

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**5 April 2000
(extract from Book 4)**

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Professor ADRIENNE E. CLARKE, AO

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

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The Hon. D. V. NAPHTHINE

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Mr P. J. RYAN

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Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Naphtine, Dr Denis Vincent	Portland	LP
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Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP
Leighton, Mr Michael Andrew	Preston	ALP			

¹ Resigned 3 November 1999

² Elected 11 December 1999

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Wednesday, 5 April 2000

The **SPEAKER** (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

**PUBLIC ACCOUNTS AND ESTIMATES
COMMITTEE**

Government service outsourcing

Mr **LONEY** (Geelong North) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

Commercial confidentiality

Mr **LONEY** (Geelong North) presented report, together with appendices and minutes of evidence.

Laid on table.

Ordered that report and appendices be printed.

PAPERS

Laid on table by Clerk:

Melbourne City Link Act 1995:

Statement of Variation No. 1/2000: Changes to the Project Scope and Technical Requirements Request for Change No. 5

Statement of Variation No. 2/2000: Changes to the Project Scope and Technical Requirements Request for Change No. 12

Statement of Variation No. 3/2000: Changes to the Project Scope and Technical Requirements Request for Change No. 14

Statement of Variation No. 4/2000: Changes to the Project Scope and Technical Requirements Request for Change No. 15.

MEMBERS STATEMENTS**Planning: residential code**

Mr **CLARK** (Box Hill) — I am concerned about the slippage in the timetable for the introduction of the government's proposed new residential code, which is now running between two and six months late. The delay is made all the more serious by the fact that the government has failed to introduce any general interim measures on the issues of setbacks, overshadowing and

visual bulk — something which I called for in this house on 10 November last year. While the new code is delayed more and more planning applications continue to be decided under the old rules.

Comparing the time lines proposed in the government's state planning agenda last December with the details and timetable now appearing on the Department of Infrastructure web site, it is apparent that preparation of the new code has been delayed from June this year to between September and December, two draft practice notes on neighbourhood character promised for early 2000 still have not been published and do not appear in the published timetable, and the public consultative workshops which were promised for February will now not be completed until mid-April.

Furthermore, every one of the 16 scheduled workshops to consult with the public has been scheduled for weekdays during normal working hours, which will make it impossible for many citizens with a strong interest in planning matters to attend and have their say. The workshops seem to have been scheduled for the convenience of planning professionals rather than ordinary citizens.

Chinmaya Mission

Mr **STENSHOLT** (Burwood) — Last Saturday I had the honour to be the representative of the Premier and special guest at a function organised by the Chinmaya Mission at the Prahran town hall. The mission plays an active role in the spiritual and social life of the Melbourne Indian community, many members of which live in the eastern and south-eastern suburbs.

The occasion was the inauguration of a series of lectures by the mission's teacher, Swami Swaoopananda, on the Indian classic *The Ramayana* and the path to perfection. Hundreds of members of the Indian community attended, as did many other Melburnians.

As well as being active in the local community the Chinmaya Mission also supports a number of social and economic development programs in India, including a women's cooperative, an eye hospital and schools. I commend the work of the mission and wish it well in its work in the local community in Melbourne and Victoria.

Schools: class sizes

Mr **HONEYWOOD** (Warrandyte) — Out of an annual recurrent education budget of \$5000 million or

\$5 billion, Minister Delahunty has allocated the grand sum of \$25.2 million to bring down class sizes.

Honourable members interjecting.

The SPEAKER — Order! Stop the clock. The Minister for Health, on a point of order.

Mr Thwaites — On a point of order, the honourable member is meant to refer to ministers not by name but by position.

Honourable members interjecting.

The SPEAKER — Order! I am having difficulty hearing the point of order.

Mr Thwaites — Members are meant to refer to ministers by their appropriate positions, not their names.

Honourable members interjecting.

The SPEAKER — Order! I am still having difficulty hearing the point of order.

Mr Thwaites — Members are meant to refer to ministers by their proper titles and not their names. I ask the shadow Minister for Education to do that.

The SPEAKER — Order! All members are aware that the forms of the house require the calling of other members by their proper titles. On that occasion the Chair was listening, and I thought I heard the honourable member for Warrandyte refer to Minister Delahunty. I do not find that to be out of order.

Mr HONEYWOOD — Out of a budget of \$5000 million a year, the paltry sum of \$25.2 million has been thrown at the government's major pledge at the last election, which was to cut class sizes in the early years of learning. Yet today somehow the spin doctors have convinced the *Herald Sun* that —

Honourable members interjecting.

The SPEAKER — Order! Stop the clock. The time for members statements is an important part of the parliamentary day. That level of interjection deprives a member of the opportunity to utilise the allocated minute and a half properly. The honourable member for Footscray shall cease interjecting.

Mr HONEYWOOD — That \$25.2 million equates to a quarter of a new primary school teacher in every primary school across the state. Class sizes cannot possibly be brought down with funding at that level. The fact that the Kennett government provided

1800 new teachers in the last two years of its government has been totally overlooked. The only way the minister can bring class sizes down is by increasing the size of classes in grades 4, 5 and 6.

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

Polish community sports festival

Mr LANGUILLER (Sunshine) — I say to my parliamentary colleagues, 'Dzien dobry', or 'Good day'. I recently had the pleasure of representing the Premier at the official opening of the 31st sports festival of the Polish Community Council of Victoria. The festival was held in Albion in my electorate and was a great success. Several thousand people, including the Consul General of the Republic of Poland, Wieslaw Osuchowski, attended.

The sports festival attracts competitors from the ages of 8 to 80 years from around Australia. It is one of the major events of the Victorian Polish community. The sports festival demonstrates how diverse the activities of the Polish community are. It is committed to cultivating the body as well as the mind, and that is particularly important for young people.

I commend the Polish community which, like many other communities, has contributed greatly to Victoria. I commend the organisation and its president, Mr Christopher Lancucki, on their great work in many areas. I say to my parliamentary colleagues in Polish, 'Dziekuję', or 'Thank you'.

Traineeships: places

Mr BAILLIEU (Hawthorn) — On a number of occasions in the house the Minister for Post Compulsory Education, Training and Employment has defended her freeze on new traineeships and apprenticeships by referring to similar freezes in other states. The opposition has consistently disputed that claim and drawn the attention of the house to what a disaster the freeze has been.

It is now clear the minister's claims were quite misleading. In her answer to a specific question on notice from another place she conceded there were no similar freezes in other states. Despite claims to the contrary, there were no freezes in Western Australia and New South Wales, none in Queensland and none in Tasmania.

Honourable members interjecting.

The SPEAKER — Order! Stop the clock. Would the honourable member for Hawthorn please take a seat.

Mr Plowman — Did you notice the disrespect for the Chair?

The SPEAKER — Order! The honourable member for Benambra would do well to heed his own advice. I remind the house of the importance of the house coming immediately to order once the Speaker is on his feet. There have been numerous cases of that not occurring. I put the house on notice that, should any member do that again, he or she will be asked to leave the chamber forthwith pursuant to sessional order 10. There will be no further warnings on that matter.

Further, as is any other member, the honourable member for Hawthorn is entitled to be heard without the interference of members moving around the chamber, particularly the Minister for Finance.

Mr BAILLIEU — The Minister for Post Compulsory Education, Training and Employment is making a habit of being misleading, and the Premier has been taken for a ride in the process. The minister's claims regarding public sector traineeships were shown to be completely wrong. Her claims on new contract offers for registered training organisations were shown to be wrong, and now she has admitted she was wrong on the freeze. The Premier and the house should take note.

Forests: Strzelecki Ranges

Ms DAVIES (Gippsland West) — I bring to the attention of the house an issue concerning the forests of the eastern Strzelecki Ranges, which were once state forests on public land. In 1998 — I still bitterly rue that day — the previous government sold off those forests and, to all intents and purposes, that land to a private company. The forests were not part of the just completed Gippsland regional forest agreement (RFA). The Strzeleckis have been left without enough areas reserved and protected. The RFA panel has recommended that the issue be looked into further.

I urge the government to move as quickly as possible to make arrangements with Hancock Victorian Plantations to reserve more of that land. The forests form an invaluable part of the water catchment of South Gippsland. They contain rainforest pockets that have not been properly researched or mapped. They contain fauna including koalas, which are genetically more diverse than other koala populations in the state. That land is not plantation. More of it must be kept — not

clear felled, scraped and planted with non-indigenous hardwood species.

Member for Gisborne: election platform

Mr PERTON (Doncaster) — I speak on behalf of the constituents of Gisborne. In 1999 a Labor candidate called Ms Joanne Duncan was elected on a no-regional forest agreement (RFA), no woodchipping and no clear-felling platform. The same Ms Joanne Duncan is now the honourable member for Gisborne and is a supporter of RFAs, woodchipping and clear felling.

Activists of the Midlands community have now confirmed that Midway has an additional pulp licence for 70 000 tonnes in addition to the original 60 000-tonne licence. Therefore, there has been a drop by 18 600 cubic metres a year in sustainable yield while the number of woodchip licences in the area has increased.

The additions to the reserve area are a farce because almost 50 per cent of the reserves are intended to be logged by the minister during the term of the agreement. A legitimate opinion poll of the people of the Midlands showed that 80 per cent of the population wanted an end to the woodchipping of their forests, no job losses and a gradual transition to plantations without extra public funds. Instead, Joanne Duncan has delivered to them a doubling of wood chips, real job losses, no transition and millions of dollars in extra tax burdens.

Mr Haermeyer — On a point of order, Mr Speaker, the honourable member for Doncaster referred to the honourable member for Gisborne by her name. That practice is starting to creep into the contributions of members of the opposition, and I suggest that members be addressed by their proper titles.

Mr PERTON — On the point of order, Mr Speaker, I referred to the honourable member for Gisborne by her name when speaking about the period when she was a candidate. After that I referred to her as the honourable member for Gisborne.

The SPEAKER — Order! There is no point of order. I was listening carefully to the honourable member for Doncaster. The terminology he used was to the effect of 'Ms Joanne Duncan, who became the member for Gisborne'. That is totally appropriate.

Michael Crutchfield

Mr TREZISE (Geelong) — I wish to take this belated opportunity to publicly congratulate Cr Michael Crutchfield on his recent election as mayor of the City

of Greater Geelong. I will also use the opportunity to make some suggestions to Cr Crutchfield about the direction and priorities of our city.

I genuinely believe the word 'community' needs to be put back into the vocabulary of our council, and far more emphasis needs to be placed on council services for residents in the future. An issue constantly raised by my constituents is council representation. People want access to their local councillors to raise their concerns on a personal, one-to-one basis. Under the current structure that is impossible. Geelong has five regional councillors who do not represent wards and four ward councillors. Each of those ward councillors has some 45 000 constituents to represent, therefore, it is nearly impossible for ratepayers to meet with their councillors and vice versa.

On behalf of all the people who have spoken to me about their concerns regarding council representation, I urge the new mayor to take the initiative and commence the required proceedings to ensure our council is structured in a way — —

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

Corellas: control

Mr DELAHUNTY (Wimmera) — I raise for the attention of the house the concerns of many people in western Victoria about the announcement made last week by the Minister for Environment and Conservation. Without consultation she removed the option of using poison under strict permit conditions to control corellas, which are now in plague proportions.

That decision will impact on rural Victorians. The decision was made in Melbourne and it is city-centric. I ask the minister to reconsider her decision.

PAYROLL TAX

The SPEAKER — Order! I have accepted a statement from the honourable member for Brighton proposing the following matter of public importance for discussion:

That this house notes three consecutive payroll tax reductions achieved under the previous coalition government and calls on the government to further reduce payroll tax in the next state budget.

Ms ASHER (Brighton) — The government should reduce payroll tax in the coming budget; that is the single greatest thing it can do to increase the

competitiveness of the Victorian economy and create employment.

A commitment is included in the communiqué of the Growing Victoria Together summit, but it is one of the most pathetic commitments I have heard. Although the summit produced six task forces and councils, the recommendation for payroll tax is:

... that a process be established for examining the impact on business taxes (eg payroll tax) and regulation on job and wealth creation including an assessment of alternative and more equitable methods of raising revenue.

That is a pathetic commitment from the Labor government. On the one hand it is prepared to create task forces and councils to examine a range of issues while on the other hand payroll tax does not even rate a working party. Only a process to examine payroll tax was recommended.

As I said, a reduction in payroll tax is the single greatest thing the government could do to create employment in Victoria. That is the no. 1 demand of business, but the government will not commit to it. The government will not even commit to a working party; it has committed only to a process to look at payroll tax.

Payroll tax is particularly important at this time because business costs are increasing. The government has already said that Workcover premiums will rise and that there will be significant additional labour costs as a result of the claims that are being or have been decided. It is clear Victorian employers will face additional costs so it is especially important at this time that the government commit to not just a process but rather to a payroll tax cut. It is important that the Premier and Treasurer — he has decided he can do both jobs simultaneously — makes a decision instead of talking about having a process. He must make a decision to benefit business and create employment.

I will now refer to the Kennett government's proud record on payroll tax. The Treasurer and the Minister for Finance should have a look at that record and try to emulate it. The previous government cut payroll tax in three successive budgets: in 1997–98 the payroll tax rate was cut from 7 per cent to 6.25 per cent; in 1998–99, from 6.25 per cent to 6 per cent; and in 1999–2000 from 6 per cent to 5.75 per cent. No other state has cut payroll tax in three successive budgets, and it would be a particularly proud moment for Victoria if payroll tax were cut in four successive budgets. Prior to 1997 Victoria had the highest payroll tax rate in Australia. Its rate is now competitive, but it can do better.

The net return to business from those three cuts over three years has been \$300 million. The number of long-term jobs created by those cuts, calculated against the previous budget estimate, will be in the order of 18 000.

I acknowledge that in the 1997–98 budget the payroll tax base was altered to include employer superannuation contributions. That change was part of a national agreement. It was in line with changes in New South Wales, the Australian Capital Territory, South Australia and Western Australia and was consistent with practices in Queensland, Tasmania and the Northern Territory. So, although that rejigging of the base did occur, it was part of a national agreement. All states, Liberal or Labor, did likewise.

The payroll tax take under the previous government, because of its progressive cuts in the rate from 7 per cent to 5.75 per cent, remained consistent. The total payroll tax take of the former Kennett government is an indication that, unlike governments in many other states, it did not see payroll tax as a growth tax. In 1997–98 the take in Victoria was \$2180 million, and the following year it was \$2190 million. The budget estimate for the 1999–2000 payroll tax take is \$2231 million. The former Kennett government made it clear that in order to increase the number of jobs — I again refer honourable members to the figure of 18 000 — and assist the private sector to stimulate employment it was prepared to forgo growth in payroll tax and keep the take consistent over the three years.

One of the key things for anyone in the business sector to work out is where the government and the Premier stand on the issue of payroll tax. The Premier has adopted four different stances, so it is no wonder the business community is confused. His first stance was in his election policy document titled 'Financial responsibility', in which he floated the possibility of some long-term payroll tax cuts. The Premier's position no. 2 was expressed in his address to the Committee for Economic Development of Australia in June 1999, during which he became very excited. It was his first entree into the business community, and he gave it strong commitments on taxation reductions overall and payroll tax reductions in particular. I will refer to that speech because it shows a definite commitment made in person to the business community. The Premier said:

... fiscal policy involved ... requires a substantial operating surplus on every budget that a Labor government brings down in the future. It requires taxes and charges to be pegged to the national average.

He went on to say:

Now we want to peg it and make sure it's roughly equivalent to the average in Australia.

That represents a \$300 million tax cut per year, promised in a couple of sentences to the business community.

He then went on to say:

... we will reduce payroll tax over time ...

In other words, he made a very definite commitment to the business community in June of last year that payroll tax would be reduced.

On 24 November 1999 in Parliament he reaffirmed that he would make a payroll tax cut and make his \$300 million a year tax cuts as promised to the business community. However, on 15 March this year the Premier and Treasurer assumed position no. 3, when he said no, he would not make a payroll tax cut — at least, not until 2007–08.

Now we move on to the summit where, yet again, there was a flicker of interest. The Premier said he would set up a process to have a discussion about business taxes. He would not even promise a working party or a task force; his promise was for a process!

Those are the four positions adopted by the Premier and Treasurer on the issue of payroll tax. No wonder the business community has no faith at all in his capacity to deliver. He is not even clear himself about what he wants to deliver.

The importance of payroll tax cuts is significant. In his presentation to the summit the executive director of the Business Council of Australia, David Buckingham, made it clear that payroll tax cuts were the BCA's no. 1 priority. Indeed, he also used the expression 'waiving payroll tax'. The BCA's no. 1 request is for payroll tax reduction. Similarly, the no. 1 request by Nicole Feely from the Victorian Employers Chamber of Commerce and Industry (VECCI) was for the government to address the issue of payroll tax.

At the moment payroll tax does not impact on the smaller business community, but both VECCI and the BCA have made it very clear that the no. 1 demand is for the government to reduce payroll tax.

Queensland and Western Australia have lower rates of payroll tax than does Victoria, and higher thresholds too. The top rate in Queensland is 5 per cent, cutting in at \$850 000 — although Queensland has a very complex system of deductions. In Western Australia the rate ranges from 3.65 per cent to 5.56 per cent, cutting

in at \$675 000, a higher threshold than in Victoria, and rates increase progressively from there.

Of particular significance is the fact that Queensland has already announced further reductions in payroll taxes. It will reduce its rate from 5 per cent to 4.9 per cent from 1 July 2000, and again to 4.8 per cent from 1 July 2001.

Our major competitor, New South Wales, has a higher tax rate than Victoria — 6.4 per cent — but it also has a higher threshold of \$600 000; and that state is reducing its payroll tax rates. The New South Wales Labor government is particularly conscious of the burden that tax places on employers and has announced that its rate will be reduced to 6.2 per cent in July 2001 and to 6 per cent in July 2002.

I note the contrast between the way the New South Wales Labor government handles payroll tax — it announced three decreases — and the way the Victorian government does so. The Victorian government has given no indications other than to state that it might set up a process to examine things along the way.

The government has the fiscal capacity to deliver on payroll tax now. The opposition does not want a process; it wants a payroll tax cut. The government is now claiming that the goods and services tax (GST) is not a growth tax. One might call on the Treasurer to indicate what sort of growth tax he would like. Would he like a levy on income tax? Does he want a poll tax? What would satisfy this Labor government's criteria for a growth tax?

Even if one were to accept the nonsense from the Labor Party — that it opposes the GST but still complains about the revenue, all of which is going to the states — the state government has the fiscal wherewithal to fund a payroll tax cut now. It inherited a massive \$1.7 billion budget surplus from the Kennett government, and the Treasurer has released an estimated surplus figure for this year of \$720 million. It is very clear that the government has that capacity through the surplus. The Access Economic documents state that there will be a surplus every year in the first term of the government. The government has the capacity to fund the payroll tax cut through the surplus. What does the government want to use the surplus for? Is it for greater expenditure? Will the government return to the fiscally delinquent ways of its predecessor?

The opposition suggests that the surplus should be used in part to fund a payroll tax cut to stimulate employment. There is no need for a process such as that

set out at the summit. I can tell the government where the solutions lie. It should reduce payroll tax and make Victoria competitive with Queensland and Western Australia or, examine the threshold — —

A government member interjected.

Ms ASHER — Or both simultaneously. There is no need to sit down and talk with employers. One of the most curious provisos the Premier attaches to his comments on payroll tax is his apparent desire to link any cuts to new jobs. The opposition believes payroll tax cuts should apply to everyone, as they did in the past three consecutive reductions.

Labor's fourth position on payroll tax so far — I expect the house might hear another this morning — indicates a dithering Premier and Treasurer who has no idea what he wants to do with his surplus. Victoria does not need a process; the communiqué describes the establishment of a process to discuss business tax. The business community went to the summit in good faith and said, 'Our no. 1 priority to stimulate employment and growth in the state is to have a payroll tax cut. The solution is obvious and the financial capacity to deliver it is obvious. The Treasurer can announce a payroll tax cut and introduce it. He can do something — his first act in six months — to create jobs. Victoria needs a payroll tax cut to increase employment, especially in the face of the increasing employment costs that in part will be introduced by this government.

I urge the government to consider stopping discussion about obvious reform and to enact a payroll tax cut in the May budget. That would be the most important thing the government could do to assist Victorian employers to increase employment.

Mr BRACKS (Premier) — I welcome debate on this important matter, which will be the subject of many discussions in this place. As the shadow minister said, it was the subject of discussion at the summit held last Thursday and Friday. I will deal with that before dealing with the main response to the motion.

The shadow minister said that somehow the resolution arising from the summit was a new government position. I am not sure if she had discussions with the Leader of the National Party or the rest of the opposition, but it was developed by the employers who attended the summit, not by the government. It was adopted — —

The ACTING SPEAKER (Mr Lupton) — Order! There is too much audible conversation in the chamber. Members please restrict their conversations.

Mr BRACKS — It was one of 14 recommendations in the communiqué developed by the employers who were present. Therefore it was their proposed way of going forward. I respect and understand that. I will work with those employers and employer organisations who were present to achieve a sensible long-term arrangement on tax charges in this state. I will clear up the distortion. The position put by the employers at the summit was clear. The government responded to that position and said it would take it up immediately.

The shadow Treasurer said that her prescription for future budgets, if she had the responsibility I have, would be to use the accumulated surplus, which is to be used recurrently in future years, for a payroll tax reduction. She knows — or I hope she knows — that that would be totally irresponsible. Payroll tax cuts have to be built into the construction of the accounts by reducing outlays considerably to reduce the surplus and the bottom line of the budget. One cannot use — I hope the shadow Treasurer knows this — an accumulated surplus that should be used for retiring debts and other matters on long-term —

An honourable member interjected.

Mr BRACKS — You have retired debt so you do not want to retire any more debt? Is that what you are saying? The shadow Treasurer is saying that the process of retiring the sum total of debt is finished. Is that it? That is an interesting prescription. The reality is that the government is committed, quite rightly, to a substantial operating surplus in every budget it brings down. That will require a secure budget base, with budgetary discipline to which the government will adhere in the future. That same discipline, it is hoped, will be seen in the work of the shadow Treasurer. She should not recklessly talk about the surplus as a magic pudding that will be built into the budget recurrently for the long term. That is a ridiculous argument and she knows it!

I acknowledge and accept — I did to the previous Treasurer Mr Alan Stockdale — that payroll tax will now be reduced to 5.75 per cent. In my response to the budget I acknowledged that that was welcome and that we should accept wholeheartedly that progressive reduction to 5.75 per cent. It will happen in three consecutive reductions.

However, I pose some questions. Although it was welcomed, why are employers and their organisations not crowing about it? Why aren't they congratulating the previous government and saying it is fantastic and will grow jobs around Victoria? The reality is that the details of the cuts in payroll tax were not roundly

praised but criticised. The shadow Treasurer hinted that at the exact time of the introduction of the cuts, 1997–1998, the former government did two things. Firstly, it kept the threshold exactly where it was at \$515 000 for those exempted from payroll tax; secondly, it said to small business, 'We will net you by including superannuation and the superannuation surcharge in the payroll tax calculation for the first time'.

Although I acknowledge that that was a national arrangement that every state had to apply, states had the discretion to raise the threshold correspondingly. However, it was not raised in Victoria. So while there was a reduction in payroll tax the threshold stayed the same, and more small businesses were netted as payers of payroll tax. In questions on notice the then Labor opposition referred the then Treasurer to the fact that an extra 2556 Victorian employers were for the first time netted in the payroll tax system. That fact has been confirmed since Labor attained government.

The then Treasurer said in the budget speech it would be a net outcome of 500 or 600. It was not. It was admitted through questions answered on notice that the number was 2500.

Further, looking at what was estimated and netted from payroll tax, growth in payroll tax expectations was moderate — there was an increase in payroll tax receipts which kept pace with inflation, not a net reduction to the state. I acknowledge and accept that part of that was due to growth in the economy, but part was also due to the new taxpayers — the new small businesses. In Victoria 2500 businesses are paying payroll tax for the first time, effectively enabling payroll tax receipts to go up in the budget in the out years.

The shadow Treasurer is claiming that more recognition should be paid to the payroll tax deductions given over three years because there were no accolades at the time. But there were no accolades because thresholds stayed the same — more people paid tax and the receipts for payroll tax were going up in the out years. Businesses acknowledged the reality and were critical of the arrangements in keeping the threshold. What did it hit most? Small business — the engine room of growth and jobs in the economy, with new taxpayers coming in —

Honourable members interjecting.

Mr BRACKS — They don't pay it? Two and half thousand more businesses pay it because the former coalition government did not change the threshold.

Superannuation contributions meant some businesses had to pay payroll tax for the first time. In reducing the rate the former government had the chance also to change the threshold but did not take it up. As a result more businesses are paying payroll tax than was the case previously. Victoria's reliance on payroll tax has not declined since the previous government came to office in 1992. In nominal terms, more employers are paying payroll tax than ever before and the government is collecting more revenue from payroll tax than ever before. In 1994–95 Victoria collected — —

Honourable members interjecting.

Mr BRACKS — I usually do not accept interjections, but I accept that interjection. I acknowledge that the growing Victorian economy contributes to increased revenue, but there is an equal contribution from new taxpayers — small business taxpayers paying payroll tax for the first time. In 1994–95 Victoria collected \$1.85 billion in payroll tax. On current budget estimates of the previous government it is expected the government will collect \$2.3 billion in payroll tax by the end of the financial year. That is the increase — the figures do not lie. An increase of 11 per cent in payroll tax receipts will be collected and part of that is to do with the new taxpayers.

At the Growing Victoria Together summit, over 100 people sat in the chamber — the key organisations representing employers: the Victorian Employers Chamber of Commerce and Industry, the Australian Industry Group, the Property Council of Victoria, the Master Builders Association, some of the big employers, the retailers and others — they all sat here. I agree with and support the push for reform of payroll tax, principally from the manufacturing and skilling the work force workshops — two key workshops.

Victoria has a different economic structure from those of other states: for example, Queensland relies on tourism, Western Australia on mining. Victoria is the manufacturing heartland of Australia and so has a larger employer base and more employers who are liable to pay payroll tax. Government has to take account of this. I accept and understand the issue and will take it up with gusto from the summit. Employers, unions and workers gave significant support to the notion of adjustment to payroll tax, indicating agreement and an understanding of what is needed to drive the economy further.

The policy taken to the election was clear on payroll tax and was reaffirmed in a speech I gave to the Committee for Economic Development of Australia (CEDA). The

full text was issued by the shadow Treasurer, but that is the wont of oppositions. The Australian Labor Party had constructed and designed a different arrangement in payroll tax from that of the previous government. It was not simply a cut in rate — a good thing, although the threshold adjustment was not good. The Labor Party indicated that payroll tax reduction would be linked to new job starts in Victoria in a scheme designed by employers and other stakeholders in manufacturing and industry to effectively provide a lever to drive the new jobs arising from the tax reduction.

The estimates used to frame policy were based on the goods and services tax replacing a wide range of indirect taxes in the state and accruing to the Victorian economy as a growth tax when demand increased as well. However, the compromise with the Australian Democrats requiring exemptions from the GST meant that what was delivered by the federal Treasurer, Mr Costello, to me as Treasurer and to other state treasurers in the recent ministerial council meeting was a document that showed that the benefits of the GST would not accrue to the Victorian economy until the year 2007–08 — a disturbing prospect. They will accrue to Queensland in the next couple of years. That is the difference. Clearly the government policy on payroll tax is linked to the policy on GST.

Nevertheless I take account of what the summit says and of the commitment to review state business taxes and charges.

The government will conduct a review. The shadow Treasurer can criticise the summit's resolution but by doing that she is criticising employer groups — they constructed it, they designed it and they framed it, after negotiation.

For the first time since 1983 the government will conduct a comprehensive review of taxes, charges and business taxes. The shadow Treasurer criticised such reviews but she should note that the previous government, of which she was a part, recommended that a review be conducted by 2005. This government will not wait until 2005; it will conduct a review now. The government will keep its commitment to the summit to link payroll tax to GST growth and link reductions to employment growth. Other proposals were made at the summit to link it to training. All those proposals will be examined as part of the review not only of payroll tax but a wide range of taxes including business taxes on stamp duty, land tax and others.

I welcome the summit's recommendations and I welcome this discussion in the Parliament.

Dr NAPHTHINE (Leader of the Opposition) — Payroll tax is clearly a tax on employment. Employers pay more payroll tax if they recruit and employ more staff and if they pay their employees higher wages. Payroll tax is clearly a disincentive for employers to grow their businesses, employ Victorians and provide better wages. Payroll tax is a tax on jobs; it is a bad tax for Victorian employers and it is a bad tax for our economy. Every effort must be made by government, irrespective of its political colour, to reduce payroll tax. The aim must be to eventually abolish payroll tax because it is not a form of taxation which is constructive and positive for our economy.

One of the most important challenges for any government is to provide an economic climate in which citizens can provide and find employment so that they can provide for their families to enable them to grow and develop. The level of payroll tax is an important factor when businesses are considering whether they will invest in and create new investment and job opportunities in this state.

I am proud to say that I was part of a government that presided over three successive reductions in payroll tax in this state — the first time in history that a government reduced this iniquitous, unfair tax on employment, not once, not twice, but three times in a row. In the 1997–98 budget payroll tax was cut from 7 per cent to 6.25 per cent returning over \$100 million to the pockets of employers and, through them, to their employees. In 1998–99 payroll tax was cut from 6.25 per cent to 6 per cent, with \$97 million returned through that process and 1999–2000, the current financial year, payroll tax was cut from 6 per cent to 5.75 per cent, with nearly \$100 million being returned to employers as a result.

The coalition government understood the need to have a competitive payroll tax situation in Victoria to attract business and investment and create jobs. This government would do well to heed that lesson and continue that trend for Victoria. That is what this debate is about today — that is, to urge the government to stop procrastinating on the issue, show some leadership, make some decisions and announce that payroll tax will be cut again. That will send a very strong message to the business and investment community and to all Victorians that the government is genuine about growing the state, growing business and growing investment.

