is methylamphetamine. I cannot repeat them — they are very technical terms and I must admit I struggle with them. The Victorian Institute of Forensic Medicine has shown that these are the two drugs that are most often detected in fatal accidents. They are both not found in any prescription medicines here in Australia, and they can reliably be detected in oral fluid samples.

One of the important things in going the next step and having random drug testing similar to random breath testing is the whole issue of fear of detection. I know that with the number of kilometres I have done over the years I have been through numerous random breath tests. I must admit, even though you may not have been drinking for weeks before being tested, the heart always does a little flutter when you are random breath tested.

**Mr Cooper** — That is a guilty conscience!

**Mr WALSH** — That is a guilty conscience, is it? This fear of detection has worked extremely well with

the issue of alcohol and drivers. Hopefully this pilot program will show the fear of detection will also work extremely well with drug testing.

We have a few concerns with the bill and how it potentially will be implemented. One is the fact that there is no legally permitted amount of drugs in a person's system, whereas with alcohol minute levels are permissible so that there is a threshold before a penalty. With this there is no graduated enforcement level so that if a person has a minute amount of drugs, as I understand it, there is just a straight in or out whether you are issued with an infringement notice or not.

The pilot program puts in place one bus which is going to do 215 8-hour shifts and 9000 tests over the life of the program. As was explained to us in the briefing, they are going to target three main areas: heavy drug-use areas, like some of the nightclub areas around Melbourne such as King Street; the transport industry; and normal random breath testing. We need to make sure that we get the bus around Victoria and that it is seen. No doubt although there are higher use areas as described in our briefing, there are people in other parts of Victoria who drive after they have used proscribed drugs. It is important that the bus is seen around Victoria so that the profile of the whole issue is raised. It comes back to deterrence.

One of the other concerns the National Party has is the fact that the program is being funded by Vicroads. I find it rather strange that we are dipping into the Vicroads budget to fund it. Why should the Vicroads budget not be used for fixing our roads and doing the things it normally does? I would have thought the funding for this program should have come out of the police budget or one of the other budgets that are there. The Transport Accident Commission, as I understand it, is going to do a quite extensive advertising program.

Again we would like to be very sure the government does not use the TAC advertising program for this important trial as a self-promotion of the government. We quite often see advertising programs for very good intent used as a self-promotion for this government by the taxpayers of Victoria. Our query would be why is it being funded by Vicroads? And we want to make sure that the advertising is targeted very much at achieving the outcome of deterrence and not just as a self-promotion for the government by the taxpayer.

There are some significant fines in this program. A first offence attracts a \$600 fine; a second offence, a \$1200 fine. The offender may have their licence cancelled for up to three months on the first offence and up to six

months on the second. Vicroads is paying for this program and the TAC is paying for the advertising program. If we are serious about road safety why not put the money from the fines back into the safety program instead of consolidated revenue?

I go back to where I started with the issue of speed cameras. The community is losing faith with some of the road safety programs because they are very cynical. They believe they are being used as revenue-raisers, not as serious safety programs. Can I urge the minister if he is serious about this program to put the fines back into the testing and safety program instead of into consolidated revenue?

This is a world first. It sets up a preliminary screening test that will be conducted by requiring a person to suck or chew on an absorbent pad or oral fluid receptacle. The oral fluid sample will then be tested by using a prescribed oral fluid-screening device which will provide a result in a few minutes. I must admit we all struggled during the briefing with the concept of how this was going to work. We were shown the device. Random drug testing is a world first. In Germany, as I understand it, they have a sweat test where a pad is rubbed on the side of a person's neck to detect whether they have been using drugs before they drive. In Belgium there is a urine test — we probably all realise how that would work. Both these tests are not random; they are targeted tests on people who are believed to have offended.

We have a world first. It is very important that we do it well, that we go forward gradually and make sure we get it right. The National Party has concerns that the regulations behind these amendments have not yet been done. Let us make sure that we do get them right. Let us make sure that we maintain public confidence in the system and that we do not find as we get down the track we have something that should have been done better — that we have some drafting errors or some mistakes in the whole process. Let us make sure people will have faith in the system.

When people are detected at a random drug testing station as having possibly used drugs the sample will be retested, and if they are found to be guilty of having drugs in their system while driving, an infringement notice will not be issued and the offender will be issued with a summons to appear in court to be dealt with accordingly.

In summary, the National Party does not oppose this legislation, although we have some issues we would like to see dealt with well on the way through. We acknowledge that this legislation is a world first and

that it is important to do it well. We urge the minister to take every care to ensure that everything is done correctly — that the regulations are drawn up correctly — to maintain public confidence in the whole system.

We have some concerns about the fact that graduated levels are not referred to in the legislation. Is someone with a minute level as guilty as someone who has a high level? Can people with minute levels drive without physical impairment compared with someone with a higher level? We need to make sure of this issue, and that the level that leads to impairment is put in place, again so there is public confidence in the whole program.

The last issue is the funding of it through Vicroads instead of through the normal channels. I do not think it is normal for Vicroads to fund programs like this when the revenue raised goes into consolidated revenue. We have to make sure that this is not viewed cynically as just another case of spending money out of one bucket and putting the money raised into another.

**Mr CARLI (Brunswick)** — It is a great pleasure to rise in support of the Road Safety (Drug Driving) Bill. This bill is a building block of a greater strategy with which the government has undertaken to reduce the road toll by 20 per cent by 2007. It is unfortunate that the opposition parties, while supporting the principle of road safety, continue to say that we are only undertaking many measures for revenue raising. It is never about revenue raising; it is about saving lives. If you look at the performance of the Bracks government, you can see —

**An Honourable Member** — Never?

**Mr CARLI** — Hand on heart.

We have seen numerous reforms over the last few years. I am very pleased to have spoken in this house about all these reforms. We have introduced the 50-kilometre-an-hour speed limit; we have introduced alcohol interlocks for cars for repeat drink-drivers; we have had a \$240 million black spot program; we have made much tougher driving laws; we have put in tougher demerit point penalties for P-plates; and we have introduced the drug-impairment test that was discussed today. The government has undertaken numerous reforms, and they are about confronting the death toll on our roads.

Probably the main part of it — this is about the history of fighting the road toll in this state — is about fundamental cultural change. It is about changing attitudes — whether it is the drink-driving laws of the

past or the wearing of seatbelts. The drug-driving issue is very much about changing attitudes and behaviour.

Today an article was published which was based upon the *AAMI Young Drivers Index*. That found a number of very disturbing trends amongst young drivers. One is that one in five drivers has driven under the influence of recreational drugs such as ecstasy, marijuana, speed or cocaine. A large proportion of young drivers feel that, to quote:

‘It’s okay ... to drink and drive so long as I feel capable’.

A large proportion also believe that driving under the influence of drugs is better than driving under the influence of alcohol. The reality is that much drug use — this applies to illicit and prescription drugs — can cause impairment in drivers. That is why the government initially introduced the impairment test and why we have introduced this test, which will obviously test for some, but not all, illicit drugs.

It is very clear that the attitude of many young drivers is that you can drive after using drugs, that it is not as dangerous as alcohol, or even that you can use drugs and alcohol and as long as you feel okay you can drive. That is a really disturbing trend, and something we have to confront as a government. That is why this is a very important test.

This legislation is going to put in place a pilot program which will put deterrence into the situation. A van will do these tests, and the program will be targeted around rave parties, night venues and other areas where police know there is high drug use. The van will be used in those areas and 9000 people — many of whom will be young people — will be tested. It is about building in deterrence and the whole program of making young people aware of the dangers of drugs and driving. It is very much a program that is there to confront the issue of drugs.

Broadly speaking we are talking about a number of related pieces of legislation. We have legislation about alcohol use, we have the impairment test for drugs and alcohol and we now have this test for tetrahydrocannabinol (THC), which is found in cannabis; and for methylamphetamine drugs, which are ecstasy, speed and those sorts of drugs. So we have a vast weaponry, partly to catch people but also to create a sense of deterrence and to re-educate people away from the sorts of attitudes mentioned in the AAMI report.

It is very important that we see this as a broad approach, not a one-off or segmented program. In that context the member for Polwarth asked whether, if a

person is pulled over for a drug test, they will also be tested for alcohol. The answer is yes, they will be tested for alcohol. Alcohol will always be tested for before a drug test takes place.

The other issue is about why there is not a graduated amount and why it is simply the presence of THC (tetrahydrocannabinol) or speed or ecstasy that is being tested for. The reality is that we have the impairment test, and with that impairment test there is actually a harsher penalty. If a person who is caught is impaired as a result of taking a drug or a cocktail of drugs and alcohol — and in many cases it is a cocktail of drugs and alcohol — the impairment test will take prominence, and impairment will be the offence they will be charged with. It really is about having a series of weapons in the fight against various types of drug abuse.

At the moment we only have the technology to test for particular drugs, and that is essentially what we will be testing for. There was a suggestion by the member for Polwarth that somehow people who are impaired will not be caught by this program. That is why I think you have to see it as a series of interrelated pieces of legislative and deterrence measures. If they are not caught by this, they will be caught by the impairment test showing that they are actually physically impaired.

Why are we doing it? Primarily we are doing it because it is increasingly obvious that the number of people in serious accidents who test positive to drugs — and the number of fatalities caused by drug use — is on the rise and is now more or less the same, depending on the year, as the number of people who in the same situation are found with alcohol in their blood. It is not simply those drugs that we are testing for; often there is an abuse of prescriptive drugs, and often there are cocktails of drugs or cocktails of drugs and alcohol.

But the reality is that we are seeing this occur in large numbers. Figures show that 27 per cent of those involved in road fatalities have, when tested, been detected as having used drugs, versus 29 per cent of people who have had an alcohol reading over .05. It is very much in the same ballpark. That means the struggle continues, in the sense that alcohol still is a major contributor to fatalities and other road accidents. But as we see it, this very much fits in with the government's broader Arrive Alive strategy, which is about putting into place a raft of interrelated measures — some about deterrence and some educational, including improvements to intersections and speed cameras, which are very much part of this program. This is very much about ensuring that we

have the necessary tools in place to improve road safety in this state.

There are obviously more measures to implement. But to reiterate, the previous two speakers have talked a bit about the types of procedures that are undertaken — a saliva test and, if that is found positive, a blood test. That is the way it will be done, and if people are detected with these particular illicit drugs in their systems, this law will apply and they will get the penalty. But the current drug impairment law will also apply, and if they are found to be impaired they will be charged under that.

Fundamentally the government is still committed to a harm-minimisation approach to drug abuse. This is about road safety; it is not about drug detection. I think the member for Polwarth primarily wants the system to be used to catch people who are using recreational drugs. That is not the intention. The intention here is to stop people who are using recreational drugs from driving. It is about ensuring that people who go to rave parties and use ecstasy take a taxi or get a lift with someone who has not taken ecstasy — or walk home or do something else. We are not out there to catch them as ecstasy users. That is a very important distinction. The government's position on drug abuse remains one of harm minimisation.

This program is driven by the government's commitment to road safety and the Arrive Alive strategy, which is working. We would certainly welcome more support from the opposition parties, rather than their constant harping that we are — in their language — simply revenue raising. I wish this bill a speedy passage.

**Mr WELLS** (Scoresby) — It gives me a great deal of pleasure to speak on the Road Safety (Drug Driving) Bill 2003 and to support the opposition shadow Minister for Transport, who has said that we will not be opposing this particular piece of legislation.

Credit must be given where credit is due. Back in 1996 John Richardson, the former member for Forest Hill, first started advocating for action against drug-driving, which he saw as an enormous problem that would increase over the years. I note with great interest that an inquiry into drug-driving in Queensland made a very important point. I refer to the report of that inquiry, which states:

Perhaps the most revealing Australian study of the magnitude of drug-driving was conducted by Professor Olaf Drummer (1994) from the Victorian Institute of Forensic Pathology. The study examined the presence of drugs in 1045 dead drivers from NSW, Victoria and Western Australia between

1990 and 1993. Forty-nine per cent of the dead drivers had at least one drug, including alcohol, detected. Drugs other than alcohol were presented in 22 per cent of these drivers. The most frequent drug detected was cannabis (11 per cent) followed by amphetamines and related stimulants (3.9 per cent) ...

It goes on:

Other drugs were detected in 5.6 per cent of the dead drivers —

and it goes on to describe the other findings. It is interesting to note that at least 22 per cent of dead drivers had drugs other than alcohol in their bodies.

I was so concerned about the issue of drug-driving that I put in a freedom of information (FOI) request to the Minister for Police and Emergency Services asking for as much information and documentation as I could get on how the current system was working. I specifically asked about drug-impaired drivers and the numbers who had been convicted or remained in the court system over the last two and a half years. What was concerning about the FOI documents I got back was the way that the minister, or his department, the Department of Justice, ran the documentation out — and this relates very closely to this piece of legislation.

On 1 July 2003 we submitted the FOI request to the Victoria Police. The document I have in my hand shows that on 22 July and 28 July the Victoria Police compiled the information that we needed on the number of people who had been caught, the people who were still in the court system and the amount of equipment being used throughout Victoria. As I said, it was compiled on 22 July and 28 July, but we did not receive this documentation until 16 September. It took 77 days to receive the information that we had required under FOI. What is even more disturbing, on 14 September the minister released information about new technology and the way the government was going to address the issue of drug-driving.

It is worth pointing out that on Sunday, 14 September, the minister came out and announced the use of new technology for drug-driving and that two days later — lo and behold! — out came my FOI response. You would have to ask why, after 77 days, all of a sudden the information appeared — two days after the minister made his comment about releasing new technology for drug-driving?

A reasonable person would look at this and say that the minister had deliberately withheld my FOI request. When you consider that there is a 45-day limit on all FOI requests from the Victoria Police, you have to ask why this particular one was held up for 77 days. I

suspect it was because the minister did not want any more bad news from the opposition, that he wanted this one held up so he could get out his press release on how the new drug-driving technology would work.

I guess there is a history to this. We only have to look at question time today and at the issue of whether, once again, there has been some political interference in the FOI process. We complained to the chief commissioner, Christine Nixon, about this issue, our accusation being that the minister deliberately withheld FOI documents.

**Mr Langdon** — On a point of order, Acting Speaker, I do not want to interrupt the member on his feet, but I have been listening very carefully. He is speaking on freedom of information requests relating to road safety, police numbers and crime, but he is not speaking on the bill itself.

**Mr WELLS** — On the point of order, Acting Speaker, I specifically addressed my remarks to the issue of drug-driving and my concern about that. The FOI documents I obtained relate directly to the issues that are in this particular legislation.

**The ACTING SPEAKER (Ms Barker)** — Order! I was listening carefully to the member for Scoresby, and he did refer to an FOI request in regard to information concerning this bill. However, I remind him that he needs to refer to that information in regard to the bill.

**Mr WELLS** — What is interesting is that the documentation I received showed that, for example, from 1 January to 30 June this year 93 people were booked for drug-impaired driving, but 66 of them still remained in the court system. Quite clearly there is a problem with existing legislation and how it is interpreted by the police and the police prosecutors because it is being held up in the court system.

I note that from 1 January 2001, when the legislation effectively came into force, there has been an issue with the number of people who have been booked for drug-driving and the way the court is interpreting the rules. This piece of legislation does not make it any easier. All it does is introduce another piece of technology to perform random sampling; however, the problem remains that when an offence reaches the court system the courts will still have trouble interpreting the legislation.

To see how the system currently works, and how it will not get better under this system, we only have to look at a few facts. Of the 534 drivers who tested positive for drug impairment since 1 January 2001, less than 40 per

cent have been convicted. Only 145 members of the police force have been trained in drug-driver testing, and only 14 dedicated, operational video equipment systems are located in regional and rural Victoria. Therefore the regional cities of Ararat, Stawell, Wangaratta, Castlemaine, Maryborough, and Hamilton each have a trained member of the police but no video equipment to perform the actual drug-driving test.

That is a ridiculous situation. You cannot convict someone or charge them with drug-driving if you do not have the video equipment available. If you have to get the video equipment from Mildura or Portland or somewhere else, that defeats the purpose because unless the results of drug-driving tests are processed within 3 hours then the person must be let go. That is the situation as I understand it. So if someone is driving erratically along the road they may be pulled over and they may do a test, but if they cannot be videoed then I do not think the charge will hold up in court.

Eighteen cases still remain in the court system almost two years later. The drug-driving legislation is seriously flawed in a number of areas. The Bracks government's bungled legislation has led to 147 cases still remaining outstanding in the court system. Due to the fact that drivers need to be tested within 3 hours, and the fact that there is an insufficient number of trained police in rural Victoria, police are at times deployed from Brunswick to perform the testing; otherwise, as I mentioned, the driver is set free.

I want to mention in the short time I have available, the one issue that really concerns me. I guess one of the reasons why the opposition is not opposing this bill is because at the moment if you are caught for drug-driving there is a regime of zero tolerance. If you have any illegal drug component in your body you are charged, and the Liberal Party supports that. But under this system, the way the tests have been designed means that you must have a high reading before you are charged and eventually front court. This is lessening the importance of the issue of drug-driving, because, as I said, at the moment it is zero tolerance under this system. The person chews the bit when the police officer gives it to them, and this means that the reading has to be high — it has to be significant — before the person can be charged, and I have real concerns about that. Had it been an issue of zero tolerance then the Liberal Party would have been supporting it because it would have meant maintaining the status quo.

With those few words, I reiterate that the Liberal Party is not opposing this legislation, but it will watch with great interest how it works over the next couple of years before the sunset clause kicks in.

**Mr LOCKWOOD** (Bayswater) — I rise, of course, to support the bill. This bill is not about endorsing drug use or not endorsing drug use; it is about catching people who drug-up and drive, people who have unacceptable substances in their blood or their saliva. It is about changing a culture where it is acceptable to drive with these substances in the body. The idea of the bill is to get dangerous people off the road — the dope smokers and the pill poppers — and save some lives.

The Road Safety (Drug Driving) Bill introduces random drug testing. Obviously the idea is to reduce death and injury on the road. Drug use on the roads is a growing problem. As we heard earlier, in 2002 20 per cent of fatally injured drivers had some level of drugs in their blood, and 29 per cent had some level of alcohol in their blood. Clearly it is a problem that must be tackled.

The drugs that this legislation covers testing for specifically are cannabis and methamphetamines. Some of the amphetamines are a factor in truck driver fatalities. The previous measures have been effective, and this legislation builds on those. There will still be the opportunity to use the previous measures where it is considered appropriate, and of course the level of detection showed that there certainly was a problem.

The presence of drugs in the body increases the risk of crashing a vehicle, often resulting in injury and death. The random roadside screening for these substances obviously addresses that growing problem. The technology is now available to screen for levels of these drugs. Random roadside testing has proved effective in screening for alcohol, and if this deterrent works — and I expect it will — lives will be saved and injuries will be prevented. We want to get drug-drivers off the road, and we want safer roads.

The bill introduces the new offence of driving while illicit drugs are present in oral fluid or blood and the offence of refusing to provide a sample. There is no legally permitted amount in the blood or saliva. The test, as we have heard many times, is via the oral fluid screening technology for preliminary testing. If a driver fails the preliminary test there is a second test with a further sample taken. Any police officer can take the first sample, but a suitably trained police officer must take the second sample.

Both parties, the driver and the police, have a right to require a blood sample, which can be taken by a registered medical practitioner or approved health professional. It is to be used as an adjunct to breath testing, and booze buses in some cases. There could be special operations to target such as the transport

groups — to pick up truck drivers who are using the wrong substance — and high-risk drug user groups like those at rave parties, as we have heard.

The only drug to be tested for is THC, the main ingredient in cannabis and methamphetamines. The samples cannot be used for anything else; under the legislation this is the only purpose for which the samples can be used. They cannot be used for DNA testing. The legislation sunsets on 1 July 2005, to allow for a review of its effectiveness.