The results of the previous three cuts in payroll tax cuts are evidence of the direction the government should take. The previous government inherited Victoria's basket-case economy and turned it around by paying

attention to reducing the costs of doing business in this state to attract new business and create employment. As a result of those pro-business policies employment levels grew to record levels. When the previous government left office more Victorians were employed than at any previous time in the state's history. Unemployment fell from nearly 12 per cent to 6.8 per cent — it went from well above the national average to below the national average.

An article in the *Age* of 1 March under the headline 'Lower tax a legacy of Stockdale', which is an excellent headline, says:

Victoria's tax rates fell below the national average for the first time in decades in the final year of the Kennett government ...

That is an enormous achievement considering where that government started from in terms of the financial position of the state.

The article goes on to say:

But in the 1997 and 1998 budgets, the then Treasurer, Mr Alan Stockdale, cut payroll, land and insurance taxes. In his final budget, Mr Stockdale cut payroll tax a third time, which will send Victoria further below the national average next year.

The previous government had a genuine commitment to reducing payroll tax, creating employment opportunities, creating investor confidence and helping to grow Victoria.

In contrast, what have we heard from the Labor government? Platitudes and rhetoric about reducing payroll tax but no action; words but no substance. A Labor Party document entitled 'Financial responsibility — getting the budget basics right' — that is almost a misnomer — says:

The taxation structure must also be conducive to job growth.

It recognised that a taxation structure must be conducive to job growth. In his comments to the CEDA media conference in July last year the then Leader of the Opposition, the current Premier and Treasurer, said:

... we will reduce payroll tax over time...

He has said all the right words about reducing payroll tax and having a competitive business tax structure, but the reality is quite different. In the *Age* of 16 March Adrian Rollins reports:

Promised cuts to Victoria's payroll tax may be delayed to at least 2007.

A spokesman for the government is quoted as saying the payroll tax reductions would probably not occur until at least 2007 or 2008. The government is strong on the rhetoric of reducing business taxes but the reality is that it will delay payroll tax reductions to 2007 or 2008. That is too late; it will send the wrong message and have a devastating effect on employment. In addition, business costs will rise because of the Workcover increases to be introduced by the government.

The Labor government inherited budget surpluses of \$1.7 billion in the last financial year and over \$700 million this year. Those surpluses must be used positively and productively to keep the Victorian economy growing strongly. It is about time the Premier and Treasurer understood that the way to grow the economy and create jobs, investment and opportunities for Victorians is by using his financial skills to create a business and investment climate where people can invest with confidence.

The government must also deliver on issues such as industrial relations. At present it is completely failing Victorians in that area. The government must attract the investment opportunities the state needs — it should not have let Virgin Airlines slip through its fingers and take jobs to Brisbane. It must ensure projects such as the Studio City development are not held up and that Mirvac proceeds with its project under the industrial relations conditions in the state.

The federal coalition government is introducing a good growth tax reform through the goods and services tax. The Labor government has budget surpluses and has the capacity to announce right now that it will further reduce payroll tax and continue the trend set by the previous coalition government of three years of reductions in payroll tax.

At the summit late last week, which I attended, the business community spoke loud and strong with one consistent message — that is, the need to make Victoria a competitive place in which to do business. Business representatives said the key to that was further reductions in payroll tax. The message could not have been plainer or clearer. The business community is saying to the Premier and Treasurer and the Minister for Finance that they must reduce payroll tax further.

In conclusion, the government has a responsibility to Victoria to help the economy to continue to grow. The previous government turned the economy around, set the agenda and set the record straight. It reduced payroll tax in its last three budgets and it grew employment. As a result the economy grew. The Labor government must accept the responsibility, must hear the pleas of

employers in the state and must understand that reductions in payroll tax will boost jobs, opportunities and investment.

Mr BRUMBY (Minister for Finance) — Isn't six months in opposition a wonderful thing! We have heard from the Deputy Leader of the Opposition and the Leader of the Opposition their powerful pleas for the government to cut taxes — that comes from two former ministers of the discredited Kennett government which achieved the status — —

Honourable members interjecting.

Mr BRUMBY — The discredited Kennett government which achieved notoriety for being the highest ever taxing and charging government in Victoria's history!

Not content to rest with that single achievement in the taxation stakes the discredited Kennett government also achieved notoriety as the highest taxing and charging government in Australia. Those were the twin achievements on taxation of the discredited former government, which is represented today in this house by the Deputy Leader of the Opposition, the former Minister for Small Business, and the Leader of the Opposition, the former Minister for Community Services. After just six months of their being in opposition a wave of policy zeal and reform has washed through the opposition ranks and opposition members are now the new believers, the new high priests of tax reform. What a sham! What a joke! What remarkable hypocrisy on the part of the high taxing experts.

Dr Napthine interjected.

Mr BRUMBY — The Leader of the Opposition says, 'We delivered'. Dead right — they delivered the highest taxes and charges in Victoria's history!

I am not the only one making the claims and I will refer to other impartial observers. I refer the former ministers of the discredited Kennett government to an article by Terry McCrann that appeared on 30 April 1999 in that authoritative journal, the Melbourne *Herald Sun*. Under the headline 'Payroll tax hits hard', it states:

More than 2500 Victorian businesses have been caught in the government's —

that is, the Kennett government's —

payroll tax net for the first time. The sharp rise in small businesses being hit with the unpopular tax dramatically exceeds Treasury predictions following changes in the way it is levied.

According to figures supplied by Treasurer Alan Stockdale, 16 517 businesses have paid payroll tax since June 30 last year despite official estimates the number would be only 14 800.

Under the subheading 'Real payroll tax cuts long overdue', the article states:

Alan Stockdale must deliver in next week's budget ...

But he did not deliver! The *Australian* of 27 April 1998 contains an article headed 'Payroll tax tied to GST settings', which illustrates the confusion of the former government about its position on the matter. It states:

Victorian Treasurer Alan Stockdale has warned business not to jeopardise 'a once-in-a-lifetime opportunity' for tax reform by insisting on the abolition of \$8 billion in state payroll tax, contradicting Jeff Kennett's position.

To set the record straight, Jeff Kennett had three positions on payroll tax, so I am not sure which one was contradicted. The born-again opposition members who were part of the discredited Kennett government, which was the highest taxing government in Victoria's history, now say the government should cut payroll tax, yet the former Treasurer said it should not be cut because it might threaten the goods and services tax (GST).

Dr Napthine interjected.

Mr BRUMBY — The Leader of the Opposition keeps interjecting nonsense. Everybody knows what the former government did. It was the highest taxing and charging government in Victoria's history and under it Victoria was the highest taxing and charging state in Australia. Far from cutting payroll tax levels in the 1997–98 budget all it did was widen the base by bringing superannuation into the calculations. In Victoria more employers than ever before pay payroll tax because in a single budget the discredited former government pulled 2500 extra Victorian businesses into the payroll tax net by including superannuation in the calculations. I call that greedy.

Today more employers than ever before pay payroll tax. In 1992–93, when the Kennett government was elected, 11 686 Victorian employers paid payroll tax, and in 1998–99, the last financial year for which the figures are available, 17 800 paid payroll tax — an increase of 52 per cent. The major reason for the increase was the 1997–98 changes which broadened the net and to which Terry McCrann referred in his article when he said that on his figures more Victorian businesses were paying more tax than ever before. It was the classic two-card trick.

Another way of looking at the figures is to examine the percentage of employers in Victoria that paid payroll tax under the former government. Every year since 1996–97 the percentage of employers paying payroll tax has increased. The figure is now 9.1 per cent.

Dr Napthine interjected.

Mr BRUMBY — No. The base is wider and more businesses are being dragged into the net under the policy framework set by the former government.

Dr Napthine interjected.

Mr BRUMBY — The Leader of the Opposition does not even understand how the system works. No wonder the former government could not cut taxes. It broadened the base by including superannuation, dragging in 2500 extra businesses. The result was that every year since 1996–97 the percentage of total businesses paying payroll tax has increased. The last figure was 9.1 per cent.

The tax issue was raised at the Growing Victoria Together summit. One of my jobs at the summit was to move around the workshops on the Thursday afternoon. I attended a number and the tax issue came up in many of them. However, the debates were not simply about payroll tax. For example, the workshop that looked at the knowledge economy, science and technology was concerned about the federal government's cutting of the R & D concession from 150 per cent to 125 per cent. The services working group that looked at growth in the financial services sector would have liked to have seen amendments to or cuts in taxes on finance — that is, stamp duties. The manufacturing group would have liked to have focused on payroll tax. There are a variety of views about the tax mix in the state.

No full-scale review of the Victorian tax system has been undertaken since 1983. Since that time the total amount payroll tax takes from the economy has increased dramatically. It now raises \$2.3 billion. The world has changed dramatically. The information economy is driving opportunities and growth, the GST will be introduced on 1 July, and there have been all the tax reform changes recommended by the Ralph committee, particularly changes to capital gains tax. In those circumstances the appropriate government response is to conduct a full review and look at what would be the best mix of taxes to drive growth, productivity and efficiency in Victoria, thereby contributing to a productive, innovative and outward looking state economy that will stake out its place in the region and will grow exports and jobs. That is what the government wants to do.

There is no point shooting from the hip or speaking hypocritically, as do opposition members in their baleful mutterings about tax cuts. The achievement of the former government was to be the highest taxing and charging government of Australia.

Dr Napthine — On a point of order, Mr Acting Speaker, with regard to misleading the house, I advise the Minister for Finance that he has now referred to the previous government as the highest taxing and charging government in Australia. He knows that to be untrue. I am trying to provide some guidance to the Minister for Finance to save him from embarrassing himself by continuing to mislead the house on the issue. He knows that the Carr Labor government in New South Wales is clearly the highest taxing and charging government in Australia.

Mr BRUMBY — On the point of order, Mr Acting Speaker, there is no point of order. It is regrettable that after only six months in opposition the opposition parties have resorted to this sort of tactic and are not prepared to — —

Mr Plowman — On the point of order.

Mr BRUMBY — I am on the point of order.

Mr Plowman — No, I don't think you are.

Mr BRUMBY — It is regrettable that the opposition parties are not prepared to publicly acknowledge the fact that the discredited Kennett government was the highest-taxing, highest-charging government in Australia.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The Leader of the Opposition has clearly made his point to the house.

Mr BAILLIEU (Hawthorn) — A remarkable thing happened in Victoria between 1992 and 1997: Victorians received a powerful message when the state went from being one of the weakest in the commonwealth to the strongest. Victoria became a state of strength — budget strength, financial strength, services strength, business strength and employment strength. It went from being the rust bucket-state to a state with pride in its aspirations and its achievements. Victoria became the place to be and the focus of Australia's attention. It became the can-do and will-do state. It had a collective ambition to aspire to the best. It became a symbol of change in Australia and a symbol of what could be done.

That was no accident but rather a deliberate strategy of the former government. I am proud to have supported

that government and to say that its strategy worked. The message that the state was heading in the right direction was well known out in the community. Victoria was acknowledged as the most competitive state and the best state for business.

Only the sandbaggers in the Australian Labor Party (ALP) sought to dispute that. The reduction in business cost factors was the highlight of the former government's success. Council rates, Workcover charges, stamp duty charges and payroll tax were all down. Victoria recovered its financial strength and the former government moved to create a competitive advantage. On that front payroll tax reductions became one of the symbols of the former government.

Payroll tax is complex and difficult. There are compliance issues, including monthly returns and definitional returns — be they for superannuation, allowances, travel or even about a definition of wages. Whether they be operating interstate or overseas or on a group basis, businesses must deal with various permutations. Different legislation and different rates apply in different states. Contractors and agencies have different approaches, and exemption issues also apply.

Historically payroll tax has been one of the largest revenue raisers in Victoria. It is well acknowledged that payroll tax is a tax on jobs. Even the current Premier and the Minister for Finance have admitted that. It is a burden on business that although unseen is keenly felt. It is not something one sees in one-liners in company annual reports. It is a dysfunctional tax that is a disincentive to business.

The pain of payroll tax may be relieved in two ways. One is the gung-ho way of eliminating it completely in one fell swoop. However, the size of the take prevents that from happening, and the ALP has sandbagged earlier efforts to do so. The only other way is the way adopted by the former government — that is, following a clear and determined path of reduction over time. Over the past three years there have been three reductions in payroll tax.

With the other changes I referred to earlier, a powerful message was sent to Victorian business and consequently to Australian and international business that Victoria was alive and open for business. It is within the province of governments to send powerful messages. Symbols are important: the earlier changes made to payroll tax were significant.

As an investment banker recently remarked to me, 'Australia is not the natural first choice for international investment'. Australia is distant, with a relatively small

market. Often the business focus is elsewhere. Although it has compensating factors such as lifestyle, language, the rule of law, Crown risk minimisation and a strong skills base, Australia will always suffer from its difficult positioning. Similarly, in both the Australian and the international context Victoria is not the natural first choice for investment. Victoria has struggled and always will struggle against New South Wales and Queensland. In recent years Victoria has had a history of providing offsetting factors. That was not true in the 1980s and 1990s under the Cain and Kirner administrations, when there was a flight of investment and business from Victoria.

The former Kennett government reversed that situation and put Victoria back on level terms in the investment market. As I said in my address-in-reply — and it is a focus and passion of mine — Victoria cannot afford to pause or take a backward step. It cannot afford to sacrifice its competitive edge and capacity. It must strive to be the best.

In that context the motion is vital, because it is about a matter of real public importance. It is a chance for the government to reinforce Victoria's standing in the business and investment community. Confidence in Victoria is high and has been for the past seven years. It is an inherited confidence — but there is growing concern in the business community.

In an article by Karina Barrymore in the *Australian Financial Review* of 25 February under the heading 'Bracks hits Sydney to sell Melbourne' the Premier states:

There is a very real sense of optimism and confidence in Victoria.

That is true: it is an inherited confidence. Karina Barrymore said the Premier put up a brave front. Business has put the government on notice. I acknowledge that Victorian business wants the government to succeed. It wants the government to maintain the message. Business personnel did not attend the government's dinner because they love the Labor government — they attended because they want it to succeed.

Opposition members also want the government to keep the message alive and maintain the ambition. They do not want the government to blow its chance.

As the shadow Treasurer said, the Bracks government has been sending confusing messages. There have been several from the Premier. Last year he called for an increase in the payroll tax threshold and said that that was what a fair dinkum government would do.

However, the Australian Labor Party's policy at the last election was confusing. Its financial management policy tied payroll tax reductions to new jobs, but its financial responsibility document was more equivocal. In November 1999 the Premier linked payroll tax reductions to concessions for apprentices and trainees, obviously ignoring the fact that apprentices and trainees in Victoria are exempt. In March of this year the government's clear and explicit objective was to reduce payroll tax, but the summit left us with just a Bob and Blanche process.

It is interesting to look at the summit communiqué and endeavour to find in it any aspirational statement for Victoria — that is, where it says that the government wants to create a competitive advantage in Victoria. Sadly it is a vision-free document, and that is of concern to business and the opposition. It has been clearly expressed that payroll tax reductions are a key issue for business. A huge number of small and medium-sized businesses located in my electorate in the business centres along Burwood, Camberwell and Burke roads are praying for such reductions. That is what the message should be: this is the opportunity. The government has the opportunity to send the right message because it has inherited a financially strong state and has a substantial surplus at its disposal.

The government has the chance to send a message via this debate, and the message it sends will be of its own making. Equivocation on payroll tax reductions will send an appalling message to business. If the government equivocates on this issue many of those concerns expressed by business will be realised and all Victorians will suffer. The opposition wants the government to keep faith with the business community by sending the right message in pressing on and implementing payroll tax reductions immediately.

Mr LENDERS (Dandenong North) — It is with great pleasure that I follow the Premier and the Minister for Finance in speaking for the government on this matter of public importance. All honourable members who intend to join the debate should read the matter-of-public-importance statement. Most opposition members have probably not done so.

The two issues involved are, firstly, that the house should note the three consecutive payroll tax reductions achieved under the previous coalition government, and secondly, that it should call on the current government to further reduce payroll tax in the forthcoming state budget. Contributions from the other side have concentrated far more on a nostalgic defence of the discredited Kennett government than on addressing either of those two issues. I am prepared to debate the

role and record of the disgraced former government, but I would also like to spend some time addressing the issues, particularly the first issue.

Opposition members keep talking about the three payroll tax cuts that occurred under the previous government. As the Premier and the Minister for Finance both said, they were smoke-and-mirror cuts. Members opposite know only too well it would be amazing to characterise as a cut something that broadened the tax base, increased the total amount of revenue and increased the total number of taxpayers. The defence put by the Leader of the Opposition is that it was all about enlarging the economy and broadening the tax.

I will share with the house some payroll tax payment figures of a small business that operated with 14 employees in the period of the supposed cuts. The Leader of the Opposition said payroll tax was prescriptive and hurt employers who wanted to reward their employees well, grow their businesses, and so on. The small business in question wanted to do all those things and was generous with its superannuation payments. In the 1996–97 financial year, when the former Kennett government began its so-called payroll tax cuts, the business paid \$8400 in payroll tax on a payroll of \$587 000, or 1.43 per cent. In the 1997–98 financial year the payroll went up to \$634 000 and the tax increased to \$14 200, or 2.25 per cent — that is, the tax went up as it was cut.

Mr Leigh interjected.

Mr LENDERS — The honourable member for Mordialloc should listen because members of the Labor Party care about small business and microbusiness. The party has been trying to fix up the mess created by the previous government. Labor is not the party introducing the anti-business goods and services tax, which is to small businesses what the boll weevil was to the cotton industry in times past.

Returning to my example, in the third year of the so-called cuts under the former Kennett government the payroll was \$658 000 and the payroll tax was \$16 700, or 2.54 per cent. After three lots of cuts payroll tax had risen from 1.34 per cent of the payroll to 2.54 per cent. I rest my case in respect of the first part of the statement, which seeks that the house notes three consecutive payroll tax reductions made by the former government.

A Government Member — It is misleading the house.

Mr LENDERS — Yes, it is misleading the house. The house can certainly note the reductions, and

perhaps for some businesses it was a cut, but it was not a cut for any business that was meeting its responsibility to make superannuation contributions or being generous and providing more than the minimum required under the superannuation guarantee levy.

For the small business I referred to, tax on a payroll of \$658 000 for 14 employees went up from \$8400 to \$16 700, or from 1.34 per cent to 2.54 per cent. The previous government's record speaks for itself. It was not a friend of small business or microbusiness. It is high time members of the former government stopped believing their own rhetoric and looked at what is happening in their electorates.

As I have informed this packed house on many occasions in the past, my electorate of Dandenong North is full of people involved in small business and microbusiness. The small business people, the traders who are driving the growth corridor — the construction industries right throughout the area — are the ones who have been looking for relief on payroll tax. They have been conned three times by a very attractive package that looks like a payroll tax cut — and for some people it is — but for anyone meeting their superannuation contributions it is actually a tax slug.

The figures speak for themselves. As announced by the Premier and the Minister for Finance, the number of people who pay payroll tax has increased, the amount of revenue from payroll tax has increased and in the case of a typical business of 14 employees the percentage rate has increased. The previous disgraced government's record speaks for itself.

The second issue of extreme public importance is the issue of responsible government and the delivery of the state budget. The government has listened to seven long years of hectoring and preaching about financial management and prudence in budgets. As an opposition we went into the election with a very prudent policy, costed by Access Economics, which among other things committed us to surpluses and the careful and prudent management of the state's finances.

I find it both amazing and hypocritical that the opposition is now seeking to ignore that concept and to spend the alleged surplus again and again on 150 different projects — and payroll tax cuts are a worthy project, don't get me wrong. The government is aware of the situation and is constantly examining ways of lifting the burden on business. But you cannot in the same breath say, 'Slash \$2 billion out of payroll tax, restore this, do that, spend that, and have a surplus'. Government, as honourable members opposite are

more than aware, is about priorities, and priorities are what government is about.

The former government talked about introducing payroll tax deductions some time around 2005. It is all part of the intergovernmental negotiations and commitments governments made on the issue of the introduction of GST. They were committed to it as something they could do in the future. However, they seemed to have this obsession that there was something wrong with talking and consulting with people. If honourable members have learnt any lessons from history, it should be that talking to people within a reasonable time framework, hearing their views, adjusting the position if appropriate and then coming to a conclusion brings results. People respond to you and respect you, and that is what government is about.

The contrast to that position is seven years of brutal government by a leader surrounded by lackeys who are not prepared to stand up to him, who go charging in, see strength as being non-consultative —

Mr Leigh interjected.

The ACTING SPEAKER (Mr Nardella) — Order! I am finding it difficult to hear the honourable member for Dandenong North. I ask honourable members to remain quiet.

Mr LENDERS — Victorians want a style of leadership that is inclusive, that involves listening to people and afterwards takes them on board. The Labor Party campaigned on a slogan of a new style of leadership that was inclusive and consultative, and people supported it. Some 50.2 per cent voted for Labor on 18 September last year. A majority voted for Labor in October in Frankston East and again in the Burwood by-election in December. I advise the honourable member for Mordialloc and others that consultative leadership is something to which the community responds. It likes being taken into the government's confidence.

The Victorian community wants payroll tax cuts, budget surpluses and the delivery of services, particularly in police, health and education, on which Labor campaigned. Our role as a government is to balance the priorities. Perhaps honourable members opposite should have listened to Tony Staley yesterday in the party room when he gave the real report on why they lost the election, not the cosmetic one that was given at last week's state council. The reason why Victorians turned to Labor at the last election was because of the positive things Labor offered and also because they were sick and tired of a dictatorial,

non-consultative government that crowed about its record, did very little, and ultimately abandoned the outer suburbs and the bush.

Mr RYAN (Leader of the National Party) — I support the motion. Payroll tax is an insidious, despised tax. It is a tax upon success and growth, and governments of all persuasions have been guilty of pursuing it. We did. As the former government, it was part of the platform of raising funds for our budgetary process, and the same applies to this government. In the years that I ran my own business it was one of the worst cheques I had to write out each month. Although I cannot remember any cheque that I enjoyed writing out each month, the cheque relating to payroll tax was a shocker, and so it remains.

It is interesting to examine Labor's policy prior to the election. The policy document 'Financial responsibility' under the heading 'Our budget commitment' states:

The Victorian budget is now in the black and Labor pledges to keep it that way. All of our policies are underpinned by our fundamental commitment to a substantial budget surplus.

That is an important issue in itself in that the bases upon which the government is able to govern Victoria are very different from those of the former government. This government is not faced with a \$33 billion debt. It is down to \$5 billion or \$6 billion. It is a very manageable proportion. The government is not having to contend with recurrent losses on its budgetary position annually. As opposed to that circumstance it has inherited the position whereby budgets are, as it has reflected in its policy documents, in the black, and the government does not have to worry itself about the financial skeletons in the cupboard as did the previous government — for example, the former government found there was \$1.2 billion worth of debt being rolled over in 90-day bank bills because Australian Loan Council requirements had been exceeded.

This government is in a much stronger position to deliver policy issues of a financial nature. Yet currently there are terribly worrying signs in the Victorian economy, which is why this motion is so pertinent to accommodating the needs of the state. Those worrying signs are best highlighted by the fact that although the capital investment figures are good, and they bespeak an intention on behalf of business to invest heavily, they are a product of years of development. They have not occurred in minutes or short periods of time; rather they are established patterns. As opposed to that, one has only to consider the business confidence issues, which are reflective of the public perceptions in a moment-by-moment sense. The figures are lousy and

the contrast is stark. That is imperative in the course of this debate because the community wants the government to do something, and that was the issue that came out of the recent summit.

I was at the summit. I was invited by the Premier to attend. After considering the position I decided I would attend, and I participated in the workshop sessions. The outstanding feature of the summit was that people wanted the government to do something, and what they most wanted was the cutting of payroll tax. That is reflected by the commentary of the Premier this morning when he acknowledged that such was the case. The plea came not only from the business community but also from the union movement.

So, when the summit, according to the communiqué, decided:

... that a process be established for examining the impact of business taxes (eg, payroll tax) and regulation on job and wealth creation including an assessment of alternative and more equitable methods of raising revenue ...

the Premier should not kid himself that in some way that was the result of a group of people coming together who were not absolutely intent on achieving the outcome of cutting payroll tax. All the document is in the end is a communiqué resulting from a consensus approach adopted by many people who all wanted the same outcome and who came up with this form of words to satisfy all the important players, but there were many philosophical opponents gathered in the chamber last week.

The core action being called for during that summit was to cut payroll tax. The Premier spoke this morning about a couple of other business sessions that were conducted, but he did not mention the one about regional development. I can tell him that I participated in that session for 3 hours, as did the Minister for State and Regional Development. At that 3-hour session the key issue people returned to repeatedly was cutting payroll tax.

What troubles me about the intentions of the government is the statement in the pre-election policy document entitled 'Financial responsibility' under the heading 'Reducing payroll tax':

Whilst Labor's financial management policy does not allow any immediate change in payroll tax rates, we will work with peak employer groups and unions to examine long-term options for reducing payroll tax directly tied to the real jobs created by the private sector.

The policy then places two important criteria on whether that will happen. It states:

This proposed payroll tax reduction will only be possible if, in the long-term, extra growth revenue is obtained from the commonwealth-state taxation arrangements.

It is ridiculous for the Premier to now say that the benefits of the new tax package will only come on stream in 2007 and that the issue cannot be addressed until then. That is nonsense, because at the time the policy was written not even the government could have dreamt of having the sort of surplus it now has available to it. It could not have conceived of that. Whatever the income ultimately derived from the goods and services tax, which the states will be the beneficiaries of, the government will have the same amount or more available to it because of the existing surplus.

I listened to the Premier talking about the treatment of the surplus. The notion of a Labor government having a surplus available to it must be such a dreadful shock to the Premier that he cannot get his thoughts into gear about how he is supposed to deal with it. In the chamber last week the business community and the union movement clearly said to the government that payroll tax cuts would be a major incentive to further developing the Victorian economy and the wider community.

The second qualification in the policy document is:

Labor will examine long-term options for reducing payroll tax in Victoria, tied to new job commencements.

That is a terrible catch-22 situation that shows a complete misunderstanding by the government about business functions. Businesses want the appropriate settings to enable them to create business opportunities. The opportunity is there to generate activity across the state, particularly in country regions. The great virtue of cutting payroll tax is that it will not pick winners; it will support existing businesses and attract new business to country regions.

When the Premier says we need to have payroll tax reductions tied to new job commencements it shows he simply does not understand the process. Business will not be able to function properly unless it has the appropriate settings to allow it to flourish. It is not the other way round. The government has an opportunity to take an initiative that will be a great benefit to all Victorians, particularly country Victorians.

I return to the major point of my contribution to the debate. The communiqué shows that people want the government to do something. They do not want more talkfests; they do not want more gatherings of people to examine whether payroll tax cuts are a good idea. One needed only to mingle with the delegates over a cup of coffee or a meal to know that, whatever the

communiqué may say, the driving issue for the people in attendance at the summit was for the government to do something for heaven's sake! The government is stuck with its feet in glue.

The government has an opportunity through cutting payroll tax — this pernicious tax — to ensure that business is encouraged to grow across Victoria, particularly in country Victoria. The government owes it to the Victorian community, including the people at the summit last week, to get on with the job, to do something, to show some leadership and cut the tax, because it will benefit all people who live in this great state.

Mr MILDENHALL (Footscray) — It is rare in this place to see such commonality of objective and strategy in a debate such as this. Often oppositions use such debates to attempt to embarrass the government of the day by pointing out some scandal or fundamental weakness. It is interesting that there has been no opportunity for the opposition to employ that sort of strategy. This is a fairly wet lettuce leaf attempt to criticise the government's tax reform and economic strategy by fabricating a history of the previous government's tax reform efforts and attempting to point to a lack of commitment to or progress by the government in moving towards payroll tax relief.

There is absolute agreement around the chamber about the inappropriateness of payroll tax. At the summit and among business commentators and analysts there is agreement that payroll tax is an undesirable form of impost by the state. It runs counter to many of the social and economic objectives the Labor Party has for the Victorian community.

One of the key issues in my electorate is unemployment, because the lack of job opportunities creates poverty and cyclical socioeconomic disadvantage. Any tax that is a disincentive for small and medium-sized businesses to employ people will, therefore, not be enjoyed by any government and will not form part of any government's strategic economic framework.

It is a bit rich for members of the previous government and their apologists to praise the record of that government on payroll tax reduction. As the honourable member for Dandenong North has shown in a real-life, real-time example, businesses operating under the previous government were caught up in so-called payroll tax deductions. Under that regime the headline rate of payroll tax came down but the number of firms paying payroll tax increased, and the increase in revenue coming from growth in the economy made the

result revenue neutral at best. That is no sort of achievement in the campaign to reduce dependence on payroll tax. Payroll tax collections are increasing and revenue is increasing. The number of firms getting caught up in payroll tax is up by 9 per cent, and the proportion has grown each year under both the previous government and the present government.

What is the Bracks government going to do about it? The initial program outlined by the Premier as a direct result of the summit negotiations is a program of review and is a reasonable way to go. It is all very well for the Leader of the National Party to say the clear message is 'Do something!'. That remark reveals a yearning for the days of Jeff Kennett, who used to say, 'I've got a good idea. I am going to do something, and to hell with the consequences!'. He had no regard for the medium-term and long-term impacts. He would come up with what he thought was a good idea on Neil Mitchell's 3AW program on a Thursday morning and make an announcement — and then he would ride off into the sunset! That is one of the reasons for the change in government.

The impact of the many such arbitrary decisions, whims and flights of fancy that were such a part of the leadership style of the former government was that the community decided it wanted a new style. People wanted thought-out strategies. They were sick of secret deliberations behind closed doors and sick of being ambushed by major government decisions thought up or announced on a 3AW timeslot on a Thursday morning.

Surely the most reasonable way to go about approaching a state's revenue system is to undertake a comprehensive review. The proposed review of the state's taxation system will be the first since 1983. It is Labor governments that have the intellectual capacity to sit back, take in the context and the medium-term and long-term objectives and outlooks and arrive at a strategy that is well thought out.

Contextual issues are well worth thought. Analysts and predictors say we are heading for a slowdown in the domestic economy. State revenues, as everybody knows, react to economic turnover, and such considerations need to be factored in if we are to gather the best information available.

The opposition does not look good as a potential government when it leaves the summit making statements such as, 'A lot of people have told us payroll tax must come down. Let us think of a good figure, announce it, and off we go'. We need thorough analysis and a clear view of the medium term, not the

starry-eyed approach of the previous government, which looked on the goods and services tax as the magic answer. It said that by 2002 or 2003 the state would have such positive cash flows from the GST that payroll tax relief would be a real possibility. That is the Alice in Wonderland–Pollyanna approach of the previous government. Its great hope was that the GST would deliver a significant positive impact, and it was a false hope. It will not be until 2007–08 that the state will have a positive cash flow as a result of the GST.

This state needs a steady predictable tax regime. The government does not need to be arbitrary and abrupt. The leader does not need to say on a whim, 'Let's do something. Let's lower payroll tax'. The comprehensive review the Premier announced is the most reasonable, thoughtful and strategic way to go. I should have thought that given the participation by the opposition that it would have signed up to an intelligent and strategic review of tax and not just have said, 'Let's lower payroll tax. Let's do it in a couple of weeks because a lot of people have told us to do it'.

Mr DELAHUNTY (Wimmera) — It is important for Victoria to stay competitive. Although I was not in Parliament at the time I hear my colleagues say many times that when they won government in 1992 Victoria was a basket case. In seven years the Kennett government turned Victoria into a showcase. It created competitiveness, which created jobs. It attracted a large number of industries to the state which was important to the growth of Victoria as a whole.

The matter of public importance asks the house to note the three consecutive payroll tax reductions achieved by the previous coalition government and calls on the present government to further reduce payroll tax in the next state budget.

In my maiden speech I said I would work to ensure that investment and job creation are not inhibited. I wanted the government to play a role in facilitating development and minimising costs. Payroll tax is a major cost to business. It is a major concern of businesses in country areas, particularly in the Wimmera where they are always concerned about small bottom lines. A reduction in payroll tax and an increase in the threshold would be of great assistance to those industries. One industry in my area, Luv-A-Duck, is competitive worldwide but is finding it difficult to meet those bottom lines. It is screaming out for a reduction in payroll tax. A payroll tax reduction will always create jobs because it improves industries' bottom lines, allowing them to create jobs.

Page 13 of today's *Herald Sun* states:

Victorians will be spared a tax rise when the Bracks government hands down its first budget.

...

Mr Bracks said his government had no plans to increase taxes, other than a \$10 million gaming tax ...

There is a contradiction there. The article continues:

But it would review business taxes and charges after a recommendation from last week's economic summit.

The summit was agreed to by everybody. Honourable members have read the communiqué. Business and unions all agree that a viable and prosperous private sector capable of generating and attracting investment and expanding existing and creating new enterprise is essential for economic growth and job creation.

I am concerned that payroll tax reductions will apply only to new jobs. It is important for all jobs. We could have a real problem where people could be put off and then rehired to create new jobs and therefore comply with the criteria of the new government.

I note that Queensland and Western Australia have lower payroll taxes. Victoria has to compete with those states, particularly Queensland. They have a higher threshold and, importantly, a lower tax rate. I am informed that New South Wales is also reducing its payroll tax rate. It has one of the highest rates, and is one of Victoria's competitors. Victoria is in a competitive environment. Because they compete for businesses with other states it is important to reduce margins to make Victorian businesses more competitive. That will allow them to create wealth and jobs.

All the media talks about — if you talk to anyone — is jobs. The major issue for people is jobs — for themselves, their families, their friends and the community. It does not matter what electorate one represents; everybody is concerned about jobs. The government had a \$1.5-plus billion surplus last year and nearly a billion dollar surplus this year. It has an ideal opportunity to reduce payroll tax and thereby produce the jobs everybody is demanding. The government has the capacity to do something about it. The business community, my colleagues at the summit, said they were all screaming out, as were the unions, for a lowering of payroll tax.

The media has reported that many surveys show the business community is losing confidence in the government. Businesses want the government to do something to show there is something in it for them. The government has done nothing to control the push for a 36-hour week and a 9-day fortnight, all of which

increases costs. We want the business community to get something from this government so that it can have more confidence in it.

The Premier said this morning that there will be an 11 per cent increase in income from payroll tax. Any business in the community would love to see an 11 per cent increase in its bottom line, and a payroll tax reduction would help that. The Premier said he supports a reduction. He is the Premier and the Treasurer: why does he not do it? He mentions the policy and the review process but then says it is likely the reduction will be in 2007. Will it be a seven-year review? That is two governments away. He might not even be here, I hope.

Payroll tax is a tax on employment. The community is screaming out for jobs. During its last two years in power the Kennett government reduced business costs by nearly \$2 million. That affected the bottom lines of businesses so that they could create jobs and become more competitive, not only in an Australian sense but in a world sense. At the end of the day Victoria is in a world economic environment; it must compete with other states as well as other countries.

The change of government has seen a loss of industry and opportunities. Virgin Airlines was an example. Companies are nervous about coming to Victoria because of the fear of increased Workcover costs and higher payroll tax. All those factors are considered when companies decide whether to stay in Victoria or go elsewhere.

As honourable members know, on 1 July this government will take control of a growth tax — the goods and services tax. It will get the funds. That, on top of the surplus, will provide the government with every opportunity to reduce payroll tax. As I said, the previous Kennett government turned Victoria around from being a basket case to a showcase. There was an enormous increase in growth in Victoria and that was important for confidence. Before the Kennett government introduced its reforms I remember visiting Canberra. When I said I was from Horsham in western Victoria, people said, 'That is a rust-bucket state'. Victorians were belittled. They were embarrassed to say they came from Victoria.

A government member interjected.

Mr DELAHUNTY — I hear the honourable member say it was a discredited government. He has to be joking. The Kennett government was recognised around Australia and the world for turning Victoria from a basket case into a showcase. Many people who

worked for that government have other important jobs because of the direction they showed Victoria. Industries want to get hold of those people because they know they have the skill and the courage to make decisions to turn around the future of the state.

The government has an important influence on the growth of Victorian jobs. In the coming budget let the government show some courage and leadership by lowering the costs to industry and creating jobs. That is all we want. Everyone wants job creation. I support the matter of public importance raised by the Deputy Leader of the Opposition because it will improve growth and give the business sector the confidence it is screaming for.

Mr LONEY (Geelong North) — Unlike the honourable member for Wimmera and members of the opposition generally, I have never been embarrassed to be a Victorian, and I never will be. This is a great state of which we should all be proud. It is a pity the opposition keeps wanting to deride it in the way it does. The subject of the matter of public importance is yet another example of the doublespeak and hypocrisy of opposition members and people such as the honourable member for Monbulk.

Opposition members come into this place making statements that show they have an inability to come to grips with anything in the way of policy. As they did for seven years, they think the person with the loudest voice is right.

The motion shows the only Coodabeen Champion who is a member of the opposition is not in the upper house. It has come from a group hanging on to the belief that it is a coodabeen government instead of realising it is in opposition and playing a constructive role in the governance of the state.

The opposition has produced a series of motions like this, and negativity can be seen in every one. Opposition members say they had seven years in government and were going to do it in the eighth year. Seven years was not long enough. The plans were packaged up so it would happen in the eighth year. The motion exemplifies that attitude.

The next matter to address is the behaviour of opposition members. On 12 January 1994 the *Age* reported that the then Minister for Small Business, Mr Heffernan, had been instructed by the Premier to come up with a plan to reduce costs in small business within six weeks. The then minister told the *Age* that he was looking at a package including cutting payroll tax. Immediately following that, the then Premier rebuked

him, saying he had gone too far in suggesting payroll tax cuts — he rebuked his own minister for even suggesting a payroll tax cut. On that day the *Age* said that the Premier, Mr Kennett, had hurriedly quashed a push by his Minister for Small Business, Mr Heffernan, for a payroll tax cut. The article continued:

... Mr Kennett made it clear last night that Mr Heffernan had gone too far suggesting a payroll tax cut.

He called Mr Heffernan an enthusiastic minister ...

How patronising! The then Premier went on to say in relation to payroll tax cuts:

I wouldn't want to build up expectations.

That was in 1994. In 1992 there was a policy of getting rid of payroll tax. Remember Fightback? The 1992 government statement mentions payroll tax and says, in effect, if we don't get rid of it, John Hewson and Fightback will. What happened? The six-week plan to be developed by Minister Heffernan never materialised. Six years later — not here!

Instead the then government set about restructuring payroll tax by amending the threshold so more businesses were included and the problem of tax take was increased. Opposition members run around saying, 'We reduced payroll tax'. They did nothing of the sort! They produced a Clayton's reduction by tinkering with the rate at one end, but altering the threshold at the other. For the first time, superannuation and accrued leave was included in the assessment — a direct attack on employment.

Opposition members have the hypocrisy to come into this place and run their rhetoric about payroll tax being a tax on employment. When in government they set up a regime where superannuation, accrued leave and even redundancy payments were included as part of the calculation. They made it a tax on employment and unemployment by including redundancy payments, yet they have the gall to claim they have always stood for reducing payroll tax. Their actions say something different.

In 1998, 2556 extra Victorian employers — that is small businesses for whom members opposite cry crocodile tears — faced payroll tax bills for the first time. The former Treasurer's record is appalling. In 1997–98 he estimated that 14 800 firms would be liable for payroll tax. The actual number as at 30 June 1998 was 16 517. He expanded its coverage!

Mr McArthur interjected.

Mr LONEY — Yes, we know why, and I will tell the honourable member for Monbulk why. It was because of the weasel words of the former Treasurer — a Treasurer who taxed the people of this state like no other. He was the highest taxing and charging Victorian Treasurer ever, and the government of which the honourable member for Monbulk was a member was the highest taxing and charging government in the state's history. Nothing he says today can allow him to walk away from that fact. The former government had an appalling and indefensible record.

Mr Thompson — On a point of order, Mr Acting Speaker, I move that the honourable member for Geelong North be given more time so that he can give the full picture as to why the level of taxation in Victoria was high when the coalition came to office in 1992.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The honourable member for Geelong North will continue!

Mr LONEY — I am happy to accept the honourable member for Sandringham's invitation; it is very generous. I will try to tell him as much as I can. In 1998–99, 17 800 businesses had to pay payroll tax. In that two-year period, 3000 extra Victorian small businesses were paying payroll tax — a 52 per cent increase.

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

Mr WELLS (Wantirna) — I support the motion moved by the honourable member for Brighton:

That this house notes three consecutive payroll tax reductions achieved under the previous coalition government and calls on the government to further reduce payroll tax in the next state budget.

I was intending to start my speech in a different way, but after listening to the honourable member for Geelong North I wonder whether it is the Labor government's policy to reduce the number of businesses that will pay payroll tax in future years. I thought it was going to look at a genuine reduction, but maybe its industrial relations policies will mean that medium-sized businesses currently paying payroll tax will shrink in size to small businesses which will fall under the threshold and in that way fewer employers will pay payroll tax!

The honourable member for Monbulk interjected when the honourable member for Geelong North was speaking and asked whether more small to medium-sized businesses were paying payroll tax under

the Liberal government when it was in power from 1992 to 1999 because there was genuine employment growth? Small businesses were becoming medium-sized businesses; more Victorians were being employed and, because of the concentration of high-tech industries in Victoria, a number of those employees were in higher pay brackets and therefore being captured by the payroll tax system.

I wonder whether the next speaker for the Labor government will clarify what the honourable member for Geelong North meant when he criticised the Kennett government for the increase in the number of firms paying payroll tax. Will the Labor government simply reduce employment and have more companies and businesses going under the threshold? Where does the government stand on this matter? The honourable member raised a very interesting point. A number of people will be very concerned about the direction the Labor government is taking.

I would have thought a genuine reduction in payroll tax would attract more business and investment into Victoria. Growth in employment and industry is ensured by attracting property developers and builders to this state. I would have thought that people from Singapore and other Asian cities and countries would be looking at Victoria very carefully to determine whether it is a safe place in which to invest. Obviously one issue they would take into account is a reliable supply of labour. One would have thought that a reduction in payroll tax may add the extra incentive to attract overseas companies to Victoria.

Based on those points, I ask the Premier to stand by his commitment made at last week's talkfest — the Growing Victoria Together summit — to review business taxation and to honour his government's election promise to reduce payroll tax and deliver competitive taxes and charges by announcing an immediate reduction in the rate of payroll tax in the state budget to be handed down on 2 May.

Prior to the election the Labor Party promised it would:

Deliver competitive taxes and charges to encourage investment and jobs growth.

Members on both sides of the house would agree. Labor's Treasury election policy 'Financial responsibility — getting the budget basics right' states:

Whilst Labor's financial management policy does not allow any immediate change in payroll tax rates, we will work with peak employer groups and unions to examine long term options for reducing payroll tax directly tied to the real jobs created by the private sector.

I think honourable members on both sides of the house would go along with what is being said. There are two issues. They relate to the goods and services tax (GST) being a growth tax and to the Labor government's legislation containing an agreement with the commonwealth government that it will not be worse off financially. It was made clear in the arrangements signed by the commonwealth and all the states that no states will be worse off financially. However, I believe the Premier will make the excuse that the government cannot deliver on its election promise simply because he has suspicions about the GST. He has deliberately used the federal government's introduction of the tax as an excuse for not honouring his election promise to reduce Victorian taxes and charges.

Two weeks ago in this house in debate on a finance bill reference was made to the fact that although prior to the election one of the Labor Party's first commitments to Victorians was that it would have an operating surplus overseen by an independent Auditor-General with new constitutional powers, the bill that was introduced watered down that commitment significantly. The legislation makes no mention of an operating surplus and the part of the bill that deals with auditing makes no mention of the Auditor-General overseeing a surplus. It says only that the Auditor-General will oversee the objectives set out by the government. The government can change its objectives at any time it likes. Labor's election promise on an operating budget surplus was broken. Victoria is on the verge of seeing Labor's election promise on reducing payroll tax broken.

It is interesting to read what the *Age* of 1 April reported the Premier as saying at the talkfest. It states:

Victoria's tax system, particularly the burden of taxation on business, will be reviewed as a result of the historic Growing Victoria Together summit. The Premier, Mr Steve Bracks, yesterday committed the government to the review ... Mr Bracks said Victoria's tax system, particularly payroll tax, would be examined in the light of competitiveness with other states and also the burden on business.

As the honourable member for Wimmera said in his contribution, other states have lower payroll taxes. For example, in Queensland, in which much building activity is taking place and with which Victoria is in competition, the current exemption threshold is \$850 000 and the current payroll tax rate is 5 per cent. For wages paid on or from 1 July 2000 until 30 June 2001 the payroll tax rate will be 4.9 per cent. Honourable members should compare that to Victoria's current payroll tax rate of 5.75 per cent, taking into account that there have been reductions.

However, credit should be given where it is due. When the Kennett government was in power three

consecutive reductions to payroll tax occurred. In the period from July 1997 to June 1998 the rate was cut from 7 per cent to 6.25 per cent, in the period from July 1998 to June 1999 it dropped another 0.25 per cent to 6 per cent, and in the period from July 1999 to June 2000 it will drop another 0.25 per cent.

One of the legacies left by the Kennett government was a \$1.7 billion surplus. There is no question that even taking into account forward estimates the government can afford to award a payroll tax cut in the budget to be handed down on 2 May. It must do that to ensure Victoria remains a competitive and active state and is able to attract new businesses. As I said at the outset, I have grave concerns about the recent industrial strife that came about in part as a result of a lack of leadership by the government. The government needs to reduce payroll tax to attract new business to the state and ensure future employment growth.

I hope the government takes note of the statement and provides something positive in the budget. Even if the government were to be consistent and award only a 0.25 per cent decrease in payroll tax Victoria would remain competitive with other states.

Mr VINEY (Frankston East) — The honourable member for Wantirna asked for clarification of the comments on the issue made by the honourable member for Geelong North. I am more than happy to make them absolutely clear. In his speech the honourable member was referring to the opposition's extraordinary hypocrisy. The point of clarification is that the opposition has moved a motion that purports to suggest that the former government provided payroll tax relief when the opposite was true. It increased the threshold, broadening the net to include many employers who previously did not pay payroll tax.

When one looks at history one sees that the payroll tax debate seems to be an obsession of members on the other side. As someone who has run a business for the past 10 years I understand the importance of business taxes. However, it is important that there be some balance in the discussions. For example, in an article reported in the *Age* of 14 August 1998 Alan Wood makes an important point — that is, that payroll tax is not that different from a number of other taxes that companies and businesses must pay. The article states:

In other words, over time, the payroll tax takes on the characteristics of a mix of a consumption tax and an income tax. Without going into the details of the argument, most economists see little difference in the economic impact of a payroll tax and a GST in the long run.

I am more than happy to say that I do not support a goods and services tax (GST). Equally, I think payroll tax is not a good tax. Victoria has inherited some legacies, and later I will refer to the inconsistencies of honourable members on the other side on the matter. They have been all over the shop on the payroll tax issue.

The contributions of opposition members in this debate on a matter of public importance have been full of hypocrisy. Opposition members have tried to suggest that by reducing the rate the previous government reduced the payroll tax imposition on Victorian businesses. The fact is that the Victorian government is as reliant on payroll tax today as it has ever been. In 1994–95 the total payroll tax take was \$1.85 billion; this year it is expected to bring in about \$2.3 billion.

Despite the previous government's bleating and carrying on about its efficient financial management and supposed concerns about the business sector, in its seven years in office it did not improve the reliance of the budget on payroll tax. By the previous government's reducing the threshold and including superannuation the number of employers paying payroll tax increased by a massive 52 per cent. In 1992–93, 11 686 employers paid payroll tax, and in 1998–99 the figure was 17 800.

The question was dealt with in detail in an article by Terry McCrann reported in the *Herald Sun* of 30 April 1999. It states:

The expanded payroll tax net was uncovered by opposition questioning and followed changes announced in the 1997–98 budget.

Former government members were not unaware of the issues. Mr Stockdale claimed the changes would be better for business. The article continues:

That seems extremely unlikely, as Mr Stockdale also estimated that only 600 extra businesses would be caught by the inclusion of superannuation. In fact, figures show it was more than 2500.

The honourable member for Geelong North referred to the issue in an article in the *Herald Sun* of 13 November 1995, but the former Treasurer, Mr Stockdale, dismissed his concerns. However, the honourable member for Geelong North was joined in his concerns by Mr Steven Shepherd, director of policy and research for the Victorian Employers' Chamber of Commerce and Industry, who said in the same article:

... the changes were a move in the wrong direction, which would distort the employee decision-making process.

'Effectively, the government is changing the legislation to broaden the net to generate more revenue'.

An article in the *Age* of 10 April 1997 headed 'Payroll tax plan enrages business' quotes Mr Stockdale's response to a question by the former opposition Treasury spokesperson, now Premier, Mr Bracks, referring to the extension of the threshold to include many small businesses:

Responding to Mr Bracks' question, Mr Stockdale told Parliament he would not pre-empt the budget ...

Referring to the state media gallery, Mr Stockdale said the 'shabby little group up there' would give publicity to Mr Bracks' question.

'The ALP media group in Spencer Street will no doubt run this rubbish, masquerading as news', he said.

To attack the press gallery rather than deal with the issues was a typical response of former government members. The former opposition's concerns about the impact of payroll tax on small business has subsequently proved to be correct. However, as usual, the response of the government of the day was to attack the gallery. Its arrogance and extraordinary behaviour is why its members now sit on the other side.

The opposition, when in government, was all over-the-shop on the payroll tax issue. An article in the *Herald Sun* of 12 April 1998 refers to payroll tax being on the political agenda with Victorian business leaders calling for it to be scrapped as part of wider tax reform. It states:

Both the federal and state governments are also under pressure from grassroots Liberal Party members to reduce the tax ...

The state government is in favour of abolishing the tax, but only if it can be guaranteed the same revenue from a different source.

But a spokeswoman for federal Treasurer Peter Costello would only confirm the government was considering payroll tax with other submissions for tax reform.

In an article in the *Age* of 27 April 1998 headed 'State cool on payroll tax cut', Mr Stockdale cautions business that scrapping payroll tax is too costly. The opposition is today telling honourable members about the wonderful performance of the former government over the past three years but the former state Treasurer, Mr Alan Stockdale, is on the public record as telling business leaders:

... they should not be 'obsessed' about the need to abolish payroll tax because it could cost too much ...

An article in the *Australian* of 27 April 1998 highlights the differences between the former Treasurer and Premier, and states:

Victorian Treasurer Alan Stockdale has warned business not to jeopardise a 'once-in-a-lifetime opportunity' for tax reform by insisting on the abolition of \$8 billion in state payroll tax ...

The article continues:

The Victorian Treasurer's position is at odds with his Premier's public position which is for the abolition of payroll tax as part of federal-state tax reform.

The hypocrisy of the opposition has been exposed.

Mrs FYFFE (Evelyn) — I support the matter of public importance submitted by the honourable member for Brighton. It states:

That this house notes three consecutive payroll tax reductions achieved under the previous coalition government and calls on the government to further reduce payroll tax in the next state budget.

As earlier speakers said, payroll tax has been reduced from 7 per cent to 5.7 per cent over the past three budgets presented by the former coalition government. Payroll tax is a dampener on jobs and employment. The surplus of \$1.7 billion is an excellent opportunity for the government to act on payroll tax reduction. Existing and potential businesses would then receive a signal from the pro-union Bracks government, which is supported by the three Independent members, that Victoria is still an ideal place to establish and expand business.

Victorians felt tremendous pain after the Cain-Kirner Labor years of arrogant mismanagement and total disregard for the future of this great state and for future generations. Honourable members would remember the empty shops, the vast number of unemployed and the small business people who were sent into bankruptcy. It took seven tough years to restore Victoria to its former glory. The Bracks government, which is in office only with the support of three Independents, is now reaping the benefit of a budget surplus that came out of the hard decisions made by the former coalition government.

Oscar Wilde said, 'Work is the refuge of people who have nothing better to do'. Some honourable members on the government benches may not like that statement because it is not warm and touchy, but the reality is that for the majority of people their status, self-esteem and pride come from the fact that they have a job, can support themselves and can contribute to the welfare of their loved ones and the less able individuals in society. Self-esteem is important in avoiding depression, which

is obvious in so many of the people who suffer from it. The former Premier, Mr Kennett, was so concerned about that he took a strong leadership role on the issue of depression.

It took a lot of courage, strength and determination by the former government to bring Victoria back into the position it is now in, including leaving a surplus. A reduction in payroll tax funded from the budget surplus would increase employment and give businesses confidence. Most importantly, it would increase youth employment and create more opportunities for youth to achieve and grow. It would increase training and other opportunities for mature-aged people and enable them to finish their working lives with dignity.

Apart from the reality that work is very important for the self-identity and pride of individuals, another reality the government and its three Independent colleagues seem to have difficulty accepting is that the individuals who take risks and start running businesses, who put their homes and money on the line, provide jobs. It is not the unions, who care only about their members, and not this government, whose idea of leadership is to appoint a committee or advisory panel or working group, who creates jobs.

On my rough calculations the number of committees, advisory panels and working groups now totals well over 60. The government's lack of action and failure to make decisions and its use of smoke and mirror and meaningless platitudes are breathtaking. To listen is commendable but only if you have enough courage to follow up with decisions and actions. Creating jobs in a vibrant economy is not about growing the public service. That happened in the 1980s, and sadly it appears the government is going down the same path. Creating jobs and stimulating a vibrant economy does not happen with a nanny government, the members of which have a philosophy of creating for people a social welfare cocoon from the cradle to the grave.

I will backtrack and talk about the committees and the talkfests. A talkfest is probably a good idea because a good chat and a cup of tea is therapeutic — it produces a warm contented feeling. My advice to those on the government benches is to change the talkfests into brainstorming sessions. If they do that they might develop some ideas and take some actions.

Much has been made this morning of facts and figures surrounding payroll tax reductions, so I will not bore the house by repeating them. However, I will refer to some recent press cuttings.

An article in the *Age* of 31 March quotes David Buckingham, and states:

In a bleak warning, Mr Buckingham said that despite rosy economic forecasts for Victoria '(business) confidence is indisputably taking a battering'.

The article further states:

Other measures that would boost business include payroll tax relief, the reintroduction of a 100 per cent research and development tax concession, abolishing taxes and charges imposed since the introduction ...

On the same day and in the same newspaper, an article quotes Nicole Feely as stating that:

... among the most destructive taxes for business were payroll tax ...

An article in the *Age* of 1 April reports the comments by the Premier, and states:

He has committed the government to review of the tax system, particularly payroll tax.

Going back to April 1999, an article in the *Age* by Tim Colebatch states:

Payroll tax is a visible obvious disincentive to employment as no other tax.

Finally, an article by Damien Johnson and Fran Cusworth in the *Herald Sun* of 31 March reports on the summit and states:

Business leaders called on Mr Bracks to slash payroll tax and other charges in the May 3 budget.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I have been listening to the talkfest engaged in by the honourable member for Evelyn. I found interesting her suggestion that the summit was a talkfest. This morning's debate has been a talkfest. Unfortunately not much has been offered in a practical sense and it is clear opposition members have learned nothing from the message they were given by Victorian voters — that is, there is a need to work together to find solutions if business in Victoria is to grow and there is a need to eradicate the jackboot style of the previous government.

A number of representations were received from opposition members. The Leader of the National Party said, 'Just do something', but he did not say what that should be. He said it about 10 times during his speech, in jackboot style. The honourable member for Hawthorn referred to the can-do and will-do previous government. He also wanted something to be done but was not sure what it would be. The honourable member for Wimmera talked about the goods and services tax

kicking in Victoria, but he got it wrong because the assistance will not be felt for seven years.

The honourable member for Wantirna's sums were interesting. He suggested the Bracks government could reduce payroll tax by 2.5 per cent in the next budget, but the total reductions by the previous government over a three-year period amounted to only 1.5 per cent. He clearly does not believe the Kennett government did a good job.

I will put a number of issues before the house. The first is that the Bracks government is committed to growing the Victorian economy — to growing jobs and investment — and strengthening the Victorian economy, but it wants to do that in ways that are different from the previous government. The Labor government wants to take Victorians with it and ensure that the benefits are shared across Victoria.

The opposition has difficulty with the concept of a summit that brought together more than 100 people to talk through the issues that Victoria is now confronting. It does not understand how a summit can develop a plan for the way Victoria proceeds into the future. It has real difficulty in contemplating the idea that we would talk to other people and that we believe other people might have some ideas to bring to the table as well. It fails to understand that the only way we will grow all of Victoria is to work with all Victorians.

There has been much talk today about payroll tax cuts. Those cuts will not necessarily assist small business. Payroll tax cuts will kick in for employers with salary bills of around \$515 000, which represents about 15 employees. Most small businesses have fewer employees than that. They are also required to pay a range of other charges, which may be significant because of the way they are structured.

We have stamp duty and the goods and services tax — and at the summit it was a recurring theme that industry is very unhappy with the GST and its impact on individuals to run business. We also have insurance, Workcover premiums, Australian Securities and Investments Commission charges, and the list goes on for small business. So no matter what we do about tax reform in this state, we have to look after small business. We have to ensure that we take small business with us when we consider tax reforms that will benefit medium-sized or larger businesses.

If the interests of small business are not considered we will alienate a major source of employment in this state. The only way that Victoria will grow is if small businesses are assisted to grow — not necessarily in

size but in the number of small businesses in the state. The government is happy to support that. As one who is married to a person who is involved in small business, I am well aware of the range of imposts on small business and the need for the Bracks government to ensure that we assist small business.

The summit communiqué certainly addressed the issue of reducing payroll tax in a way that may assist training effort by private industry. There was a concern that private industry in some areas is not taking up its responsibility in training effort. The summit was looking at a way of encouraging that investment in training, ensuring that we have a skilled work force to take Victoria forward.

The honourable member for Hawthorn said there is full exemption from payroll tax for all apprentices and trainees, but it is only for new ones, not for existing employees. The government must examine ways of assisting industry to make that contribution to skilling the work force because it cannot provide the necessary dollars on its own. The government will not be successful in growing businesses if that is not done in conjunction with industry and with industry's commitment.

The government needs to investigate how it can assist both small business and industry training investment when it considers tax reform in Victoria, as the Premier has clearly indicated it will do. We do not want to move in haste as the previous government did when, after five years of doing nothing, it suddenly introduced payroll tax cuts, but then after nearly three years decided it needed to take with the other hand, and by including superannuation in the calculation of the payroll tax base it lowered the payroll tax threshold. It seems to me, from listening to the different speeches, that the opposition does not quite understand that this is what the former Treasurer did, through a sleight of hand.

There are now more companies paying payroll tax because that threshold was lowered under the previous government. Therefore, although the fish were too small, so to speak, they were still caught by the government. That net was lowered and businesses with smaller numbers of employees were caught. It was therefore a further tax on smaller businesses and not assistance.

The impact that that has had on a whole range of businesses has been made clear to the house by government members. What looked and smelt like payroll tax cuts by the previous government tasted very sour because the sleight of hand by the previous government meant that in 1997–98, 2556 additional

Victorian employers faced a payroll tax bill for the very first time. When those changes were introduced the former Treasurer estimated that only 600 firms would be affected. He was completely wrong because the total number of employers liable for that tax as at 30 June 1998 was more than 16 000, so it has had a dramatic effect.

The Bracks government is committed to taxation reform in Victoria. We want to ensure that we continue to grow business and investment and have a very healthy economy. We will continue to compete with our interstate counterparts. We will do that by taking all of Victoria with us and not by making very quick decisions, as the previous government did.

Mr THOMPSON (Sandringham) — Business inputs have a direct impact on business outputs and investment. Since the Labor Party was elected to government last September the various reviews undertaken by the Yellow Pages *Small Business Index* surveys, by the Victorian Employers Chamber of Commerce and Industry, by the National Australia Bank and by Access Economics have all indicated that there has been a decline in investment and business confidence.