Victoria is the first to do this. There is quite a bit of inconvenience in the testing — it could take up to a quarter of an hour, I am told — but the inconvenience is worth it to save lives on our roads. The Bracks government is serious about the road toll, as it has proved many times. We need safer roads, with less death and injury. It does not have the smell of a sideshow. It is certainly not a minimal approach; it is a serious approach to a serious issue. On that note I commend the bill to the house.

**Mr COOPER** (Mornington) — The Road Safety (Drug Driving) Bill is a first attempt to deal with a very real problem on our roads. In that regard one would have to say, ‘Well done’ to the government. There are some concerns and I think those concerns are probably held by members on the government side as well as members on the opposition side. In regard to testing we are dealing with the three major drugs of choice. Alcohol, of course, has been tested for for quite a long time, and now we are moving on to include in that net marijuana, which is the second drug of choice, and the third one, amphetamines.

As the member for Bayswater said quite correctly, amphetamines are probably the worse of the latter two, if you can apply that sort of criteria to drugs. Many truck drivers are and have been involved in the use of amphetamines, or stay-awake drugs, for many years. There have been some very serious crashes on our roads involving significant loss of life — and property — where amphetamine use has been found to be involved. Therefore any attempt to come to grips with the issue and deal with it is to be applauded.

One of the things we have to bear in mind is that this is really a 3-hour bill, in that if you do not get the person within 3 hours of them using the substance the drug testing is not going to be able to come up with a conclusion that could lead to a charge and conviction. This puts a significant bit of pressure upon the law-enforcement agencies to be able to deal with it, particularly when, having regard to the fact the government members for Brunswick and Bayswater

have said this is a significant issue — with which I agree — from the briefing received by the opposition it appears that very few machines and very few officers will be involved in the testing regime.

A token number of drug-testing kits are going to be bought. My understanding is it is going to be somewhere around five or six for the entire state. Only 80 police officers are going to be trained in the use of this equipment. They are supposed to cover the whole state. One would have to ask: is this a Melbourne-centric bill? I am surprised the member for South-West Coast is not here speaking on this bill because he talks about this government being city centric and that would appear to be so. I find that extraordinary, because if we take the words of the members for Brunswick and Bayswater seriously, that the Bracks government is really keen to deal with this question of drugs in driving — and one would hope they are and I would expect that most members of the government are keen to see this matter dealt with — it would have put a bit more by way of resources into this and would have been a bit more fair dinkum in the way it has gone about it.

It appears to me — I stand to be corrected; I will be interested in later contributions on this bill from government members — that this is perhaps more a bit of window-dressing than really genuine action. If it were going to be really genuine action, we would see really genuine amounts of money being put into this matter because — and I again come back to the point emphasised by the members for Brunswick and Bayswater — this is a serious issue. I agree with them. So why are we not seeing serious action taking place?

I know there has been criticism about the fact that this equipment will test for only marijuana and methamphetamines. That is because, I understand, there are some shortcomings in the testing equipment. I do not point the finger of blame at anyone over that; the government is doing the best it can. I again come back to the fact that if you do not get people within 3 hours of them taking the drugs, you do not get a conviction and those people are free to continue to drive and do what it is they do — and that is be a risk to everybody else on the roads.

As a member of the Drugs and Crime Prevention Committee of this Parliament, I have heard a significant amount of evidence given to that committee in recent times about drugs, particularly what are loosely called party drugs — that is, amphetamines. They are the subject of a current inquiry being carried out by the committee. Only a week or so ago the committee was out at the City of Knox offices and heard evidence from

the local police on the question of the use of amphetamines in that area extending up into the Dandenongs. The superintendent who came before that committee was asked by me whether he considered that there was a significant drug problem out that way. My clear memory of his evidence was, 'No, I don't think there is'. Yet we have heard from people who are in the drug agencies out there — people who are working in the drug field — saying that there is a significant drug problem in the eastern suburbs extending out to the Dandenongs, and that there are real problems with people injecting amphetamines in supermarket car parks, either prior to or coming from work. That makes me believe there is certainly a significant problem and one that needs to be dealt with in a very serious way.

I heard the member for Polwarth in his speech earlier talking about some of the changing attitudes towards drugs. One would hope the attitudes amongst some of the people now in government would have changed significantly. We know that in previous times we have had support, both covert and overt — mainly overt, surprisingly; nevertheless there has been support there — from people such as the Treasurer, the Deputy Premier, the Minister for Education and Training and the Minister for Police and Emergency Services. That was when they were opposition. Now, of course, one would hope they have changed their views, that they now see that there is no genuine reason from a health or community safety point of view for giving any kind of support to the use of drugs, whether it be for a recreational purpose or as an addict.

I notice there are still some political parties in operation in this country whose members not only support the use of drugs, but have actually made it a policy statement. The Greens are a notable party. Bob Brown and his Greens have a policy about legalising drugs. They believe people have a right to be able to take drugs whenever they feel like it and alter their minds. The reality for the Greens is, I suppose, that if all their policies come into being we will not have any motor cars either, so there will not be a danger on the roads — because no doubt they want to ban cars as well.

As things stand in the real world, which is not the world that Bob Brown and his Greens inhabit, the use of drugs in any way by people who get behind the wheel of a motor vehicle of any size is dangerous. It can be very dangerous for those who have not taken drugs, because a drug-affected driver clomping along the road at excessive speed, and usually not just damaging themselves, wants to go out killing other innocent people as well.

There certainly has been a change in attitude as I detect it among members of this Parliament, and that is to be applauded. But what we have not seen yet — having regard to the fact that a former member of this Parliament, John Richardson, was advocating for action like this for a long time — is a real, genuine, 110 per cent commitment to do something about this danger. This is tinkering at the edges. Therefore I urge members of the government in this house that, although they will be supporting this bill — and so they should — they go back into their party room and apply the pressure for a really genuine go at drug drivers in this state. If we do that then we are really going to get somewhere, but right at the moment to be having only five or six drug testing kits and 80 trained officers covering the whole of Victoria is, as I said, tinkering at the edges.

**Mr LANGDON** (Ivanhoe) — It is with a great deal of pleasure that I add my contribution to the Road Safety (Drug Driving) Bill. When I first joined Parliament in March 1996 I was appointed to the parliamentary Road Safety Committee. It was about three-quarters of the way through its review on the influence of drugs other than alcohol on the road toll.

It was a very interesting experience. Coming in three-quarters of the way through the whole process put me on the backburner a bit, but I listened to the number of drugs that were mentioned, to what the government — any government — could do, to what the road experts told the committee et cetera, and it was an enlightening experience. Previous speakers have mentioned the need to get out there on the road with adequate testing for drivers using drugs other than alcohol. In 3 hours that has been mentioned by a few speakers. That was one of the biggest challenges before the parliamentary Road Safety Committee and often experts came to us and said it was difficult to ascertain exactly what drugs were influencing people. I am pleased to report to the house that in late 1996 or 1997 the Road Safety Committee tabled its report and the Kennett government responded in the appropriate six-month period.

The then chair, John Richardson, who was the member for Forest Hill, was delighted. I think he used the expression that it was the first time ever that the government had accepted all recommendations of a report, and the parliamentary Road Safety Committee had done a thorough job. The whole report took about three to four years to formulate, the biggest report from the Road Safety Committee, stemming from 1992 until when the report was tabled. Again all recommendations were accepted by the then Kennett government. Obviously this bill is the implementation of one of

those recommendations. The Bracks government under the tutelage of the Minister for Transport has started the Arrive Alive program with the intent to reduce Victoria's road toll by 20 per cent by 2007. The government has had staggering results in this effort so far.

But to listen to the opposition, it appears that its main criticism of this bill so far is that the government is not doing enough. For example, when the government decided to crack down on speeding motorists it was told constantly that it was doing too much and that it was doing it only for the revenue. But the member for Scoresby sees this bill as failing because it does not provide zero tolerance. He says there should be zero tolerance; he says we should not allow any drugs to be used by motorists. Yet the same member, and other opposition members, when it comes to speeding motorists, have a totally different point of view. They want the allowance; they want the extra; they do not want us to police the road toll as quickly as we are doing. On the one hand we are being lectured that we are not doing enough to deal with drugs, yet when we deal with speeding motorists we are doing far too much. The opposition and the National Party to some degree have to come back to us and say whether they are deadly serious.

From the current road toll figures this year that I have seen, we are headed for the lowest road toll since records were started in the 1950s. Somebody must be doing something right if that is happening.

**Mr Walsh** — Obviously the drivers.

**Mr LANGDON** — The drivers, yes. I know I should not take up interjections, Acting Speaker, but I will do so because it was such a good interjection!

Drivers are noting the speed cameras on the roads and they are wary of them. The same thing happened with breath tests: people are extremely concerned about breath testing, but then they start reducing their drinking habits because of it. This bill, and what it is trying to achieve, is along those lines. There may only be six devices, but they will be out there, and the motorists will know they are out there. To give you an example of that, I live off Oriel Road, which is not a major road, but on several occasions they have had a breath-testing unit there. My wife tells me that this morning was another such occasion. I was pulled up once and the house will be pleased to know that I passed the test; I had not been drinking. The reason they choose smaller roads is — and they explained it to me because I asked a few questions — that it has put the fear of God into the local residents to know that if a

small road like Oriel Road — not Bell Street or a freeway — can have a breath test unit on it, it can happen everywhere.

**An honourable member** interjected.

**Mr LANGDON** — That might well be so.

Again this bill is a part of the whole process. The Arrive Alive program has brought in the 50-kilometre-an-hour signs in residential streets, which is obviously paying dividends now with fewer pedestrian fatalities. I know the government is currently implementing the 40-kilometre-an-hour zones around schools, which is something the member for Geelong and I and several others were adamant about trying to push, and I am very pleased to say that this government introduced that.

It would be fair to say the 50-kilometre-an-hour zone and indeed the 40-kilometre-an-hour zone have been recommendations of the Road Safety Committee in its numerous guises over the last 10 to 15 years. But it is this government that is introducing those measures. Again, the Road Safety (Drug Driving) Bill is part of that process. It is about picking up those who are on amphetamines and those other drugs — and not every drug can be tested for. Alcohol is such an easy thing to pick up in comparison to drugs. That is one thing the Road Safety Committee discovered, and this bill outlines that to a large degree.

This is a way of taking the first step. No doubt in years to come there will be better tests and new discoveries in policing the use of drugs other than alcohol. Those things will be brought in in due course if this government is in office for long enough. Perhaps even its successors, of either political persuasion, may be able to pick them up.

This is a major step. I commend the government for introducing another one of the many recommendations in the Road Safety Committee report on drugs other than alcohol back in 1996. This government and the minister have been steadfastly ticking off and implementing those recommendations. I also commend the Road Safety Committee for continuing its work. I know it is currently inquiring into a few other matters, all in the attempt to reduce the road toll. I believe the figures show that if the trend continues 55 people fewer will be killed on our roads this year compared with last year. That is a remarkable achievement, and if I recall the figures correctly, that is 47 down on the previous year as well. So that means over 100 people are alive now who would otherwise have been unfortunately

taken away from us over the last two years. That also affects their families and many other people as well.

I commend this bill to the house; I commend the government and the Minister for Transport for implementing this bill and many others; and I commend the Arrive Alive program. I look forward to this bill's speedy passage.

**Dr SYKES (Benalla)** — I rise to speak on the Road Safety (Drug Driving) Bill of 2003 and support its purpose and intent. However, I have reservations about its implementation. As has been outlined by other speakers, the intent of the bill is primarily to allow for random roadside drug screening; and the bill has a sunset clause that will apply in July 2005.

I would like to spend a bit of time on the context in which I see this legislation having come about. I will look at some of my experiences on the Drugs and Crime Prevention Committee and at some of the evidence that has been provided on drug usage in accidents and attitudes to drugs, and finally I will move on to some issues of concern from my perspective.

From a context point of view, like the member for Mornington I am on the Drugs and Crime Prevention Committee, which is undertaking an inquiry into the use of amphetamines and party drugs. As a new member of Parliament I have found my involvement in that inquiry eye opening and disturbing. Some of the key findings of relevance to this debate are that alcohol remains the key drug that is abused, followed by cannabis, with amphetamines coming in third — and the use of amphetamines is rapidly increasing — and then party drugs. Whilst the most commonly perceived party drug is ecstasy, you name it and it is likely to be in the party drug combination.

At the meeting we held at Benalla it was disturbing to hear those in the know who service people with drug problems saying, 'If you cannot get amphetamines within 20 minutes in some of the major towns in the area, then you are not really trying'. Equally, as has been mentioned, there is a high and increasing use of party drugs, particularly by young adults — those in the 20 to 29-year age group. Those usage patterns often involve people going to and from locations such as rave parties to partake in those drugs, affect them en route to home and also for some days subsequent to their use.

An additionally disturbing thing about party drug and recreational drug use is that in coming down off those drugs, people often use cannabis and other drugs to smooth the way; therefore we have people heading off to work and at work under the influence of drugs such

as marijuana. There are some very disturbing patterns of drug usage within Australia that have consequences for both the wellbeing of that individual and, in this context, people being at risk on the road.

Then we have the other situation in relation to drug usage, and that is truck drivers, in particular, using amphetamines to meet their commitments. Living on the Hume Freeway and commuting regularly to Melbourne on the Hume Freeway, almost every week when I come down and go back when attending Parliament I see a rollover — a truck accident — or evidence of a recent one. On the day the toxic dump announcement was made by the Minister for Major Projects, coming past Baddaginnie, the site where the toxic dump may in fact exist, lo and behold on a straight stretch of road there was a truck rollover. I am not saying that amphetamines were involved in that, but it highlights the issue that amphetamines and truck driving — and truck driving and amphetamines and toxic waste — are not a good combination, and we should be tackling the issue from a number of angles.

In relation to the scientific information, the Victorian Institute of Forensic Medicine has provided various items of evidence. The one that summarises it quite clearly is that in 2002, 27 per cent of fatally injured drivers had drugs other than alcohol in their blood. There was other related evidence, but that to me highlights that we have a problem.

The other issue is that this bill is intending to build on other measures, such as legislation that focuses on drug-impaired driving. I note in the summary of that activity that of the 375 people charged in relation to drug-impaired driving 56 per cent resulted from police observations and 44 per cent followed non-injury-related collisions. So clearly drug-impaired driving is going on out there. This proposal, which seeks to get ahead of the pack and is about trying to identify people before they have accidents or before they are noticeably impaired, is a desirable action.

There is also an item in today's *Herald Sun* reporting on the third AAMI young drivers index, and attitudes come through there that I find disturbing. One in five young drivers has driven under the influence of drugs such as amphetamines and marijuana, and 15 per cent believe it is safer to drive drug fuelled than drunk. I find that a disturbing environment in which to be dealing with this issue.

Some of the issues of interest and concern to me and my constituents include, firstly, the fact that the community wants tougher action on drugs, and this is clearly a step in that direction. Secondly, it is important

that whilst there may be some random usage of this technique, it is intended to target higher risk areas, such as specific locations, and higher risk industries, such as truck driving. I think that is going to have broad community support.

The idea of a sunset clause is favoured to enable this legislation to be worked through and refined; and as appropriate down the track, additional changes may be made or more relevant legislation introduced, depending on the findings of this trial period.

I note that a considerable amount of the funding is from Vicroads, and there is a question about the cost shifting going on there. The comment was made by the member for Mornington that it is a relatively small program. Maybe the issue of cost shifting and program size may have some relevance and may be related in some way to the problems with police funding at the moment.

The graduation of results and the threshold at which action will be taken are also things to be explored in the evolution of the legislation. I realise from my work as a veterinary scientist that you do need a cut-off point that reflects a reasonable chance of your picking up the problem you are attempting to identify without ending up with an undue number of what we call false positives. So without knowing the specific details of where the line has been drawn on this one, I appreciate the principle; and no doubt as it is worked through those responsible will determine whether the threshold is at the appropriate level or whether it needs to be modified up or down.

Whilst this legislation is primarily a road safety measure, I believe it is critical that we consider it in context of the overall drug use and abuse issue. Therefore the actions taken need to be part of the broader issues of addressing drug use and abuse, such as looking at the supply issues, the demand issues, harm minimisation whilst people are using drugs and, finally and importantly, assisting the withdrawal.

If we look at the supply side of things, we see there is a need to clamp down. I as a local member of Parliament am repeatedly advised of how easy it is to get amphetamines. People have said that if you cannot get amphetamines within 20 minutes you are not trying. It is reported around the township of Benalla that if you want recreational drugs, such as amphetamines and marijuana, it can be achieved. That is the norm rather than the unusual, and we need to look at that.

Equally, we need to look at the drivers for demand. I am not familiar with all of the issues, but obviously the desire to be intoxicated is one of the issues, and there

are other issues in relation to people's resilience and their need to have a drug crutch to prop them up as they attempt to get through their lives. It is a complex issue, and I do not pretend to have a simple solution, but this sort of approach to road safety needs to be considered in the context of addressing the demand issues as well as the road safety issues. Naturally the harm minimisation issues are very broad, and I will not spend time on them. But ideally we would like to both minimise the uptake of drugs and also accelerate the process of people getting off them.

Through the activities of the Drugs and Crime Prevention Committee it has been interesting to talk to the young people who have gone on trips but then found that they have just had to get off the drugs because their bodies and minds can no longer stand the pace and damage that they do to them. It is my understanding from a technical perspective that while something like ecstasy may arguably be safe, that drug is very often used in the context of polydrug use. In the general scene at the end of the day, it is difficult to have safe drug usage.

I support the intent of this bill. I have some concerns about its implementation, but in the overall context I, along with the National Party, do not oppose this bill.

**The ACTING SPEAKER (Ms Barker)** — Order! Prior to calling the member for Kilsyth, I remind members that if they are referring to information or evidence given during a parliamentary committee which is a current inquiry — and I am sure this has been the case — they should ensure that that information or evidence has been taken in a public manner.

**Ms BEARD (Kilsyth)** — It gives me great pleasure to speak on the Road Safety (Drug Driving) Bill. It makes me very proud to be part of the Bracks government, with all the actions it is taking to save the lives of Victorians — and, after all, that is what the legislation is for: to save lives.

There have been 55 fewer deaths on Victorian roads, which is already down from the 47 fewer deaths last year. It is quite relevant in this last sitting week before Christmas to point out that 55 is not just a number: it represents 55 families who will be having an enjoyable Christmas they might otherwise not have experienced.

I consider this to be a great measure to reduce the road toll, and any measures that reduce the road toll are to be encouraged. In the last two years my extended family has personally experienced two road deaths, and I am sure any families who have been involved in that way

would congratulate the government for taking these initiatives to reduce the road toll.

In 2002 drugs other than alcohol were detected in the blood of 27 per cent of fatally injured drivers — that is, almost 50 drivers were killed with drugs found in their blood readings. Despite an 11 per cent reduction in the road toll from 2001–02, the number of drug-related deaths remains consistent, and that is why we are acting on this.

The member for Swan Hill mentioned some concerns about devices. I am happy to report that the evaluation studies of these devices undertaken by Swinburne University of Technology and the Victorian Institute of Forensic Medicine demonstrate that the technology performs well.

The member for Polwarth mentioned that we already have a system for identifying drug use in drivers — that is, the unsophisticated system of asking drivers to step out of their vehicles and walk down a straight line. I do not think that is too scientific in 2003, and I welcome the new technology.

Over the last few years young people have adopted the attitude that it is all right to drive after using recreational drugs because detection has not been easy, whereas if they drive after drinking they are in danger of being caught by the police. This is a great initiative to counteract that attitude of young people.

I am also pleased that the trial will operate for 12 months, and that during that time it will be reviewed and evaluated. Drivers failing the roadside test will then be asked to take a second test in the testing vehicle, as occurs with the booze buses. The offences attract a fine of up to \$600 and licence cancellation of up to three months for a first offence, and that will double for second and subsequent offences.

I congratulate the Minister for Transport on the implementation of this program. I am very pleased to commend the bill to the house.