Studio City, Mirvac, and Virgin Airlines are all projects that have been cancelled. The Premier indicated that he had personal discussions with Mirvac, and despite Mr Bracks being the only Premier to speak directly with Virgin Airlines, the company still set up its operations in Queensland, one of Victoria's competitors.

The Victorian government must lead the rest of Australia in reducing business input costs, and payroll tax is one of the important input costs. I urge the government to support the opposition's motion.

Debate interrupted pursuant to sessional orders.

ABORIGINALS AND TORRES STRAIT ISLANDERS: STOLEN GENERATIONS

Mr BRACKS (Premier) — I move:

That this house acknowledges that there was a stolen generation of indigenous Australians forcibly removed from their families causing deep and ongoing hurt to the children removed, their families and indigenous communities and condemns any action which would threaten Australia's international reputation or further set back the cause of reconciliation.

I am pleased to have the support of the opposition parties in this important debate so that members of the

house can speak as one to acknowledge the tragic impact of past government policies on generations of Aboriginal Australians. It is very disappointing that we have to do so because of the extraordinary actions of the federal government. It is deeply disappointing that the federal government has chosen to question the impact of the forcible removal of Aboriginal children, from their families and communities. It is deeply disappointing that the federal government has chosen to have this debate in the lead-up to the Olympic Games in Australia, because it is threatening Australia's international human rights reputation and is further damaging the cause of reconciliation.

It is no wonder that members of Aboriginal and Torres Strait Islander communities are reeling from the federal government's handling of the issue. Talk of violence in the streets does not take the issue forward, and I condemn that approach. I am confident that reason and commonsense will lead the federal government to the inevitable conclusion that it has got the issue wrong, and I am sure it will change its view on the matter.

The 1997 Human Rights and Equal Opportunity Commission report, *Bringing Them Home*, made it all too clear that past policies have tragically touched the lives of all Aboriginal and Torres Strait Islander families. As I understand it, Senator Herron's submission to the Senate inquiry was that there never was a generation of stolen children because no more than 10 per cent of Aboriginal children were forcibly separated from their families, including those who 'were forcibly separated for good reason'. That assertion contradicts the conclusion of *Bringing Them Home*, which states that between 10 and 30 per cent of indigenous children were forcibly removed from their families and communities between 1910 and 1970.

Many honourable members would have seen the item on the 7.30 Report on Monday night in which Dr Peter Read, who has spent some 20 years researching the stolen generations issue, said that in the 1920s and 1950s perhaps 1 in 3 children were removed from their families in southern Australia. Dr Read believes that along the track — that is, along the Stuart Highway in the Northern Territory — the figure could be as high as 10 out of 10 children having been removed from their families. Senator Herron's submission not only conveniently belittles that evidence but also shows an appalling disregard for the tragic conclusion of the report, which became known as the stolen generations report and which states:

... not one family escaped the effects of forcible removal. Most families have been affected, in one or more generations, by the forcible removal of one or more children.

The forced removal of between 10 and 30 per cent of indigenous children affected not just the children involved but their family members and communities. We are all members of families and communities and we should all personally acknowledge what happened. Senator Herron's claim is like saying that if 10 to 30 per cent of children were now forcibly removed from families in Victoria it would not have an effect on people outside those immediate families. That is the claim! That is remarkable — it is so wrong! If that happened to my family or to my neighbour's family it would have a profound effect on the rest of Victoria. It is a wrong judgment that should be corrected as soon as possible.

The removal of Aboriginal children and the subsequent breakdown of family units that are central to indigenous communities occurred in the context of, among other matters, the dispossession of land and the suppression of language and culture. It is disappointing that the Prime Minister has difficulty comprehending the devastating impact on families of the forced removal of children. Those combined events have had a devastating and lasting effect on the wellbeing of indigenous communities throughout this country.

Anyone who doubts the profound nature of the issue need only read the moving letter to the editor from Michael Long that appeared on the front page of today's *Age*. Michael Long is a great footballer and a great Australian. The letter describes how his mother was forcibly removed from his grandmother and the impact of that on her, the community, himself and the people around him. I will read from the letter to show how powerful the issue is, and I urge the Prime Minister to take account of it. It states:

How do I tell my mother that Mr Howard said the stolen generation never took place? How does he explain to me why none of my grandparents are alive?

...

Does Mr Howard understand how much trauma my grandmother suffered? It ripped her heart out, what she went through. Even when she died, her baby was never returned home.

...

My mother was taken when she was a baby, taken to Darwin and put on a boat — she had never seen the sea before — screaming and yelling, not knowing what was happening and then crying herself to sleep. I call that trauma and abuse. I am so angry anyone could do this to a child just because their skin was a different colour.

...

I am all for reconciliation, Mr Howard. I am part of the stolen generation. It's like dropping a rock in a pool of water and it has a rippling effect, so don't tell me it affects only 10 per

cent. No amount of money can replace what your government has done to my family.

As all honourable members will agree, that letter is deeply moving and illustrates problems experienced right across the indigenous community. As I said before, if things like that happened to other members of the wider Victorian community they would have profound effects.

We cannot address the disadvantage of indigenous people without recognising and addressing the plight of the stolen generations. It is a key threshold issue that must be resolved if genuine reconciliation with indigenous Victorians is to be achieved. As honourable members will recall with pride, on 17 September 1997 this Parliament apologised for the past practices under which Aboriginal children were removed. The motion was moved by the then Premier and seconded by the then Leader of the Opposition, now the Minister for Finance, who had written to the Premier on the matter. The motion, which was passed unanimously, states:

That this house apologises to Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between Australians.

The Victorian government is now funding a series of regional healing conferences for members of the stolen generations, their families and their communities to revisit and further meet their needs. We will continue to work with indigenous communities to refine and enhance the Victorian government's response to the *Bringing Them Home* report. We are committed to implementing a comprehensive state response to that report, and have held reports with the community-based Stolen Generation Working Group to ensure that we can deliver on that commitment.

Aboriginal Affairs Victoria and the Minister for Aboriginal Affairs have arranged funding for the Victorian Aboriginal Child Care Agency to hold a number of regional healing conferences this year for members of the stolen generations and their families. The government will examine the recommendations from those conferences to determine further action to assist members of the stolen generations.

We see a deep and disturbing meanness of spirit in the commonwealth government — not only a failure of compassion but a failure of leadership. Without positive, generous and compassionate leadership at the national level reconciliation will inevitably fail. Even more disturbingly, the federal government apparently sees more value in division and hostility than in unity and reconciliation.

I urge the Prime Minister to think again. I urge him not to go down that path but to show leadership, courage and compassion and to acknowledge the wrong done to the stolen generations, to address indigenous disadvantage and to move towards genuine and lasting reconciliation.

Dr NAPHTHINE (Leader of the Opposition) — The opposition acknowledges and supports the motion moved by the Premier, and I am proud to have seconded it.

The issue of reconciliation should be above party politics. It should not be about political point-scoring or be promoted at the expense of truly serious, fundamental national concern. The debate should be based on reason, compassion and understanding and lead to genuine reconciliation with the Aboriginal community.

The opposition recognises the significance of the long-lasting loss and suffering experienced by Aboriginal people as a consequence of the forced removal of children from their families and communities.

The Premier referred to a letter written by Michael Long and published in the *Age* today. I can only concur with the Premier's comments about the depth of feeling expressed in that letter. It reflects the views not only of Michael Long but of many members of the Aboriginal community, including all the members of that community I know personally.

The previous coalition government provided real leadership in apologising to the Aboriginal people. On 17 September 1997 the former Premier moved:

That this house apologises to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families and expresses deep regret at the hurt and distress this has caused and reaffirms its support for reconciliation between all Australians.

An editorial in the *Age* two days later, on 19 September 1997, praised both sides of Victorian politics and made significant mention of the motion passed unanimously by the house in an enormous spirit of compassion and understanding, stating that it was a positive step towards reconciliation. The editorial began:

The Premier, Mr Jeff Kennett, made a statesmanlike speech to the Parliament on Wednesday when he apologised to the Aboriginal people on behalf of Victorians for the removal of children from families. It is a rare and pleasing show of unanimity. All parties agreed to that apology.

The previous government and the previous opposition deserve recognition for that significant event in this

Parliament. It shows that if we work together in a spirit of bipartisanship we can achieve much more than when we seek to use such issues in a party-political way.

The opposition's strong support for the sentiments expressed in the 1997 motion remains. Members of the opposition acknowledge and seek to genuinely understand the grief and hurt caused to the children who were separated from their families, even though it is hard for us as individuals to comprehend the grief those children must have suffered or the concern of their mothers, families and communities. We seek to understand that grief and the effects of the removal of the children on the families and communities, and we must work to overcome the grief they suffered.

In doing so we must also recognise that Aboriginal communities have a very strong sense of community and an understanding of the concept of family that is different from the understanding others of us have. Many honourable members will know from their contacts with the Aboriginal communities in their own electorates that Aboriginal community members often refer to cousins, brothers or sisters in a different way from the way others refer to them. That is partly because their concept of extended family is so genuine. When children are removed from their mother and father, the effect on the whole extended family and the community is substantial. We must seek to better understand that fact so that we can better work with the Aboriginal communities to overcome their grief.

The opposition trusts and hopes that through this acknowledgment and regret the whole community can work with Aboriginal Australians to improve their quality of life, especially in health, education, justice, employment and housing, areas in which there is still significant disadvantage for Aboriginal communities in Victoria as well as in other states and territories of Australia.

It is insufficient for us merely to apologise or express our regret; we must work with the indigenous community in a positive spirit of reconciliation to seek to overcome that disadvantage and achieve improvements in the lot of its members, and we must allow them to be achieved by that community and its own leaders rather than by imposing a direction of our own.

Both sides of the house need to work constructively together to overcome discrimination and disadvantage and achieve what I believe needs to be true reconciliation as we move forward. As the Premier said, the issue was highlighted by the revelations in the report of the Human Rights and Equal Opportunity

Commission investigation into the effects on Aboriginal and Torres Strait Islander children of being separated from their families and communities. The report contained a number of compelling and distressing life stories. I suggest that those honourable members who have not read the report do so. I also suggest that it should be the basis of reading for many Australians so that they can come to grips with this important issue.

That is not to say people should necessarily make hasty and negative judgments about the people involved in the process. Although we all recognise that policy was wrong and that an injustice was done, we must be careful about making judgments in 2000 about decisions that were made back in 1900 based on the framework that then prevailed. We can say now with the benefit of hindsight that what those people did was wrong. We must acknowledge that and forge a spirit together to overcome that difficulty. However, we would fail in our responsibility if we did not respond positively to the 54 recommendations in the report. As I said, if we merely acknowledge the issue and express our regret for what happened without using the positive recommendations of the report to improve the lot of Aboriginal communities and families in society, we fail in our duty as elected leaders of our communities.

The previous government showed such leadership. I am pleased to see that the current government has taken up and is following some of the issues initiated by the previous government. It allocated specific funding over a period to provide special assistance to individual Aboriginal people, their families and the communities affected by the inappropriate and unjust family separation policies. The previous government also recognised its broader responsibility to undertake major initiatives to improve access to health services, education, justice, economic development, community service and a range of other services important to the Aboriginal community. One of the most significant positive actions of the previous government was to work with the Aboriginal community to develop programs that truly reflected the needs and aspirations of Aboriginal communities, and those communities were involved in the process.

I shall cite two examples of my involvement as the Minister for Youth and Community Services. One example is the juvenile justice program. When the Kennett coalition came to government in 1992 young Aboriginal adolescents were massively over-represented in the Victorian juvenile justice system. The government sought to reduce that. I say with some regret that although numbers were significantly reduced there is still an

over-representation of young Aboriginals in Victoria's justice system. However, significant progress has been made and that is important. Governments have to continue to make significant progress to achieve the long-term objective.

The key to the success of that program was that it worked through communities of local Aboriginal people. They were involved in developing, implementing and conducting programs and working with young people in the communities to ensure that they did not offend or that when the offences occurred they were dealt with in a such a way that rehabilitation was the appropriate outcome.

Those young Aboriginals had an opportunity in life rather than going down the path of a life of crime. I am pleased that there was a significant reduction in the over-representation of juvenile Aboriginals in the justice system in the time the coalition was in government. I trust that the current ministers responsible for community services and Aboriginal affairs will continue to work on reducing that over-representation, which still exists albeit at a considerably lower level.

Similarly, as the former Minister for Community Services I recognised some two or three years ago that young Aboriginal children were grossly under-represented in Victorian kindergarten programs. The participation rate for Koori children was about 40 per cent compared with 93 per cent for the rest of the population. As the minister I was proud to initiate programs to target Aboriginal communities and ensure that young Aboriginal children participated in kindergarten programs and received the same positive start to their educational life as the rest the community. A number of things were done.

Once again the key to the program was that the Aboriginal communities became involved. Rather than the Department of Human Services or me as minister devising programs in isolation to deal with the issue, the Aboriginal communities were asked for advice on how to deal with the issue. They were asked how the government could assist them to help their young people to participate in kindergartens. A multilayered approach was adopted to deal with the issue.

Aboriginal preschool officers were employed to visit communities and identify children who were eligible for kindergarten. They encouraged the families of those children to participate. At the same time the coalition provided training for the kindergarten teachers of Koori children to make sure the teaching was appropriate, welcoming and inclusive for young Aboriginal

children. The other significant achievement was that an enormous amount of culturally appropriate material was produced featuring the stories of community elders. The material was very well done, and I urge honourable members to examine it. The stories were put on tape and reproduced into books and material the kindergartens can use with the Aboriginal children. They have been an enormous success, not just with the Aboriginal communities but with the broader community in Victoria's multicultural society.

It is therefore important that we do more than simply express regret about what happened in the past. We can do more than simply acknowledge the injustice that was done to Aboriginal children and their families and communities. We must take the next step and turn that into positives. We must pick up on the recommendations of the *Bringing Them Home* report and develop a proactive approach to ensure that the people in Aboriginal communities are involved and working with us productively to improve the opportunities for each and every one of those community members.

I am proud to say that in my electorate I have significant Aboriginal communities in Portland, Heywood, Dunkeld, Hamilton and Lake Condah, which was a mission station. There are many significant leaders in the Aboriginal community, including the Lovett, Bell, King, Onus and Day families. Many others have provided significant leadership and direction to the Aboriginal community. I know the Minister for Aboriginal Affairs has seen the programs conducted by the Winda Mara group at Heywood. That community is extremely positive and proactive in assisting the Aboriginal community to provide opportunities for the children that previous generations of Aboriginal children were denied. That is the true spirit of reconciliation.

In conclusion, the opposition is proud to support the motion. By recognising the injustices of the past and by working together as a community we are better able to achieve true reconciliation and build a better future for the Aboriginal people of Victoria and Australia.

Mr HAMILTON (Minister for Aboriginal Affairs) — I am terribly saddened that the house needs to consider the motion. In May 1997 I was present when Sir Ronald Wilson brought the report to the reconciliation convention at the then World Trade Centre. I have never experienced such a moving and powerful condemnation of the wrongs in the treatment of the indigenous people of this country. The then Prime Minister harassed and berated the crowd, and hundreds of members of the audience stood and turned

their backs in silence as a statement that they were not there to be harassed or berated.

Less than four weeks ago I attended the funeral of Banjo Clarke, known to many members of the house. He was one of the last surviving elders of the Gournditch–Mara nation of south-west Victoria. The passing of Banjo was recognised by leaders and people from Aboriginal communities across the country and by many non-Aboriginal members of the community. The message was that although he had suffered and had been a member of the stolen generations, he had given much — and he had no bitterness or regrets. He promoted peace and was a great leader of reconciliation, as was recognised by articles in major Australia newspapers.

Nevertheless only weeks later the house is forced to move the motion, which all parties, including the Independents, support. I was part of the 1997 Parliament when the then Premier moved a motion of apology from the people of Victoria.

The incredible nature of the event that has saddened most of Australia stems from ignorance. How could anyone, especially one claiming to support family values, not understand the hurt of forcibly removing the children of even one family? If one child of any member of the house was forcibly removed there would be outrage. If the population of one primary school was forcibly removed there would be outrage. Yet we pretend to understand the importance of family.

The nation is in turmoil because of puerile arguments about 1 per cent or 10 per cent or 15 per cent. It doesn't matter how many were involved — the fact is the forced removal of children did occur. It has hurt many people, and members in the house associated with indigenous peoples know the extent of the hurt.

To my eternal shame people were dispossessed of land, culture and language. The indigenous peoples of Australia, like the indigenous peoples all over the world, hold not only a sense of ownership or custodianship of the land but a spiritual connection to it. If one understands indigenous culture in Australia one understands that the people are of the land: it is theirs. They come from the land and return to it.

Not only was there a physical disconnection but a spiritual disconnection. Indeed, that is the part that saddens us. The Leader of the Opposition referred to evidence from rates of incarceration and from the deaths in custody royal commission. The evidence can be seen and cannot be ignored. How can people who should regard decency as the prime reason for being not

feel shame — an obligation and a commitment to right past wrongs?

It is not simply a matter of recognising that those past wrongs occurred — of course they occurred — we must have a commitment. What is the point of having power and wealth if we have no decency? This motion is not about doing something because it will create wealth or increase production; it is about doing the decent, right and proper thing.

I am very proud this government has followed on from some of the commendable actions of the previous government. The government is committed to a whole-of-government approach to Aboriginal affairs; it is committed to taking the heat and the divisiveness out of the native title debate in Victoria, and I am pleased to have the support of a number of non-Aboriginal organisations in the direction the government is taking.

I could say that I hope the opposition will follow that lead, but I know the opposition is prepared to work with the government to make reconciliation a fact of life, something all of us can say we were part of because it was the right and decent thing to do. There are no politics in it; it is just a case of following one's heart. That is why this is a sad but important motion.

I am pleased all members of this house are here to support the motion and recognise the significance and the depth of this day in this Parliament. I thank all honourable members.

Honourable Members — Hear, hear!

The SPEAKER — Order! The Leader of the National Party will have the call when the matter is next before the Chair.

Debate interrupted pursuant to sessional orders.

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

DISTINGUISHED VISITOR

The SPEAKER — Order! I recognise and welcome to the gallery Mr Liu Sheng Wen, the Deputy Consul-General from the Consulate of the People's Republic of China.

QUESTIONS WITHOUT NOTICE

Minister for State and Regional Development: information technology

Dr NAPHTHINE (Leader of the Opposition) — I refer the Premier to the government's repeated rhetoric on the importance of multimedia and information and communications technology (ICT). When will the Premier back up the rhetoric with a serious commitment by appointing a dedicated minister for multimedia and ICT?

Mr BRACKS (Premier) — I inform the Leader of the Opposition — I think everyone else knows except the Leader of the Opposition — that the dedicated minister who released the ministerial statement on information and communications technology and who has carriage of it is the Minister for State and Regional Development. I must say he is doing an absolutely outstanding and magnificent job, not only in Melbourne but right around regional Victoria. Whether it has been making a decision involving 500 jobs at AAPT's Smartchat, which the minister had carriage of, or ensuring that regional communities are part of the state as a whole through regional information technology initiatives, the minister has done and will continue to do an outstanding job. He is one of the best ministers the government has.

LPG: prices

Mr HELPER (Ripon) — I refer the Premier to the massive differences in the prices of liquefied petroleum gas, auto gas and bottled gas in country Victoria as compared with those in metropolitan Melbourne. What action has the government taken to pressure the federal government to act on the unfair impost on country Victorians?

Mr BRACKS (Premier) — As all honourable members would realise and acknowledge, the growing differential between liquefied petroleum gas (LPG) prices in metropolitan Melbourne and those in country Victoria is an absolute outrage. It has been going on for too long. LPG is a critical part of the lives of country Victorians and Victorian country businesses. Their reliance on LPG makes the differential unacceptable. An increase in the cost of LPG is an increase in the cost of living of people living in country Victoria. In the past 12 months there has been an alarming increase in the cost of LPG and in the differentials between the prices of both auto gas and bottled gas in the country and the city.

It is totally unacceptable that the price of bottled gas in rural and regional Victoria has jumped by more than 50 per cent. By contrast, prices in the Melbourne metropolitan area have remained significantly lower and reasonably constant. For example, as many honourable members would know, LPG auto gas in Mildura is 50 cents per litre, yet in North Melbourne it is 38.5 cents per litre — an extraordinary difference of more than 20 per cent.

Unfortunately, with the introduction of the goods and services tax (GST) on 1 July this year, the situation is set to worsen and will compound the problems for country and regional Victoria. There is currently no excise on LPG, yet I know from leaks, or deliberate leaks, that the federal government is looking at possibly reducing the excise to bring petrol prices down to below 88 cents per litre, because otherwise the GST will increase the price. That will further worsen the divide in the cost of LPG between Melbourne and country Victoria. With the GST looming and without any federal government offsets or rebates it is essential that both auto gas and bottled gas be scrutinised as a matter of urgency.

Therefore as a matter of urgency I have written to the Australian Consumer and Competition Commission calling on it to immediately analyse the LPG market in Victoria to determine the reasons for the excessive price increases and variations and how they can be addressed in the future. The government is calling on the ACCC to explain why regional and rural residents are expected to pay significantly more for LPG than their city counterparts.

I can also inform the house that if no action is taken on the matter by Professor Fels I will report to the house in the near future. I inform the house and country and regional Victorians that this government will not sit by and watch the federal government impose a GST on top of high LPG prices. If the monitoring and examination does not work the Victorian government will report to the house and take action in the future.

Information technology: advisory group

Mr PERTON (Doncaster) — I refer the Minister for State and Regional Development to the Connecting Victoria statement he made early in November, in which he stated that over the following few weeks he would announce the chair of a new information technology advisory group. Can the minister now advise the house that he has appointed a chair of the task force, or is this another broken promise that has left Victoria in the information superhighway slow lane?

Mr BRUMBY (Minister for State and Regional Development) — I thank the honourable member for Doncaster for his first question. Opposition members continue to run about the state, the shadow minister — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Doncaster has asked his question. He should allow the minister an opportunity to answer. The honourable member for Caulfield should cease interjecting.

Mr BRUMBY — The shadow minister for multimedia parades around the state talking himself up and the state down. At last week's Growing Victoria Together summit — the Leader of the Opposition and the Leader of the National Party were both there — when the reports of the working parties were presented to the summit, Carol Schwartz, who chaired the services working group and who is the head of the Sussan property group which manages Highpoint, said that 'the government's performance in multimedia and IT was magnificent'. The government is not content with that. Also coming from the Growing Victoria Together summit was an endorsement of the Bracks government's — —

Dr Napthine — On a point of order, Mr Speaker, the honourable member for Doncaster's question was specific in that it requested the name of the chair of the task force. The Minister for State and Regional Development is talking around the question without giving a specific answer. All he needs to do is name the chair, or has that person not yet been appointed?

The SPEAKER — Order! The question asked by the honourable member for Doncaster was very broad in that it referred to a statement made in the house by the Minister for State and Regional Development during the spring sessional period. However, I ask the minister to resist the temptation of canvassing IT issues and return to the question.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition should cease his consistent interjections. The Chair will no longer tolerate his behaviour.

Mr BRUMBY — The shadow minister for multimedia referred to Connecting Victoria. It is worth noting the government's level of achievement in cementing Victoria's position as the IT and multimedia capital of Australia since that statement was made. The Premier referred to a new investment in Bendigo by

AAPT. Added to that is the significant investment in Wodonga — —

Mr Maclellan — Who is the chair?

Mr BRUMBY — You hate this, don't you!

Honourable members interjecting.

The SPEAKER — Order! The question has been asked but the minister has had little opportunity to complete his answer because of the voluminous interjections from the opposition benches. Interjections should cease or I will use sessional order 10 to enforce the smooth proceedings of the house.

Mr BRUMBY — Not only have Victorians seen investments in Bendigo by AAPT, but they have also seen the investment by Adecad bringing with it 226 jobs in Wodonga.

Mr Perton — On a point of order, Mr Speaker, the Minister for State and Regional Development is defying your ruling by debating the question. The question is specific and you have directed him to answer. Has the minister appointed the chairman as he promised to do last November or has he not?

The SPEAKER — Order! The honourable member for Doncaster shall not use a point of order to repeat his question. The Minister for State and Regional Development has had little opportunity to answer the question in more than one sentence. The house should come to order and allow the minister to complete his answer.

Mr BRUMBY — The government has also announced a range of other initiatives to strengthen Victoria's position as the IT and multimedia capital of Australia. They include the Go for IT traineeship program — the first of its kind in Australia, with 125 positions — and the VEEMS Early Commerce program in local government, which I announced a few weeks ago. Last Monday I announced jointly with the Minister for Post Compulsory Education, Training and Employment the government's appointment of the ICT skills task force. I am happy to advise the house of the membership — —

Mr Rowe — On a point of order, Mr Speaker, the Minister for State and Regional Development continues to debate the question. He is now making a ministerial statement. If he wishes to make a statement he should do so later.

The SPEAKER — Order! There is no point of order. The Chair will not tolerate frivolous points of

order. Before the point of order was taken the minister was informing the house of a task force.

The Chair has continually advised the house that it is not in a position to direct a minister to answer in a particular way that the questioner or any other member may wish him to answer. It is the responsibility of the Chair to ensure that the answer is relevant and succinct. On this occasion I find that the minister was being relevant and should be given an opportunity by the house to answer the question.

Mr BRUMBY — The minister responsible for higher education and I launched the task force at the Royal Melbourne Institute of Technology on Monday. I am pleased to advise that the members of the information and communications technology (ICT) skills task force are prominent people.

Mr Perton — On a point of order, Mr Speaker, 4½ minutes ago you directed the minister to answer the question. In Connecting Victoria the minister announced that he would appoint two task forces. The one he is referring to is the one he announced last Thursday, not Monday, and I ask you to bring him back to the question. An ICT skills advisory task force was also promised in November, to be appointed that month, but was not appointed. This is the information technology advisory group the minister promised in November. I ask you to direct him to answer that question and not to announce the appointment of a committee he announced last Thursday.

The SPEAKER — Order! As I have said previously, it is not up to the Chair to direct the minister to answer a question in a particular way. The minister was responding to the question asked by the honourable member for Doncaster and was being relevant in referring to an information technology task force.

Mr BRUMBY — The members of the task force are: Mr Brian Donovan, the executive director of the national industry IT & T skills task force; Mrs Di Fleming, the principal of Kilvington Girls' Grammar School; Professor David James, Vice-Chancellor of the University of Ballarat; Ms Katarina Klaric, partner at Stephens, Lawyers and Consultants; Mr Ron Lake, the principal at Bendigo Secondary College; Mr John Maddock, the chief executive of Box Hill TAFE; Mr Lex McArthur, the chief executive officer of EMERGE-CMC; Ms Kylie McKenna, the director of the eLance Group Pty Ltd; Ms Jo Moylan from IBM Global Services; Ms Paddy Nicholls — —

Dr Napthine — On a point of order, Mr Speaker, the particular question asked sought information about

the chair of the information technology advisory group. The task force the minister is referring to is not the information technology advisory group. He is on the wrong lane of the superhighway — he is in the exit lane!

The SPEAKER — Order! There is no point of order. The Chair is losing patience with the points of order that are being raised. I have ruled on a similar point of order on numerous occasions during question time today. Some 12 minutes have elapsed since the minister commenced his answer, and most of that time has been taken up with spurious points of order.

Mr BRUMBY — The persons I have mentioned are very impressive individuals and they are all delighted to be part of the government's task force.

The only thing I can say following the raising of a dozen spurious points of order is that the government has left one position on the task force vacant because it is waiting to see what happens to you!

Honourable members interjecting.

The SPEAKER — Order! I remind the Minister for State and Regional Development that comments must be directed through the Chair, not across the table.

Chisholm Institute of TAFE

Ms DAVIES (Gippsland West) — After its planned rebuild the Wonthaggi campus of Chisholm TAFE will end up with fewer teaching spaces than it had previously in the old, temporary buildings. Will the Minister for Post Compulsory Education, Training and Employment act to ensure that site works are properly funded and that a stage 2 development is planned so that an adequate post-compulsory education facility can be offered in an area that is sorely in need of it?

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I understand that the Wonthaggi campus of Chisholm TAFE was included in the 1999–2000 state program by the previous government with a total allocation of \$1.4 million. When the allocation was made it was proposed that the facility be constructed on a site that was part of an existing school site. Surprise, surprise! That was arranged by the previous government without adequate consultation or discussion with the school division, which was going to be a partner in this!

Although it was sorely needed in the area, planning for the project was delayed while consultation took place. The previous government clearly had not learnt from the messages that it had been given by the community.

The department has now finalised those arrangements and the site for the facility has been determined.

The tenders for the project will be called in mid-April. At the moment the project has been designed to meet the allocation of \$1.4 million previously allocated, but concern has been raised by the honourable member for Gippsland West, among others, that the budget will not be sufficient to ensure that the facility is one of quality and meets the needs that were previously met in Wonthaggi, let alone taking the Wonthaggi community into the future in terms of education and training provisions. I have requested the department to investigate whether additional funds are needed on top of the \$1.4 million for this stage, as well as investigating additional funding for further stages if that is required.

This is a very exciting project. It will benefit the Wonthaggi community as well as the rest of Victoria. We need to ensure that we get it right and drive training and education in that community so that it assists with jobs and also the social development of the Wonthaggi community.

FOI: cabinet documents

Ms ASHER (Brighton) — I refer the Premier to 26 documents compiled by the Department of Premier and Cabinet which scrutinise Labor's Access Economics election costings and I ask: what has the government got to hide by refusing to release the documents under FOI?

Mr BRACKS (Premier) — The government is very proud of the increased access it has given to freedom of information. For example, it has enabled the shadow Treasurer to have access at a lower price — a more accessible price — and to have fewer restrictions on the documents sought. The shadow Treasurer is welcome under the government's new liberal, open rules to apply for these matters, and she will be dealt with in the usual manner.

Public Accounts and Estimates Committee: reports

Mr HOLDING (Springvale) — I refer the Premier to the former coalition government's obsession with secrecy — —

Honourable members interjecting.

The SPEAKER — Order! I remind the house that applause is considered disorderly.

Mr HOLDING — And its widespread use of commercial-in-confidence clauses to keep documents from the public and I ask: will the Premier inform the house of the government's reaction to the Public Accounts and Estimates Committee's special report into commercial in confidence in the public interest?

Mr BRACKS (Premier) — This question illustrates exactly the difference between the two parties. The Public Accounts and Estimates Committee had undertaken two important references over the past two years. I was deputy chairman at that stage, and many honourable members were part of the public accounts and estimates process.

As anyone who has an interest in the two references of commercial in confidence and outsourcing would know, those two reports were suppressed by the last government. Everyone who worked on the Public Accounts and Estimates Committee inquiries would know that because all the evidence was taken, and all the material was collected and assembled into a report which was then given to the chairman, Bill Forwood, who is currently a member of the upper house.

It then went into a black hole because — and every Victorian should understand this — the very same person who was head of the Public Accounts and Estimates Committee was also the parliamentary secretary to the then Premier, Mr Kennett. He had a dual responsibility. He had to do the bidding of the executive and the then Premier, as well as his duty to the committee. But he neglected his duty to the Public Accounts and Estimates Committee to release that report.

Some very good government members are appalled about this matter. I am proud to report that today the new chairman of the Public Accounts and Estimates Committee, the honourable member for Geelong North, was able to release in full the results of the commercial-in-confidence and outsourcing inquiries conducted by the Public Accounts and Estimates Committee.

The commercial-in-confidence report that has been released is not the sanitised version that was prevented from being released by the previous government. This is the full version with 41 recommendations on how the previous government used commercial in confidence to cover up things which should have been revealed. I welcome the report and applaud the 10 members of the committee who unanimously supported the report that has been tabled in the house. The government will respond to it at the earliest possible time and indicate

how it will implement the recommendations of the Public Accounts and Estimates Committee.

There was a prime opportunity before the last election for the previous government to release this material, but it suppressed the report. I am pleased and privileged that we now have a chairman of the Public Accounts and Estimates Committee who is independent and who is responsible to both the Parliament and the executive. We welcome the report and will provide our response to the Parliament in the very near future.

Koo Wee Rup Regional Health Service

Mr DOYLE (Malvern) — Will the Minister for Health confirm that all elective surgery will stop at Koo Wee Rup Regional Health Service from this Friday until July because his department has not provided promised increased funding?

Mr THWAITES (Minister for Health) — I remind the honourable member of his statement last week when he admitted that his government cut too far, too fast. I will specifically relate that remark to the Koo Wee Rup hospital.

The government is committed to a major boost in expenditure for our hospitals. We have already announced an additional \$26 million over and above what the opposition was prepared to offer. Many of the commitments of the Bracks government will commence at the beginning of the next financial year, based on the budget that will be delivered by the Premier and Treasurer next month. That was in Labor's policy statement.

The opposition is complaining about the current budget — the 1999–2000 budget. Whose budget is it? It is your budget! The budget that Koo Wee Rup hospital is facing is the budget that was brought down by the previous government and the — —

Ms Asher interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition will cease interjecting across the table.

Mr THWAITES — The budget under which hospitals are operating in this state at the moment is the budget for 1999–2000, which was brought down by the previous Treasurer and supported by the previous parliamentary secretary. The former parliamentary secretary has been running around saying that the government should somehow abandon the principle of financial responsibility and use the surplus. He is saying, 'Get rid of our budget. We were wrong. Use the

surplus'. He is alleging, I think, that we use the \$1.6 billion surplus. Can I ask for a bit of honesty here?

Honourable members interjecting.

Mr THWAITES — What was the surplus last year? What was the surplus when the honourable member for Malvern was the parliamentary secretary? It was about \$6 billion, but he was not prepared to use that. This parliamentary secretary had billion-dollar surpluses year after year. The opposition should learn that it cannot have it both ways. It cannot impose budgets on hospitals and then complain about them a few months later.

This government is committed to boosting hospitals, and it is doing that. The government has already done it! Hospitals will have to operate within their budgets. The government will not throw away financial responsibility. That is a key — —

Opposition members interjecting.

The SPEAKER — Order! It is a lively question time, but we must get through it.

Mr THWAITES — The government has given a commitment to provide extra money for hospitals, and it is doing that. However, it also has a commitment to financial responsibility. That means the government is putting in an extra \$26 million.

An Honourable Member — Now!

Mr THWAITES — Now, from this week. By the same token that means individual hospitals cannot simply go beyond their budgets and expect the government to fund any deficit they may have.

Schools: class sizes

Ms DUNCAN (Gisborne) — I refer the Minister for Education to the government's commitment to reduce class sizes and to its \$25 million boost to Victorian schools and ask her to advise the house how that boost in funding has reduced class sizes across Victorian primary schools.

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Gisborne for her long-time interest in the state of Victorian schools.

I am happy to announce the first instalment of a four-year plan to implement one of the major pledges given by the Bracks Labor government. You will recall, Mr Speaker, the pledges the government gave when it came to office. I remind the house that the second major pledge was to cut class sizes for grades prep, 1

and 2 to 21 or less through savings of \$40 million in reductions to government waste and advertising. That is what the government pledged.

Mr Perton interjected.

Ms DELAHUNTY — Not bad. It took him 10 tries to get his points awarded, but that was not bad. I concede that.

That was the pledge the government gave to Victoria. I am happy to report to the house that, like the Berlin Wall, class sizes are coming down.

Mr Hulls — Just like the Leader of the Opposition's popularity.

Ms DELAHUNTY — That is right. Thank you, Attorney-General.

Why is reducing class sizes important? If classrooms are uncrowded students learn to learn: they learn literacy and numeracy and their educational outcomes are improved for the rest of their education.

What are the census figures that show that class sizes are coming down? In the first six months of the Bracks Labor government the average prep class size was 21.9 students compared to last year's figure of 23.2 students. In the first six months of the Bracks Labor government the average prep to grade 2 class size was 23.3 students compared to 24.3 students last year. It gets better. The number of primary school classes of more than 30 students has been halved in the first six months of this government.

The government has not just delivered the first instalment of its pledge for those crucial early learning years from prep to grade 2. The census figures show that the average class size across all class levels has been reduced. Class sizes have been reduced in every single class across every single level. It is important to make that point, because the opposition has been running around causing some angst in schools by claiming that the prep to grade 2 initiative would raise class sizes in the higher levels, particularly grades 5 and 6.

I am sure many honourable members on this side of the house will recall the shadow Minister for Education's ambush of Kerrimuir Primary School. He claimed in a press conference that he conducted unannounced and uninvited at the front of the school that the class size initiative would increase and already had increased class sizes in grades 5 and 6. He said, 'This is outrageous discrimination against grade 5 and 6 pupils

in favour of the younger students'. Wrong again. Three strikes and you're out!

The principal exposed that shabby stunt when he said publicly that the reason the class sizes had changed in grades 5 and 6 was the drop in enrolments — nothing to do with the class size initiatives.

The census figures show that class sizes have come down — in the early learning years of prep to grade 2, as we promised they would; and also at all other year levels. The government does not divide the schools or the students into winners and losers. Under this initiative everyone is a winner. The figures prove the case. The average year 3 to year 6 class size in 2000 is 25.6 compared to 26.2 last year. That figure has come down as well, as they all have.

The class size initiative has been one of the best educational initiatives of the last decade and has been embraced by principals, parents and the broader school community. Indeed, not only are the school communities embracing the initiative; others, too, have gone on radio to embrace it publicly as 'a fantastic initiative'. The Premier has said it on radio, and I have heard the Deputy Premier say it many times. The Minister for Finance has said it too. In addition, a description of the initiative from a member of the other side of the house was heard on radio. Who was it? It was the shadow Minister for Education speaking on 3AW at the beginning of the year when he said, 'This is a fantastic initiative'. It is, and it has bipartisan support.

Bayside Trains: industrial dispute

Mr LEIGH (Mordialloc) — Given the decision by Bayside Trains to sack Mr Paul Carr for assaulting a Hillside Trains inspector and the subsequent political pressure placed on Bayside Trains officers by his brother, Labor Senator Kim Carr, will the Minister for Transport advise the house what role he played in attempting to reinstate Mr Carr and will he support the original decision by Bayside Trains to sack Mr Carr?

An opposition member interjected.

Mr BATCHELOR (Minister for Transport) — Don't slash your throat, though. Don't do it!

An industrial dispute is taking place at the moment between Bayside Trains and the union, and the matter is before the Australian Industrial Relations Commission. It was referred there because the industry operates under a federal award. The proceedings were held before Commissioner Holmes last Friday, and several matters were discussed between the parties.

As a result of privatisation, operational procedures and industrial relations are not the responsibility of the government but are matters entirely between a private company and the relevant trade union. The matter has been properly taken before the commission and is being dealt with there. The government would ask the parties to the dispute to resolve the matter properly within the forums set up by the federal legislation and hopes that no disruption to services will result from the dispute. The government wants the dispute resolved quickly and in the appropriate forum, and it wants both parties to get together and resolve the matter within that forum.

Police: review

Ms OVERINGTON (Ballarat West) — I refer the Minister for Police and Emergency Services to the government's commitment to make Victoria a safer place and ask him to inform the house of a special review of the Victoria Police to realise the government's objective of employing 800 additional police officers who can be effectively employed to tackle crime.

Mr HAERMAYER (Minister for Police and Emergency Services) — Last year when the debate about police numbers was raging the present member for Ballarat West took a strong stance on the police presence in her electorate. She has reaped the rewards by replacing her predecessor in this place.

As honourable members are aware, the government came to office on a commitment to provide an additional 800 police officers to make good the loss of the large numbers of police deliberately taken out of the service by the previous government. Over a period of about four years police numbers dropped below 10 200, then below 10 100, 10 000, 9900, 9600, and finally below 9500. I am pleased to inform the house that the government will, during the term of this Parliament, restore the strength of the Victorian police force to around 10 300.

To ensure that that commitment is delivered and that the maximum use is made of the additional resources I have appointed a ministerial review of resourcing, operational independence, human resource planning and associated issues in the Victoria Police. The review will be chaired by Mr John Johnson, AO, APM, QPM, FAIM. Mr Johnson is a very distinguished former police officer, a former deputy commissioner of the Australian Federal Police and a former chief commissioner of the Tasmanian Police.

The review has received enthusiastic support from both the police command, the chief commissioner and the

police association. The appointment of Mr Johnson as its head has been welcomed.

The review will examine training and recruitment. The government wants to ensure that the recruitment of police officers stays ahead of the attrition rate and that training and deployment makes maximum use of the additional resources. It wants to ensure that never again will our great Victorian police force be subjected to the sort of damage and division it was subjected to under the previous government.

The review will examine human resource planning and industrial relations within the force. It was very sad to see the division that affected the Victorian police force last year stirred up by the previous government. The government is now trying to heal the wounds by having the police force again kicking in the one direction. It is intended that the review will achieve that. The government will not only recruit additional police officers but will ensure the retention of police officers rather than having them leave the force in droves as occurred previously.

The review will also ensure that recruitment targets are met. It will ensure that the government will provide better career paths for officers in the police force and that the force makes use of those resources most effectively in the important task of reducing the crime rate. The former government's deliberate inflicting of damage upon the Victorian police will not be allowed to happen again.

Mr Ryan interjected.

Mr HAERMEYER — 'Yeah, yeah, yeah', says the Leader of the National Party.

The SPEAKER — Order! The minister should ignore interjections and conclude his answer.

Mr HAERMEYER — Not once during the four-year period that police officers were removed from the police force and numbers were being run down did the now Leader of the National Party raise with the house or the media any concern about attrition. I can well understand his saying, 'Yeah, yeah, yeah'!

ABORIGINALS AND TORRES STRAIT ISLANDERS: STOLEN GENERATIONS

Debate resumed.

Mr RYAN (Leader of the National Party) — The motion relates to issues which I, like all others in the house, regret to say continue in different respects to

divide the nation, even in recent days. It is for that reason that I am pleased to see that the Premier's motion has apolitical support. That puts the whole issue above politics. It is important that the discussion is far and away above politics. It should be about man's inhumanity to man, not about retribution or similar issues. The discussion should focus on a recognition of dreadful wrongdoing and questions of decency, equity, dignity, social justice and many of the issues which underpin this great nation and which are basic to what the people of Australia hold dear. It is in that context that I join the debate.

I appreciate the extraordinary sensitivity of the issues. When I spoke on the motion the former Premier moved in 1997 I expressed sentiments similar to those I bring to the debate today. Given the extraordinary sensitivity of the subject under discussion, it is pertinent to provide a historical context to the treatment of indigenous Victorians, bearing in mind that we are in the Legislative Assembly of Parliament. When preparing for today's speech I paid regard to the original legislation, the Aboriginal Natives Protection Act, passed in this house in 1869 or 131 years ago.

A number of provisions were included, each with various import. However, it included a provision that enabled regulations to be passed:

... for prescribing the place where any Aboriginal or any tribe of Aborigines shall reside ...

In another instance it provided:

... for the care, custody and education of the children of Aborigines.

It is remarkable in the context of the current debate to reflect upon some of the contributions made 131 years ago in a similar debate in this place. An honourable member by the name of Mr Macbain is reported as saying:

The bill which the Minister of Justice desires to introduce is a very short one, and has received the careful consideration of the Board for the Protection of Aborigines. The board have long felt that they have not the power to protect the interests of Aborigines in such a way as to be of service to them. There have been so many attempts to interfere with the rights of Aborigines, and, the board not having the legal power to prosecute and punish the offending persons, it is absolutely necessary that a bill of this description should be passed into law.

A Mr Duffy said:

I think it is a reproach to this country that we have taken so little care of those who, after all, are the real owners of the country. I shall be glad to see a well-considered measure passed which will, even at this late hour, when so few of the

Aborigines remain, take steps for their comfort and protection.

In the Legislative Council on 31 August 1869 the Honourable J. McCrae said:

In rising to move the second reading of this bill, the object of which is to provide for the protection and management of the Aboriginal natives of Victoria, I am compelled to say that legislation on the subject at this time is only the performance of a very tardy act of justice to a long-neglected portion of the human family. There can be no doubt that we have been inexcusably remiss in our legislation with regard to the Aboriginal natives of this country — those who have been the lords of the soil for ages past, and whose lands we have to a large extent usurped. I cannot but regard it as most censurable that the legislature have not long since taken their case into consideration.

The remarkable feature of those contributions is twofold. The first point to note is that it was a legislative statement of intent on behalf of those honourable members that on the face of it and in their eyes was intended to do enormous good for the people to whom it was to relate.

The second point to note is that some of the specific provisions I quoted empowered persons in authority to undertake courses of action that led to the destruction of families.

It is remarkable to stand here now and talk about an attitude that is a complete contradiction of what makes the nation great today. People were expressing points of view and passing legislation with intent and I accept now that at the time the views were genuine. Looking back at what was intended and what has been achieved, I believe it continues to be remarkable that we could have engaged in a situation which we now look on as being completely contradictory to what makes up the fabric of communities.

Parliamentarians of all persuasions prize families and family structures — one of the strongest regrets of members in this place is the separation from families and homes. Yet legislation was passed through the Parliament — apparently with the best will in the world — specifically designed to achieve the utter destruction of families through separation. The intention of the legislation was to enable the dismembering of families, and the fallout is still being witnessed today.

Like many others here, I have read sections of the *Bringing Them Home* report. For the purpose of speaking in 1997 I read it more broadly than I have in my preparation for speaking here today. I have read the stories of the terrible circumstances that were created as the legislation and other measures like it took

effect. In the context of the way these actions might impact on one's own home, it is beyond belief that they could have occurred.

It is important that parliamentarians come together in an apolitical sense to reflect upon what was done. Whatever might have been the reasons and however well-placed they were, an appalling error was made. It is important to reflect upon, acknowledge and properly express regret for the fact that it happened.

As a government, an opposition and a Parliament we know the issues outlined by the Leader of the Opposition this morning can be actively pursued in a practical demonstration of moving from what was the case to where we are now and where we wish to be. Whatever the effects of events of 131 years ago — in Victoria's case — we can move forward now as a nation in relation to issues which go to the core of the people we are.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — Like other members I, too, am pleased to speak on the motion but saddened by the necessity to have the motion before the house.

Perhaps continuing dialogue on this issue is needed to remind ourselves of the past as well as the path forward so that we can right the wrongs of the past, building a better nation together.

As the Leader of the National Party said, the removal of Aboriginal children from their families was an appalling error disguised in the language of care by those involved. No-one can underestimate the damage and devastation done to Aboriginal families by the forced removal of their children. The *Bringing Them Home* report began to bring some of the devastation to our attention; the report is a beginning, not an end. For the individual, the devastation was immense: losing the connection with family, being brought up in often loving but foreign families who did not assist the individual to feel part of and proud of his or her cultural heritage.

The experience of having a child forcibly taken was clearly devastating and could never be forgotten — the mothers would have taken the pain to the grave and it would have been as real from the moment it happened until death.

The loss of children had the ripple effect talked about by Michael Long on extended families — everyone in the family was devastated. Damage was done to culture because it belittled the culture Aboriginal people had treasured for thousands of years. The removal of

Aboriginal children attempted to stop the culture. It attempted to prevent future generations from taking the Aboriginal culture forward — a travesty. It did not work but caused damage that must be repaired.

The grieving continues among all the communities after the damage was done not just to one generation but to continuing generations — it is stolen generations because the effects are continuing today.

As the Minister for Aboriginal Affairs said, to understand the effects that the policy has had up to the late 1960s on Aboriginal culture and peoples, look at the evidence: over-representation of Aboriginal people in jails, in the juvenile justice system, in drug-taking, in poverty; and under-representation in universities and preschools.

For Senator John Herron to say that only 10 per cent of the Aboriginal population had children removed and therefore it was not a generation was incorrect, mean-spirited and limited in thinking.

The damage done to Aboriginal communities by the ripple effect is tenfold — 100 per cent of Aboriginal communities around Australia have been affected by the short-sighted and paternalistic policy that was in place right through to the late 1960s. Every Aboriginal person has been touched by that Anglo-centric view, which continues to impact dramatically on Aboriginal communities. The ability of Aboriginal people to emulate the skills of their Aboriginal parents and take those skills forward was stopped in its progression. The Aboriginal community must now redevelop that sense of broader family, of parenting skills and how to work with one another. There is a gap in their history which cannot be filled. We need to assist them by providing support to Aboriginal communities so that they can assist themselves — we cannot do it for them, but we must help them to assist themselves.

The removal of Aboriginal children from their families in the past affects all Australians. The belief that it affects only Aboriginal communities is a denial of the place Aboriginal people have within the Australian culture and heritage. It affects us all in developing a sense of pride in Australia, of who we were in the past and where we are going. If we do not come to grips with some of the wrongs of the past we will not be a proud nation able to move forward and value the contribution of all Australians. We will not achieve reconciliation if we do not atone for the wrongs of the past.

I believe saying sorry should be easy, but meaning it requires incredible maturity and commitment. I do not

believe as a nation all Australians are at that point, and that disappoints me. Without meaning that we are sorry, we will never achieve true reconciliation, and will continue to suffer from mean-spirited and ill-conceived views of Aboriginal people. In order to achieve reconciliation we must have respect for one another; we must acknowledge the wrongs of the past; we must respect the values everyone brings to the table; and we must be prepared to say, 'You do it your way and we will support you. Do it your way and we can move forward together'.

We need only look at overseas experience of recent years to understand what happens when the wrongs of the past are not acknowledged and atoned for. Recent conflicts with tensions dating back hundreds and thousands of years are an indication of what happens to nations when they cannot atone for the past, recognise the wrongs of the past and then take the necessary pause and agree to move forward together.

I am very pleased that this motion enjoys bipartisan support but, as many members have said today, a lot more needs to be done. We need to reach true reconciliation; we need to have true respect; and we need to work together to determine how we should address some of the issues of the over-representation of Aboriginals in our prison system and juvenile justice centres. We need to work with the Aboriginal community to determine the education system that will help them to develop their culture and move to where they want to go — not where we want them to go. That requires a level of maturity Victoria is beginning to reach, where we can all work together with the Parliament providing the leadership required in the community to provide space for Aboriginal people to develop their own direction. I repeat: in order to move towards true reconciliation we must atone for the wrongs of the past and say sorry and mean it.

While the events of the past few days at a national level have gained a lot of prominence in the press I hope there is a recognition that the statements probably went too far. I hope everyone is prepared to step back, pause and recognise the past and begin to move towards true reconciliation, which involves true respect and assistance of one another, so that we can build a strong Australia with Aboriginal people being strong members within it.

Dr DEAN (Berwick) — While all matters debated in this house are important, every now and again a member gets an opportunity to speak on a topic that has special meaning for that member and for the Parliament in general. The last time I felt like this about a motion was when I spoke on 17 September 1997 on the

substantive motion moved to apologise to the Aboriginal people, and my position has not changed since then. Seasoned politicians will tell you to be wary when speaking on matters close to your soul lest you bare your soul and pay for it. If that is so, I am definitely on dangerous ground.

For reasons I have never understood, a number of events in my life have intertwined with Aboriginal affairs. It started when I was at school and was asked to run a thing called SAAF — Secondary Aboriginal Affairs Fund. I certainly started to try to gain an understanding of the issues facing indigenous people. When I became a member of Parliament that led to efforts to try to set up a scholarship system for the very best Victorian schools and indigenous students to try to punch a hole through that tertiary education barrier which at the moment still faces indigenous people.

Then, for reasons unconnected with that, my brother, with whom I am close, became a senior manager for the Aboriginal and Torres Strait Islander Commission in the Northern Territory. He has kept me pretty much on the straight and narrow about what is happening and what needs to be done in the area of Aboriginal affairs. Some years ago, out of the blue the Attorney-General asked if I would set up an Aboriginal justice plan for Victoria, which I did. Those events have led me to strive to understand from my position the issues facing the indigenous community. Recently there has been an awful lot of talk about facts. I intend to outline some facts of my own because they are important to the debate.

The first fact is that the indigenous community has suffered greatly since 1788. That has been said glibly on many occasions, and it is important to have an opportunity such as this to attempt to recount quickly and dispassionately what has happened since then. Following the arrival in Australia of the British in 1788 there was immediate resistance by the indigenous community. In 1814 Governor Macquarie set up the Native Institution, a school for Koori children. It closed in 1820 when Koori families withdrew their children because they realised its aim was to distance the children from their families. In 1824 Tasmanian settlers were authorised to shoot Aboriginals, and in Bathurst, New South Wales, martial law was declared after conflict with Aboriginals became serious. In 1830 Tasmanian Aboriginals were forcibly settled on Flinders Island, where conditions were appalling and many died. Later the community was moved to Cape Barren Island.

In 1834 in Western Australia Governor Stirling led 25 mounted police against Aboriginals. The official

records show that 14 were killed, although Aboriginal accounts suggest the entire tribe was wiped out in the attack. In 1837 a British select committee examined the treatment of indigenous people in all British colonies, and Australian colonies were particularly criticised. Recommendations were made that protectors of Aborigines be appointed, as has been mentioned by a previous speaker. In 1838 near Inverell settlers shot and burned 28 Aboriginal people in an attack. In 1860 — I have not even reached 1900 yet — the Victorian Central Board was appointed. In 1869 it was replaced by the Board for the Protection of Aborigines. Under the legislation that established the board the Governor could order the removal of any child to a reformatory or industrial school. The protection board could remove children from station families and house them in dormitories. From 1886 the Victorian board was empowered to apprentice all Koori children when they reached 13.

In 1883 the New South Wales Aborigines Protection Board was established. In 1915 the board was empowered to remove and apprentice Koori children without a court hearing. In 1897 the Chief Protector in Queensland could remove Murri people on to and between reserves and hold children in dormitories. From 1939 until 1971 that power was held by the Director of Native Welfare, who was the legal guardian of all 'Aboriginal' children, as defined, whether or not their parents were living.

The Aborigines Act of 1905 made the Chief Protector the legal guardian of every Aboriginal and 'half-caste' child under 16, regardless of whether such children had parents. The travelling inspector said:

I would not hesitate for one moment to separate any half-caste from its Aboriginal mother, no matter how frantic her momentary grief might be at the time. They soon forget their offspring.

In 1911, under the South Australian Aborigines Act, the Chief Protector was made the legal guardian of every Aboriginal and half-caste child under 21, with control over the place of residence of such children. In the same year under the Northern Territory Aborigines Ordinance the Chief Protector was made the legal guardian of every Aboriginal and half-caste child under 18. Any Aboriginal person could be forced into a mission or settlement and children could be removed at will. Chief Protector Cook said:

Children are removed from the evil influence of the Aboriginal camp with its lack of moral training and its risk of serious organic infectious disease. They are properly fed, clothed and educated as white children, they are subjected to constant medical supervision and in receipt of domestic and vocational training.

In 1928 in the Northern Territory settlers and police admitted to shooting 31 Aboriginals after a white dingo trapper was killed. In 1937 the first commonwealth–state conference on native welfare adopted an assimilation policy. In 1951 the third commonwealth–state conference on native welfare affirmed assimilation as the aim of native welfare measures. It stated:

Assimilation means that, in the course of time, it is expected that all persons of Aboriginal blood or mixed blood in Australia will live like other white Australians do.

From about 1967 onwards Australia started to make the turn. In 1975 the federal Racial Discrimination Act was passed. In 1976 the Victorian Aboriginal Child Care Agency was established. Then in 1988 Australia's representative to the United Nations Human Rights Committee said:

Public policy regarding the care of Aboriginal children, particularly during the post-war period, had been a serious mistake.

The first fact is absolutely undeniable. For a period of around 80 to 100 years Aboriginal children were removed from their parents, ironically through the appointment of protectors of Aboriginals.

The next important fact is that those actions were a consequence of misplaced righteousness. No-one will ever know what were the intentions of the people at the time. One can only hope and trust the actions were taken as a result of ignorance, not malevolence. How often have human beings made the same mistake — that is, one culture has decided it ought to interfere in the belief system of another culture in the belief it was doing so in the interests of that other culture? Never before has a single mistake made through misplaced righteousness caused such misery and pain.

The third fact is that the effect was catastrophic. It is clear that brutality was involved. I will quote from *Bringing Them Home*, the guide to which I referred the last time I spoke on the topic. A person who gave evidence before the inquiry said:

They put us in the police ute and said they were taking us to Broome. They put the mums in there as well. But when we'd gone about 10 miles they stopped, and threw the mothers out of the car. We jumped on our mothers' backs, crying, trying not to be left behind. But the policeman pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us. We were screaming in the back of that car.

There is no doubt that brutality was involved in the process.

The next fact is that there is no doubt about the effect the process had on those people who were part of it. I refer to a submission made by Link Up and recorded in *Bringing Them Home*. It states:

We may go home, but we cannot relive our childhoods. We may reunite with our mothers, fathers, sisters, brothers, aunts, uncles, communities, but we cannot relive the 20, 30, 40 years that we spent without their love and care, and they cannot undo the grief and mourning they felt when we were separated from them. We can go home to ourselves as Aboriginals, but this does not erase the attacks inflicted on our hearts, minds, bodies and souls, by caretakers who thought their mission was to eliminate us as Aboriginals.

The next fact is undeniable — that is, the problems arising from the stolen generation are part of a much wider issue. That the indigenous community is not seen as the first community among equals in the country and is not seen as truly central to Australia's existence, pride and very identity is an extraordinary situation. Instead the facts are as follows.

Aboriginals are grossly over-represented in unemployment, financially worse off than any other Australian groups or communities, grossly over-represented in the criminal justice system, over-represented in infant welfare, have greater health problems than other Australians and are under-represented in the higher education system.

The question is why? If you look around the world you can find the answer. Examples exist worldwide of indigenous cultures being consumed by radically different cultures, all with the same outcome. That results in a loss of culture, identity, pride and confidence, which will be passed on from one generation to the next forever unless the cycle is broken.

Add to that the force of Western culture that no other culture could ever resist and never will. The capitalist culture of the West with its wonderful assets and ability to create wealth is irresistible to other cultures. The only countries to resist that force were communist countries that locked out the Western culture and invented entire philosophies to prevent its entry.

From the moment the Western dynamic culture arrived on the shores of Australia — as has happened in many other situations — the results were predictable. Why is it so difficult to break out? The answer comes down to a simple philosophy: there are those with power and those without. Some exceptional people do break out from that scenario. However, the general rule in every situation is always that those with the means and the power must also carry the responsibility to use that position, means or power to help break the cycle. The

indigenous community does not want patronising schemes; it needs and must have empowerment. The situation is urgent.

I now leave facts and enter that dangerous personal territory I referred to earlier. In my view Australia's inability as a nation over 200 years to achieve a harmonious, constructive, productive and strong relationship with the Australian indigenous people is the greatest single failure of an otherwise young, confident and successful nation. Our fabulous nation is tarnished and held back. In earlier unsophisticated times when people's understanding of culture was low and uneducated tribal and racial prejudices were still high, Australia was incapable of reaching such an accommodation. However, no such excuse exists today.

Undeniably, damage has been done. Australians have the opportunity to both recognise the damage and overcome it. Along the way people may well recognise that the strengths of the indigenous culture such as central spirituality, an affinity with the land and environment, very strong family and wider family and community bonds and an emphasis on sharing instead of individual wealth accumulation are the very weaknesses of the Western culture with which they are so familiar.

When will it be recognised that the indigenous culture perfectly complements the western culture, which is the base of the wealth and success of Australia? As if indigenous people have not suffered enough, I am saddened that at a time when Australians can pause and discuss those matters, people still use indigenous people for political purposes. It is unbelievable that when the fire is burning people will throw on more fuel in an effort to raise a political point or increase the political heat on an issue which so desperately cries out for a solution and cooperation.

For 150 years the indigenous community has been incredibly tolerant of its plight. It is understandable if their frustrations are now beginning to show. People from both indigenous and Western cultures know that the eventual solution and reconciliation can happen only with a handshake across the table and an effort by both parties to put their past difficulties aside.