**Mr MAUGHAN (Rodney)** — I am pleased to make a contribution to the debate on the Road Safety (Drug Driving) Bill 2003. Like other members who have already spoken, I am concerned about the road toll. I note the bipartisan support over a long period of time for any measures designed to reduce the road toll.

I strongly support the objectives of the bill, but like some of my colleagues I have some concerns about its implementation. Therefore I welcome the 12-month trial, which will give us the opportunity to sort out some of the bugs that might be in the system and then

refine the measures further and go on. I welcome the initiative, I welcome the fact that it is for a 12-month trial, and I hope it is an outstanding success.

We all want to reduce death and injury on the road. I well remember when we accepted that the number of people being killed on the roads was in excess of 1000 per annum. We accepted that figure year after year. I can well remember, more than 25 years ago, standing up at a public meeting and arguing that we should have an offence for drink-driving. At that stage it was quite common for people to drink and then drive, and it was almost a badge of honour to go and drink. I can see some of my colleagues nodding in agreement. It was certainly true that people would drink, hop in the car, and drive home. That was accepted by the community until the road toll started climbing and the evidence was very clear that drivers with more than a certain level of alcohol in their systems were impaired.

Not long after that the community became, as I was, upset that people who were clearly unable to drive were legally able to hop into their cars and in many cases kill or injure people — and that was totally unacceptable, hence the drink-driving legislation enjoyed bipartisan support. That was the start of a whole range of measures that have led to the road toll dropping consistently. And while we have many more cars on the road, the number of deaths is now below 400 per annum, and there is no doubt that that can be reduced further with measures like the ones we are debating here today.

Victoria has done remarkably well with the initiatives that have reduced the road toll, and one of those was compulsory seatbelts. There was also the issue of credible speed limits, and I was on an all-party committee that looked at setting speed limits in Victoria. One of the important points that arose in that inquiry was that for speed limits to be obeyed by the general public they needed to be credible, and we do have credible speed limits in this state, along with penalties that hurt.

With the advent of a greater surveillance on the road, and the high probability that if people do exceed the speed limit they will get caught and will get punished accordingly, people are obeying speed limits. However, we are starting to move away from one of those very important principles — the credibility of speed cameras. I welcome their use, but the problem is twofold. Firstly, there is the issue of the narrow tolerance. While I do not agree that we should raise the tolerance to such a degree that it encourages people to speed, right now the tolerance is too low, and people

are watching their Speedos rather than watching the road, which is bringing speed limits into disrepute.

The other problem is that too many speed cameras have been found to be inaccurate. The government, to its credit, is addressing that situation at the moment. I hope that in the future we will have speed cameras that are 100 per cent accurate, or as close as we can get to that, and that we do have sufficient tolerance, along with a mechanism whereby drivers are notified as soon as possible after the offence that they have exceeded the speed limit and been penalised.

All of those things together — random breath testing, blood alcohol testing, compulsory seat belts, credible speed limits, greater police surveillance and booze buses — have played a part in ensuring that people who do offend have a high probability of getting caught; or if they are speeding they will get penalties that hurt. All of those things have led to a culture of a safer driving behaviour. Added to those factors has been the legislation to make it an offence to drive while impaired by drugs. The legislation that we are dealing with today is yet another step in that process to have random testing so that people who are impaired by drugs can be identified and taken off the road. Penalising them is not the main purpose; it is to get them off the road and to change the culture to one that says that although people can engage in whatever habits they want in private, they cannot hop into a motor vehicle and drive on a road where other people's lives are at risk.

This legislation puts in place a pilot program of random roadside drug screening. There is plenty of evidence that drivers using these so-called party drugs are at increased risk of causing crashes; and as the minister pointed out in the second-reading speech, 27 per cent of fatally injured drivers had drugs other than alcohol in their system. That is far too high a figure for people out there on the road who are affected by drugs other than alcohol, and anything we can do to reduce that figure certainly has my support.

At the core of the debate is what level of drugs is acceptable and whether or not the level currently being set is the right level. Therefore it is good to have a 12-month trial period during which this level can be tested, and if necessary adjusted at the end of that period. Once again it is a world first for Victoria. It is a measure that will notably improve safety on our roads. The 12-month trial, which will finish in mid-2005, should give plenty of time to allow the bugs to be worked out of the system, and Parliament can then make a decision whether or not to continue with the program.

In conclusion, it is a good initiative. It will be a further step in helping to reduce the road toll, and to that degree, and supporting some of the concerns that have already been expressed by the Deputy Leader of the National Party and the honourable member for Benalla, I believe the bill is a step in the right direction and the National Party will not be opposing it.

**Mr TREZISE** (Geelong) — I am pleased to be speaking in support of the bill this afternoon. I note the bipartisan support of both the National and Liberal parties, and it is good to see the tradition continuing of bipartisan support for good road safety legislation through the house.

I am pleased to be supporting it because it is yet another positive step forward on behalf of the Bracks government in its commitment to lowering the road toll across Victoria over the next five years. The Bracks government is committed to ensuring that we do take whatever it takes to lower the unacceptable level of carnage on our roads, not only in metropolitan Melbourne but in regional areas such as my seat of Geelong and in rural Victoria.

Personally I am pleased to be supporting the legislation because I have taken a close interest in road safety since coming into the Parliament in 1999. I had the privilege of working on the parliamentary Road Safety Committee in the 54th Parliament, and I enjoy the responsibility of being the chair of the Road Safety Committee during the 55th Parliament — —

**Mr Mulder** — And working with?

**Mr TREZISE** — And having the honour of working with numerous members of the Parliament, including the honourable member for Polwarth. It is quite an honour!

In talking about the Road Safety Committee I should also note, as has been mentioned a couple of times tonight, that the former member for Forest Hill, John Richardson, was chair of the committee during the 1990s and advocated for this type of legislation. He would be pleased to see it going through the house today.

I must also say as a member of the Road Safety Committee over the last four or five years one thing I have clearly learnt is that drugs and alcohol, especially mixed with speed, are a lethal combination on our roads, particularly when it comes to younger drivers. Speed and alcohol or drugs, together with fatigue, are the big contributors to deaths on roads across our nation.

This bill in a very significant way provides further initiatives to lower the carnage on Victorian roads. It is important to see it is one part of a whole raft of legislation initiatives that the Bracks government has taken since September 1999. As well as the Road Safety (Drug Driving) Bill, these bills include the Road Safety (Heavy Vehicle Safety) Bill, the Road Safety (Responsible Driving) Bill and the Road Safety (Alcohol Interlocks) Bill. Alcohol and drug enforcement measures are but a few of the initiatives this government has taken to continue to ensure our roads are safe for all Victorians.

It is not only the legislative agenda that highlights this government's commitment to road safety, but also actions such as in my electorate the construction of the Geelong–Melbourne road. Prior to being upgraded there were on average four deaths per year on that road. Since it was completed 12 months ago this week, the day before the election, there has not been one death on the Geelong road. That means there are four people this year in Geelong who will enjoy Christmas with their families and loved ones, who perhaps if that road had not been upgraded would not have done so. That is an example of the Bracks government legislative agenda and initiatives in ensuring roads such as the Geelong road are upgraded. The introduction of reduced speed on our suburban streets and the restrictions around school zones are other examples of this government's commitment to road safety that we have very much pushed over the last four years.

In supporting all this legislation I must say that at all times the Minister for Transport has focused on pushing the legislative agenda through this house, in spite of in some cases of a rowdy minority not supporting it. I commend him for sticking to his guns and ensuring that legislation is pushed through the house so that our road toll is continuing to decline.

With specific regard to this bill the importance and time lines of the bill can be appreciated when you note that there are roughly the same number of drivers killed through drug-driving as drink-driving. In 2002 I note that 27 per cent of drivers killed were affected by drugs, while 29 per cent were affected by alcohol. Given these figures it could be easily expected that through the implementation of initiatives as contained in this legislation our road toll will continue to decline. I imagine it will decline on a relatively significant basis. A number of speakers during the debate have referred to the fact that today's *Herald Sun* says that one in five young drivers aged 18 to 24 has at some time during their driving life driven under the influence of drugs. I am not sure whether those statistics are right, but if they are I am shocked by the extent of the problem.

I therefore fully support this legislation and congratulate the minister on the initiative. It truly is an initiative when you learn that such measures have not been introduced across Australia. This is another first for Victoria. Initiatives such as this see our road toll decline. In the 1960s, as a number of members have mentioned, there were significant laws like the seatbelt legislation which made the wearing of seatbelts compulsory. This saw the disgraceful levels of road carnage at that time lowered dramatically. Next came the drink-driving legislation, which again saw a significant reduction in the number of deaths on our roads.

I had the pleasure of meeting Dr John Birrell, who has unfortunately died. He lived in Queenscliff and was the police chief surgeon during the 1960s and 1970s; he was very much an advocate for both pieces of legislation. Although this legislation before the house may not have such a significant impact as the seatbelt legislation and drink-driving legislation, I firmly believe when it is combined with past initiatives we will see the road toll continue to decline in Victoria in the coming years.

This is good legislation. It continues to deliver on the Bracks government's commitment to road safety, a commitment that is clearly espoused in the Arrive Alive policy. It is a great policy that we will continue to introduce and implement over the next five years. I wish this bill a speedy passage.

**Ms ALLAN** (Minister for Education Services) — I would like to thank all members who spoke on the Road Safety (Drug Driving) Bill, including the members for Polwarth, Scoresby, Mornington, Swan Hill and Benalla, and the particularly fine contributions from the members for Brunswick, Bayswater, Ivanhoe, Kilsyth, Geelong and Rodney.

**Motion agreed to.**

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

*Third reading*

**The ACTING SPEAKER (Mr Kotsiras)** — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act, the third reading requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

**Bells rung.**

**Members having assembled in chamber:**

**Motion agreed to by absolute majority.**

**Read third time.**

*Remaining stages*

**Passed remaining stages.**

## SHOP TRADING REFORM (SIMPLIFICATION) BILL

*Second reading*

**Debate resumed from 6 November; motion of  
Mr BRUMBY (Treasurer).**

**Ms ASHER** (Brighton) — The Shop Trading Reform (Simplification) Bill before this chamber is simply the third in a series of stuff-ups by the Minister for Small Business.

*Honourable members interjecting.*

**Ms ASHER** — And most accurate, I feel. We saw legislation in relation to Easter Sunday brought into this chamber on two occasions. We had a disastrous period of trading last Easter Sunday, particularly in relation to these exemptions, and now we have another piece of legislation brought before this chamber.

I note with interest that the government has chosen to term this a ‘simplification’ bill.

**An honourable member** interjected.

**Ms ASHER** — You would not want that on the record.

Looking at the range of exemptions the government is proposing in this bill, I would have thought there was additional complication, rather than simplification. That certainly is the view of the Catholic Church. The bill replaces what were previously called schedule 1 exempt shops with new categories of exempt shops. Schedule 1 existed simply because of history. When the previous government deregulated shop trading in 1996 the previous exemptions that existed across the Liberal administration and the Labor administration were all bundled together as schedule 1 so that there could be no grounds for complaint, because those were the shops that previously had exemptions on special days when trading was not allowed. So schedule 1, which is being repealed by this bill, was simply historic — not rational, not logical but simply historic.

Now the government is proposing a much wider category of businesses be allowed to trade on Christmas

Day, Good Friday, Anzac Day and Easter Sunday. Indeed the government is proposing that exempt shops should include chemists, petrol stations, takeaway food businesses, restaurant-type businesses, food-type businesses or any other business which the minister chooses to prescribe through regulation as a business that can open on those days.

Shops are also exempt if the number of people employed at the time does not exceed 20. This is where the complication arises, and I expect there will be considerable difficulty interpreting these areas of the bill when the legislation is brought into practice. Now 20 is, of course, the Australian Bureau of Statistics definition of a small business. But the government has also dictated in this bill that a business can open if there is not in excess of 100 people employed on an approximate full-time equivalent employee basis throughout Victoria. I suspect the 100 in Victoria and the full-time equivalent employee basis, and all of those calculations, will prove difficult for both the inspectors and the government to police.

That is the basic thrust of the bill — to simply remove the old schedule 1 exemptions for the businesses that were allowed to trade on the days when trading is not allowed, and to replace them with the broad categories of business that I have just referred to.

The bill also introduces inspectors. It will be interesting to see how many inspectors are appointed by the government, and whether we will have a raft, a whole new section, of inspectors within the Department of Innovation, Industry and Regional Development, or whether the inspectors will be smaller in number. Obviously the number of people employed will reflect the level of the government’s aggression in policing this bill. The powers of the inspectors, their requirement to produce identity cards, and their capacities to seek court orders and the like are outlined in the bill.

The inspectors have fairly wide powers. If an inspector believes on reasonable grounds that a person may have contravened the act — that is, an exempt business may have traded on one of those specified non-trading days — the inspector can apply to the Magistrates Court for an order requiring a person to do certain things. I note that inspectors are also given powers of entry, and that they are able to purchase goods at premises. Their being able to purchase goods at premises, presumably on days when businesses are not meant to be open, may well have the potential for abuse, and I would call on the minister, in the first instance, to monitor those practices when the inspectors are appointed. There is some protection against self-incrimination for businesses that do open on the

non-trading days; however, there are also powers to seize documents, and they are fairly extensive powers, as outlined in the bill.

One of the most interesting aspects of the bill is an area I touched on before — that is, that the minister has set out in the bill which businesses will be exempt, but has also allowed for the provision of additional businesses to be prescribed by regulation to be exempt as well. I can only assume that this is what the minister would regard as a safety net clause. Given that there have been so many errors and the fact that this act has already had to come back to be amended in this chamber on three occasions in the term of this government, I am sure that this provision is simply there for the minister so that in case this act does not work the minister will not have to suffer the embarrassment of coming back to this chamber to make further amendments, but instead will be able to make alterations to exempt businesses by way of regulation.

However, I note the power is relatively narrow in that the minister can only recommend the making of regulations if the goods are regarded by the minister as 'essential goods'. Given that the minister has some very unusual views and in many instances likes to dictate to us how we should live our lives, it will be interesting to see what she regards as 'essential goods'.

The bill makes provision to repeal not only schedule 1, but aspects that the bill refers to as spent provisions — in other words, provisions that I would assume the government no longer feels it requires. It repeals sections 12, 13 and 14 of the Shop Trading Reform Act 1996 which, interestingly, covers local government's powers in relation to local laws. The government has chosen to repeal those provisions.

The bill also contains a provision which was certainly embraced by the previous government and has been embraced in legislation by this government relating to the fact that neither party wishes landlords to have the power to force businesses to open on non-trading days. That is, as I said, a reiteration of both current and previous policy. The act applies to retail shops, and that is a narrowing of the definition that previously applied.

The background to this bill was this government's commitment to the Shop, Distributive and Allied Employees Association, or SDA, to the trade union movement, that there would be an extra public holiday on Easter Sunday by making it a non-trading day. That was a commitment the government made prior to the last election. Interestingly enough, while the government gets a bit hot under the collar when the Liberal Party keeps referring to the fact that it was a

commitment to the SDA, it is quite conclusive that this was the case, because the commitment was not in the small business policy; it was contained within the industrial relations policy — and this policy, many commentators have observed, has some quite serious consequences for Victoria's reputation as open for business and the place to do business.

I refer to an article written by the respected economics commentator, Alan Wood, economics editor of the *Australian*, published on 22 April 2003. In the article entitled 'Little joy in restrictions on retailers' he said:

Victorians know who the Easter bunny is this year — Premier Steve Bracks. Bracksie —

I am not using that terminology, Alan Wood is —

normally resembles nothing so much as an amiable, if vapid, tailor's dummy. But in his eagerness to please the good old Labor boys —

as he has put it —

who run the Shop, Distributive and Allied Employees Association, he has made a complete rabbit of himself.

The shoppies kicked in a handsome \$240 000-odd [donation] to Labor's re-election campaign last year and were rewarded with an election promise to re-regulate Easter trading.

Alan Wood continues on with language which is unparliamentary in describing the way small business owners referred to the Premier of the state of Victoria. So I will not read that into *Hansard*, lest people should think that is my language, not Alan Wood's language.

Alan Wood has made much of this. In another article, of 16 April 2003, he made the observation:

Bracks has reversed earlier hard-won reforms —

that is a reference to 24-hour shop trading deregulation by the previous government —

to keep the shoppies' union happy, imposing substantial costs for the retailers and businesses hit by the trading ban. It sends the wrong signal to investors.

It is that which has caused so much concern in the retail industry: that simply shutting businesses down on Easter Sunday does send the wrong signal to investors.

However, the Minister for Small Business herself has taken on an extraordinary role, not only in the preparation of the three bills — as I said, this is now the third bill before the house on this issue — but in her rationale for why she did what she did. At one stage — and I am sure all honourable members will recall this well — one of the reasons she gave as to why the ban on trading came in for Easter Sunday was that she

thought families should spend more time together and that she thought people should have better things to do than shop. That is extraordinary for a small business minister, given the volume of retail within her portfolio area.

I refer members to an editorial in the *Age* of 21 April 2003. I do not always agree with the *Age* — members of Parliament are not expected to always agree with *Age* editorials — but I thought in terms of personal liberties the *Age* got this spot on. Under the heading ‘Non-trading’ Easter Sunday is a farce’, the *Age* editorial reads as follows:

Whether forcing shops to close on one Sunday a year will do much to ‘help restore the balance between work and family life’ —

that is a quote from the minister —

as the state government says it will, is doubtful. Moreover, while it is probably true that many families would like to spend more time together ... it is not the role of governments to be dictating how much togetherness families should have, or what they should be doing in that time.

Again in terms of an attitudinal issue, in terms of a political philosophy and in terms of what the role of government is, on our side of the house we do not believe it is the role of government to dictate to families how they should spend their time. I guess if the minister had just had the political honesty to say, ‘This is a sop to the Shop Distributive and Allied Employees Association, we could all have lived with that, but to actually say, ‘This is for families to spend time together’, and ‘People should have better things to do than shop’, is moving into an area that we have traditionally called the nanny state. I find that unacceptable. I do not need advice from the minister on what to do with my time, and I suspect that almost every Victorian family would not particularly appreciate the advice of the Minister for Small Business on what they should do.

The minister obviously got very flustered at one stage. I note that in an article published in the *Age* of 21 April 2003 she came up with another unbelievable reason as to why shops would not be allowed to trade on Easter Sunday. I quote from an article by Darren Gray, which reads:

Ms Thomson gave another reason for shutting shops: ‘It is at the end of Victoria’s good weather. From here on in I think we all think of it as being cold. It is an opportunity to spend that time with family and friends ... so it’s not just about religion’.

So we have had a raft of explanations as to why the Minister for Small Business wants to shut down

businesses on Easter Sunday. One, it is an industrial relations promise; two, families should spend time together; three, people should have better things to do than shop; and four, it is cold. To my mind these reasons are extraordinary. As I said, this bill is simply a saga of stuff-ups, and I cannot provide a noun with any more decorum than that.

Three times this bill has come before this place, and three times we have seen the minister try to deal with shop trading legislation. Even within this very legislation she has given herself an out as to which shops will be exempt, because via regulation she is allowing a provision for her to prescribe additional shops so that she does not have to suffer a fourth period of embarrassment in coming back into this chamber to amend the legislation again.

As we are all aware, the Easter Sunday experience was a disaster for traders. A survey of 300 traders by the Australian Retailers Association (ARA) showed that businesses claimed they lost \$2500 each. Given the significance of Easter for the tourism industry, and indeed the significance of people being able to do what they want to do, not what the minister wants them to do — if someone wants to open their business or someone wants to shop — quite frankly this is none of the minister’s business. We now have a situation where two out of the four days over Easter will be non-trading days, yet they are days on which a lot of people elect to shop and on which business can make a dollar.