The opportunity to do that is there and must be demonstrated worldwide. I believe that in this incredibly creative country where people can apply themselves to almost any problem the capacity exists to solve this most important and central problem.

Mr HULLS (Attorney-General) — On one view it is a pleasure to speak on the motion but it is sad that

such a motion must be moved in the current political environment. In my view, Senator John Herron made certain statements on the stolen generation that confirm that the Aboriginal affairs portfolio should be stolen from him. I do not believe his statements about this important and sensitive issue make him fit to be Minister for Aboriginal and Torres Strait Islander Affairs. Australia is desperately crying out for national leadership. However, on this issue, rather than leadership there is a void.

While the world looks on the Australian Prime Minister and the federal minister responsible for Aboriginal affairs are attempting to rewrite history. Why is the Prime Minister attempting to take Australia out of the United Nations and put it under the spotlight in the world arena?

I am sure many honourable members would agree it is time for all honest and decent men and women, particularly in the federal coalition, to stand up and say to the Prime Minister, 'Enough is enough!'. It is time for them to speak out against the comments that have been made in relation to the stolen generation and to assist the reconciliation process by also speaking out against mandatory sentencing.

It is time for all Australians to say that reconciliation is not impossible and can be achieved easily if the federal government will open up its heart and show leadership and a willingness to cooperate. As the previous speaker said, the Aboriginal community has an open heart and is ready, but the federal government must lead on the issue.

People are asking whether the federal coalition is blind because its members do not seem to be able to see that the Prime Minister and the federal minister responsible for Aboriginal affairs seem to be dragging Australia back to the pre-1967 referendum days, back to the 1950s before terra nullius was refuted and before the indigenous community had rights.

The Prime Minister seems to want to quantify the stolen generation. He wants to put numbers on it, and that cannot be done. Anyone who has read the report of the Human Rights and Equal Opportunity Commission entitled *Bringing Them Home* would know that semantics cannot be used to wriggle out of acknowledging the true extent of the stealing of children that took place and the hardship experienced by their families. The report, which has been referred to by a number of previous speakers, notes that the number of children forcibly removed during the period of what was known as the assimilation policies was between one-tenth and one-third of all children. There

is no evidence to support the federal government's claim that no more than 10 per cent were removed. However, on 3 April the co-author of the report, the respected indigenous spokesperson Mick Dodson, is reported to have said:

Not everyone in the generation that went through the war actually went to the war, but every Australian was affected by that.

That sums up the folly of the Prime Minister and Senator John Herron.

Geoff Clark, the chairperson of the Aboriginal and Torres Strait Islander Commission, is quoted in the *Herald Sun* of 3 April as saying:

A crime is a crime. It is not a matter of degree... They are opening up a wound and not healing it.

Even the conservative Western Australian Premier, Richard Court, seems to have shown real backbone on this issue. He is reported in the *Herald Sun* of 3 April as having said:

It is not a debate about how many numbers. There is no dispute that there were practices in the past where families were split, people were taken away.

Even John Olsen, the South Australian Premier, is reported in yesterday's *Age* as having said:

Obviously there had been a lost generation.

If people such as Court and Olsen are able to admit there was a lost generation why is it so hard for the Prime Minister and Senator John Herron to acknowledge the past? This is not a time for numerical estimates. It is a time for compassion and leadership. Unfortunately both elements are missing from the federal government's approach on the issue.

How does one quantify the impact of having a child stolen from a family, especially a mother? How does one measure a mother's tears and grief? How does one quantify the impact of a child being stolen from a family on the extended family, the community and the following generations?

I quote again from *Bringing Them Home*:

I've got everything that could be reasonably expected: a good home environment, education, stuff like that, but that's all material stuff. It's all the non-material stuff that I don't have — the lineage. It's like you're the first human being at times. You know, you've just come out of nowhere; there you are. In terms of having a direction in life, how do you know where you're going if you don't know where you've come from?

That was not a quote from out west or even up north; that was a quote from a Victorian Koori who gave evidence before the inquiry.

There is a more poignant quotation in *Bringing Them Home*, which illustrates some of the reasons for the over-representation of Aboriginal people in the criminal justice system. It states:

It did lead to a career in crime in which to me, well, it wasn't the crime that turned me on, even though I was successful at it. It was getting back at society. It was kicking 'em, y'know? It wasn't the crime. Now, I served something like five years in the prisons, not because I wanted to be a criminal, but because I didn't know where I was, I didn't know who I belonged to.

That sums up some of the hurt and harm that occurred as a result of members of families being stolen from those families. As honourable members have heard time and again, on 17 September 1997 this house apologised to the Aboriginal people on behalf of all Victorians for the past policies under which Aboriginal children were removed from their families, and expressed deep regret at the hurt and distress that had caused.

This Parliament reaffirmed its support for reconciliation between all Australians. Again I have to ask the question: why is it that the Prime Minister and the federal Minister for Aboriginal Affairs seem so mean-spirited about this matter? I am sure they are not deliberately setting out to destroy the reconciliation process. I just hope they look deep down into their hearts and realise the harm they are doing by making their recent comments.

Regardless of the actions and words of the Prime Minister, the Bracks government is deeply committed to the Aboriginal community and the reconciliation process. I condemn the Prime Minister and the many members of his backbench who have refused to be outspoken on this issue of national importance.

As I said last night about mandatory sentencing, it is not a states rights issue — it is an important human rights issue. I urge the house to send an unequivocal message to the Prime Minister that he and his government must stop their unrelenting attack on the indigenous community, for whatever reason it is taking place. He must show some leadership.

It is important for all members of the house to take the time to consider the *Bringing Them Home* report and some of the conclusions made in it. Page 4 of the report states:

Indigenous children have been forcibly removed from their families and communities since the very first days of the European occupation of Australia.

In that time not one indigenous family has escaped the effects. Most families have been affected in one or more generations by the removal of one or more children. Nationally the inquiry concludes that between 1 in 3 and 1 in 10 indigenous children were forcibly removed from their families and communities between 1910 and 1970.

One section of the report headed 'A gross violation of human rights' states:

The inquiry concluded that the forcible removal of indigenous children was a gross violation of their human rights. It was racially discriminatory and continued after Australia, as a member of the United Nations from 1945, committed itself to abolish racial discrimination.

The inquiry found that by the early 1950s the international prohibition of racial discrimination of the kind to which indigenous families and children were subjected was well recognised, even in Australia.

The conclusion of the report states:

The inquiry has been of fundamental importance in validating the stories of generations of indigenous people who, until now, have carried the burden of one of Australia's greatest tragedies.

The inquiry understands many children from other cultures have been forcibly removed from their families. We recognise their pain; we urge Australia to undertake the process of healing these broken relationships, where it is possible to do so.

Indigenous families and communities have endured gross violations of their human rights. These violations continue to affect indigenous people's daily lives. They were an act of genocide, aimed at wiping out indigenous families, communities and cultures, vital to the precious and inalienable heritage of Australia.

The inquiry's recommendations are directed to healing and reconciliation for the benefit of all Australians.

A commitment to the implementation of both the spirit and letter of these recommendations is essential to the future unity, justice and peace of the nation.

The process of telling and listening has only begun. The process will not be easy; it will not go away.

That is the note on which I conclude: the process is not easy, but it must continue. If we are to live in an harmonious democratic society the process of reconciliation must continue and we as a community must not allow any member of that community to try to derail the reconciliation process. That is why I have made those comments about the Prime Minister.

Despite the fact that people want to leave politics out of this issue, you have to stand up for what you believe in. If people are trying to derail the reconciliation process

by making outlandish and outrageous statements about the stolen generations and by playing with semantics and quantifying numbers, they are not doing the reconciliation process justice.

I say to Mr Howard, 'Show some guts, show some leadership, and retract the comments you and Senator Herron have made about the stolen generations'. Only then can we get on with the reconciliation process.

Mrs ELLIOTT (Mooroolbark) — I too am pleased to join the debate and support the motion. In 1996 the Koori Heritage Trust and the Public Record Office of Victoria held an exhibition at the old Museum of Victoria called 'My heart is breaking'. It was a collection of films, photographs, maps, letters and historical documents held by the Public Record Office that related to the history of the Aboriginal people of Victoria.

The title 'My heart is breaking' came from a letter written by a mother to the Protector of Aborigines at the time, asking for news of her child. Many members of Melbourne's Koori community were at the opening of the exhibition, and it was plain to an onlooker how deeply felt were their emotions, particularly as they looked at the photographs, in many cases of their ancestors, and relived memories of those distressing times.

In May 1997 the *Bringing Them Home* report, to which all other speakers have referred, about the separation of Aboriginal and Torres Strait Islander children from their families was released. Among all the facts and figures, that too told the stories of people — mothers and fathers separated from children, aunts and uncles separated from nephews and nieces, and grandparents separated from their grandchildren — in a way that those of us who are onlookers can relate to only so far as we share a common humanity with them.

On 17 September 1997 both chambers of the Victorian Parliament apologised without reservation, across political lines, and on behalf of all Victorians to those indigenous Australians and particularly Victorians who had suffered through those times.

Yet here we are, because of perceptions in other places, discussing it all again. We have not yet achieved reconciliation. I have said that those of us who are not indigenous can, to a certain degree, empathise but we cannot really know what it is like. However, we have a duty to inform ourselves as deeply and widely as possible about those people who suffered. They lost a sense of place, a sense of family, a sense of identity and culture. They lost their connections to that culture. In

many cases they were unable to look at another face and say, 'That face reflects mine'.

We should acknowledge all of that, because we share a common humanity. In many ways we have appropriated indigenous culture: the boomerang, the didgeridoo and dot paintings have all taken their place in our national artistic consciousness and are used more widely outside the indigenous community than within it.

We should acknowledge it because Aboriginals helped to develop this land: the trackers who found lost children; the stockmen who herded the cattle; the drovers' boys who were in fact girls and in many cases were the much-loved partners of white stockmen and drovers; the artists, such as Ginger Riley and Emily Kngwarreye, who have bequeathed to us a very rich legacy of art; the sportsmen, such as Nicky Winmar — who can forget him pulling up his football jumper, pointing to his chest and saying, 'I am an Aborigine' — Michael Long, Cathy Freeman, Karl Vander Kuyp and Nova Peris-Kneebone, who have all brought great lustre to this nation and to Victoria because of their ability in sport; and the Aboriginal servicemen who, when the call came, took up arms against a common enemy and fought in both world wars for a country that had often done them wrong.

Most of all we should fight for reconciliation because many Aboriginal children — I agree the numbers are unimportant — were taken from their families as part of a deliberate government policy of assimilation. In many cases it happened with the cooperation of and in partnership with the mainstream churches and welfare agencies. Those policies have to be judged in the context of their time, but that does not mean they are any less tragic. Aboriginal people are not alone in their suffering; the 20th century shows a history of suffering of many peoples. Nevertheless, the suffering of indigenous people is of a magnitude that cannot be ignored by us today because it left a terrible legacy for so many of them. It is a legacy of alcoholism, petrol sniffing, domestic violence, high rates of incarceration, unemployment, drug use, suicide and deaths in custody. Not all of them have been affected by that legacy, but many of them have.

Unless we achieve reconciliation the many targeted and sensitive policies that arose out of *Bringing Them Home*, particularly in Victoria but also at the federal level, will not succeed to the extent that they should. We have to break through that barrier and enable indigenous Australians to stand beside other Australians — equal in health, education, status, housing and employment.

Senator Neville Bonner was the first Aboriginal member of an Australian Parliament. Senator Aden Ridgeway is now making his mark, and should be a beacon for his people. Indigenous people must have hope when they see they have a representative in Parliament, although there should be many more of them.

I pay tribute to and acknowledge Jim Berg of the Koori Heritage Trust. While I was Parliamentary Secretary for the Arts, without his being aware of it he showed me in himself the forbearance, courage, natural courtesy and dignity of his race. I thank him for that.

Motion agreed to.

CHINESE MEDICINE REGISTRATION BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to make provision for the registration of and investigations into the professional conduct and fitness to practise of registered practitioners of Chinese medicine and dispensers of Chinese herbs, to regulate Chinese medicine and herbal dispensing services, to regulate the advertising of Chinese medicine and herbal dispensing services, to establish a Chinese Medicine Registration Board of Victoria and a Chinese Medicine Registration Board Fund and for other purposes.

Read first time.

ELECTRONIC TRANSACTIONS (VICTORIA) BILL

Introduction and first reading

Mr BRUMBY (Minister for Finance) introduced a bill to facilitate electronic transactions and for other purposes.

Read first time.

EQUAL OPPORTUNITY (BREASTFEEDING) BILL

Introduction and first reading

Ms CAMPBELL (Minister for Community Services) introduced a bill to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of breastfeeding and for other purposes.

Read first time.

ROAD SAFETY (AMENDMENT) BILL

Government amendments circulated by Mr BATCHELOR (Minister for Transport) pursuant to sessional orders.

Second reading

Debate resumed from 16 March; motion of Mr BATCHELOR (Minister for Transport).

The ACTING SPEAKER (Mr Plowman) — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr LEIGH (Mordialloc) — The minister said in his second-reading speech that the bill is part of a package of legislative and policy initiatives that the Bracks government was taking as part of its Road Safety 2000 campaign to achieve a significant reduction in the road toll over the next five years.

Since the Bracks government came to power almost all of its proposed legislation other than the proposed freedom of information legislation has consisted of bills drawn up by the former Kennett government, some of which have been altered to conform to the present government's wishes. This bill is another example. The government has had little to do with it other than to make whatever changes it may have wanted.

The bill originates from the recommendations of the Road Safety Committee, which was reinstated by the former Premier in 1992. When the Labor Party was previously in power the last thing it wanted was the parliamentary Road Safety Committee. For all the years during which Victoria led the world on road safety, including its introduction of the compulsory wearing of seatbelts and a range of other actions that have brought the state's road toll down to the second lowest in Australia after the Australian Capital Territory, Labor governments were not in power. They had nothing to do with it. All the improvements have been a consequence of comprehensive Liberal policy and good roads developed over many years, with most of them being built prior to the advent of the Bracks government or the Cain and Kirner governments.

The present Minister for Transport was a senior adviser or backbencher during the period when the Labor Party did not want the Road Safety Committee. However, upon gaining office the Bracks government grabbed whatever it could to make it look as if it were making significant achievements in road safety.

I repeat that Victoria has the second lowest road toll in the country after the Australian Capital Territory. Nevertheless, I agree that as Victorians we have to do more to reduce the road toll even further. To do so we should use everything at our disposal including good policing, modern cars designed as capsules to make survival more likely, drink-driving laws, seatbelt laws, air bags and a whole range of such things.

At a transport meeting the Minister for Transport said that over the life of the government it would reduce the road toll by 20 per cent. He is not talking about 20 per cent any more, but simply saying the government will reduce the road toll 'significantly'.

The tributes for the legislation before us, and for its basic concept, should go to the Road Safety Committee, which was chaired by the honourable member for Forest Hill. In his preface to the 1996 committee report the honourable member said:

Drug abuse remains a scourge. It affects every level of our society and no-one is immune from the threat of being killed or injured in a crash involving a drug-impaired driver. When drugs are taken and the person drives the likelihood of becoming a road toll statistic increases dramatically.

Victoria's relative success in reducing the involvement of alcohol in road crashes has now highlighted the involvement of drugs in crashes. The committee was disturbed by the results of coronial inquiries which reveal that drugs are present in about one-quarter of Victorian driver fatalities, a level comparable to that of alcohol. The extent to which drug presence contributed to such crashes is not clear and similar studies are needed of injured drivers.

He went on to state:

The committee has developed a range of counter-measures encompassing prevention, detection, action and research. Fundamental to the recommendations is the notion of driver impairment. There is no current scientific agreement on 'safe' and 'unsafe' levels of drugs when people drive.

That was in 1996. Dr Penington told Parliament in his speeches on drugs that measuring devices similar to breathalysers for alcohol were close to being developed to measure drugs in drivers. Those devices, however, appear to be as far away today as they were in 1996 when the committee produced its report.

The bill is not legislation that comes from this government. The concept and principle come from the former coalition government.

Whether the legislation does what it is supposed to do will be the responsibility of this government, as it should be. No-one could say what would have influenced the legislation had the former coalition still been in government. I am sure jottings in the margins of the executive summaries of the committee's

recommendations would have resulted in differences in the legislation. I will touch on the executive summary of the report because it highlights the background to the issue. It states:

The presence of potentially impairing drugs in dead and injured drivers is unacceptably high. Available research has shown ...

The report details once again that the victims in a quarter of all fatalities had drugs in their bodies. Remember that was in 1996. The report continues:

The cost of the road toll attributed to road crashes where drugs alone or when mixed with alcohol were present was \$143 million in 1993, or one-eighth of the state's road toll according to Vicroads. In 1993 the average cost in Australia of a road fatality was \$752 400, a hospital injury was \$113 100, a medical injury \$11 900 and a property damage \$5000, according to the Bureau of Transport and Communications Economics.

Those figures cannot show the pain and suffering to individuals, families and friends. Indeed, much more can be said about that. It is a tribute to the members of the committee that two reports have been produced since 1996 — a preliminary report and a final report. The committee comprised both Liberal and Labor members of Parliament working together to establish a better framework to help Victorian motorists.

It is true and it ought to be said that motorists have every right to expect that drivers who have drunk in excess of the amounts prescribed under law or have misused drugs should be removed from the roads so that those who want to drive safely are not placed at risk.

An increasing problem is that many young people in particular use drugs such as marijuana as a way around getting caught by the .05 law. I asked year 12 students from a school in my electorate what they and their mates did about drink-driving. They openly admitted that because of the restrictions on alcohol and the fact that the police could catch them with breathalysers they were using drugs because they could not be tested. As the report shows, there is still no easy way to deal with the problem. There are no breathalyser units for drugs. Obviously that is why the committee decided that impairment was an important aspect.

The bill enables the minister to publish an order in the *Government Gazette* declaring any substance to be a drug. The director of the Victorian Institute of Forensic Medicine can provide for approved persons to take blood samples. The police or the Road Safety Committee can make a recommendation, and the minister has the power to publish the outcome in the

Government Gazette, provided it is the right arrangement.

The bill introduces a new offence of driving while impaired by a drug as well as related offences. It enables blood samples to be taken. It ensures that when a police officer suspects a problem he or she is able to pull up a vehicle and require the driver to remain in custody for 3 hours.

A difficulty the committee had at the time — I presume the government has the same problem today — is that as with any responsible society an element of trust is involved. I understand that when a police officer pulls over a driver because he or she seems to be driving erratically, the officer can have the driver get out of the car and perform some basic functions. If the officer decides there is a problem, the driver can be taken back to the station to be videotaped. The police may decide to go to the next step and take blood samples. Police then have the right to decide whether to proceed to a court case. That gives the police more flexibility than they have under the .05 legislation. Under that legislation, that is it; you are gone. You have effectively lost your licence.

However, in the case of drugs the only way around the problem is to provide the police with parameters within which to operate. For example, in a case involving prescribed drugs the police may wish to choose whether to prosecute. I ask the minister to make it clear to the house that the videotape of proceedings can be used only if the person picked up for a drug-related offence is given a copy of the video and it must be used as part of any procedure. From that perspective an element of trust resides with the police force. In this instance, as with many other examples, the police have the opportunity to decide whether they wish to proceed.

It is essential that prescribed drugs are clearly labelled. Labels on prescribed medicine are often difficult to read. It is important that the type of drug is clearly identified. It is therefore important that the legislation provides for the improved labelling of drugs purchased through chemists. People must be sure that their drugs are part of the prescription. Doctors must advise their patients whether the drugs will impair their behaviour for any period. It must also be remembered that people using prescription drugs develop tolerances. Some weeks down the track their medication may be changed and their tolerance may change substantially and affect their behaviour or functions.

Clearly, the labelling of medication will always be an important issue. Those taking medication that they know will affect their driving have a responsibility to

ensure that they do not drive. They should also be aware that if they do drive, they face the risk of prosecution. Other drivers have a right to expect that other motorists accept their responsibility to drive vehicles properly. Most people feel that driving motor cars is a right. However, a motor car can become a half-tonne weapon that can kill somebody who has nothing to do with the driver.

The honourable member for Forest Hill talked about the need for a better advertising campaign advising people of the effects of drugs. At 18 or 19 years of age most people — possibly more often men than women — feel they are immortal. Most young people have no concept of death — they think, ‘It can’t happen to me’. Despite the knowledge and the warnings that heroin is a drug of addiction and can kill, and that if it is mixed it will kill — a number of deaths dealt with by ambulances are not caused by heroin but by a mixture of drugs such as heroin, alcohol, cocaine, or higher level drugs more freely available today — people still use drugs. They are not down-and-outs or people with no hope; sometimes for reasons of experimentation, out of boredom or for other reasons they decide to try a drug.

With young people horrific advertising, as in some of the Transport Accident Commission ads, does not work because they do not relate to the ads. Whatever type of advertising the government does, it should be non-political and of a type that people using substances will understand and relate to. Often younger drivers are either not watching the television when the Transport Accident Commission ads are on or they do not relate to them. The design of advertising campaigns is an important factor.

The bill allows a police officer to take the appropriate steps leading to the removal of a driving licence. It inserts a lesser offence of driving while impaired by a drug and provides for licence cancellation and disqualification from driving for persons found guilty of the new offence. It allows police to require a driver to undergo an assessment for drug impairment — as I was suggesting — followed by videorecording. If after an assessment the police are of the opinion that the person may be impaired by a drug, he or she may be required to supply a sample of blood or urine. Importantly, the bill provides for the destruction of video recordings and any related material or information no longer required for prosecution purposes.

Some members may remember the case of a reasonably well-known Melbourne singer being picked up on an offence and the police videotaped — —

Mr Batchelor — You’ve got her videotape, have you?

Mr LEIGH — I haven’t got her videotape. I have never personally seen it. I take offence at the remark of the Minister for Transport because — —

The DEPUTY SPEAKER — Order! I did not hear what the Minister for Transport said, but the honourable member should not respond to interjections.

Mr Batchelor interjected.

Mr LEIGH — For someone who claims to be a civil libertarian I am surprised that he could treat the actions of the police so trivially.

Mr Hulls interjected.

The DEPUTY SPEAKER — Order! The shadow minister should return to the bill and ignore inappropriate interjections.

Mr LEIGH — For example, if someone well known is caught on a drug impairment charge — say Senator Stephen Conroy — and if the next day the faction gets beaten and a copy of the police videotape is distributed among government members, I can imagine the minister thinking, ‘I could really stitch him up with this’. The police have an onerous task in ensuring the evidence is kept in a safe place and destroyed if the charges do not proceed.

The minister must stand up today and accept the responsibility of ensuring the police do that. From the point of view of civil rights, the government must ensure the proper procedures are in place. Perhaps there should be a central register of the material, which a senior command person has to be in charge of.

Recently someone from the drug squad was discovered tipping off criminals and doing dreadful things. Without being offensive to the police force — as I said, there are always rotten apples in any barrel — I believe there must be defined procedures. In the case of the gentleman involved in drugs, tipping off his cohorts and stealing drugs from police compounds, clearly there was no security.

Mr Batchelor — On a point of order, Madam Deputy Speaker, this is a delicate matter. I do not wish to interrupt the shadow minister’s contribution and I am not familiar with all the details of the case he is referring to, but I understand it is a current case and the honourable member may have transgressed sub judice privileges of the house. I seek your assistance in cautioning him to ensure he does not interfere with the

rights of people who may be charged and those who are currently before the courts.

The DEPUTY SPEAKER — Order! I thank the Minister for Transport. The advice I am given is that we are not sure whether the case has been listed yet. I advise the honourable member for Mordialloc to be cautious.

Mr LEIGH — The point I am making is that the police need to ensure they have as foolproof a system as possible so that video evidence involving a well-known person who is caught and found guilty on a drug-related offence cannot be sold to a current affairs program. A video of a well-known superstar or political person could potentially be worth tens of thousands of dollars. The procedural arrangements police command put in place are very important. The opposition wants some assurances that the Minister for Transport, through the Minister for Police and Emergency Services, will put in place procedures to protect as best we can — and I mean as best we can — the rights of people who are not guilty of anything and who have simply been captured on a video that may lead to their being charged.

From what I have seen of the government's perspective on this I am not convinced that enough thought has been given to this matter. When a lot of money is involved someone will always be prepared to do something corrupt. During the course of the Minister for Transport's closing remarks, I seek assurances from him that he will take this up with the Minister for Police and Emergency Services and ensure that this house is informed of at least some of the details — I do not think we need to know all of the details. The Parliament needs a commitment from the government that people's rights will be protected.

Police need to have a great deal of discretion. My colleague the honourable member for Malvern, the shadow Minister for Health, made the point that a person who is impaired after having taken a drug on the advice of a doctor may be driving a motor car without realising he or she is impaired. If the drug is picked up through this procedure, that person could potentially be charged without having done anything wrong. Although the person had simply been following a doctor's prescription, if the police decided to take a particularly hard view, he or she could be in serious trouble. Modern technology can detect whether a person has taken drugs, and that evidence can be used in court if the actions of that drug-impaired person cause another person to be killed.

We must ensure that innocent people who have done nothing wrong are protected. We do not want the situation arising, which often happens with Workcover, where doctors simply sign statements saying, 'This person has been sick for five weeks and should be on Workcover'. There are people in the medical profession — not many, I agree — who have behaved with less than honour to their profession on occasions when dealing with Workcover. It is well known in certain areas of Melbourne which doctor you should see if you want a Workcover solution.

Mr Thwaites interjected.

Mr LEIGH — The Minister for Health asks me, by interjection, to name them. Some people in the medical profession may misuse Workcover and we need to ensure that procedures are put in place to protect people.

Mr Thwaites interjected.

Mr LEIGH — If anybody knows about cover-ups, you would, son! You were the best cover-up agent of all time!

The DEPUTY SPEAKER — Order! The honourable member for Mordialloc knows better than to respond to interjections. He should address the Chair.

Mr LEIGH — Well, if he wants to interject, that's his form.

The government is responsible for this legislation. It must ensure that the medical profession advises patients about the possible effects of prescribed drugs. Clearly, that involves everything from labelling to telling the patient what the drug is, how it will affect the patient and so on. Often, when you are sick and you go to a doctor the doctor gives you a prescription and says, 'This will fix it', and off you go. In the past even the best doctors may not have said, 'You should be aware that this particular drug could cause you to have a significant problem if you are driving a motor car'. Perhaps as part of the process the medical profession should be alerted so that when they are dealing with certain types of prescriptions they should clearly identify to the patients what the concerns may be and that they should be careful when driving their cars.

It also means a difficult job for police. I can imagine many cases being on the margin of whether the police will prosecute a person caught in such a situation.

I am not saying those are reasons not to introduce the legislation, because it needs to be introduced. Similar legislation in New South Wales has resulted in about

900 people a year being caught. The bill marks the beginning of a process of catching that type of offender. It is a means to an end. As the technology advances perhaps drugs will be able to be detected more easily, and perhaps at some future point faster procedures will evolve, as has occurred with drink-driving.

The bill will allow police to have blood samples taken by approved health professionals, whereas currently only registered medical practitioners are authorised to do so. A greater level of bureaucracy will be required to deal with people who are dishonest. Police must be responsible for ensuring, as they always do, that when they take evidence the rights of the person involved are preserved and that such evidence is not misused or lost, and so on. The bill also provides that when a sample of breath cannot be taken a person may be required to accompany police to a place where a blood test can be made. The bill is clearly the beginning of a process of change that will enable action to be taken against people who drive motor vehicles when they are unfit to do so.

Society takes the view that a person has a right to get behind the wheel and drive a motor car when in reality it is the law that allows a person to drive. Driving is a privilege and ought to be regarded as such. I drive a lot and my attitude is to treat every other motorist with great caution. Often motorists or passengers are killed because other drivers have done the wrong thing. It is therefore commendable to remove as many unsafe drivers as possible from the system, particularly those who drive after taking drugs.

The community will increasingly be faced with a quandary because of the legislation. It is not a matter of the opposition's saying the government should do this or should not do that, but where do governments go from here? I raise the following points, although I do not suggest anything to which I will refer currently takes place. Illicit drugs are able to be detected. By law a person is required to get a licence to drive a motor vehicle. Information held on a person who drives a motor vehicle when in possession of or after having taken an illicit drug is not used for the prosecution of the individual for any other offence.

I can see the day when someone will say, 'Look, we know these people will be caught; they are taking illicit drugs and when they are caught with illicit drugs in their body they ought to be prosecuted for that'. I am not suggesting for a moment that should be the case, but I make the point that whenever governments introduce such legislation there is always another step that someone somewhere in the future will decide should be pursued.

As drugs become more freely available in society — these days some drugs are readily available and cheap — will the next step be to say to persons who are found to have been driving when in possession of drugs and to be impaired, 'You were using a substance such as heroin that was illegal, and unless you do certain things you will face the law.'? At the very least the following actions need to be taken in respect of the legislation. People convicted of drink-driving are required to do certain things, so perhaps similar arrangements should apply to people convicted of driving while under the influence of drugs. It would be fair for similar arrangements to apply where drugs are involved so that offenders may in some way be helped without being prosecuted.

That is one of the steps the government should think about. The opposition does not say it should take those steps, but I simply raise the point that if a drunk driver can be required to attend night school to be instructed on why he or she should not drink, surely the same procedure should apply to people who are caught driving under the influence of drugs. Alcohol is just as harmful to some people as are drugs.

I know from information to which I have access that alcohol is probably a bigger threat to the young than is heroin, albeit in a different way. Alcohol is clearly misused in many areas of society and people are provided with assistance to deal with it, but the government does nothing to help drug users. I believe people who are on drugs and who want to get off them should be helped. If people have legitimate concerns and want to get off drugs of addiction the state should do everything it can to help them. I was always taught that unless I helped myself no-one else could help me. Clearly many drug addicts are crying out for help to get off drugs and stay off them.