To compound the situation, on that first trial date of Easter Sunday a number of businesses opened believing they had a right to do so; a number of businesses — for example, Bunnings — remained closed because they wanted to comply with the law; and other businesses were in a state of confusion, not knowing whether they could or could not legally open. We eventually had an extraordinary circumstance where even though there is provision in the legislation for a \$10 000 fine, because there was such an element of confusion about who was eligible to open on Easter Sunday and who was not, those who broke the law were not prosecuted, or so the Premier said. Indeed, the Premier announced that warning notices would be sent out.

So you had a situation where some businesses lost money — and Bunnings is probably the high-profile example because it complied with the law — but other businesses opened and received a warning, even though the government had legislation which said there would be a \$10 000 fine for people who opened their businesses. Again I state that I think businesses should be allowed to trade on Easter Sunday if they wish to,

and the government should use the opportunity while this bill is before the house to remedy the situation.

**An honourable member** interjected.

**Ms ASHER** — There are restrictions on many businesses. You have set out in this bill which businesses can open.

**The ACTING SPEAKER (Mr Kotsiras)** — Order! The member will address her remarks through the Chair.

**Ms ASHER** — In this bill the government has set out which businesses can open and which businesses cannot. Whilst I acknowledge that the government has probably broadened the number of businesses that can now open on Easter Sunday — and the Catholic Church has indicated that it opposes that, and I am sure other churches will indicate likewise — it has taken a backwards step from the situation it inherited vis-a-vis Easter Sunday. I think that is a shame.

I note that when the government first introduced this change, the Victorian Employers Chamber of Commerce and Industry issued a press release, and in it its chief executive officer, Neil Coulson, made the best comment of all in relation to this issue. He said:

Businesses should have freedom of choice — those who wish to trade on Easter Sunday should be able to and those who do not wish to trade should be able to close. There is no need for the government to make these decisions on behalf of businesses, let alone consumers.

That puts the argument most succinctly. At the time of the initial debate when this legislation was first introduced, the Australian Retailers Association conducted a survey of its members. It reported that a majority were opposed to the Easter Sunday trading restriction introduced by the government as a pay-off to the SDA. According to that survey, three-quarters of the ARA's respondents said that they would be forced to work additional hours rather than pay penalty rates to staff who work on Easter Sunday, and more than 85 per cent said that making Easter Sunday a non-trading day would have a negative impact on their businesses. The post-Easter Sunday survey has found that that in fact happened: there was a negative impact on businesses. According to the ARA survey, \$2500 was lost by each of the businesses it surveyed.

The government argument when it introduced the bill was that the restriction on Easter Sunday trading brought Victoria into line with South Australia and Western Australia. Again I note the *Australian* newspaper's interest in Victoria's trading laws. I think the *Australian* pursued this issue with greater vigour

than probably most other newspapers. I thought the *Australian* editorial of 23 April put it particularly well in stating:

When the Victorian government forbade Easter Sunday shopping this year, it justified an unwarranted intrusion into people's lives on the grounds that it brought the state into line with South and Western Australia, where Sunday shopping is largely banned. It is an argument that justifies a foolish decision on the grounds that consistency in folly has some sort of merit.

I thought that put the initial decision by the Minister for Small Business exactly where it should be put — that is, to categorise it as folly.

The opposition does not oppose the bill. The government should have reversed its earlier ludicrous decision — —

**Mr Helper** interjected.

**Ms ASHER** — I would not interject on me when I have the mike, if I were you. Just to give him a very friendly warning, I would not do it, Acting Speaker.

The government should have reversed its earlier ludicrous decision to restrict Easter Sunday trading. There are some significant economic consequences in terms of reputation and in terms of the potential to have distorted investment decisions as a result of backing away from deregulated trading on Easter Sunday. With those few words, as I have indicated, the opposition does not oppose the bill.

I want to make a brief observation about the ANZAC Day (Amendment) Bill, which was before the house last week, because there was a reference in that bill to shop trading. This was introduced by the same minister, of course — the Minister for Small Business. The Scrutiny of Acts and Regulations Committee recommended a shop trading exemption regime for the Shop Trading Reform Act; whilst it was reporting on the ANZAC Day (Amendment) Bill it recommended a new regime for exemptions to shop trading. It recommended something that is remarkably like the exemption list in this bill. It actually recommended that the category of shop should form the basis of the exemption to shop trading legislation.

The whole-of-government response to that committee report on that bill we debated only last week was that there was no plan to alter shopping trading legislation at this stage. Given that that response from recollection was made in May this year, that again shows perhaps not the folly but the shambolic response from the government on this issue of exemptions, which is the subject of the bill we are debating. As I have indicated,

the government should have used this opportunity to enact significant reform — that is, reverse its earlier silly decision in relation to Easter Sunday trading. The opposition does not oppose the bill.

**Mr JASPER** (Murray Valley) — Shop trading has had an interesting history in the state of Victoria. Earlier this year when I spoke in the Parliament on a bill on shop trading, I went back and reviewed the changes which have taken place since I have been the member for Murray Valley in this place — that is, over 20 years. It is worth while putting on the record again what was done in the 1980s when we looked at shop trading.

When there were changes to shop trading hours on Saturdays, I recall that a former Leader of the National Party, Peter Ross-Edwards, indicated that whilst there was amendments to the trading hours to allow people to extend their trading on a Saturday beyond what would be regarded as the normal trading hours, as the years went on we would see a further softening in the shop trading hours in the state of Victoria purely and simply on the basis of the demands of customers and consumers. Over the years we have seen changes implemented to the shop trading laws in Victoria through the 1980s, into the 1990s, and indeed as we come into the new century.

I also note with interest the relationship in some respects to the liquor industry with the changes which have been implemented to trading hours in the liquor industry. Again, going back to the late 1970s and the 1980s, we saw changes implemented to the liquor act by extending trading hours and there was some similarity in those extensions and others. In speaking on the liquor industry in passing, I think perhaps we have gone almost too far on liquor trading hours, when I see the sorts of things that are happening with drinking at all sorts of late hours — not just in metropolitan Melbourne, but also in country cities and towns which we represent.

The bill also has an interesting background to it. I note the legislation we debated earlier this year that related particularly to trading over Easter. I note also the comments I made at the time that it became thoroughly confusing. The changes which the government brought into the Parliament in the earlier part of this year to become operative at Easter 2003 more or less added to the confusion and the mishmash that we had.

In that debate I indicated to two ministers in the house at the time, Ministers Brumby and Batchelor, that over Easter they should visit north-eastern Victoria. I told them they would have enjoyable weather and plenty of entertainment and that there were plenty of activities

they could undertake. I said they could visit the wineries in north-eastern Victoria, including at Rutherglen and other areas within my electorate of Murray Valley. I said also, ‘When you drive up the Hume Freeway, you will be able to call in to the service centre at Glenrowan and fill your cars with petrol, but don’t forget to bring a cut lunch, because the two McDonalds restaurants will not be able to open on Good Friday, so you won’t be able to get a meal’.

I took that up with the department. We had a situation where the operator of the two McDonalds centres at Glenrowan, on the east and west sides of the Hume Freeway, sought legal advice and set up two companies to allow him to have less than 20 people working within his business on that day so he could operate — because Good Friday was the busiest day of the year for the operation of his business.

In fact it came to light only with the debate on that bill that many businesses that had been operating on Good Friday should have been closed. We understood that there is demand for people to have food on Good Friday — they would be travelling and going to various places and they would need to have access to food.

**Mr Helper** — They would be eating only fillet o’ fish on Good Friday!

**Mr JASPER** — That would depend on religion.

**The ACTING SPEAKER (Mr Kotsiras)** — Order! The honourable member for Ripon will have his chance in a few minutes.

**Mr JASPER** — I accept the comment made by the member. What we saw was that ridiculous situation that the debate earlier this year highlighted that the 1996 act precluded people from operating those shops on Good Friday. I must say a bit cautiously that I undertook some investigations to determine what actions the government would be taking with people who did open their shops on Good Friday when in fact they probably should have been closed. I think the comment made to me was, ‘We may not have enough inspectors to be able to enforce the law and we’ll need to see how it transpires’. The member for Brighton said that fines could have been imposed, but it appears letters may have gone out to those people whose businesses were operating illegally over that Easter.

So we come to the bill before the house. As far as the National Party is concerned, we will not be opposing the legislation, but we understand the concerns of the government in seeking to try and get it right and to make it more effective for people operating businesses within the state of Victoria. It should be mentioned that

what we are really talking about is three and a half days. We have 361½ days where people can in effect operate 7 days a week, 24 hours a day. So we are talking about three and half days about which there is and has been confusion in the legislation, and it needs to be changed.

The purpose of the bill before the house is to amend the Shop Trading Reform Act 1996 to simplify the management and enforcement of shop trading in Victoria — in particular, to clarify shop trading on Good Friday, Easter Sunday, Anzac Day and Christmas Day. As we normally do in the National Party, which I have mentioned on many other occasions, we sought to get information through the department, through the minister's office and indeed through organisations that have an interest in this legislation. I thank the minister for cooperating and again making available to me members of his staff and officers within the department to provide a briefing on the provisions of the legislation. That assisted in the clarification of those provisions, and I was able then to talk to various organisations and get a response from them on the legislation before the house.

I will quote two paragraphs from a media release from the Victorian Employers Chamber of Commerce and Industry, dated 5 November 2003. In the media release the chief executive officer, Mr Neil Coulson, said:

Today's reforms to shop trading laws represent an improvement on the current situation but more is needed.

He went on to say:

After the debacle of Easter Sunday this year, it is promising to see a simplification of the current mishmash of exemptions that caused so much concern on the day.

I have mentioned the problem on Good Friday, particularly for the operators of the service centre at Glenrowan, and also the confusion which we experienced on Easter Sunday. The difficulty I want to highlight is that the changes which have been made mean that there are now gazetted holidays over that Easter period. That in turn means that when they are open many businesses are paying higher rates by way of penalties.

I raised this issue in general with the Minister for Industrial Relations on the basis that he needed to understand the difficulties that businesses operating at weekends, particularly those involved in the tourist industry, faced with the higher penalty rates which became effective within the state of Victoria. They have had a disastrous effect on the many businesses operating in tourist areas within my electorate of Murray Valley. They continue to contact me about the

difficulties they are experiencing in paying higher penalty rates on their biggest trading days, which are at weekends.

I accept the fact that many people come into north-eastern Victoria over the weekend and at holiday times, and I understand the difficulties this causes for small businesses. I asked one business operator, 'How are you handling the extra charges and penalty rates imposed on operating your business at weekends?', and the comment made to me was, 'We work harder'. The owners of that business work harder because they have to reduce their staff over the periods when they would have to pay penalty rates. This is a critical issue.

The response I got from Minister Hulls was interesting, because he more or less said, 'We will be looking to phase in the areas where we have penalty rates', but he went on then to indicate that businesses would have to accept the situation, work with it and suffer the difficulty of paying penalty rates, because in his view that was the way we should be going on into the future.

I also note other comments that have been made. Some organisations are not in complete agreement with the legislation that is before the Parliament. Churches have indicated some concern, and concern has also been expressed by the secretary of the North-Eastern Goulburn Valley Shop Distributive and Allied Employees Union, Ms Fitzgerald.

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

**Mr JASPER** — Prior to the dinner break I had spoken in the early part of my contribution about the history of shop trading and the changes which have taken place over the past 20 years, which have seen the extension of trading hours. That has caused extreme difficulties for some businesses, but in general we have seen with the trading hours a response to the needs of consumers and customers. I also provided some information as the National Party spokesperson on small business and as a person who has grown up in small business.

I often say in this house that you have to have been in business to understand it. Too often I hear in this house contributions being made by members who have little understanding of the difficulties faced by people in business, particularly in being profitable; and 'profit' is often a dirty word to the government. As far as I am concerned businesses need to be profitable so they can continue to employ.

I also spoke about the confusion and the difficulties over the Easter period created by the legislation earlier this year, and about how we need the changes which we

have before the Parliament now. I also spoke about the difficulties experienced by small businesses with the changes to the industrial legislation in Victoria. Despite the comments made by the Minister for Industrial Relations, the reality is that penalty rates are biting into business generally and small business specifically, and it is particularly difficult for those operating in tourist areas to be profitable in those areas. I mentioned that the people who work in small business are working longer hours because of that.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Lindell)** — Order! The level of conversation is too loud. Members should either converse quietly or leave the chamber.

**Mr JASPER** — Do not worry, Acting Speaker, I will just raise my voice above it!

I also indicated, and I think I should indicate again to the house, that I believe we should have a system similar to that which operates in America, where people work for, say, 38 or 40 hours and then go onto penalty rates. The situation in Victoria, indeed in Australia, is difficult for employers paying penalty rates in particular areas.

**Mr Stensholt** interjected.

**Mr JASPER** — The member for Burwood said by interjection, ‘We are looking after the worker’. If he looks after the worker too much, there will be no employers in Victoria. We need to get a balance; balance is the issue so far as this is concerned. The intent of the legislation is to make shop trading hours more effective and to remove some of the confusion.

I quoted from a media release put out by the Victorian Employers Chamber of Commerce and Industry, which sets out some of the concerns about some aspects of the legislation, particularly the representations it received from the larger businesses, and I understand the concerns they express.

I also mentioned some of the concerns expressed by churches about the changes to trading hours on Sundays. We need to recognise the importance of some small business being able to operate over the Easter period, including on Good Friday and Easter Sunday.

I also quoted the comments made by the union movement. A member of the union movement in north-eastern Victoria made some critical comments on the legislation now before the Parliament. I wonder how much investigation has been done or how many discussions the government, particularly the small

business minister, has had with the union movement, or whether the government has said, ‘We will not take much notice of the union movement anyway. We will get on with what we think will be in the best interests of the state of Victoria.’!

In dealing with the legislation we should recognise the important issues being looked at. I note the repeal of schedule 1 of the Shop Trading Reform Act 1996. As I mentioned earlier in my contribution, that became a mishmash list indicating the businesses that could open and those that could not open, and some were associated with retail services and others wanted to be involved but could not be involved. The changes clarify the position on which businesses are able to operate. Clause 4 indicates that exempt shops are chemists, petrol shops, eating houses, restaurants and cafes, and other shops of a prescribed kind.

The honourable member for Brighton commented about the situation where the minister has some discretion to prescribe a business selling goods which, in the opinion of the minister, are essential goods. The bill provides the opportunity for the minister to look at what I would call tourist areas, especially in country areas, where festivals may be taking place, which will be restricted by the legislation.

New section 4(2), to be substituted in the act, indicates that any small business employing up to 20 people may open, if it desires, on the three and a half days where there are restrictions on trading hours. In addition businesses employing up to 100 people where a number of businesses are involved together are also exempt, and that certainly gives further flexibility to the operation of the new reform legislation.

I will be interested to see how this works within the state. We have had some representations from larger businesses, believing they also should have the flexibility to open on those three and a half days, but we need to examine this in balance and see how it works, recognising that the changes will involve penalty rates where they were not involved previously. The National Party will therefore be interested to see how far the bill goes in affecting larger businesses.

I note also the comments made by the honourable member for Brighton about inspectors ensuring that people honour the letter of the law. The police have been operating in that area previously, and now inspectors within the department will see that people honour the letter of the law. This will only apply to larger operations wanting to open. My view is that those businesses will not seek to open and flout the law, not only because of the penalties they may face but also

because of the difficulties in operating that business and getting staff on those days, remembering that over Easter they still have Easter Saturday and Easter Monday on which they can operate.

The National Party is not opposing the bill. We have had some criticisms of the way the act has operated in the past, particularly in relation to the amendments brought into effect earlier this year, which continue to confuse the interpretation of the operation of the act. I hope these amendments will make the act more effective and not only provide protection for small businesses who wish to open on the three and a half days on which they cannot open at present, but also give them the option to open at specific times suitable for specific small businesses.

The National Party will be watching the operation of the act carefully, and keeping a close eye on the outcome of representations made to the minister by municipalities in country Victoria, which will be seeking assistance in special circumstances such as the Wangaratta Festival of Jazz and the Winery Walkabout in Rutherglen — the major wine producer in this state. I am sure that the minister will be sympathetic to the exemptions required in these cases, and also in the areas of Cobram and Yarrawonga, along the Murray River, where they will also be looking for assistance.

**Mr HELPER (Ripon)** — I welcome this opportunity to support the Shop Trading Reform (Simplification) Bill. It gives me particular pleasure to follow the honourable member for Murray Valley because his presentation was genuinely based on experience in small business, and I applaud him for it. It was also notable that the honourable member for Murray Valley was gracious about his support for the bill. As with any reasonable opposition party, he tried to find holes in the bill, but he did so in a gracious way, and I genuinely appreciated his presentation.

The Labor government, in response to this issue, always bases its legislation on principle. The principle that we follow on this issue is that it is the choice particularly of those least empowered to make that choice — that is, small retailers — to decide to close for at least three and a half days of the year. There are 361½ days of trading in this state, courtesy of the shop trading deregulation bill introduced by the previous government, but on three and a half days we do have a principle that it ought to be the choice of retailers to close their doors.

The basis of that principle is that, as a small retailer, when you are confronted by large competitors your choice is removed. This bill seeks to move away from

the much maligned, and justifiably maligned, schedule 1 — which has grown up over more than 100 years to be a hotchpotch schedule of exemptions from the restriction of shop trading hours — to one based on the size of the business. I will come to that later.

As the honourable member for Murray Valley acknowledged a number of times throughout his presentation, the bill is also very much about simplification of the shop trading hours regime in this state. I share that view with him, and the government put forward the legislation very much in the spirit of simplification and clarification and making the shop trading regime in this state far more straightforward.

**Mr Perton** — Simplification? Honestly!

**Mr Walsh** — You stuffed it up last time. That's the trouble.

**Mr HELPER** — We move on. Some members of the opposition may not do so, but we move on. The opportunity to restrict shop trading hours is now based on the size of a retail business rather than on an obscure list of exempted retail businesses.

I turn to the justifiably much-maligned schedule 1. Honourable members will have looked at the schedule. One highlight of it is that dressmakers shops are included in the schedule, yet you cannot actually retail the clothing that a dressmaker may produce. Photographers shops is another one. I wonder what justification exists now for the exemption of photographers shops? I am happy to be charitable to history and suggest that it was inserted in schedule 1 on a reasonable basis, but I wonder how relevant it is in this day and age.

There are exemptions for saddlery shops, but you cannot buy a pushbike. A shop for the sale of boats, caravans or trailers and accessories for them is exempt. I wonder what the basis of that exemption is. There is an exemption for shops selling swimming pool equipment and supplies. I wonder what the logical basis for that exemption is. There is an exemption for shops retailing stamps and coins. I understand and accept — —

**An honourable member** interjected.

**Mr HELPER** — I will come to petrol stations in a moment.

I accept that there may have been some logic that existed when those retail premises were added to schedule 1, but I wonder whether the justification exists today.

The legislation seeks to transfer archaic schedule 1, which has grown up since 1885 with no doubt each government of the day adding another category of shops to it in good faith without it ever being reviewed. This government has had the guts to reform this arcane schedule and to bring about an exemption schedule based on the size of retail outlets. The basis is that the exemption exists for retail outlets where there are 20 or fewer persons employed during the restricted trading days, and at the time during the period of seven days immediately before that time the number of employees of the business and its related entities is under 100 effective full-time positions. That seems to me to be indeed a simplification and clarification of the shop trading regime in this state.

I would like in the few moments remaining to me to highlight some of the extraordinary positions that the member for Brighton espoused in her presentation. She seemed to be arguing that it is the shopper's right to expect every retail outlet to be open 365 days of the year. I beg to differ with her. As far as I am concerned the opportunity for those people who serve people and sell things in retail shops to have three and a half days off a year — half of Anzac Day, Christmas Day, Good Friday and Easter Sunday — to spend with their families strikes me as being a much more worthwhile principle to pursue. On that basis this legislation is worth while.

The member for Brighton also seemed to malign the consultation the government has had with the Shop, Distributive and Allied Employees Association. Let me just say that the SDA is absolutely supported by me in its presentation of its members' interests and the members are perfectly entitled to have those three and a half days, and if you are a retail outlet in broad terms with less than 20 employees you are entitled to have the choice of being able to open or close. It is a reasonable expectation for members of the SDA to be able to spend that time in the cultural activity that is relevant to their family circumstances.

I would like in the last few seconds remaining to me to read out some of the testimonials to this legislation that have come forward since the minister's indication. In the Warrnambool *Standard* of 6 November, Moyne Shire Council mayor, Brenda Hampson, said that this would be good news for tourist towns.

**The ACTING SPEAKER (Ms Lindell)** — Order! The member's time has expired.

**Mr COOPER (Mornington)** — This bill is simply a retreat and a semi-backdown by this government, because we all recall the earlier legislation where we

had the government reacting to the large donation of the Shop, Distributive and Allied Employees Association (SDA) to its coffers and saying that it would change a few things. In the debate we had in this chamber there were warnings given to the government that the legislation it was introducing would not work and would become a major embarrassment to it. At the time I and other speakers on this side of the house told the government that it would be back here as soon as it understood it had made a complete and utter dill of itself.

Here we have the so-called Shop Trading Reform (Simplification) Bill. Really and truly, fancy the government having the stupidity to put the word 'simplification' into the title of this bill! We all know that this bill does not simplify things; it just makes them worse. It is more complicated now than when it started.

The situation has now developed where there are two classes of shops and of employees. If you happen to be the fortunate ones and you work in an operation where there are not more than 20 employees at the business location or not more than 100 employees in related bodies of the corporation, then fine, you can open on Easter Sunday. Your rights, the rights that the member for Ripon has just been telling us about, do not count; you will work. But if you happen to work for a bigger store — for Myer, David Jones, Bunnings or other stores of that size — bad luck; even if you want to work you are not going to work.

I respect the member for Ripon's philosophical position, but I happen to have a different one. He said he was going to fall on the side of the people who are employed, the employees. That is what he was saying was his bias. But as the member for Murray Valley said, if you do not have balance in these situations — if you do not start thinking about the rights of the employer — you are not going to have any employees, because the people who create the jobs and pay the wages are the employers. They are the ones you have to think about if you have any reason to believe that Victoria has a future economically in which people are going to have jobs where they can earn money, spend it elsewhere and create a strong economy. That is what it is all about.

Here we have a situation where choice — a word which has been flung around this chamber from the government benches too easily — is being denied to a certain range of employers in a certain range of businesses. I want to take a few people back in time. It might not happen where the honourable member for Ripon comes from, but where I come from we have had the ability to shop for 365 days a year for decades. The

Mornington Peninsula had that through the terms of previous Labor governments — the Cain and Kirner governments — because it is a tourist area. That has been supported by successive governments because it is what makes the whole place tick.

The member for Ripon was going through schedule 1 before, asking, ‘What is the rationale for this exemption? What is the rationale for that?’. He could not work out the rationale for exempting, for example, caravan suppliers. I tell you what, if the member for Ripon were ever stuck on the road on Easter Sunday and needed something for his caravan, he would want a caravan supplier to be open so he could get the caravan fixed and get on with his journey. That is the reason for the exemption; that is the reason for a whole lot of the exemptions. It obviously has not occurred to the member for Ripon that there might be some rationale to and some commonsense in these things. The word ‘commonsense’ obviously does not enter into the argument as far as the member for Ripon is concerned!

So we have a bill presented to us which is, in terms of the title, supposed to simplify the previous legislation. Before this government got its hands on the Shop Trading Act things were working quite well in this state. But 12 months ago this government said, ‘We are going to repay the significant, large donation that the SDA made to the coffers of the Labor Party’. So what did it do? It fiddled around with the legislation, closed down — or tried to close down — the retail industry in this state last Easter Sunday and ran into a lot of problems.

People like Frank Penhalluriack in Caulfield said, ‘I am opening up. I have more than 20 employees, and if you want to send your inspectors, the police or anybody else down here to have a go at me or to charge me, by all means come down’. He announced it in the media: ‘I am going to be open — come and get me’. What did this government do? It wimped out. It was not prepared to confront him. It just decided it was all too hard: ‘We will come back to the Parliament and try to fix it all up. We will really clean up the situation in regard to Easter Sunday; we will really make sure we get the act right’. Lo and behold, what has it done? It appears that again it is making a shambles of the legislation.

The Catholic Church has come out now and said — and it appears it may well be right — that under the proposals in this legislation there is the prospect of more shops opening on Christmas Day and Good Friday than there were before this mob fiddled around. This has really thrilled the Catholic Church, and no doubt it will thrill a whole lot of other churches when they get their heads around this. Was this the

government’s intention? Of course it was not, but the problem with this government is that it does not seem to know what it is doing from one moment to the next. It stumbles from one disaster to another. I foresee that about this time next year — maybe earlier — we will have another bill. I wonder what it will call that one? Will it be the Shop Trading Reform (Further Simplification) Bill perhaps?

As the government closes one door on the horrible mess it made of the Shop Trading Act only a few months ago, it is opening up more doors which will require it to come back to Parliament to try to fix it all up. Perhaps after two or three years we will get back to where we were in the first place, before the government started doing anything, and perhaps the government will start to understand that the people of Victoria are the ones it should be thinking about. They are the ones who will be making the decisions; they are the ones who will say what is right and what is wrong.

The people of Victoria have made it pretty clear by their actions what they want done about shop trading hours. They have said they do not want to shop on the morning of Anzac Day, and they do not want to shop — other than for absolutely essential supplies — on Good Friday. But they want to shop — and their feet have done the talking — on Easter Sunday. What has this government done? The nanny state mentality rules: ‘We are going to tell you where to get off. You are not going to shop on Easter Sunday, because we do not want you to’. That is the attitude of this government.

How did it all start? I come back to the original point I made. This government started tinkering and fiddling around with the Shop Trading Act because it was paying back a \$214 000 debt to the SDA. We now have a situation where this Parliament has had to go through this whole process twice to try to get it right — and still the government has not got it right. This is a disastrous bill. It is a disgrace, and the government ought to be ashamed of itself for the mess it is making of what was once a very good act.

**Mr LOCKWOOD** (Bayswater) — I rise to support the Shop Trading Reform (Simplification) Bill, which of course is a simplification not just of the work we have done this year but of the 1996 act. Even a simpleton can see that it is a simplification.

**An honourable member** interjected.

**Mr LOCKWOOD** — Yes, we figured it out. This bill simplifies the regulation of shop trading hours. All shops are able to trade 24 hours a day, 7 days a week, 361½ days a year. The bill provides flexibility to small

retailers. If we think about employers, we think about small businesses as well, the engine of the economy. There is obviously special treatment for Easter — Good Friday and Easter Sunday — Christmas Day and the first half of Anzac Day. These deserve to be treated as special days.

As a result of the accumulation of laws, there is currently a confusion as to what types of shops may open. The lack of clarity makes enforcement difficult, and the aim of this bill is to increase the clarity and improve the ability to enforce the law. By 'simplification' I mean that there is no schedule of exempt shops and that services are excluded, so only retailers of goods are included in the rules.

The bill provides that exemptions will apply if a business's number of employees is less or equal to 20 workers on a given day and the total number of effective full-time employees is 100 or less. Naturally eating establishments are excluded, because people have shown that they want to use restaurants and the like on their holidays, especially in tourist areas. The bill also retains the exclusions for chemists and petrol stations. This will obviously help out at times like Christmas.

They are simple provisions, and compliance is easy. The enforcement will now not be by the police but by consumer affairs inspectors, who are more suited to the task than the police. It will give small businesses choice by making the rules clearer. The shop exemption list has been around for decades and has been quite confusing, to say the least, with no clear rationale provided for many of the exemptions. For example, a stamp and coin shop could open but a jewellery store could not. As we heard earlier, the dressmaker was exempt, whereas the clothing shop was not.

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Lindell)** — Order! The member for Doncaster will cease interjecting.

**Mr LOCKWOOD** — The bill includes shops that sell goods, not services. Businesses that provided services, like hairdressers and dry cleaners, et cetera, were previously on the list, but that list is now well out of date. The definition is being amended so that it only applies to shops selling goods and does not include shops selling services.

For the past eight years responsibility for investigating breaches of the Shop Trading Reform Act has rested with the police. That is not an appropriate use of the police, especially at holiday time.

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Lindell)** — Order! The member for Doncaster will have his opportunity to make his contribution.

**Mr Perton** interjected.

**The ACTING SPEAKER (Ms Lindell)** — Order! I ask the member for Doncaster to cease his interjections. He will have the call very shortly.

**Mr LOCKWOOD** — These inspectors will be appointed by the Secretary of the Department of Innovation, Industry and Regional Development, and their powers will be limited to doing what is necessary. They will not have the powers of the police. The inspectors will be able to enter and inspect any part of a premises that is open to the public and to purchase goods at such a time. They will not have the powers to close a shop down and seize documents. The collection of evidence will require a Magistrates Court order. There are obviously strict confidentiality requirements.

In the formulation of this bill there was extensive consultation, including with the Australian Retailers Association, the Master Grocers Association, the Retail and Confectionary Mixed Business Association, the Returned and Services League, the Australian Hotels Association, the fast food association, the Restaurant and Caterers Association and the Victorian Employers Chamber of Commerce and Industry — so quite a list of organisations were consulted.

Obviously the key elements of the bill are its abolition of the exempt shop list, its clarification of the employee threshold — the 20 and 100 limits — and its amending the definition of 'shop' to increase clarity and certainty, improve compliance and make the enforcement easier.

The aim is to be consistent with the government's aim of promoting a competitive and fair marketplace and to move towards greater harmony with other states in the regulation of public holidays. Victoria has very little restriction on shop trading hours — as I said, shops are able to open 24 hours a day, 7 days a week, 361½ days a year. On that note I commend the bill to the house.

**Mr PERTON (Doncaster)** — The member for Brighton and the member for Mornington have put the opposition's case well. The opposition does not oppose the bill. But it is concerned that, like the government's previous attempts, the bill is likely to lead to greater confusion rather than certainty. The extraordinary title of the bill — the Shop Trading Reform (Simplification) Bill — smacks of the newspeak of the Ministry of Truth in George Orwell's novel *Nineteen Eighty-Four*.

Each of the parties in the house is either supporting or not opposing the bill. I feel it is my duty to put the case for those in my electorate who are opposed to the bill — and many people in my electorate, of course, hold the contrary view. A number of people who have spoken to me today are avid shoppers who desire the right to shop as much as they can; but they too recognise the rights of people who need to celebrate these religious holidays. Christmas Day, Easter Sunday and Good Friday are very important days in the Christian calendar, just as the holidays of the Muslim faith and the Jewish faith and the Buddhist faith all deserve our respect. I know that as members of Parliament living in this multicultural society, we all endeavour to do that.

On 11 November I received a letter from Henry ‘Harry’ Martin, the chairman of St Peter and St Paul’s parish council in my electorate. He wrote to me saying:

News of the Shop Trading Reform (Simplification) Bill at present being considered by state Parliament has greatly disturbed many of the parishioners of Ss Peter and Paul’s parish, Doncaster East. The enclosed statements of opposition to it, signed by 295 parishioners, are an expression of their concern. We would be pleased if you would convey their strong opposition to the bill to the house.

It is not often that I get a petition from this parish. I believe it is worthy that it be read to the Parliament. The petition reads:

Shop trading reform — put families before profits.

The Catholic Archbishop of Melbourne, Dr Denis Hart, strongly opposes the Shop Trading Reform (Simplification) Bill at present being considered by the state [Parliament].

The proposal would allow thousands of shops to open on Christmas Day, Good Friday, Easter Sunday and Anzac Day.

I too strongly oppose the Shop Trading Reform (Simplification) Bill —

and it is signed by 295 parishioners, most of whom live in my electorate.

Briefly, the statement by the Archbishop they referred to was made on 6 November, and I will read it. It too is headed ‘Shop trading reform — put families before profits’. It reads:

The Catholic Archbishop of Melbourne, Dr Denis Hart, strongly opposes the Shop Trading Reform (Simplification) Bill at present being considered by the state government.

The proposal would allow thousands of shops to open on Christmas Day, Good Friday, Easter Sunday and Anzac Day.

‘To begin a process whereby these days will eventually become like any other day of the week would rob Victoria of golden opportunities of necessary self-reflection’, said Archbishop Hart.

He said, ‘Many would find it difficult to attend religious services and gather as families’.

‘Limits ought to be placed on excessive retail opportunities. Family life must come before further economic profit’, said Dr Hart. He added, ‘To deny so many shop workers and their families the last three and a half days of retail shutdown in the year is cruel’.

As leader of Melbourne’s 1 million Catholics, Archbishop Hart said, ‘For Christians, these days are of immense religious significance. The vast majority of Victorians are Christians. They ought to be totally free to pursue their religious sentiments on days that are quite different from any other day’.

He also produced another press release on Thursday, 13 November, after he had had time to analyse the government’s bill. I will not read that press release in full; I will read just a couple of paragraphs:

However, once the legislation was publicly released it actually indicated that retail companies with up to 100 equivalent full-time employees would be permitted to open. Given that many in retail are part-time or casual, this could mean that companies with up to 500–600 employees could open on Christmas Day, Good Friday, Easter Sunday and the morning of Anzac Day.

Archbishop Hart states, ‘This is an even more drastic deregulation of trading hours’.

That is a heartfelt set of thoughts from about 300 of my constituents and their religious leader, Archbishop Hart.

I listened to the speeches of the member for Murray Valley, the member for Ripon, the member for Bayswater and, of course, my own colleagues. In this area there is a strong need to balance competing interests. There is a need to consider the interests of those who are religious and want the right to engage in the observation of their religion without being compelled by their employer to work or without those in small business being compelled by a landlord to open their shop, or as the member for Ripon said, to be forced to open their shop because a big trader opens. These are rights that need to be balanced in a society like ours where people who are not religious in their outlook want to engage in their activities of entertainment and the like on days that we regard as days for religious festivities.

The member for Brighton was right. As always with this type of legislation we do not get the balance quite right. In this case the government is clearly more influenced by the Shop, Distributive and Allied Employees Association than by the Catholic Church, more influenced by the rights of workers versus the needs of workers who want to undertake activities on these days.

The public servants in the advisory box, Acting Speaker, are people whom I have known in the past to understand the best ways to consult on the making of laws, and to properly produce — in the case of regulations — regulatory impact statements. In the case of these sorts of bills legislative impact statements would be a great step forward, as would a proper discussion that brought the parties around the table in a genuine and open way to deal with difficult issues. We live in a society where this week major Islamic holidays are being observed. I notice that the City of Darebin, for example, has brought its major local festivities into line with the end of Ramadan to recognise the importance of the needs of its ratepayers to observe certain religious festivities.

I do not pretend that this is an easy issue. I have sympathy for the member for Ripon's view that those three and a half days are sacred for those who are Christian. But the Muslims, the Buddhists, and others who do not have Christian beliefs might want to go the theatre or a movie on those days, and the important thing is that those who want to engage in religious observances ought to have the right to do so without any constraint from an employer, a landlord or the like. So too, we must recognise that in this very diverse society the rights of those who want to trade with others are something that we ought to try and protect.

The next time this legislation is reviewed I would like the minister — I know she was in the chamber earlier — to use the skills of the people working for her to engage in the really interesting process of consultation. I would like her to work through the problem of how to balance these conflicting rights of people in our society appropriately. We do that in the case of many of the coastal and inland resorts where trading can take place 365 days a year, but it can get a bit more complex. For instance, how do we deal with Sydney Road, Coburg, and the Muslim community that might want to engage in its ordinary activities on that day? How do we deal with those types of communities?

This is a complex and difficult situation. In this case the government has gone into this realising that it made a real blue with its first draft of the bill. It has taken the advice of some and the result is this Shop Trading Reform (Simplification) Bill. The use of the word 'simplification' is a joke. It is not simplification; the bill is probably more complex than it was before. I know we will revisit this legislation, and I hope we can do it in a bipartisan way. I hope we can do it in a community way and have some very interesting discussions as we look at the impact of this legislation over the coming Christmas period.

The Liberal Party does not oppose the bill. I have read into *Hansard* the views of those constituents of mine who do oppose the bill. I look forward over the coming years to trying to get this balance in society right, and I think we need to work together to achieve that.

**Mr CAMERON** (Minister for Agriculture) — I thank the honourable members for Brighton, Mornington, Bayswater, Ripon, Doncaster and Murray Valley for their contributions to the debate on the Shop Trading Reform (Simplification) Bill. With this piece of legislation the government is making things simpler fairer and easier. That has been called for, and the minister has appropriately and responsibly introduced this legislation.

There appears to be a lot of confusion on the other side of the house about this bill. There appear to be those who say that people should not work for 361½ days a year — they should work for 365 days of the year and 366 days of the year in a leap year. That is a view which is utterly extreme. It is a view about which even Tony Abbott would have turned a little bit pink. He would have blushed a little bit at the views of some of the extremists opposite.

But ultimately, when we cast aside all the things that have been said, when we put the whingeing and moaning out the window, when we put the carping underneath the table, when we put the moaning down the chimney, we have the Liberal and National parties saying, 'Yes, the government has got it right', and they support it. That is ultimately the case — they support the government's legislation.

Getting the balance right is very difficult in this modern age, but what we have been able to do — and I thank the honourable member for Swan Hill for his support; he will be voting with the government on this piece of legislation despite the whingeing, despite the moaning, despite the carping — is go about business in a more appropriate way. To get the balance right between small and large business, and to get the issue of competition right, as the member for Ripon outlined, is not easy. That is very much what this legislation is all about.

We have had honourable members opposite saying that people should not put forward a view that there should be some time off; that members of the Shop, Distributive and Allied Employees Association and members of the government should not put forward a view that there are some days when there should not be any trading or some businesses where there should not be any trading. But ultimately, when it comes to the crunch, those honourable members support what the

government is doing, and I thank the opposition for its support.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## FIREARMS (AMENDMENT) BILL

*Second reading*

**Debate resumed from 6 November; motion of Mr HAERMEYER (Minister for Police and Emergency Services).**

**Mr Perton** — Acting Speaker, I draw your attention to the state of the house.

**Quorum formed.**

**Mr WELLS** (Scoresby) — As shadow Minister for Police and Emergency Services, I am pleased to contribute to the debate on the Firearms (Amendment) Bill. Firstly, let me say that the Liberal Party will be supporting this bill, as it did the Firearms (Trafficking and Handgun Control) Bill which was passed in the autumn sitting this year in recognition of the overwhelming community support for stricter handgun control following the Monash University shooting tragedy in October last year and the reported increase of handguns and other concealable weapons in criminal activity throughout Australia.

Secondly, I thank the minister and his chief of staff, Rob McDonald, for providing the Liberal Party with the opportunity for a briefing on the bill. I also particularly thank Mr Neil Robertson, manager of legislation and policy in the Department of Justice, who has always provided the Liberal Party with comprehensive and excellent briefings. We have never been restricted by numbers or by time. I am thankful to the minister for that professionalism in our briefings.

The reasons for the Liberal Party's support of the bill are that it improves the operation of the Firearms Act 1996 and the earlier provisions introduced by the Firearms (Trafficking and Handgun Control) Act 2003; it assists handgun target shooters by clarifying the annual minimum participation requirements; and it is also fairer and provides more flexibility for handgun target shooters to meet the minimum participation requirement — it does allow for practice.

The Liberal Party supports the strict control of firearm ownership, possession and use; however, and this is very important, it maintains support for the rights of legitimate sporting shooters. Whilst it is generally supportive of the bill, the Liberal Party will raise for the minister's consideration several concerns brought to its attention during consultations with affected stakeholders. The Liberal Party is concerned that the handgun buyback has been plagued with problems and has been poorly implemented due to insufficient resources being allocated to the task. I will address these concerns later.