Under the New South Wales legislation 900 people were caught in a year. Given that New South Wales has a larger population than Victoria it could be expected that at least 600 to 700 people would be caught under this legislation. Those people may be able to be helped and the government should put in place some form of arrangement to facilitate that. This is a great opportunity to assist people in a positive way instead of using negative solutions such as jail and the like. I hope that in his closing remarks the minister will at least look at what can be done for a person who is picked up on drug-related charges, whatever drug is involved.

Honourable members will be aware that the bill contains a number of minor amendments to the Marine Act and the Transport Act. The amendments relate to

issues including tailgating and local council fee structure arrangements.

With the advent of a Labor government I thought I would never again see a variation of section 85 of the Constitution Act. During the seven years of the former government's time in office I listened to the twaddle from the then opposition about what an outrage it was to use a statement under section 85. They said, 'It is a scandal. You are misusing your power as the government of the day. It is an outrage!'. I cannot remember the Minister for Agriculture saying such things, but I can remember the Minister for Transport, the Attorney-General and many others saying it.

Despite that outrage clause 34 of this bill — one of the government's first bills — inserts proposed section 255C into the Transport Act to declare that it is the intention of sections 96(12) and 98(10), as amended by the bill, to alter and vary section 85 of the Constitution Act so as to prevent legal action being taken against approved health professionals as a result of the taking of blood samples. I am not necessarily against it, but the point should be made — —

Mr Batchelor interjected.

Mr LEIGH — I am not against it, but let us get the facts right. When that bunch sat on this side of the chamber they whinged and carried on day after day no matter what bill was being debated.

Mr Batchelor — Who told you it was in there?

Mr LEIGH — Who told you about Paul Carr? The Minister for Transport is the Minister for Keeping Things Hidden. Good old section 85! What about that leading light of the Socialist Left, the Minister for Transport, the civil libertarian of our society? What has he done? I remember all his speeches about the grand prix legislation and all the other speeches about section 85. It is amazing. The amnesia virus is obviously attacking the government.

Ms Davies interjected.

Mr LEIGH — We all know what Dorothy over there is like.

The DEPUTY SPEAKER — Order! That will do.

Mr LEIGH — It's like everything else: you get into government and act like members of the New Right. The Bracks government takes the good ideas from everyone else and pretends the bad things never happened, as the Minister for Transport does in all sorts of areas.

Mr Batchelor interjected.

Mr LEIGH — The minister can joke, but at the end of the day it does not alter the fact that throughout the years the former Kennett government was in power the Minister for Transport — as I said, the leading light of the Socialist Left — whinged about the use of section 85 statements. Now he and the three Independents all agree with using section 85 — —

An Honourable Member — We are like a club now.

Mr LEIGH — The government is like one. The games government members played when they were in opposition should be remembered.

Ms Davies interjected.

Mr LEIGH — I hear buzzing in the background but I will ignore it.

Mr Batchelor interjected.

Mr LEIGH — Sadly, yes, and it tends to come from the minister. I can remember the honourable member for Coburg making speeches about section 85 statements, so I look forward to his contribution. I am sure the honourable member for Burwood will be against the use of section 85. I know eight or nine government speakers wish to contribute to the debate, so I look forward to hearing them explain why they have changed their position.

The Minister for Transport never supported the establishment of a Road Safety Committee when the Labor Party was last in power.

Mr Batchelor — You got rid of it.

Mr LEIGH — No, you got rid of the Road Safety Committee. The former members of that committee, particularly the chairman, the honourable member for Forest Hill, and his deputy, the former honourable member for Melton, Mr Cunningham, worked tirelessly and visited various places in the world to study road safety.

Mr Spry — All at enormous personal cost!

Mr LEIGH — All at personal cost. They deserve credit for their foresight. At the end of the day the bill demonstrates that the government is bereft of ideas. Its members run around grasping at other people's ideas, on which they put their stamp. Steve has a big 'We thought of it' stamp in his office, which he whacks on everything.

The government may well have the principles right, but opposition members wonder whether it has the details right, whether they involve the police, videos or the other aspects of the bill. We intend to ensure it has. The Minister for Transport was a civil libertarian, so I look forward to him advising the house that he will take responsibility for ensuring that neither the police nor anyone else will do anything inappropriate with the legislation and that if he does not get it right he will resign.

The government must accept responsibility for the legislation and for ensuring that the proper procedures are put in place. In summing up the minister might care to comment on the clauses. The opposition supports the bill in principle, but it is not sure it trusts the detail, given that in the past the minister has mucked things up, from Nunawading all the way through. I wait with bated breath to see whether he is capable of ensuring the bill is dealt with responsibly. As all honourable members know, the Minister for Transport is known for his trickery. That being the case I await the outcome of the legislation with interest.

Mr CARLI (Coburg) — In supporting the bill I emphasise that its main purpose is to introduce an offence of driving or being in charge of a motor vehicle while impaired by a drug. Given the contribution of the honourable member for Mordialloc it is clear that he has misunderstood the main purpose. The bill is not about combating illicit drugs or an attempt to introduce zero tolerance or any other issues.

The honourable member for Mordialloc has created confusion about another purpose of the bill, which is to identify what constitutes impairment. A 'drug' is defined as a substance that is a drug for the purposes of this act by virtue of a declaration under subsection (3) which, when consumed, temporarily or permanently deprives a person of any of his or her normal mental or physical faculties.

At issue is the question of impairment. The honourable member for Mordialloc suggested that although the bill is aimed at illicit drugs — which it is not; it is aimed at drug use — people who took prescription drugs could unwittingly find themselves charged with an offence.

It is clear the legislation includes a defence for people who use prescription drugs or permissible, non-prescription drugs in accordance with advice received from doctors, dentists or pharmacists if those people were not aware of the effects of those drugs. However, the drugs that can create impairment can be legal drugs. The consumption of legal drugs and other substances — for instance, mushrooms, certain

vegetation and a whole host of products that could be hallucinogens — can cause problems. What is at issue is that if a substance causes either a permanent or a temporary change and impairs a person's ability to drive a vehicle, the legislation provides for a test of that impairment. It is a crucial part of the bill.

The committee considered the issues of drugs, impairment and alcohol and found that the bill was necessary. It follows the direct recommendations made by the Road Safety Committee in 1996. The committee produced a very good report, and when the bill is passed Victoria will be a world leader in tackling the drug menace, if you like, on our roads. It fulfils the longstanding tradition of the Victorian Parliament to be a world leader in road safety procedures. Victoria was one of the first states to introduce mandatory seatbelts, random breath tests, and the .05 blood alcohol restriction. Victoria has led the way. Victoria has a reduced road toll, and the provisions in the bill will add to existing safety measures.

When one considers the figures and the impact of drugs on the road toll and the number of injuries caused, one realises the need for appropriate legislation. Figures from the Victorian Institute of Forensic Medicine show that from 1990 to 1993, of 490 fatalities on Victorian roads, 22 per cent involved drugs and 30 per cent involved blood alcohol levels over .05. Of the 333 fatalities in 1997–98 some 32 per cent involved drugs, a figure which surpassed the 26 per cent which involved alcohol. While there was a mild reduction in the number of people affected by alcohol, there was a considerable increase over four years from 22 per cent to 32 per cent in the number of people who were detected with drugs in their bloodstream. Clearly the bill seeks to tackle a major menace. In a similar study by the same institute, of the 333 drivers who died in 1997–98, while 26 per cent were detected with alcohol, 11 per cent were detected with both drugs and alcohol — that is, the cocktail effect of the combination of drugs and alcohol.

It is clear that alcohol or the cocktail of alcohol mixed with other drugs is the biggest problem. Cannabis, stimulants such as ecstasy and amphetamines, and opioids are the three major drugs contributing to driver fatalities. The bill attempts to tackle the use of those drugs and their impact on the road toll. They are drugs that form part of the late-night culture. Ecstasy is frequently used in clubs and party scenes. Equally, cannabis is very much a recreational drug. The cocktail of those drugs and alcohol is quite common. There is a need to stop drivers who are impaired by the combination of those drugs or one drug individually.

The Macfarlane Burnet Institute undertook a study of 160 drug users, of whom 159 used heroin and 1 used amphetamines. The study researched the individuals' use of motor vehicles after having had a hit of heroin. It found that 25 per cent drove immediately after having a hit at least once or twice in the previous week, 25 per cent drove immediately after a hit at least three times in the previous week, 23 per cent drove at least once in the previous week while stoned, 23 per cent started nodding off and going to sleep while driving at least once in the previous week, and 2.6 per cent — three or four individuals — had fallen asleep at the wheel while driving.

The bill aims to tackle that issue and change the behaviour of those users. The existing legislation has not been sufficient. The use of the impairment test and the clause dealing with the offence of impairment by a drug is part of the Road Safety 2000 campaign — that is, the Bracks government's war against deaths on the road. It will include a number of pieces of legislation and policy initiatives over the next five years aiming to reduce the road toll by 20 per cent. It is part of a component of a much broader campaign that the government has put in place.

The government recognises the important work done by the Road Safety Committee. This is the third speech in three sitting weeks where I have had the opportunity of commending the all-party committee for its work. It is doing a good job and providing the basis for legislation all parties can agree to because it comes from a consensus-type arrangement.

This is groundbreaking, world-leading, important legislation. Recreational drugs, cocktail drugs and alcohol are creating serious problems in a host of societies in which drugs form part of the recreation culture, the music scene or whatever. The users of those drugs believe they are then free to drive motor vehicles and get away with it in terms of the law. That has to stop. The proposed legislation provides major punitive actions against people who put their lives and the lives of others at risk when they drive after taking drugs. Equally the bill is protective of civil rights in terms of the evidence gathered — particularly video evidence — and the destruction of it afterwards so that it cannot be used for other purposes, as was suggested by the honourable member for Mordialloc.

The bill also allows for qualified people other than doctors to provide blood samples for analysis under various acts — namely, the road safety, marine and transport acts — and it makes some other minor amendments to the Road Safety Act dealing with traffic fines.

In the more substantial part of the legislation that deals with the campaign against drug abuse and the massacres on our roads caused by drugs and alcohol, the definition of drugs is important because it allows for a whole raft of substances, some of which are illicit and some of which are not. It then provides for a number of steps to be taken to ensure, firstly, that people are caught and prosecuted, and secondly, that their civil liberties are defended and they are not harassed by the police. The bill is a very balanced approach to the problem.

When a person is caught by the police while driving erratically or showing signs of impairment, the police need to reasonably suspect that that person has been impaired by drugs, and a series of assessments will occur. Some of the roadside assessments deal with the movement of the drivers, the way they answer questions and the way they look and act. If they demonstrate impairment, they can be taken back for a more substantial test which would follow the standardised United States test. That provision is included to ascertain whether there is an impairment through drug use. If that appears to be the case, the drivers would be asked to provide blood or urine samples. If they refuse to supply a sample of blood or urine that would be an offence under the act.

The new offence of driving while impaired needs to be based on a series of evidence. Firstly, it has to be demonstrated by the police that the person was driving or in charge of the vehicle. Then it has to be demonstrated that a drug was present in the person's body; that his or her behaviour demonstrated an impairment which was consistent with the types of drugs that were found; and that his or her behaviour would result in that person being unable to drive properly. Those steps are included not only for the protection of the driver but also to ensure there is adequate evidence and proof that the person has been impaired by the drug and that that is identified as constituting impairment and interfering with their ability to drive, and therefore making them a threat on the road. This is strong legislation.

The bill provides a defence for a person who has used a prescription drug or a permissible drug — that is, that the drug was taken in accordance with the advice of a doctor, dentist or pharmacist, and he or she did not know the effect of the drug. It is important that there is a sense of the person's own awareness because clearly there are cases where particular stimulants are used as a way of people driving beyond their period of fatigue, so the issue of whether they are aware of what they are doing and what impact that might have becomes important.

The assessments of impairment at the police station must be videotaped and conducted by a trained authorised impairment assessor. Although the initial assessment undertaken by the police at the roadside is based on a series of behavioural patterns of a driver, when the driver is taken back to the station and undergoes the standardised test the person conducting that test must be trained to do so. We will have a benchmark and people will be measured against it. The intent of the bill is to standardise the assessment procedure and protect the rights of individuals. If the person is found to be impaired as a result of drugs, the bill provides for the suspension of his or her licence until the case comes to court. The person can be convicted for a first offence with up to a minimum of 12 months licence cancellation and a maximum court fine of 25 penalty units.

The bill follows the legislation dealing with drink-driving, and the penalties very much mirror those for drink-driving. It brings drugs and alcohol onto the same level. The big difference is that with drink-driving there is a standardised measure, which is a .05 blood alcohol concentration — and that is a clear rule. A person can take a breathalyser test and be measured on a standardised procedure.

There are many views about what level of drug use brings about an impairment. Because there is often a cocktail of drugs and alcohol involved we do not have the same standardised measures. So although the penalties are similar, the notion of measuring the impairment is really the clear difference between the two.

The other important amendments in the bill are somewhat different in that they do not deal directly with drugs but with the taking of blood samples under existing alcohol laws. They involve a series of amendments to various acts, the intent of which is to allow approved health professionals other than doctors — that is, division 1 registered nurses or other persons approved by the director of the Victorian Institute of Forensic Medicine — to have the appropriate qualifications, training and experience to take samples of blood or urine and have them sent off for analysis.

The measure is part of the government's overall approach in introducing the Road Safety 2000 campaign, in terms of tackling the problem of alcohol and drug abuse on our roads and the impact that has on road safety. It obviously fits well into the legislation because of that, and it is strongly supported by government members.

I note the opposition supports the government on that point as well. There is still a great number of unnecessary deaths on our roads. The government is indebted to the work of the Road Safety Committee, which conducted an international assessment of road safety measures in a range of countries.

That parliamentary committee has a long history. It dates back to 1967 and its work has meant that our Parliament has led the world on road safety legislation. People come from around the world to look at the Victorian experience. We have almost consistently reduced our road toll over the past 20 years, which demonstrates the importance of good public policy on roads. The work of the all-party committee has demonstrated our ability to arrive at good public policy in a forum that is based on consensus, understanding, knowledge and investigation. The bill is a part of that process, and I am pleased to support it. It is good legislation. It deals with the monstrous road toll that exists despite the improvements.

Mr RICHARDSON (Forest Hill) — I thank the honourable members for Mordialloc and Coburg for the generous references they made to the Road Safety Committee, which I had the honour of chairing from 1992 until the election in September last year.

It is proper for me to acknowledge for the record the fine work done by my colleagues on that committee. I was the chairman of the committee responsible for the presentation of the report, and Mr David Cunningham, the former member for Melton, was the deputy chairman. He was a very able deputy and intensely loyal to me and the committee. The committee members at the time of the report were the Honourable Ian Baker, the Honourable Ron Best, the Honourable Burwyn Davidson, Mr Craig Langdon, MP — the current member for Ivanhoe — the late Peter McLellan, the Honourable Brian Mier, the Honourable Graeme Stoney, the Honourable Doug Walpole and the Honourable Sue Wilding.

The staff responsible for the work done during the preparation of the report were Mr Geoffrey Westcott, who was the executive officer until March 1996; Mr Barry Aitken, who was the executive officer from 13 May 1996 and remains the executive officer to this day; Mr Graeme Both, who was the senior research officer and a Vicroads employee; Mrs Lois Grogan, who was the office manager and remains a very capable office manager to this day; Mr Gerald Mayhead, who was the editorial consultant; and Professor Geoffrey Bentley, who was the scientific consultant.

I should also acknowledge the assistance given by Professor Olaf Drummer of the Victorian Institute of Forensic Medicine, Sergeant Tom Page of the Drug Recognition Expert Unit of the Los Angeles Police Department and a multitude of other scientific personnel from various universities of Australia and other parts of the world who contributed generously to the work done by the committee in the production of the report. I believe that report was probably the most important report published during my period as chairman. It led to the international reputation the committee still enjoys.

For decades governments have given attention to establishing effective drink-driving countermeasures, but the focus on alcohol as a primary cause of driver impairment has tended to mask the involvement of other drugs in road crashes, whether they are used on their own or in combination with alcohol. Victorian governments became increasingly aware that drug-driving was developing into a significant problem. In 1993 the Victorian Institute of Forensic Medicine published preliminary results on the incidence of drugs in the bodies of 281 dead Victorian drivers between 1990 and early 1993. The study showed that drugs other than alcohol were present in 20 per cent of dead drivers, alcohol was present in 22 per cent of dead drivers and there was some overlap.

As the work of the institute proceeded over the years the picture changed. In May 1996 the institute provided further information that showed that the presence of drugs other than alcohol in dead drivers had risen to 24 per cent, but the presence of alcohol had decreased to 28 per cent.

I was invited by the International Council on Alcohol, Drugs and Traffic Safety, which is the peak international body dealing with the subject, to address its conference in France. Before I left for that conference I sought further information and the most up-to-date figures available at the time.

The figures were alarming. The study showed that in 1996, 53 per cent of fatally injured drivers had drugs other than alcohol, or a combination of both, present in their bodies at the time of the crash. Drugs other than alcohol were found in 38 per cent, whereas those showing alcohol remained steady at 28 per cent. For the first six months of 1997, of the 56 per cent of fatally injured drivers testing positive for drugs or alcohol 31 per cent had drugs other than alcohol present in their systems, and during the same period those with alcohol alone in their systems remained constant at 28 per cent.

The honourable member for Coburg has already presented more up-to-date figures revealing that in 1997–98, 32 per cent of fatally injured drivers had drugs other than alcohol in their bodies and that 26 per cent, a drop of 2 per cent, had alcohol alone.

The committee examined ways of dealing with the issue. The simple solution might have seemed to be the application of the same sort of mechanical testing devices as are used to detect alcohol in drivers. You cannot do that with drugs, however. Another problem was that the law at present states that it is an offence to drive while under the influence of a drug, but the law is unenforceable unless the driver pulled up by the police confesses that he or she is under the influence of a drug. Most people are not so stoned they will agree to that.

The committee examined procedures followed in other parts of the world. The most important advice it received was from the Los Angeles Police Department, which had established a drug recognition expert program (DRE) with Sergeant Tom Page at its head. The LAPD devised a series of standardised tests to enable police to determine by observation whether a person was impaired. The focus had to be on impairment — that is, the crime would have to be driving while impaired, not driving with drugs in one's body.

The Los Angeles model is very sophisticated and involves highly trained police who are constantly on the job and constantly engaged with large numbers of people affected by drugs in a large city. The DRE program has been effective in the apprehension and evaluation at the roadside level, but could the Victoria Police successfully transfer that model to Victoria? The committee concluded that it could not. The Los Angeles DRE model requires constant involvement in the discipline of drug recognition, clearly not a possibility in Victoria. The committee considered that the current number of drug-impaired drivers in Victoria and the financial constraints of government could not justify a commitment to such an intensive program.

The population of Australia, with a land mass approximately equivalent to that of the United States of America, is about 18 million, whereas the population of the United States is more than 265 million. Los Angeles alone has a population of 15 million, which is almost as many as the whole of Australia. Victoria has a population of 4.5 million and a land area of 228 000 square kilometres. The population of Melbourne is 3.25 million.

The committee recommended a modification of the Los Angeles model, one that would be achievable and

capable of effective implementation in a small but diverse population. The idea was to involve metropolitan centres of high density as well as some remote rural communities. I will not go through the procedures outlined in the recommendations of the report. Other honourable members have already referred to them and they all appear in the bill.

I am disappointed it has taken so long for this legislation to be brought before the house. I understand the difficulties encountered by both Vicroads and the police and the need to do the arithmetic on who will pay for what and how much it will cost. I understand; but I am still disappointed that the discussions between two arms of government can take so long. I will not be churlish, however; it is here now.

I am pleased it has been brought to the house, and I wish it a speedy passage. It has my support.

Mr LANGDON (Ivanhoe) — The report of the Road Safety Committee was prepared under the stewardship of the preceding speaker, the honourable member for Forest Hill. I state openly and honestly that I believe the report would not have been nearly as good as it is without his leadership.

The honourable member has already read into the record the names of the members of the committee, and I would like to do that again. They were David Cunningham, the former honourable member for Melton and deputy chairman of the committee who assisted the honourable member for Forest Hill exceptionally well; the Honourable Ian Baker; the Honourable Ron Best; the Honourable Burwyn Davidson; myself; the late Peter McLellan; the Honourable Brian Mier; the Honourable Graeme Stoney; the Honourable Douglas Walpole; and the Honourable Sue Wilding. I pay tribute also to the staff of the committee, as did the honourable member for Forest Hill.

I refer also to Geoff Westcott, who is in the house in a different capacity these days. I offered him a speaking position so that he could contribute, but he declined! As an aside, I advise that being a member of a committee with the honourable member for Forest Hill and the former member for Sunshine was an education in itself. I think honourable members from both sides of the house would appreciate that.

Unfortunately, the bill has taken longer to be introduced than expected. I note from the comments of the honourable member for Berwick in the *Herald Sun* that there was a dispute between Vicroads and a few other people in getting the bill introduced. I hope that was the

only reason. The fact that it is now in legislative form and before the house is to be commended.

I commend the Minister for Transport for introducing the bill only six months into the Bracks Labor government. Granted, the Road Safety Committee and the department did the groundwork prior to the election. At one stage during this debate the Minister for Transport interjected across the chamber that it was a shame the honourable member for Forest Hill was not still involved in the Road Safety Committee. As the new deputy chairperson of the Road Safety Committee I was looking forward to working with the honourable member for Forest Hill. Obviously, because the opposition controls the committee it chose the members, and chose differently. That is not to take anything away from the new chairperson of the committee, the Honourable Andrew Brideson. I am sure he will do an outstanding job. However, I will miss the contribution of the honourable member for Forest Hill.

In summing up why the report and the bill were necessary, I shall quote some examples from the report itself. I know honourable members have already done so. It was discovered that:

The presence of potentially impairing drugs in dead and injured drivers is unacceptably high. Available research has shown that a quarter of all fatalities had drugs in their bodies ...

That was a compelling reason for the research. It continues:

... drivers who consume drugs alone or with alcohol have a higher risk of being in a fatal crash.

That has also been proved. I know the opposition spokesperson and the honourable member for Mordialloc made similar comments. However, I emphasise the following:

The cost of the road toll attributed to road crashes where drugs alone or when mixed with alcohol were present was \$143 million in 1993 ...

I emphasise that the report mentions money, but the effect of a loss of a life on families and friends can never be measured in money terms. That clearly applies to all who suffer from such incidents. It reports on page xi on:

Victoria's success in reducing the involvement of alcohol in fatal crashes from nearly 50 per cent in the late 1970s to 23 per cent in 1995 ...

That is testimony to the work of previous governments since 1970 in reducing the effects of alcohol in road fatalities. Clearly the next step is to go beyond alcohol

to the issue of impairment of driving ability because of drugs, both illicit and legal.

Reducing the rate from 50 per cent to 23 per cent in 20 years showed that previous governments were doing a remarkable job and one hopes we can do even better than that. Page 1 of the report states that:

The focus of alcohol as a primary cause of driver impairment has tended to mask the involvement of drugs in road crashes ...

That is clearly why the report was prepared, the background work completed and, obviously, why the legislation is here. The report continues:

Police and road safety agencies have been expressing growing concern and there has developed a perception in the community that the issue is not being addressed.

That is probably a fair assumption. During the past 20 to 30 years awareness of drugs in society has increased. Unfortunately I cannot say by how many times, but the community is certainly more aware than it was.

Both state and federal governments of all persuasions need to address the effects of drug taking not only on those who take them but on society as a whole. The report continues:

Current Victorian laws are ineffective as police do not have the power to require blood or urine samples from drivers suspected of being drug affected. Police told the committee in evidence that they were therefore reluctant to prosecute drivers in this situation.

That is again a very compelling reason for the legislation. In his address the shadow minister tried to score political points. However, we all know that is what the honourable member for Mordialloc likes doing the most. He tried to insinuate that the Cain and Kirner Labor governments did very little about researching road safety. I realise that in those days there was no committee on road safety. However, I refer back to the report which states under the title Social Development Committee:

In May 1984 *Road Safety in Victoria*, the first report of a wide-ranging inquiry by the Social Development Committee of Parliament, canvassed measures for reducing drug use by drivers.

That makes a lie of the honourable member's unfortunate insinuations. The bill is obviously designed to meet many of the recommendations in the report. I will not go through every detailed aspect because I realise they are complex.

As I listened to the briefing I received from the staff of the Minister for Transport I ticked off the recommendations in the report and found that a remarkable number of them had already been met. I can recall the honourable member for Forest Hill announcing with a great deal of glee that the previous government had accepted all the recommendations. I believe it was to his credit that it was the first time that had ever happened. Clearly the Bracks Labor government has also followed suit and tried to implement as many as possible.

The main purpose of the bill is to introduce the offence of driving or being in charge of a motor vehicle while impaired. That states it all. I could speak longer, but I know other honourable members will possibly give better definitions. The bill also provides for qualified persons other than doctors to take blood samples. That will improve policing and the bringing of matters to the attention of the legal system.

I commend the minister and the government because the legislation is part of a package of policy initiatives the Bracks government will introduce under its Road Safety 2000 program. I know the minister announced earlier this year a campaign to effectively reduce the road toll over the next five years. I also know the current Road Safety Committee is investigating several issues that will no doubt be reported on further down the track.

The bill defines impairment as being when a driver's behaviour or appearance gives rise to a reasonable suspicion that the driver is unable to drive properly.

That is a useful definition, overlooked in the issue of drugs other than alcohol because we have tests. The .05 test for drink-driving is now familiar to us but there is no defined or easily applied test for other drugs. The committee went to Tasmania to investigate a scheme to develop a test but unfortunately did not find it to be effective.

A number of people wish to speak on the bill, so I will conclude. I became involved in the committee in 1996 and when I arrived the committee had a good understanding of the drugs issue, using names of drugs I had never heard of. At the same time the matter of drugs came before Parliament in another form so my education on drugs was quickly upgraded.

I commend the bill to the house. I commend the work of the Road Safety Committee from 1992 to 1999 and all those who put their efforts into it — they did an outstanding job chaired by a remarkable person, the

honourable member for Forest Hill. I commend the bill to the house.

Mr SPRY (Bellarine) — I am pleased to make a contribution to the debate on the bill, because it seeks to make a difference. It is a further step in the right direction in the war against the road toll. The significance of the bill, as others speakers have said, is that it implements the recommendations of the former Road Safety Committee's inquiry into the effects on road safety of drugs other than alcohol. I commend the honourable member for Forest Hill on his work as the chairman of that committee and on his eloquent explanation of the approach taken to the vexing issue.

The bill acts as an omnibus vehicle in regard to several issues, including local council authority in regard to parking infringements; the power of protective service officers in relation to parking offences; improved camera technology in detecting traffic offences; amendments to the Marine Act and the Transport Act in accordance with the road safety legislation; and finally, provision for the repeal of unproclaimed amendments.

The pioneering development in the late 1880s of the motor car is among the greatest technological advances of the past hundred years. The development of improved global transport has emerged from the revolution in high speed conveyance, and is accelerating. In the wake of that phenomenon came an attendant risk of death and injury — violent and horrifying in many cases, sudden and wrenching in others.

The economic cost to the community is also staggering. As the Road Safety Committee executive summary comments, the cost of a road fatality in 1993 was about three-quarters of a million dollars. In today's figures it would equate to a cost of nearly \$1 million.

Victoria has traditionally led the way in addressing road safety issues — that is its reputation. Our record on matters such as the compulsory wearing of seatbelts, pioneered by Dr John Birrell, who resides in my electorate; the .05 blood alcohol level legislation; and random breath testing shows that those measures have dramatically reduced the road toll in the state.

Credit must go to a number of organisations, including the Victoria Police, the National Road Safety Authority and, to a significant extent, the all-party Road Safety Committee.

The success of blood alcohol limit legislation has been emphatic despite the arbitrariness of the .05 figure — the level of alcohol has differing effects on different people. However, as the road toll due to alcohol has

decreased, the incidence of drug-related death and injury has conversely increased. For this reason, in 1994 the Road Safety Committee was given a reference to inquire into and make recommendations to address the growing problem. The proposed legislation gives effect for the most part to those recommendations.

At present under the Road Safety Act it is an offence to drive under the influence of drugs. The provision is regarded as both restrictive and ineffective, since science has never been able to establish categorically what levels of drugs or other substances are acceptable. In any event there is such a wide variety of substances and the effects on individuals are so varied that it may never be possible to nominate prescriptive quantities on which to base effective legislation unless the figure is zero.

I defer to and express qualified support for the honourable member for Berwick, the shadow Attorney-General. I refer to his comments in the *Herald Sun* on 3 April under the heading 'Get serious on drug-drivers' where he advocates a zero level of illegal drugs in a person's system. In this respect, as the member for Forest Hill so eloquently commented, both science and the government still have a long way to go.

In accordance with the recommendations of the Road Safety Committee report the legislation is framed to adopt a descriptive 'driving while impaired' condition as the grounds for sanctions against a drug-affected driver.

The mechanics of the bill have been adequately covered by the shadow Minister for Transport, the honourable member for Mordialloc, so I will not elaborate on his comments.

In summary, this legislation is not the end of the road in the war against the road toll, nor probably will any legislation ever be. Questions of invasion of privacy and civil liberty will always arise, particularly with respect to this measure.

As a recent victim by association — many, if not all, of us are victims at some time in our lives — I am very supportive of increased measures to detect and sanction drivers who by indifference or foolhardiness ignore their responsibility to their fellow road users. The consequences can be horrific. The impact upon families and friends can be indescribable. Never again do I wish to stand vigil over a six-year-old victim of road trauma and watch her life slowly ebb away over three or four days while her mother, father, sister and extended family suffer indescribable grief. I do not suggest that the driver in that particular case was drug affected —

the coroner is yet to bring down a finding on the cause of death — but the scenario is repeated distressingly frequently in this state. Statistics revealed to the Road Safety Committee indicate that drugs are a factor in one in every eight road deaths. If this legislation leads to a reduction of even just one fatality it will make a significant contribution.

Ms DAVIES (Gippsland West) — The Road Safety (Amendment) Bill takes up recommendations of the Road Safety Committee that have been ongoing since 1996. I note the important contribution by that committee, as mentioned by the honourable members for Forest Hill and Ivanhoe.