The background of the need for further firearm and handgun reforms is that, following the tragic events of Port Arthur on 28 April 1996 which saw the loss of 35 lives and 18 people injured at the hands of a crazed gunman, Martin Bryant, the Australian community called for tough action to reduce the likelihood of further mass shootings in future. The Port Arthur shootings came only a month after the senseless mass killing of 16 young children and a teacher at Dunblane, Scotland; and no Victorian should ever forget the horror of the 1987 Hoddle Street and Queen Street mass shootings.

The largely consistent firearm laws introduced by all states in 1996 following the national firearms agreement between the commonwealth and the states was designed for the control of longarms. Handguns had already been restricted for many years, and an individual could own a handgun legally only if they were a member of an accredited pistol club, a firearm collector or a security guard.

On 21 October last year another shooting tragedy happened, this time at Monash University. Two students were killed and five others were injured when a fellow student, a Chinese national holding Australian residency, opened fire on a tutorial class. It was subsequently revealed that the gunman was a member of two Victorian shooting clubs and was legally licensed. Police confiscated seven registered handguns from the offender.

Again, the general community called for tough action to be taken. The commonwealth and the states acted quickly and responsibly. The Monash shootings revealed serious problems with the current system of the licensing, registration and usage of handguns. Many in the community quite rightly have asked: how could such an individual, a newly licensed handgun owner and member of two target shooting clubs, ever build up a stockpile of seven registered handguns in a little over six months? Whilst the public quite rightly demanded that quick and decisive action be taken, the Monash

incident must also be taken in context. There have been very few incidents ever involving licensed handgun owners. The Liberal Party supports strict control of firearm ownership, possession and use; however, it also supports the rights of responsible licensed firearm owners and recognises the legitimacy of sporting shooters to participate in competitive, accredited target shooting events.

The increasing problem of handgun usage in criminal activity in Australia is directly related to the number of illegal handguns in the community. That is why the current dual approach of implementing tighter controls for legal handguns in conjunction with efforts to address the trafficking of illegal handguns must be supported. Most Australians support appropriate and tough gun controls, particularly when they continue to see the serious effects of the prevailing gun culture in the United States of America.

I will go to some of the details and purpose of the bill. The bill has two main purposes. The first is to clarify certain provisions of the Firearms Act 1996, which were introduced earlier this year by the Firearms (Trafficking and Handgun Control) Bill and which relate to minimum annual participation requirements for licensed competitive handgun sporting shooters. The second is to make a number of amendments to overcome drafting errors contained in the earlier Firearms (Trafficking and Handgun Control) Bill regarding cross-references within the Firearms Act 1996. The bill essentially gives effect to the handgun control agreement of November 2002 between the commonwealth and the states, which is designed to restrict the availability, possession and use of all handguns.

I will now touch briefly on the handgun provisions which were introduced earlier this year as a preface to the provisions introduced by this bill. The main provisions are that now all handguns need to be registered, including collectors' historical firearms, particularly those manufactured prior to 1900, which currently do not require registration. Sporting shooters are restricted in the type and number of handguns they can own and use, whilst the handgun target shooting matches that will be recognised as legitimate competition are prescribed in regulation.

General specifications of handguns remaining legal are those with a maximum magazine capacity of 10 rounds of ammunition; a barrel length of a minimum of 100 millimetres for revolvers and single-shot handguns or 120 millimetre for semiautomatic handguns; and a maximum calibre of 0.38 inches, other than some prescribed handguns, up to 0.45 inches.

Target shooters will be required to show a dedication to the sport by participating in a minimum number of competitive target shooting matches each year. Licensed target shooters will need to compete in a minimum of four approved target shooting matches per annum for each type of handgun they possess and a minimum of 10 approved events per annum overall. Six of the competitive approved handgun shooting matches will need to be under the auspices of a recognised shooting body. A graduated scheme of access to handgun licences has been introduced.

A person must be a member of an approved handgun target shooting club for a minimum of six months before being able to apply for a full general category handgun licence. I think this is a very important point — that you just cannot turn up and become a member of a shooting club and within a month or so have a right to hold a handgun. The six months is there for a reason, and that is that the club can carefully vet those that are wanting a handgun for other purposes. Approved clubs will have to endorse any application for a handgun licence thereby allowing a club the ability to veto particular applications. That is very important.

During the first six months of holding a general category handgun licence, an individual will only be permitted to possess a maximum of two handguns. This is to prevent, of course, the stockpiling of weapons over a short period of time — a problem subsequently revealed following the Monash shootings. Further permits to acquire additional handguns will require the endorsement of the approved club; and the Chief Commissioner of Police will be provided with the power to refuse or revoke firearm licensing on the basis of criminal intelligence. This power cannot be delegated. We think that that is appropriate.

Turning to the provisions introduced in this bill, as has been outlined target shooters are required to show a dedication to the sport by participating in a minimum number of competitive target shooting matches each year. Overall, for a single class, licensed target shooters need to participate in a minimum of 10 approved events or handgun target shoots per annum on 10 different days. Six of the events must be approved target shooting matches whilst four events can be organised shoots or practice. This bill defines a handgun target shoot. Previously these four shoots were less flexible and had to be in line with requirements of shooting matches.

A handgun target shoot as defined in the bill is now more flexible and must be conducted as practice for

participation in a competitive target shooting match. It is:

- (a) a shoot conducted for the purpose of preparation for participation in an approved handgun target shooting match; and
- (b) organised by an approved handgun target shooting club; and
- (c) conducted on an approved shooting range.

I remember the first time the firearms legislation was debated earlier this year, when the Liberal Party had concerns about how this practice or competition would be recorded. If a shooter has to have a minimum of 10 per year we are expecting that the club will lodge the history of that shooter for that year and that will be handed to, I suspect, a firearms branch within the police force. We hope that will be kept up to date at all times and that those who are not doing the right thing under this legislation will be either spoken to or given a warning so that they can get up to that minimum participation of 10 shoots per year to show that they are genuine club shooters.

The bill also defines 'specified class of handgun' to mean, to quote from the explanatory memorandum:

... any one of the classes of general category handgun that are prescribed; and

the class of general category handgun that do not form part of any one of the prescribed classes of general category handgun ...

There are six specified classes of general category handguns, whereas the classes were previously undefined. That was causing a lot of angst among shooters. In this bill the six specified classes of handguns have been made very clear: air pistol, rimfire .22 calibre, centrefire less than .38 calibre, centrefire greater than 0.38 but less than .45; blackpowder less than .45 calibre; and blackpowder greater than .45 calibre. If a target shooter wishes to compete in all six specified classes, he or she would have to compete in a minimum of 24 approved target shooting matches.

We have taken the time and the effort to consult widely with the community, including obviously the Police Association, People Against Lenient Sentencing, the Crime Victims Support Organisation, the Sporting Shooters Association of Australia, the Shooting Sports Council of Victoria and the Historic Arms Collectors Council of Australasia. I thank them for their views and comments.

During our departmental briefing we were advised that the amendments had been formulated in consultation

and agreement with the major sporting shooter stakeholder organisations to make the minimum participation requirement more flexible and workable. However, following consultation with stakeholders a number of concerns have been raised with the Liberal Party, and hopefully the minister may address these when he is summing up, or at least write to us with some explanation about our concerns.

There have been, as I mentioned, several major concerns raised by stakeholders in relation to the bill. Legitimate, law-abiding sporting shooters still feel they have been victimised and singled out for the actions of a crazed individual. The second point is that some feel the minimum participation requirements are still too harsh, overly restrictive and difficult to achieve. The third point is that two respected organisations, Field and Game Australia and the Victorian Amateur Pistol Association, have raised concerns directly with me that practice is not allowed for in the definition of handgun target shoots. It is my understanding following advice from the Department of Justice during our briefing and a subsequent follow-up telephone call by my office that the definition requirement for four shoots definitely does include practice. I ask the minister to clarify this point in closing the debate to put the stakeholders' minds at rest on that very important point — that is, the difference between a practice shoot and a handgun target shoot.

The Victorian Amateur Pistol Association has also expressed concerns that the regulatory changes do not allow for new matches to be developed, nor do they allow the trial of established international matches that are not currently contested in Victoria. I ask the minister to provide clarification on this important point. All sports need to progress to stay relevant, and handgun target shooters should not be disadvantaged by not being able to adapt to internationally adopted competition. That is a very important point — that if a new competition starts off in the United Kingdom, South Africa or the United States of America and becomes very popular amongst shooters, at the moment this legislation will restrict Victorians from participating in it because there is not the capacity to add new sports under this bill.

Another concern, this time put forward by the Sporting Shooters Association of Australia (SSAA), relates to the minimum attendance requirement of 10 approved handgun shooting matches or handgun target shoots on 10 different days. The association believes that is too prescriptive, heavy handed and takes 'no account of extended matches over multiple days during which a number of individual matches or stages, which are individually scored and recognised by way of trophies,

are grouped together to recognise a tournament or overall match winner'. The concern is that such competitions or events, some of which could mean a time commitment of several days or even weeks, will only be counted as a single attendance. That is a very important point on which we seek clarification.

The SSAA in Victoria and the International Practical Shooting Confederation in Victoria seek the following:

In circumstances where a competitor attends any tournament where a number of matches are individually scored and recognised over multiple days that an attendance for each day of the overall event is recognised and subsequently counted towards the minimum attendance for that individual.

In other words, if a competition goes over 3 or 4 days, is it fair that it should be counted as only 1 out of the minimum requirement of 10; or, as the clubs argue, should it not be counted as 4 because a person has attended on 4 separate days? We also seek clarification of that. Their suggestion makes sense, and I ask the minister to consider this proposal further as a matter of fairness and flexibility.

As suspected and highlighted by the Liberal Party earlier this year, considerable additional pressure has been placed on the Victoria Police licensing branch. There is simply insufficient resources to properly manage the handgun buyback scheme, let alone the additional registration licensing requirements for handguns. The handgun buyback has been plagued with problems and has been poorly implemented due to the insufficient resources that have been allocated for this task. I raised this issue in Parliament earlier in the sitting.

One handgun owner wrote to me about his concerns, and I will outline the case he put to me. He received a letter from the police telling him about the gun buyback centre. He went to the designated gun buyback centre at 79 Atherton Road, Oakleigh, on 8 October at 10.30 a.m. When he got there he found that it was closed. The police officer at the door of the centre was extremely embarrassed about having to turn away angry and frustrated gun owners. This particular person lives in Preston. He took the day off work to go to the centre but had to return home with more lost time and lost income. This handgun owner had received two letters stating that the centre would be open from Tuesday, 7 October, to Sunday, 12 October, from 9.00 a.m. to 4.00 p.m., and from Tuesday, 14 October, to Sunday, 19 October, from 9.00 a.m. to 4.00 p.m.

The police officer informed the handgun owner that people had started turning up at 5.30 a.m. and that by around 9.00 a.m. he had had to close the centre due to

his being overwhelmed. The police officer said that he would be there until 4.00 p.m. to deal with the guns already in the centre. People were apparently turning up with loads of handguns beyond the expectations of the police. The handgun owner pointed out the potential security risk in having all the guns stored in the boots of cars as people drove to get there and as they sat waiting in the car park. What would happen if there were an accident or if a thief stole a car with a boot load of guns? We would be back at the old situation where guns were in the hands of criminals. We are very concerned about the level of security and the amount of effort some handgun owners have made to get to these buyback centres, only to be turned away.

There are cases that are even more heart wrenching. A couple faxed a concerning letter to me, which states:

We are seeking help as to how when and where we will be able to hand in the guns that have been purchased legally to use in sporting competitions and that the government has now made illegal.

That is the point they make at the start. They go on to say:

We rang the licensing branch in regards to guns that were to be valued. They informed us that they would notify us as to when and where and at what time these could be handed in. The indication was that this would be in Melbourne in October.

These people live at Colac, which is in the member for Polwarth's electorate. I am not sure how many hours it would take to travel from Colac to Melbourne.

**Mr Mulder** — Walking or driving?

**Mr WELLS** — Driving.

**Mr Mulder** — About 2 hours.

**The ACTING SPEAKER (Mr Delahunty)** — Order! Through the Chair!

**Mr WELLS** — These people needed to put aside 2 hours, and as they were going to the Oakleigh centre, I suppose another half an hour was added to the journey; so it was a 5, 6 or 7-hour round trip. They then attended the Geelong buyback centre with the guns, which involved a 90-minute trip one way. They arrived at approximately 2.00 p.m. on the Sunday, only to be turned away by the supervising officer after being informed that there was at least a 5 to 7-hour wait. These two people, who are invalid pensioners, arrived at Geelong after travelling for 90 minutes only to be told that there was a 5 to 7-hour wait!

They rang the buyback centre, again requesting information about the October buyback. It had declined to notify them, thinking there may be one closer at Werribee. They were informed that they could not go to the Werribee centre because they had the wrong postcode. These two people were desperately trying to hand back their guns, but no-one seemed to want to help them do it. The letter states further:

We then rang them again as regards the Oakleigh buyback, hoping that this would be our time as this was going to be running for more than three days so we would have a better chance —

of returning their guns.

Once again we were knocked back and told we have the wrong postcode. We then questioned when will we be able to hand the guns in. They are now saying some time in December but will not give us a location, dates let alone a time.

This couple was doing the right thing only to be turned away from the Geelong buyback centre because there was a 5 to 7-hour wait. They could not hand them in at Werribee because they had the wrong postcode, and the issue at Oakleigh was the same as that at Geelong, in that there was an enormous waiting time.

They then rang the licensing board, which requested that they give their names, dates of birth and licence number. When they asked to whom they were speaking, they were given a first name, and when they requested a number et cetera so the person could be identified, the person refused to give it, saying that it was not the policy to give out that information. The letter states in conclusion:

We feel totally disadvantaged in all respects with this buyback. We are approximately 2.5 hours from Footscray by car.

So they drove a little slower than the member for Polwarth.

We also feel that time is against us as the buyback closes on 31 December 2003. We are both disability pensioners.

That case shows that the gun buyback centres across the state have not been handled well. People in the community are taking days off work to attend these centres, and it appears the situation is not getting any better. We are keen for the minister, when summing up the debate on this important piece of legislation, to outline what he is going to do about the lack of resources and what time and effort he will put into the gun buyback centres. We are just over a month away from the amnesty finishing on 31 December. It is a great shame that people who have made every effort to attend these buyback centres to hand in their guns have

not been able to do so because of queues and other delays. In some cases there have been problems with the valuations, which have caused even greater delays and more red tape.

The Liberal Party supports the bill. It is commonsense, it is an issue of making it fairer and more flexible for participation. It also corrects some cross-referencing that perhaps should have happened in the first bill and did not. We accept that mistakes happen, and I wish the bill a speedy passage.

**Dr SYKES (Benalla)** — I rise to speak on the Firearms (Amendment) Bill. The previous speaker, the honourable member for Scoresby, has highlighted the sorry tale of an ideologically driven but practically inept exercise with firearms legislation. The purpose of the bill, as has been outlined, is to clarify the classes of handguns, to define the practice and participation requirements for handgun shoots, to specify requirements for junior licence-holders and to correct a number of cross-referencing errors linked to, shall we say, some haste in pushing through legislation earlier in the year.

I wish to examine the bill in the context of my experience as a new member in this place. As the National Party spokesman on police and emergency services, through my role with the firearms legislation this year I have been exposed to a large number of people with a legal interest and a passion in firearms. I have found that they are not hardened criminals, they are not nuts and they are not homicidal maniacs. They are normal people who share a passion for legal firearm use. They enjoy shooting, they may enjoy collecting, they enjoy a sense of belonging and a community spirit that goes with being with a group of friends that share that passion and just want to be out there doing their thing, within the law.

Over the past few weeks I have had the opportunity to enjoy shooting with the Benalla Pistol Club, using both airgun pistols and a range of other firearms, and I did not see any potential criminals there — they were people just enjoying themselves.

Also a couple of weeks ago I had the opportunity to observe more than 200 secondary school students from throughout north-eastern Victoria enjoy a clay target shoot hosted by the Benalla Field and Game Club. There were over 30 Benalla Field and Game Club members present, and they provided technical guidance, conducted the overall management of the shoot, managed the kiosks, and provided an ear for the young people as they experienced the joys, the frustrations and the exhilaration of clay target shooting.

I should say that you would expect there to be a fair bit of frustration there at times, trying to hit that moving target, but some of the kids showed great talent, and were able to get near-perfect scores.

The reward for the people in the club was to see and feel the young people enjoying the thrill of competition, being out in the bush in the Reef Hills with mates, learning responsible firearm use; and it is interesting to note that some of these people come from troubled backgrounds, from disconnected families. These are the sorts of kids who, if not given that sort of opportunity to have some experiences and thrills among responsible adults under good supervision, would be out roaming the streets, doing drugs, doing vandalism and heading on a one-way track to trouble.

Just last night I had the opportunity to attend the Antique and Historical Arms Collectors Guild of Victoria 40th anniversary out at Blackburn. I should note that a number of Liberal Party members were present, but most interestingly no members of the government were there. That fact was noted by the gathering of about 120 people, who shared an amazing passion for history, of which firearms and swords are a component. It was marvellous to spend time with these fellows, who would talk about their Colt 45s that originate from the gold rush, from the original formation of the Victorian police. They spoke about heritage items collected from the Boer War and items assembled from Gallipoli. These people are on about heritage and a passion for our history, and the firearms are an integral component of that, but they are not gun-crazy loopies.

All of this is at risk if we are to continue down this track of an ideology driven by people who do not understand the issues they are dealing with. The risk we run is removing the firearms from legal firearm owners, users and collectors while the criminals continue to blow each other away left, right and centre and kill innocent people, with this legislation as it stands at the moment having little apparent effect.

There are a number of issues contained in the bill, many of which have been worked through by the honourable member for Scoresby, but, to summarise, there is a minimum participation requirement for shoots, and that is included in both the bill and a schedule. There is a concern among country people that the level of required participation will make it difficult to compete for those people who have to travel long distances, whether it be 50, 100 or 150 kilometres. They put at risk their membership and therefore their sense of belonging and involvement in that community, which shares their passion for shooting.

There is also the issue of the restricted definition of what constitutes practice shoots. The definitions are making practice shoots very structured, and there is a real concern that these requirements will limit traditional shooting activities such as novelty shoots and a get-together coming up to Christmas time, when people go along and responsibly enjoy having a few shots, but without it having been tightly structured. That legal, responsible and sensible activity appears to be now at risk.

Also, as raised by the honourable member for Scoresby, there is concern about the very prescriptive restrictions which will limit the ability to develop new matches, and therefore impair the ability to enhance competition in new events as they evolve. The requirements on junior licence-holders can be justified in that we do not want people rushing into the sport. We want a responsible entry, and there is a strong argument that what is proposed will meet that requirement.

In relation to the attendance requirements, as highlighted by the honourable member for Scoresby, the requirement at the moment whereby every match must be shot on a separate date precludes the common situation where there may be multiple shoots on the one day and this would count as one match — and again that is missing the plot. It reflects a lack of appreciation of how these things operate. If you are on about having people gain and maintain their experience under a responsible set of conditions, then if you participate in three or more matches in one day, surely that counts for more than a shorter experience on that same day.

The Victorian Amateur Pistol Association is one of the many groups that my staff and I have consulted on this issue. It has raised very strong concerns about a number of aspects of the bill. They have been raised directly with the minister, and they are awaiting a response. The association and other stakeholders are again disappointed with the nature of the so-called consultation process carried out by the government. They contend that it has been presented very much as a fait accompli: 'This is what we think you should have. Here it is. Take it away and learn to live with it!'. With the implementation of this legislation, which is part of a national push, we need to come back to the basic question about what we are trying to achieve.

I ask the question: what evidence is there that these additional impositions on legal firearm owners will impact on the rate of homicides? I raise the fact that nationally the homicide rate over the last 90 years has been 1.6 per 100 000. All that has happened over the last 90 years, and particularly over the last 20 years

when there has been a reduction in the use of firearms — —

**The ACTING SPEAKER (Mr Delahunty)** — Order! Members who want to have a discussion can do that outside.

**Dr SYKES** — What has happened in relation to homicides is that there has been method substitution. Over the past 20 years there has been a decrease in firearms being used in homicides. I should note that that was ahead of this more restrictive legislation. The reduction in the use of firearms to carry out homicides has been offset by increases in the use of knives, and hands and feet.

**Mr Perton** — Machetes!

**Dr SYKES** — It could even be kitchen knives. Remarkably swords, which have generally not been used, are subject to legislation that is intended to restrict their use. There are other imaginative methods of killing people. The long and the short of it is that if you remove one means of killing, other means remain available.

I would ask the question: in the clawing back of firearms that are in the public arena, what percentage or number of firearms held illegally have been handed in? I suggest that this package of legislation is targeting law-abiding people and having little impact on non-law-abiding people. As evidence for that I am told that between 30 per cent and 50 per cent of legal target handgun shooters are exiting the sport as a result of legislation that has gone through previously and the bill that is now before the Parliament. Is that the intention of the government — to make it so tough on legal operators that they are leaving the sport in droves. To repeat, 30 per cent to 50 per cent have exited the sport in the past few months!

I again ask the government: what is the benefit of this if it has not impacted on illegal firearm availability and use? What is the cost? What about those people who up until now have legitimately used their firearms to enjoy their Saturday afternoon sport? What impact will it have on their sense of belonging and involvement in community? What impact will it have on our young people who seek to enjoy the experience of their hand-eye coordination and their ability to ping the clay target as it disappears across the horizon? What impact will it have on our international competitiveness in competitions such as the Olympic Games?

I would like to raise a couple of broader issues about this legislation, which is attempting to increase public safety. We have a situation with collectors — and it

was raised again with me last night — where those items post-1946 can be removed with compensation, but for those pre-1946 items compensation is not available. What is the logic of that line in the sand, particularly given other aspects of legislation in existence, that firearms constructed prior to 1946 seem in the opinion of legislators to constitute a risk? As was shown last night, if you see these other firearms that are single shot, take some time to load and fire and have dubious accuracy, you would ask what criminal, what person with illegal intent, would contemplate using those firearms when they can easily access modern lethal weapons illegally?

The other issue — and it has been highlighted by the member for Scoresby — is the execution of the buyback scheme. I do not think I need to expand on that other than to say there has been a major problem with resourcing which follows on from a major problem with licensing. This indicates that there is a need for those making the legislation and attempting to manage the logistics to get in touch with the people who are out there dealing with the issue.

Having raised those concerns, I should indicate the National Party will not oppose this bill in order to keep faith with the desire to reduce the risk to public safety, albeit that this package of legislation is often clumsy. In closing I make a request to the minister and his staff to consult with the stakeholders, undertake genuine consultation and involve them in the process in order to win their goodwill. Then they will achieve the outcomes they want of public safety whilst not impacting intentionally or unintentionally on legal firearms holders.

**Mr Perton** — Speaker, I direct your attention to the state of the house.

**Quorum formed.**

**Mr HUDSON (Bentleigh)** — I have great pleasure in rising to speak in support of this bill, which builds on the Firearms (Trafficking and Handgun Control) Bill passed by Parliament earlier this year. These two pieces of legislation together respond to genuine concerns about the number of handguns in the community. At the same time they recognise the rights of sporting shooters to go about their legitimate sport.

This legislation has demonstrated that our federation can work. It has demonstrated that, in response to major concern about the level of mass shootings in the community, the Australian government and all the state and territory governments can cooperate nationally to produce this piece of legislation.

*Honourable members interjecting.*

**Mr HUDSON** — I am somewhat stunned by the member for Benalla's suggestion that this legislation is ideologically driven. I have not heard anyone describe John Anderson, Peter McGauran or Julian McGauran as ideologues.

**An Honourable Member** — Come on — Julian McGauran!

**Mr HUDSON** — Not as ideologues. What they have done is respond to the real community concern that has been expressed in the Victorian community about the shootings in Hoddle Street and Queen Street and at Monash University on 21 October last year.

The shootings at Monash University demonstrated something we had not previously taken account of in our gun control legislation. The young man who was responsible for this incident was a member of two gun clubs and had seven weapons which were approved under the regulations covering handguns at the time. The community quite rightly asked us how we let somebody like this slip through the net. How could someone who was so clearly mentally unstable be licensed to hold so many guns and be a member of a responsible shooters organisation? It was a question that we as members of Parliament were required to answer, and it has been answered very quickly.

I would like to congratulate the Prime Minister, the premiers and the chief ministers on showing leadership in this area. I note that the Premier of Victoria played a leading role with the Prime Minister in achieving this agreement nationally in December last year. Far from being ideologically driven, I believe it is sensible law based on dealing with what happened at Monash in October last year. The package of measures that are being brought in to give effect to that agreement — both the Firearms (Traffic and Handgun Control) Bill, passed by the Parliament earlier this year, and this bill — include some sensible reforms.

The original bill restricted the range of handgun target shooting matches and the sorts of handguns that could be used in those matches. It also provided for a sensible system of graduated access to handguns for target shooting based upon training, experience and match participation. It required a prospective member of a shooting club to produce a police clearance prior to being accepted as a member, and it allowed the Chief Commissioner of Police to refuse or revoke a firearm licence application on the basis of criminal intelligence. Finally, that bill introduced new penalties for

possessing an unregistered firearm as well as new interstate trafficking provisions.

This bill, which builds on that, clarifies the minimum participation requirements by putting in a definition of 'handgun target shoot' and provides for the proscription of certain classes of weapons. It also amends — quite sensibly — the minimum participation formula for handgun target shooters. Under the current act a sporting shooter who has one class of handguns is required as a minimum to participate in six competitive matches and four handgun target shoots on at least 10 separate days. The sporting shooters have raised, I think quite rightly, some concerns about the flexibility of these requirements. They point out that the current act's workings could be unfair, because if a shooter participated in 10 full competition shoots, then there would not be a strong rationale for requiring them to participate in 4 target shoots as well.

The bill quite sensibly responds to the concerns raised by shooters by introducing more flexibility into the arrangements. There is now no longer a separate and discrete requirement for shooters to participate in four handgun target shoots. Provided they participate in six competitive matches, the four other events can be a combination of either competitive matches or handgun target shoots.

In addition under the original bill handgun target shoots had to be conducted under the rules that applied to the particular competition or the approved match conditions that were being practised for. Shooting organisations have pointed out, quite rightly, that practice would not always be conducted in line with competition.

Obviously shooters need to practise their particular skills. It is a bit like Australian Rules football — if you are a good right-foot kick, in training or practice you want to practise your left-foot kicks. You do not want to go on just practising your right-foot kicks — and it is a bit like that with shooting competitions. If you are good at a particular aspect of the competition, you want to practise the bits you are not so good at. So the bill inserts a definition of 'handgun target shoot', which I believe is a sensible definition. It also ensures that handgun target shoots are legitimate practice sessions and that they are not ad hoc arrangements and do not undermine the intent of the legislation. It fulfils the original requirement that target shooters show commitment to their sport in order to maintain the possession and use of handguns.

The community has demanded greater controls on easily concealed, high-powered handguns. The changes

that have been brought about are intended to reduce the availability and use of handguns in the community. It is now critical that we give effect to the firearms trafficking policy agreement signed by the Australian government and all the state premiers and territory chief ministers.

We also have to acknowledge that the vast majority of crime is carried out with illegal handguns. There must be greater surveillance through customs and in our ports in relation to the importation of handguns. Far too many handguns still get through customs in the first place. This agreement is only going to work and will only continue to have the support of legitimate shooters if there is also a crackdown on the trafficking of illegal handguns.

I know the Minister for Police and Emergency Services, who is at the table, has been pushing for some time for much greater action by the Australian government in this area through the police ministers council. It is clear that the Howard government must devote more resources to this area so we have a safer community and we are spared senseless tragedies such as the recent Monash shootings. I congratulate the police minister on this bill and I commend it to the house.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — I wish to thank the members for Scoresby, Benalla and Bentleigh for their contributions to this debate, and the spirit in which they entered into it. This legislation, as each of them correctly identified, aims to firstly define a target shoot, so this is not something that can be conducted in the backyard with a set of coke cans. It also aims to define a class of handgun so that every single handgun that is owned by a pistol shooter is not deemed to be a class of gun in its own right and that we actually define the classes of guns, given that some shooters will have a number of guns in a particular class that they will want to use for a particular shoot. That is what this legislation sets out to do and sets out quite rightly.

The member for Bentleigh acknowledged, as I think did other speakers, that the bill seeks to amend legislation as a result of a very unfortunate shooting last year at Monash University, which was a fairly unusual event where a legally licensed handgun owner was responsible for the commission of a crime with a handgun. Most crimes with handguns are committed with illegal handguns that are owned by people who do not have a licence or registration for those guns. That continues to remain a concern of this government and of other state and territory governments because unfortunately most of the illegal guns that are in the

hands of criminals and people who should not have them in this country come through our porous borders, and that is something we need to do something about. Nonetheless this is a commonsense amendment.

I also want to thank the members of the various pistol and shooters groups who have made constructive suggestions that have brought these amendments about. We should never be afraid to amend legislation when somebody comes up with some sensible and commonsense suggestions. On that note I thank the various shooting organisations that have participated in this legislation as well as all speakers for their contributions to the debate.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## CRIMES (MONEY LAUNDERING) BILL

*Second reading*

**Debate resumed from 6 November; motion of Mr HULLS (Attorney-General).**

**Mr McINTOSH** (Kew) — This bill deals with a significant if not growing problem in our community attached to the issue of organised crime and perhaps a more intellectual approach to criminal activity. Money laundering is a significant problem. As the Attorney-General identified in his second-reading speech, the International Monetary Fund has estimated it is a global problem that could represent as much as 5 per cent of the global gross domestic product. Australia is certainly not quarantined from either the elements of organised crime or the issue of money laundering.

The bill arose out of an agreement entered into at a Council of Australian Governments summit in 2002 where the Premier committed, along with the commonwealth and other states, to address the issue of money laundering on a multijurisdictional level, and clearly the impact of the ability to transfer funds electronically and deal with property in ways that were unforeseen many years ago. Certainly the issue of a multinational approach to the issue of money laundering is an appropriate response.

On that basis the model for this legislation is largely taken from amendments made by the commonwealth government to the Commonwealth Criminal Code and

reflects what the commonwealth has implemented through that code. Perhaps the one exception is the consideration relating to the issue of criminal negligence.

The point has been made about criminal negligence under the Commonwealth Criminal Code — and I will expand on this later — that a clear definition of mental intention is set out in some detail in the code, whereas in this provision the issue of criminal negligence is largely left up to the common law, which may cause concern in some quarters. Certainly members of the legal profession have contacted me expressing some concern about the broad nature of that criminal negligence.

However, the bill deals with a number of matters. It amends the Crimes Act to insert essentially two principal offences: firstly, dealing with the proceeds of crime — that is, property that would be derived from a crime; and secondly, dealing with property that subsequently becomes an instrument of crime — that is, property that could be used to facilitate a crime and therefore is tainted.

The bill also removes the current limited money-laundering provision that appears in the Confiscation Act and places it in the Crimes Act. The Attorney-General says this reflects the seriousness of the crime and the issue which the government is seeking to address here, and imposing a penalty of up to 20 years is certainly a serious matter. The opposition does not take any different view on matters where people deal with the proceeds of crime, or use property as an instrument of crime, to facilitate a crime in very serious cases with a direct intention to conceal the proceeds of that crime. Clearly a penalty of 20 years is appropriate at the higher end of that offence.

The last matter — and perhaps I will deal with this in short compass — is an amendment to the Surveillance Devices Act in clause 7 to reflect the change of name from the National Crime Authority to the Australian Crime Commission. It certainly does not warrant a significant contribution, save to say that this follows the passage of uniform legislation at both the commonwealth and state levels that established the Australian Crime Commission earlier this year, from recollection.

I will deal with what is principally the purpose of the legislation, which is the issue of the offences of dealing with the proceeds of crime and of dealing with the property which subsequently becomes an instrument of crime — that is, property used to facilitate a crime. They are the principal parts of this bill.

To touch on one other matter, there will be a number of consequential amendments to the Confiscation Act as a result of the passage of this bill, and I will briefly touch on those. They are very technical in nature. I have not trawled through the various amendments, and again one would hope the government has got all the details of this right. Its form in relation to amendments such as these leaves room for pause, but it is certainly not my job to trawl through, checking every word; that is a matter for the government.

As I said, there are two principal parts that deal with, firstly, money laundering and the proceeds of crime; and secondly, the instruments of crime. I point out that the issue relating to instruments of crime is essentially a new provision. As I said, it is based upon the model in the Commonwealth Criminal Code, and although it is not exactly in similar form it certainly goes a large way to creating a uniform approach to this issue, both at the Victorian level and also at the commonwealth level, with a view that every state would pass similar legislation.

The definition in the bill of 'instrument of crime' is interesting. It means:

... property that is used in the commission of, or used to facilitate the commission of —

a crime. The crimes are limited to those appearing in schedule 1 to the Confiscation Act, which was amended by a bill earlier this year, but essentially they are very much at the top range. Those schedule 1 offences relate to those offences which under the Confiscation Act are considered to be sufficiently serious that in certain cases they can lead to automatic forfeiture provisions. The crimes also relate to offences against a law of the commonwealth that are indictable offences — again serious offences — and offences against the law of another state or territory if they are indictable offences.

The definition of 'proceeds of crime', is set out in very similar form. It means:

... property that is derived or realised, directly or indirectly, by any person from the commission of —

the offences under schedule 1 to the Confiscation Act; and secondly, indictable offences in the commonwealth, and other matters.

Most importantly, I will deal with the provisions relating to the proceeds of crime. The Attorney-General points out correctly that there are essentially four new offences created. These are a reflection of what exists in the current Confiscation Act, with the extension of the fourth category, which relates to the mental element of

criminal negligence. They descend in seriousness, and that is reflected in the penalties that can be imposed.

The most serious is where a person knowingly deals with the proceeds of crime with an intention to conceal that the proceeds were derived from a crime. In that case the maximum penalty imposed is as much as 20 years. They then move down in levels of seriousness. As I said, the most important thing is that the difference between the various categories in descending order from one to four is dependent upon the mental element which would be required to be proved.

The second provision is:

... A person must not deal with proceeds of crime knowing that it is proceeds of crime.

The difference between that and the first is that the issue of concealing the proceeds is removed from the particular activity. The third provision is where the proceeds of crime are dealt with in a way that is reckless as to whether or not the proceeds are proceeds of crime. Importantly, the fourth category, which can lead to a term of imprisonment of up to five years, relates to the mental element. This is the issue that I raised before relating to the issue of criminal negligence.

Importantly, as I said, the commonwealth code has a clear adumbration of what mental elements would be required in various parts of the act, whereas the Attorney-General and the government have taken the view that in this particular case they would leave it up to the common law. It is a matter of some concern, as I said — and a number of lawyers have raised it with me — that in relation to an offence that could warrant up to five years imprisonment leaving the issue of criminal negligence up to the common law may not be sufficient. I just raise that as a concern, reflecting the concern of the profession.

The point is made in the explanatory memorandum that negligence is not the civil notion of negligence but clearly has to go to something a little more substantial. It is important to look at that definition as set out in the explanatory memorandum. It says:

To establish criminal negligence, the prosecution must prove that the accused person consciously and voluntarily dealt with property (although he or she failed to realise that —

it was the proceeds of crime. So clearly there is an issue that the accused person would not actually have to realise they were dealing with the proceeds of crime. It goes on:

... and this occurred in circumstances which involved such a great falling short of the standard of care which a reasonable person would have exercised —

of course ‘reasonable person’ is a notion that is clearly understood in the civil law of negligence, but it is this issue of a great falling short of the standard of care that is a little bit unclear —

and such a high risk that the property was proceeds of crime, that the accused person’s conduct merits criminal punishment.

Again the government has introduced a fairly convoluted explanation of what criminal negligence may or may not be — that is, they did not know it was the proceeds of crime, but in all the circumstances they fell short of the standard of care which a reasonable person would have taken when there was such a high risk that the property was the proceeds of crime, so the accused person’s conduct merits criminal punishment.

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The ACTING SPEAKER (Mr Nardella)** — Order! It is now time under sessional orders that I interrupt the proceedings of the house. The question is that the house do now adjourn.

### **Phillip Island Nature Park: parking fees**

**Mr SMITH (Bass)** — I raise an issue for the Premier in regard to the Phillip Island Nature Park. I wish him to take some action to ensure that the minister understands that the people at Phillip Island and the area down there, particularly the Shire of Bass Coast, do not want to see the introduction of parking fees, as has been proposed by the Phillip Island Nature Park board. The board there has over a period of time been greedy in the way it has tried to take total control of the island and of the foreshore area, and it was more than delighted to see Seal Rocks fall over, because that is something it did not want to see happen. Now it is crying poor and is proposing that there be parking fees brought in for the people who visit the beaches on Phillip Island.

The people down there are absolutely flabbergasted by the cheek of this board in thinking that now, after it has taken control of all the beaches down there, it will introduce parking fees. The board chairman, Mr John Laurie, has put out a statement to the local newspapers down there saying:

It is likely to be charged per car at a rate of \$2 per hour at the selected beach locations, with a maximum fee of only —

only! —

\$6 per day —

for people to park down at beaches they have been able to go to for a long period of time. These people are surfies who go down there and want to surf. All they do is enjoy the waves flowing in, and being the great spot that it is there will always be waves coming in on any beach around Phillip Island. Obviously, the Phillip Island Nature Park Board see this as a great opportunity to make a quid out of the surfers, as well as the families who want to go down to the beach.

I ask the Premier to get his minister to tell the board that it is not to introduce these fees. We do not need to have people moving away from Phillip Island. It is their preference in choosing where they go down to the beach. The board says that the park improvement fee, as it is currently called, is going to be introduced over a period of time. It is going to be phased in at a number of different beaches on Phillip Island. Of course the people there will object: they will move from beach to beach to avoid paying the \$6 per day that the board wants to charge.

It is not good enough and it is not on, and the Premier must do something about it. Even the Wonthaggi branch of the Premier's own party has written to him asking that these fees not be introduced. Premier, do something about it and take action against your minister!

### **Public transport: outer east**

**Mr LOCKWOOD** (Bayswater) — I would like to raise a matter for the Minister for Transport concerning public transport in the outer east. The action I seek is a review of public transport options along Stud Road between Dandenong and Bayswater. Public transport in the outer east has been a poor cousin for many years. We have an excellent train service that goes through Ringwood and Boronia, but bus services in particular are lacking. For example, the average finishing time for buses on a Saturday afternoon is about 5.14 p.m. Many young people who work in the local shopping centre at Knox City are not able to get the last bus home, because there are no buses running. Bus services on a Sunday are almost non-existent, representing only 18 per cent of what is available to other areas in respect of train and tram services. My source for this figure is the Bus Association Victoria, which compares areas that are totally dependent on buses.

Some years ago when I first moved into the area I made the mistake of waiting for a bus on a Saturday morning. I found that there was no such thing. These days in

some areas there are buses on a Saturday morning, and as I just mentioned, in some areas buses run until some time later in the day; but there are none on Saturday nights. During the week the bus services finish earlier, around 7 o'clock, so we end up with areas that are quite isolated, particularly for young people who are denied access to leisure facilities — and that isolation breeds problems.

I am aware of the Smart Bus services that have been trialled on Blackburn Road and Springvale Road. The service on Blackburn Road, for example, has seen a 20 per cent improvement in usage. The service on Springvale Road has seen a 30 per cent improvement. I am sure we could see figures equal to that, or better, along Stud Road, particularly in my electorate.

Of course I am aware that the government is progressively doing things. The tramline is being extended to Vermont South as part of the Scoresby transport corridor, and I have already mentioned the Smart Bus improvements, so things are actually happening. I am also aware that the Outer Eastern Public Transport Plan is in progress, because this outer eastern part of Melbourne is a very important residential and business area that is still growing, with employment predicted to increase by about 47 per cent. I hope the public transport plan will go a long way towards improving the situation.

I am particularly asking for improvements along Stud Road. It is a major route through the area, and I am sure that if we could get something like a Smart Bus on Stud Road it would greatly improve transport in the area and complement the Mitcham–Frankston freeway.

### **Shepparton: dental services**

**Mrs POWELL** (Shepparton) — I wish to raise a matter with the Minister for Health about the lack of public dental services in the Shepparton district. I ask the minister to investigate the shortage of public dentists in Shepparton and to put in place incentives to attract dentists in the public sector to come to Victoria, and particularly to the Shepparton district. While I understand that Shepparton is seen as having one of the shortest waiting lists for public dental work in Victoria, nevertheless the current waiting list is unacceptable.

I have recently been contacted by two of my constituents whose situations are urgent and of great concern. Mr Kennedy has been forced to wait three years for dentures. Three years ago he had most of his teeth pulled out, believing he was going to have dentures fitted in the near future. He has had dentures fitted before, but unfortunately they broke after he had

had them in for about two months. He had them repaired, but they broke again. After three times he was told he needed to have new dentures fitted because the ones he had were no longer able to be fixed. After three years of waiting for an appointment at the hospital he was told there were not enough funds available from the government for him to have this work done. Mr Kennedy only has about 10 teeth. He is embarrassed about leaving home; he has lost confidence, and his wife said he is losing weight because of the stress and anxiety. He is also unable to eat certain foods.

A second constituent, Mr Bruce Gillies, telephoned my office because he required urgent dental work and could not get an appointment at a public dental clinic until the middle of February next year, three and a half months away. Mr Gillies has lost a filling and is in constant pain. He needs urgent dental care and cannot afford the cost of having this filling replaced, having been told it would be over \$200. He was referred to a private dentist and was told that unless he receives urgent attention his tooth will die. The dentist told him to go to the hospital and get a voucher. Vouchers are used to pay a private dentist to do urgent work when the public dental system is stretched. Mr Gillies was told that the hospital could not issue any more vouchers for work to be done at private clinics because the yearly allocation from the government had already been spent and there was no more funding for them.

At the moment there is a real strain on the public dental sector, and in Shepparton even more people are now eligible to receive public dental services. Because of the drought almost every farmer is eligible for support from Centrelink, and they are also eligible for extra social security entitlements. This is a positive step. Farmers are struggling and deserve as much support as possible, but the problem is that the Victorian government has not increased funding for public dental clinics or for the hospitals. There are no incentives to attract more dentists to come to Victoria.

There should be more programs in schools to educate children about dental hygiene. This would mean less dental health problems when they become adults. Figures quoted by the former head of Victoria's dental health service, Dr Martin Dooland, show that the Victorian government spends less per capita on dental health than the other states do. It is almost impossible to attract dentists to work in the public dental health sector in country Victoria, where they will receive lower wages than they would in the private sector. The government must address this health disaster immediately and restore decent public dental health services to country Victoria.

### **East Boundary—Centre roads, Bentleigh: safety**

**Mr HUDSON** (Bentleigh) — I seek action from the Minister for Transport in relation to the traffic control signals at the corner of East Boundary Road and Centre Road in my electorate of Bentleigh. I have had concerns expressed by a number of residents about pedestrian safety at the intersection. The issue really is about the right-turning vehicles which are coming from the Warrigal Road direction and turning into East Boundary Road. Residents have previously raised with Vicroads their concerns about the safety of pedestrians at the intersection because cars are turning right at this busy intersection and not giving way to pedestrians. That causes quite significant concern, particularly to elderly residents who are trying to cross this quite large intersection, which has a quite substantial median strip, to get to the other side.

When residents previously raised with Vicroads their concerns about the safety of the intersection because cars are turning without giving way, they were informed that with recent roadworks to install a right-turning lane pedestrians would be safeguarded as the red arrow would prevent the cars from turning on the green light. This work was completed late last year and the red arrow was in fact installed, except it now appears at only non-peak times during the day. This means that during the heaviest traffic periods in the day, when there are also usually more pedestrians crossing the road, the red arrow automatically goes off, allowing motorists to again turn right into East Boundary Road across the pedestrian traffic.

When residents have questioned Vicroads about this, they have been informed that turning off the red arrow in peak hour times is standard practice, as it helps traffic move more steadily in those periods and that Vicroads is unwilling to keep it on at all times. The fact that the red arrow is on for only part of the day is confusing to many people, as when they use the crossing during peak periods they are often not aware that the cars are allowed to turn. This is particularly confusing for elderly people who are infirm and walk slowly or are nearsighted. There are quite a lot of those elderly people in my electorate using the Monash Medical Centre and the Bentleigh Bayside Community Health Service and visiting local doctors in the area.

It is imperative that this problem is fixed before a pedestrian is seriously injured or killed. I would appreciate it if the minister could raise this anomaly with Vicroads with a view to having the red right-turn arrow activated whenever the green pedestrian walk sign is on at the intersection. This will make it much clearer for pedestrians, it will be consistent throughout

the day and it will ensure that they can cross East Boundary Road safely and surely.

### Planning: Eastside project

**Mr BAILLIEU** (Hawthorn) — I raise a matter for the Minister for Planning. It is a serious matter which goes to the competence of the minister. It is a matter to do with the government's involvement or otherwise in an appeal against a decision by the president of the Victorian Civil and Administrative Tribunal (VCAT), Justice Stuart Morris. That appeal was lodged by the developer of the \$250 million Jolimont project, otherwise known as the Eastside project. Specifically I invite the minister to make an unequivocal statement to the media to indicate whether the government joined the developer in seeking to appeal against Justice Morris's decision in this case.

The developer had received approval for plan changes in February last year. Those changes would have seen three 57-metre towers located on a site previously regarded as suitable for only one tower. This was a controversial decision made on the last day of the previous Minister for Planning's term of office. Local residents and the Melbourne City Council took this approval to VCAT, through a rarely used provision of the Planning and Environment Act, and a lengthy 23-day VCAT hearing was undertaken. Justice Morris heard that matter himself. It was heavily laden with Queen's Counsel and legal advice, and the government was represented at that hearing. Justice Morris ruled against the government and the developer, and on 30 October the minister was quoted in a press release as saying:

The government accepts this decision.

I believe the Premier said on radio that this was an indication that the planning system was working well and that the government would not be seeking to contest that decision by Justice Morris. In any event an appeal was lodged, and just a few weeks ago the Court of Appeal rejected that appeal. The minister said at the time that the government was not involved in the appeal, but court documents named the minister as a respondent to the appeal. The question then arises: did the government join the appeal or not? If so, did the minister know that the government had joined the appeal? Did the minister know that she was being named as a respondent? If she did not know, why did she not know? If she did not know, then who authorised the naming of the minister as a respondent and who made representations on behalf of the government?

The reality is that an unequivocal statement from this minister to the media is needed to clear up the issue of

whether the government was involved in this appeal, whether the minister is aware of what is going in her own department and whether legal action taken by the department is actually within the control of the minister.

### Sheep: live exports

**Mr DONNELLAN** (Narre Warren North) — The issue I raise is for the Minister for Agriculture. The action I seek is that the Victorian government, in coordination with the Australian government and the federal minister, continue to move quickly to minimise the damage done by the activities of Animal Liberation (South Australia) and to protect the vital \$120 million live sheep export industry in Victoria, in Portland specifically. Overall the industry is worth about \$1 billion to Australia.

I note that quick action has been taken by the Australian Quarantine and Inspection Service (AQIS), the Department of Primary Industries (DPI) and the Victoria Police to investigate the allegations of economic sabotage at the Portland feedlot of David Petti, and police are interviewing a 40-year-old male. I believe that person has now been charged, pending criminal or civil action. Further I note the exemplary cooperation between people at AQIS, who requested and sought full cooperation from DPI to speedily investigate and determine the initial facts of the matter.

The simple facts of this matter are that more sheep die in the fields of Victoria than on the ships. So what is Animal Liberation (South Australia) telling us — that we cannot have sheep because some may die in the fields before they get to our plates? I condemn the activities of Animal Liberation (South Australia) as those of madmen. We all support the right to protest legally, but we do not support the vandalising of an industry vital for employment in areas such as Portland. The farmers are doing nothing illegal. These people are simply ruining the livelihoods of many Australians.

Further, those actions are those of hypocrites. I note that today the *Age* had an editorial on the subject. It says:

The act of tainting sheep feed with ham is on one level a criminal act, on another a potentially serious animal health threat and on yet another culturally patronising, if not overtly hostile towards Muslims.

It goes on further to say:

Moreover, the irony of the animal liberationists using dead animal flesh to taint live animals poses questions about what it is they stand for and whether or not feeding meat to herbivores is not in itself cruelty. The impact of such actions upon the credibility of their cause should not be overlooked.

I ask the minister to act quickly to continue to save this most important industry for Victoria.

### **Pompe's disease: funding**

**Mr COOPER** (Mornington) — I have a matter I wish to bring to the attention of the Minister for Health and I ask her for action to obtain more funding to assist people with major disabilities, in particular those very few people who suffer from Pompe's disease. Pompe's disease is a condition of heart enlargement and sufferers of it will die unless they use a bi-pap respirator for many hours a day. The disease severely weakens the trunk muscles and normal breathing can occur only when the sufferer is lying on their back.

I imagine it is a matter of some interest to the house that there are only three sufferers from Pompe's disease in Victoria and basically only a handful more throughout the rest of Australia. Therefore people with Pompe's disease tend to get significantly overlooked in regard to the provision of facilities.

I have had a matter drawn to my attention by a constituent who suffers from Pompe's disease. Whilst it certainly dramatically affects her, I imagine it affects a whole lot of other people who are in need of aids to assist them with their disability. She emailed me on 13 November and said in part:

Last July I had an appointment with an occupational therapist from Mount Eliza health care with the aim of getting a motorised wheelchair.

... An appointment was made for me to trial a specialised chair. After two months a chair was approved. The interesting thing is that it will be 'maybe a 12-month wait as the allocation of funding has already been spent for this financial year'.

While I am lucky that I can still drive I am not able to walk outside because of balance.

What this means is that I can go for a drive but cannot get out of the car for fear of falling.

I had to cancel my breast check. I can no longer go to the doctor and, of course, I have to rely on shopping via Internet.

Here we have a situation where in November this lady is told that the whole of the financial year's funding for things such as motorised wheelchairs has in fact been spent. That clearly alerts me to the fact that not enough money has been put towards this, and if there is not enough money being put towards it for this lady, then obviously a lot of other people are having great difficulties as well. I ask the Minister for Health to take some action to provide more funding to assist people like this constituent, who is suffering from a disease for which she definitely needs a motorised wheelchair.

### **Juries: dietary requirements**

**Mr ROBINSON** (Mitcham) — I raise a very serious matter this evening for the attention of the Attorney-General. Like the last contribution, it is an issue which involves a number of Victorians who suffer from diseases, although perhaps not as graphic as the disease which has just been recited to the house. The issue involves jury service for Victorians with less conspicuous health conditions. I seek from the Attorney-General a consideration by his department of this problem, of which I will outline an example in a moment, with a view to developing more appropriate guidelines for jurors.

The background to this case is that I have been advised recently of the circumstances of a woman who suffers from coeliac disease. Coeliac disease is a fairly common disease. It is explained more readily as an intolerance of gluten, and gluten is a derivative of wheat which is present in many food products. Continued consumption of gluten by people with coeliac disease can result in very serious long-term injury. It manifests itself in an incapacity of the villi in the intestine to absorb the nutrients from food, and over a number of years that can develop into lymphoma.

The disease quite naturally means that a wide range of foods are out of bounds for people who suffer from it. The jury on which this woman served was confined overnight as the trial lasted a number of days and the deliberations thereafter lasted at least two days. The meals were ordered for the jurors in the hotel in which they stayed, but the jurors were quite naturally not allowed to talk directly to people outside the jury room, and this meant in this case, and quite possibly others, that the juror in question was not allowed or permitted to talk to the chef at the hotel about her dietary requirements. As a consequence her requirements were relayed once, twice or three times to the chef, and the meal that was provided was totally inadequate for her dietary needs. This proved to be an extremely frustrating issue for her, and one we should be able to address.

I imagine these circumstances play out similarly for people with a range of dietary or health conditions. There are, for example, foods which are recommended for people with glycaemic index conditions and with diabetes. People who suffer from any of a range of dietary and health conditions would find themselves in a situation not unlike this woman's, and it seems to me that it would be an appropriate step for the Attorney-General to advise his department to review this situation with a view to developing guidelines which are more appropriate for Victorians who are,

after all, doing the right thing by coming forward for jury service.

### **Upper Murray Family Care: funding**

**Mr JASPER** (Murray Valley) — I raise a matter for the attention of the Minister for Victorian Communities and, in his absence, the minister at the table. It relates to an application from Upper Murray Family Care for funding support through the Community Support Fund for major redevelopment of its premises at Wangaratta. The application was put to the Community Support Fund earlier this year and was rejected. I seek assistance from the minister in ensuring this application is reviewed, because I believe it is worthy of funding and worthy of support from the government, particularly through the Community Support Fund.

Upper Murray Family Care has been operating at Wodonga and Wangaratta over many years, providing a range of health care and community services. It has an excellent record in the support that has been provided. For instance, the programs it gets involved in include foster care, carer respite and information services, family counselling, community legal services and financial counselling; and more recently, earlier this year it provided assistance with counselling and other services to families in three municipalities that were affected by the disastrous fires in north-eastern Victoria.

The organisation has been operating in rented premises at Wangaratta — they are fairly basic and substandard. It is wanting to bring all the staff together so they can operate out of one new facility. It has bought land in Wangaratta and had quotes of approximately \$850 000 for these extensive buildings. The difficulty for that organisation is that it has funding for about half the cost of the development, which it has been able to gather together over a number of years and with the support of a number of other support organisations where funding has become available, but the difficulty is in being able to fully fund this project.

I seek the minister's support in undertaking a review. A detailed submission has been provided to the Community Support Fund, and I would be pleased to make that submission available to the minister so that he can undertake a further review and ensure that it does get appropriate consideration. I am very much aware of the organisation because its members have spoken to me on many occasions. I am aware of the work it does, particularly in financial counselling. The people involved have provided excellent support where there have been families in difficulties.

In fact the person handling the financial counselling has had contact with my electorate office, and I sought to be of assistance as well. But in these circumstances the Upper Murray Family Care needs to get more appropriate facilities so it can continue to provide the health care and community services that it has provided in the past. I hope the minister will give appropriate reconsideration to what is an absolutely fantastic organisation which needs support from the government and should receive it.

### **Youth: Forest Hill**

**Ms MARSHALL** (Forest Hill) — I raise a matter for the attention of the Minister for Employment and Youth Affairs. I have recently been contacted by some of my constituents, in addition to observing this in the local media, about the negative and destructive behaviour of youths, particularly in parks and public spaces in and around Forest Hill. Understandably many residents feel this behaviour stems from boredom and a lack of suitable activities.

It has become apparent that many of the problems that have been depicted in the media involve older youths in their late teens and early twenties who have licences and are therefore able to visit adult venues such as pubs and nightclubs. This age group particularly has recently left school and is coming to terms with its new freedom, as these people no longer worry about the regimented school programs and the routine, in addition to which there is a reduction in parental control.

The action I seek from the minister is an undertaking that the necessary steps will be taken to ensure that the youth programs under the auspices of the state government remain adequately funded and that these programs are structured in ways that encourage some of the older youths to participate.

The cities of Whitehorse and Monash provide an excellent array of facilities, activities and other resources for youth, such as Whitehorse's Youth Connexions, which is staffed by qualified and passionate people who are constantly out in the community endeavouring to ensure that the role of young people is understood and that the positive influences they have are being highlighted. The organisation continually endeavours to ensure that when issues do arise the community works together to solve them. Whitehorse and Monash councils both have youth committees which are open to the 12 to 25-year-old age group. They regularly meet to discuss various youth activities and issues within the community.

The Bracks government has contributed to initiatives such as Freeza funding, service providers and *Stuff* magazine. The Freeza program provides young Victorians with an opportunity to become involved in all aspects of event management, including entertainment selection, marketing, publicity, negotiation with promoters and agents, venue management, project budgets and administration. *Stuff* magazine is aimed at older teenagers, particularly school leavers, and focuses on issues such as their rights as consumers, finding employment and even buying their first car.

Unfortunately there seem to be some people who fall through the gaps, and although the services provided by Whitehorse and Monash councils are excellent, it is sometimes difficult to attract people over the age of 18 into these youth programs. These programs run by the council are very good at attracting young people who are already natural leaders or aspire to be, such as school captains.

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

### Responses

**Mr CAMERON** (Minister for Agriculture) — I thank the honourable member for Narre Warren North for raising this matter and for his interest in it. I am sure all members of this house condemn the actions of anyone or any group wanting to bring about economic sabotage. The live sheep trade is a lawful business, and many people make their livelihood, or part of their livelihood, from this trade.

Acting Speaker, you would be aware of the events last week which involved Victoria being contacted by the commonwealth. There was immediate cooperation between the state veterinary officer, Dr Hugh Miller, and the Federal Department of Primary Industries which resulted in an apprehension and arrest. I will not pre-empt any of that for legal reasons. However, I will say to whoever may have done it — and the courts will determine that in the end — people certainly condemn the actions that led to this situation.

The chief veterinary officers of the states and the commonwealth have agreed that no harm has been done to the sheep, notwithstanding this issue, and that there is no risk with consumption. The export issues are being determined by the federal government at the present time. About 70 000 sheep and two separate feedlots were involved. It is our view from our investigations that shredded ham was put in one paddock of one feedlot, so presumably all the other

sheep are able to be exported. The commonwealth is working through those issues. I understand some concerns have been raised with the commonwealth by other countries, but we would all like to see this issue resolved as quickly as possible.

**Ms ALLAN** (Minister for Employment and Youth Affairs) — I thank the member for Forest Hill for raising the issue she raised. The behaviour of people in public spaces is an important issue, and it was spoken about in a conversation I was having with the member for Shepparton while we were enjoying the hospitality of the Speaker earlier this evening. This is an important issue for young people right around the state, who need to feel they can legitimately have access to public spaces and be involved in their communities. I am very pleased that the member for Forest Hill has raised this matter and is actively involved in dealing with it in her local area. It is important that young members of Parliament like the member for Forest Hill show leadership in this area so that young people feel their local MP is listening to them, wanting to involve them in local community activities and raising their concerns in Parliament. I certainly commend her for that.

The member for Forest Hill referred to a couple of very successful programs that we run. Firstly, the Freeza program is highly successful and provides entertainment opportunities for young people in a drug and alcohol-free environment. Then there is *Stuff* magazine, which provides information to young people about their consumer rights. This is an area that I am interested in doing more work in. I note the member for Forest Hill referred to the youth committees that the City of Whitehorse and the City of Monash have in place. They are excellent forums that enable young people to be involved and to feel they are being listened to and are part of their community, which is obviously a very important aspect of this government's philosophy and approach to community building. I assure the member for Forest Hill that I take this very seriously, and I will continue to work with her in this area. I look forward to having further discussions on this issue, because I believe that we as members of Parliament need to ensure by our actions that our local communities involve young people as much as possible.

The member for Bass raised a matter for the Premier; the members for Bayswater and Bentleigh raised matters for the Minister for Transport; the members for Shepparton and Mornington raised matters for the Minister for Health; the member for Hawthorn raised a matter for the Minister for Planning; the member for Mitcham raised a matter for the Attorney-General; and the member for Murray Valley raised a matter for the

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Minister for Victorian Communities. I will be very pleased to refer all those matters on to those ministers for their action.

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

**House adjourned 10.36 p.m.**