The bill will finally start to address the problem of individuals who drive while under the influence of both legal and illegal drugs. Police will be able to stop, question and conduct preliminary tests on people whose driving they suspect is impaired because of drug use.

The procedure is not yet as simple as breathalysers have become for the initial testing of suspected drunk drivers. There will be an initial observation and test followed by a formal videotaped impairment test and finally, if the person fails those tests, a blood or urine test. The procedures listed in the bill are fairly complex. They define the people qualified to carry out the tests and allow for the collection of very detailed evidence and information.

The bill also provides for copies of video taped and written information to be delivered to the individual under suspicion, as well as evidence to be kept for later use. I am very pleased that the bill includes a provision for the immediate suspension of the driving licence of a person charged with the offence of driving while impaired by a drug.

I have a very personal and vivid experience of the need for this legislation. Two years ago I was driving up the highway on the way to listen to then Treasurer Stockdale's budget when I had to watch in horror as a car sped up from behind me, overtook across double lines just before the crest of the hill, then sped down the other side of the hill in full view and with room to avoid oncoming traffic, but without any hesitation accelerated full-speed into an oncoming car. Only split-second evasive action by the other driver caused the cars to spin around, which probably saved the lives of all those involved.

That is the first time I have had to help bleeding, shocked and crying children at an accident scene. I can assure honourable members that it is not an experience I ever want to repeat. The offending driver, who was

trapped in his car for a considerable time, was totally out of control, out of his head and obviously drug affected. We found out later he was affected by heroin. The fact that he was totally oblivious to what was going on and totally out of control was obvious to everybody who dealt with him. He was so affected that he severely abused the very capable and compassionate people from the SES, the CFA and the ambulance service who were trying to help get him out of the car and into the ambulance.

The driver survived the accident, as did, fortunately, the other people involved. However, his case took over 18 months to come to court. His barrister tried to get him off a conviction on the ground that he was oblivious at the time of the accident. During the whole time we were waiting for that case to come to court, this individual was still driving around in his car — presumably still driving while drug affected. That is absolutely unacceptable. I hope the bill will go some way to ensuring that situation becomes much less possible.

I am concerned about the practical administration of the new law. There will have to be sufficient numbers of trained officers who can administer the impairment tests, and there will need to be suitable facilities for effective testing to be done within the required 3 hours. In rural areas particularly that will necessitate additional resources.

As a country teenager I remember when death and injury as a result of drunk driving, particularly among my cohort adolescent drivers, was common, expected and regarded as a fairly normal part of life. In Victoria and elsewhere, due to a huge commitment of resources to education programs and public campaigns, significant progress has been made to the point where my 18-year-old son and his friends know absolutely that they must not and cannot drink and drive.

I hope that the same dedication, resources and public campaigns will help eliminate, or at least reduce, the danger caused by people driving while impaired by drugs.

I have heard as a result of recent campaigns that it seems that young men are less affected by the message, 'Don't speed or drink and drive because you might kill somebody' than they are by the message, 'Don't speed or drink and drive because you might go to jail'. While I consider it sad that young men might be too selfish to feel the full impact of the message that they might kill somebody, I suspect that the introduction and enforcement of a law which will mean immediate and severe penalties for driving while under the influence of

drugs may be what it takes to start changing the attitudes of some younger drivers in particular.

There is no doubt in anybody's mind that the danger of people driving while under the influence of drugs, whether they be illegal or legal, is very real and very present. I hope the government can act effectively to reduce the danger, and I am pleased that all members of the house support the bill. It is an important measure, and I hope that with commitment yet another dangerous aspect of the way some people in society choose to use cars on the road can be changed.

Mr SMITH (Glen Waverley) — I also wish to add my support to the bill in principle. I first became involved with the issue back in 1992–93 just after the Kennett government came to power when I chaired the Liberal Party's police and emergency services committee. The Honourable Bill Baxter in another place, who was the Minister for Roads and Ports at the time, gave the committee a reference to inquire into that very issue.

At that stage there was much evidence of the problem of interstate truck and bus drivers taking amphetamines to keep themselves awake but not being detected because the police had no means of enforcing restrictions on that sort of behaviour. We knew that log books were being duplicated — and triplicated in some cases — in order for such drivers to get through police blocks. Some of the committee's work over the following months was interesting. It had meetings with people such as Professor Olaf Drummer, who was and still is one of the key people in the area, and Dr David Ranson. It also visited the morgue to see the results of yet another very bad road accident. The point that was made to the committee was that the truck drivers involved were rarely killing themselves but rather other people. That was the great problem.

It is interesting to note that one of the people involved with the committee, Inspector Bill Willis, found that the police were being inhibited from taking the action they thought necessary because they believed the Road Traffic Authority (RTA) inspectors were monopolising the situation. By virtue of my being on the coalition's police and emergency services committee I was able to report straight back to the minister and that anomaly was rectified almost straightaway, for which the police, as well as the community, were grateful.

I wish to give credit to the people who put in hours and weeks of work to provide information that later went into a report that was given to the coordinator of the newly formed Road Safety Committee at the time, the current Assistant Clerk and Clerk of Committees in this

chamber, Mr Geoff Westcott, who passed on the report to the honourable member for Forest Hill. The people involved included Harold Eather, Bill Wall, Di Livett, Ruth Padget, Robert Johnston and Olga Korytsky. I give credit to those people because they were the ones who went to the morgue to get the relevant information and who eventually came up with some of the recommendations that went to the Road Safety Committee. One recommendation of the committee was, 'If you are taking drugs, don't drive'. I think that was one of the slogans used, although I cannot remember now because it was some years ago. The people involved were extremely interested in ensuring that legislation be enacted, and all these years later it is finally about to be.

Members of the committee knew back then that no breathalyser equipment anywhere in the world could detect drugs. I remember doing a job for the then Deputy Premier, the Honourable Pat McNamara, and travelling on an aeroplane with Anne Lane. Her husband, Murray Lane, a chief inspector of police, was on the same plane travelling to California to visit police who had had the experience the police in this state needed, something which the honourable member for Forest Hill mentioned.

In some cases it is obvious that drivers are impaired but when tested for alcohol the tests do not come up positive. Well-trained police who can see that such persons are affected and their driving ability impaired can now arrest such people if they refuse to accept the initial invitation to go to the police station for tests. It is sensible legislation that will ensure that people who are taking drugs — in many cases amphetamines to keep them awake for their jobs — get the message. The message must also be sent to the trucking companies. I am sure the practice still goes on; to my knowledge it has been going on since I have had a driver's licence. For the past 40 years truck drivers have been taking amphetamines while driving up and down the Hume Highway.

There must be a high degree of certainty that offenders will be caught. As with all criminal offenders, if they know they are likely to get caught they will be less likely to run the risk of falling asleep at the wheel. The front page of the report of the committee chaired by the honourable member for Forest Hill showed the devastating effects of a big truck coming off one of the major highways, perhaps the Hume Highway. It has always gone on. However, I am sure the legislation will give the message to interstate truckies that they should not take drugs to keep themselves awake when driving in Victoria.

The motivation to keep the committee on line came from the graphic cases seen at the morgue and the research carried out by Dr David Ranson — I gather it is now carried out by Dr Stephen Cordner, who runs the whole show. That expertise and motivation gave committee members the incentive to go further than they needed to at that stage. Those dedicated people who were so motivated are still there and, just as honourable members are rejoicing in the house today, so too must they be rejoicing because finally the legislation that will send out the loud message has been introduced.

I hope the Minister for Transport will put in place an educative campaign through the media informing people of the new law and the fact that they will be caught if they offend. One need only deviate on the road if driving a car to be picked up. The big trucks do not even need to do that; the police will soon spot a truck driving erratically on the road and pull it over. The ordinary motorist on the street who has been taking drugs for recreational purposes — for goodness sake, they take them for recreational purposes — will get the message that if they take drugs and then drive they are certain to be caught. Police will not have to go through all the rubbish they had to go through before; if they see a car deviating they can take the driver off the road for their own protection as well as the protection of the rest of the community.

The earlier committee met with police in the Parliament to discuss the introduction of legislation such as that now before the house. Like the honourable member for Forest Hill I rue the fact the legislation has been a long time coming. However, we rejoice that the community can start to feel safe because the police now have the ability to take people who drive in an erratic and impaired fashion off the roads. The legislation had its genesis in an all-party recommendation, and together with measures such as seatbelts and campaigns on drivers' alcohol levels the legislation makes for greater road safety. It is a pleasure to support the bill in principle and I wish it a speedy passage.

Mr TREZISE (Geelong) — I note and respect the contribution of all honourable members who have spoken on the bill. As the member for Geelong I regularly traverse the Melbourne–Geelong road and it is with a sense of responsibility that I speak to the bill. Both you, Mr Acting Speaker, and the honourable member for Bellarine, who also travel the road daily, would know the tragedies that have occurred on that road. We have probably all witnessed first hand the aftermath of accidents during those daily trips.

One need only hark back to November when a mother and two children lost their lives. The people of Geelong know about the tragedy of road deaths all too well. It is my experience of daily travel on the road that led me to nominate and subsequently become a member of the parliamentary Road Safety Committee from where the bill had its genesis. I congratulate the honourable member for Forest Hill and his fellow committee members who are my predecessors on the work they did on the inquiry into road safety.

Although the findings of the committee were made in 1996 following the work of that committee it is the Bracks government that recognised the importance of addressing the drug-driving issue and expedited the drafting of the legislation.

For decades society has recognised the importance of ensuring that drivers under the influence of alcohol are not behind the wheels of motor vehicles. No-one would question the effectiveness of Victoria's drink-driving laws and their effect on road safety. I am sure the community as a whole will welcome the Road Safety (Amendment) Bill with its commonsense approach to the issue of drug-driving.

When the .05 laws that are now accepted as responsible laws were introduced some people expressed their concern. Concerns were also raised about the introduction of seatbelts. As with anything new, particularly laws coming out of Parliament, some sections of the community will express concern about innocent people being caught up and guilty people slipping through the net.

Many of my elderly constituents have raised concerns about being picked up by the police and being unable to pass an initial physical test on the side of the road. However, I have carefully considered the bill and believe that such concerns, although genuine, are covered by the three-step process to be implemented by police when questioning a driver's ability to drive.

The police will undertake a reasonable observation test of drivers when they are initially pulled over. The test may include observation of their driving, their physical appearance and whether they can speak or answer questions coherently. A reasonable observation test is already undertaken by police on a daily basis.

If from that initial observation test the police reasonably determine that a driver may be under the influence of a drug, that driver will be required to attend the nearest police station to undergo a drug impairment test. Members of the police force will be trained to carry out

tests that will be videorecorded for the protection of all parties.

Finally, if the police determine that the driver may be under the influence of a drug he or she will be asked to undertake a blood test or a urine test, or both. Some of my constituents, especially elderly persons who use prescription drugs, have raised with me their concerns about the effect on them of the new laws. An examination of the bill should reassure those people that protections are built into the legislation to ensure that innocent people will not be caught up in the net of the new laws.

Without going to the definitions of terms such as 'drug', 'permissible non-prescription drug' and 'prescription drug' the intent of the bill in that area is that a person who has a medical ailment and is taking prescription or permissible non-prescription drugs and who follows the directions of the prescription or the directions on the packet of the permissible non-prescription drugs has no need to be concerned. For example, all permissible non-prescription drugs carry clear instructions about safe dosages and the vast majority also carry warnings about operating machinery and driving, which is relevant to the bill. If a person who is taking a permissible non-prescription drug follows the dosage instructions and heeds the warnings on the package, that person should not be a danger on the road and should not be apprehended by the police.

The taking of blood samples has also been raised with me. I am pleased to note that the bill expands the categories of those who are able to take blood. The bill allows approved qualified health professionals such as registered nurses to take either blood or urine samples, or both. That will have a number of important effects. Firstly, it will ensure that delays are kept to a minimum in detaining people who are required to give a blood or urine sample. It provides flexibility by allowing qualified people such as registered nurses to carry out the procedures and avoids the need to wait for a doctor. That is an important consideration, especially in country areas, where drivers might be expected to wait for a number of hours.

Secondly, the bill contains provisions that prevent any person being detained for more than 3 hours for the purpose of giving blood or urine samples. The expanded role of qualified health professionals will help to ensure that requirement is met, which will do two things. It will ensure people are detained for no longer than is absolutely necessary, and importantly that no driver who is under the influence of drugs will escape prosecution because the 3-hour limit is not met.

With regard to penalties, the two-tier system of penalties will send a warning to people who flout the new drug-driving legislation that they will be dealt with fairly but harshly if they continue to ignore their responsibilities as drivers. If a driver offends against the law, in the first instance he or she will be fined up to \$1200, and second or subsequent offences will attract fines of up to \$2500 and up to three months imprisonment. The bill also provides for harsh penalties where a driver refuses to undertake a drug impairment test or refuses to give a blood or urine sample.

The title of the accredited drink-driving education program that currently exists will become the accredited driver education program to ensure drug-drivers will have to undergo the education program.

In conclusion, as long as I am a member of this house and as long as Victoria's roads are considered to be a source of carnage I will actively work towards and support any measure that will ensure or at the least help make Victorian roads safer. I am proud to be a member of the parliamentary Road Safety Committee and look forward to contributing to the committee over many years. I wholeheartedly support the bill.

Mr SAVAGE (Mildura) — I unequivocally support the Road Safety (Amendment) Bill. It is a proactive and commonsense measure and both sides of the house deserve recognition for the way Victoria has addressed traffic control and road safety legislation. Victoria has a proven reputation for introducing leading-edge concepts to reduce road carnage. As previous speakers have mentioned, the introduction of seatbelts was a world first for Victoria. I do not travel in motor cars without wearing a seatbelt. I am a confirmed devotee, as are my children.

I have some vivid recollections of the extremes of road trauma I witnessed in my former career, which now seems to be almost a lifetime away. I have seen countless times at first hand the effects that mixing drugs or alcohol, or both, with motor vehicles can have on the human body. I have seen people of all ages — young children, teenagers, adults and the elderly — killed on the highways, and many dismembered bodies. Some of those visions have stayed with me.

The perception that while encapsulated in a comfortable cocoon of a motor vehicle passenger compartment we are immune from harm is a common human failing. I for one admit to that failing on occasion. The youth in our society usually have the greatest degree of belief that they are impervious to road trauma, and as such they appear, with alarming regularity, in the statistics.

We have legislatively attacked alcohol-affected drivers for 30 years; drugs and alcohol, but specifically drugs, have had a huge effect and unknown cost on the lives of those who have been injured or have died. There would be thousands of Victorians in that category.

Years ago sobriety tests were the norm for testing persons who were above the .05 blood alcohol concentration level and who were driving under the influence. At a later stage a High Court decision precluded those sobriety tests, which related to walking a line, picking up a coin and writing down the alphabet. I have seen some alphabets by inebriated drivers that would have looked proud on Tutankhamen's tomb. Goodness knows how they controlled a motor car. They say a picture is worth a thousand words. The legislation is very proactive, and when you videotape an impaired driver it is not worth a thousand words — it is worth tens of thousands! One could easily say that that would be the most effective tool in identifying drivers who are impaired by drugs and perhaps alcohol.

I listened with dismay to the concerns given to Parliament by the honourable member for Mordialloc on the potential misuse by police of videotaped evidence. A glance at the act reveals that such action carries a fine of \$12 000, which is far greater than the cost of a fine for a first offender driving under the influence of drugs. A \$12 000 fine will ensure that the act is adhered to religiously.

I have great confidence that the Victoria Police will ensure that that is responsibly done. In fact, I cannot imagine anybody caught in this program appearing on *World's Worst Drivers*, albeit an entertaining concept. I have great confidence in the police force protecting the rights of all individuals, whether they be offenders or victims. The honourable member for Mordialloc appeared to have a very poor grasp of the detail of the bill.

I see some logistical difficulties in regional Victoria where the 3-hour limit may impact on places which are 2 hours-plus from Mildura, which is the nearest 24-hour police station. I see some difficulties with that if you do not have sufficiently trained people. But these are matters for the Victoria Police, an organisation that has shown a professional commitment in the past. These are minor issues and they will be resolved.

The act provides for division 1 nurses to take blood, which diminishes the number of doctors required to enforce the act. There will be considerable budgetary requirements for the police force to train and equip sufficient numbers of police to enforce the act, but when you consider the impact on the state of the

horrendous cost in lives and injury, you recognise it is a small price to pay.

The bill has the support of both sides of the house, and we are facing a significant new dawn when it comes to making our roads safer. I commend the bill to the house.

Mr KILGOUR (Shepparton) — I am pleased to support the Road Safety (Amendment) Bill. Among other things, it gives us the perfect opportunity of witnessing the way parliamentary committees should work. The Road Safety Committee was headed by the honourable member for Forest Hill. A dedicated team worked tirelessly with him to examine road safety and drugs issues. The previous speaker, the honourable member for Mildura, in his past capacity as a police officer has obviously witnessed the carnage on the roads with people driving while impaired by drugs or alcohol.

The Road Safety Committee looked specifically at drugs other than alcohol. I was a member of the Crime Prevention Committee, which later became the Drugs and Crime Prevention Committee. During our investigations we travelled to various places in the United States of America. In Maryland we talked to representatives of the National Alcohol and Drug Research Centre about the problems they were experiencing in coming up with a suitable roadside test for drug impairment. Much work has been done in the alcohol area, and the .05 blood alcohol concentration test is working well in Australia and other countries. However, it is a major problem when someone is impaired by drugs other than alcohol as we cannot test them by mechanical means. At that facility in Maryland they were hopeful that they would soon be producing a roadside saliva test that would be accepted by the police and the community.

I have seen a driver who was badly affected by drugs. That person passed in front of me while I was standing on the side of the street in my home town of Shepparton. The car driven by this person crashed into a car in front of him, went around the corner, and crashed into another car parked in the middle of the road. When the police came to check what was going on, they told me, 'This guy is very high on drugs but there is not much we can do about it so far as testing and bringing him before the law is concerned'. That is the position under the current act, so this bill is what we have been waiting for.

It has taken a long time to come, but we will now give Victorians a clear understanding that if they want to flout the law, take drugs and then drive a car, they will

be treated similarly to those who overindulge in alcohol. It is pleasing to see that people impaired by drugs will be given a test at the roadside, even though it is not a mechanical test. It will be similar to the former sobriety test that used to be carried out prior to blowing into a breathalyser as we do now.

The parliamentary Road Safety Committee must be delighted to see the bill come before the house. I am sure it is looking forward to seeing its impact on members of the community blatantly driving while impaired by one or more drugs. The bill defines impairment, and that definition has not been in the legislation before. It means the driver's behaviour or appearance is such as to give rise to a reasonable suspicion. In other words, the policeman must have a reasonable suspicion that a person is driving in an erratic manner — whether it be weaving all over the road or doing something similar to drivers affected by alcohol.

It gives the police the opportunity to pull up the person and ask him or her to take an impairment test. Whether it means walking a straight line or touching his or her nose, the driver will have to undertake an assessment of drug impairment. If that assessment indicates that drivers may be impaired by drugs they will be asked to go to a police station to give a sample of blood or urine. We will then discover whether the policeman's hunch was correct through a blood or urine sample, and if it is positive they will face the full measure of the law.

I note that the offences will provide for a fine of up to \$1200 for the first offence and up to \$2500 or three months imprisonment for a second or subsequent offence. The fines are similar to those already provided for drink-driving offences. The purpose of the bill is to ensure that people who endanger the lives of others by driving while impaired face the full extent of the law, whether the offence involves alcohol or some other drug.

I fully support the bill. It provides stiff penalties for people who drive while impaired. A person who commits a subsequent offence will lose his or her licence for a minimum of 24 months. That is enough to make people think twice about taking drugs and then driving a vehicle.

Given that the nature of drugs can be modified, it was necessary to provide a careful definition of a drug in the bill. The bill provides a defence when the drugs found on a person are prescription drugs that can be obtained from a pharmacy or a registered medical practitioner and the defendant is able to establish that he or she did not know that taking the drug would cause impairment.

Doctors may now wake up to the fact that they may be prescribing drugs that cause a driving impairment. They may be more careful in ensuring that the drugs they are prescribing do not impair people when driving.

The definition is modelled on the definition used in Queensland, which refers to a published schedule of common drugs. A chemist could modify the structure of a drug so that it becomes either a prescription or a non-prescription drug. We need to ensure that drugs cannot be modified to flout the intention of the law.

The bill provides for other qualified persons as well as medical practitioners being able to take blood samples. That will widen the net so more people driving while impaired will be caught.

Members on both sides of the house have given bipartisan support to the bill. All honourable members will be pleased to see the passage of the legislation. The only people who will not be pleased are the people who take drugs and do not care about how the drugs affect their driving or whether they are endangering people's lives. The general population will appreciate the passage of the legislation. I hope the percentage of people killed by drivers impaired by drugs will drop as a result of this campaign to improve road safety.

I wish the bill a speedy passage through both houses of Parliament. The sooner the legislation provides the necessary powers to the police to get irresponsible people off our roads, the better it will be for the whole community.

Mr VINEY (Frankston East) — I do not propose spending much time debating the Road Safety (Amendment) Bill because there has already been a wide debate in the house.

I acknowledge the concern about and commitment to road safety of my predecessor in the seat of Frankston East, Mr Peter McLellan. Peter felt passionately about road safety. He served on the Road Safety Committee, and I am sure as a member of that committee he considered many of the issues that have been resolved in the bill. I know he was proud of his role on the committee. In preparing my contribution to the debate I looked at some of the comments he made in the house on the issue and I note his pride in serving on the Road Safety Committee. *Hansard* of 10 May 1995 reports him as saying:

I am a member of the parliamentary Road Safety Committee and take that work seriously ... Our work is important. Road safety is probably one of the most important subjects one can speak on in the Parliament. It has to do with how people lead their lives — indeed, whether they live to do so.

The honourable member for Forest Hill told me that Peter was passionate about road safety and that he brought practical experience and knowledge of the issues to the committee. I wish to acknowledge Peter's work and express my support of the bill, which is very much in the tradition of that work.

Road safety is a concern to all members of Parliament. It is one of those issues that tend to break down the political divisions of the house. I have listened to the debate and heard many honourable members referring to the traffic accidents they have been unfortunate enough to come across and the impact those experiences have had on their lives. I am sure many honourable members have been touched by road accidents and have lost family members, close friends or other loved ones to road trauma. As well as the loss of life terrible injuries may be inflicted by road trauma.

The debate on the bill has followed the tradition of bipartisan support on the issue. It will strengthen road safety in Victoria and has its genesis in work done more than three years ago by the Road Safety Committee.

The bill establishes some new offences, including the offence of being in charge of a motor vehicle while impaired by a drug. That new offence will allow more opportunities to be proactive in prosecuting people who drive while impaired by a drug other than alcohol. It is unfortunate that until the bill is passed only people causing a traumatic accident while driving under the influence of a drug other than alcohol are subject to police action to establish their drug use and to proceed with prosecution. The bill will enable police to test quickly and thoroughly to determine whether someone who may appear to be impaired by the use of a drug has in fact used a drug.

The bill defines impairment in a way that can be applied to a driver whose behaviour or appearance could give rise to a reasonable suspicion that he or she is unable to drive properly. It offers no risk to the civil liberties of people driving normally and soberly.

The legislation is designed to ensure that the police can perform a test when they suspect impairment due to the use of a drug and subsequently take steps towards prosecution.

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

Mr VINEY — Before the suspension of the sitting I referred to the importance of the new offence of driving or being in charge of a motor vehicle while impaired by a drug. I also said that a good feature of the bill is that it provides a more proactive opportunity to prosecute

rather than police being limited to prosecuting after a traumatic accident.

The bill defines impairment and extends to other qualified persons as well as medical practitioners the power to take blood and urine samples. It provides a more flexible approach to ensure that drug-impaired drivers are taken off Victorian roads. The bill also allows the prosecution of people who refuse to give blood or urine samples, and the penalties are similar to those that apply under the drink-driving laws.

As I said at the outset, the bill continues a long tradition in Victoria of leadership in road safety legislation and programs. Other honourable members mentioned seatbelt legislation. I recall my parents had a property in the country and we used to travel regularly up the Princes Highway to that property. I often reflect how I would feel as a parent these days driving with my three children up the Princes Highway — it was not divided in those days — at 100 kilometres an hour when none of us were wearing seatbelts. That is what my parents did every time we visited our country property. Victoria's progress has been extraordinary and welcome; we have moved a long way.

The tradition of Victoria's positive approach to road safety was continued with the drink-driving laws. Victoria led much of Australia and indeed the world when it introduced the .05 blood alcohol level for drivers. Unfortunately since then society has seen an unfortunate increase in the use of drugs other than alcohol. The importance of that legislation to the people of Frankston East in my electorate is heightened by the fact that the Frankston community has experienced some horrific road accidents in recent times involving a number of young people. Several young people from one of the independent schools were killed in a tragic accident about 12 months ago, and unfortunately that was followed by two incidents, one involving students from John Paul College, and another a young student at Karingal Park Secondary College. It seemed that the tragedies occurred almost one after the other and the issue of road safety, particularly for young people, was certainly uppermost in the minds of people in the Frankston community.

The legislation is particularly important because of the way illicit drug use in Frankston has increased, just as it has in many Victorian communities. The government is producing some progressive programs to try to deal with illicit drug use. However, a side issue of the drugs debate that people sometimes forget is that people who use drugs are often in charge of motor vehicles, which is why the legislation is so important. It is also complementary to the whole drug strategy because it

ensures harm minimisation not only for drug users but for those people who might be affected by drug users who use the roads.

I commenced my remarks by acknowledging that I was speaking in the tradition of my predecessor, Peter McLellan. I am proud to do that. I acknowledge again the good work that Peter did on the Road Safety Committee. I know he was very proud of that work. I am proud to be part of the government and in a Parliament that is introducing the legislation. I am also pleased that the legislation demonstrates that honourable members can work together in a bipartisan way for the benefit of all Victorians.

Mr PHILLIPS (Eltham) — I support the Road Safety (Amendment) Bill, as have many of my colleagues. In my brief contribution I will consider the practical rather than the technical aspects of the bill. It has been mentioned that the bill may cause anxiety to a section of the community, though I am not sure why. As legislators representing Victoria we introduce commonsense laws to protect ordinary Victorians travelling on the roads not expecting to be involved in a motor vehicle accident with people not in control of their faculties or their motor vehicles.

The proposed legislation introduces a prohibition on people driving motor vehicles while under the influence of drugs — an issue that has been discussed for some time. Society demands legislation to protect ordinary people: smoking bans in restaurants have been introduced because of the evidence that smoking is bad for health; the compulsory wearing of seatbelts has been introduced and the system works successfully, despite initial concerns; random breath testing for drink-driving was introduced despite the concerns of civil libertarians over giving blood samples or being subjected to breathalysers. A minority section of the community may be concerned about the introduction of the provisions that will allow for testing of people who may be deemed by the police to be under the influence of drugs.

In the first instance there will be some commonsense tests that need to be conducted by a member of the police force, who will conduct further investigation, if necessary, by testing of either blood or urine samples.

My practical experience of people under the influence of drugs or alcohol goes back to my days of driving a semitrailer when I spent many hours on the road. Day and night people can be involved in accidents — some serious — caused through negligence, speed and unroadworthy vehicles but often through drink-driving or the illegal use of drugs.

Sadly, in many cases the person involved in the accident who is charged or convicted is not the person seriously injured. Usually the other person comes through a stop sign or a red light and causes a crash. That person will be found to be or suspected of being under the influence of drugs.

For some time I worked as a contractor with the Royal Automobile Club of Victoria. The RACV was consulted and I assume has no objections to the provisions of the bill. In my younger days I had the opportunity of driving a tow truck for the RACV. One of the common tasks in such work is to pick up broken-down vehicles or those involved in accidents. In many accidents where police were not involved it was suspected or known that the drivers causing the accidents were under the influence of alcohol or drugs. I remember one case where someone said to me, ‘That person must be drunk. Look at the way he is staggering over the road’. Someone else said, ‘No, they haven’t had a drink; you can’t smell anything’. But clearly there was something wrong with the person and there was no doubt he was under the influence of something, not necessarily alcohol.

The bill will go a long way towards protecting decent Victorians and ensuring that ordinary mums and dads can drive along the road, fight through rat runs and manoeuvre through traffic during peak hour without having others endangering their lives through erratic driving.

I applaud the good work done by the Road Safety Committee chaired by the honourable member for Forest Hill, John Richardson, an excellent chairman. He is seen from time to time as Acting Speaker in the house. He is a good Acting Speaker and has the ability to bring out the best in committee members. The hard work has been done by the committee members, and they have come up with reasonable recommendations based on evidence and genuine expectations of the community.

The briefing discussed the provision in the bill to cancel licences and/or fine people if they are proven guilty. That is reasonable. If drivers are found guilty the ultimate penalty is a fine or loss of licence, as with drink-driving.

The legislation also allows the police to make a reasonable assessment, in the first instance if they believe the person is driving erratically or is not in control of the motor vehicle. The police could stop the driver, speak to him or her and conduct a simple test to determine whether he or she is acting in a reasonable manner.

If that person refuses to be involved in what are deemed to be simple, commonsense tests to indicate the person is in full control of the motor vehicle, the police officer then has the authority to insist on a blood or urine sample. That is reasonable and is the only way we can ensure the legislation is carried out to its fullest extent.

To my knowledge, similar legislation has been introduced in other parts of Australia. In New South Wales — and I am only going from memory so I could be corrected — some 900 people have been caught committing offences similar to those dealt with in this bill. The proposed legislation is not necessarily new. Perhaps we will come back in future and do more i's and cross more t's as we find loopholes or come up with new ways to tighten the provisions we are now discussing. That is reasonable. All good legislation should be examined on a continuous basis: where it is flawed it should be fixed.

The bill provides that approved health professionals can take blood samples when registered medical practitioners are not present. I do not have a problem with that. It deals with police undertaking an assessment process, and I do not have a problem with that either because, at the end of the day, 99.9 per cent of police men and women are committed to their jobs. There is no doubt that everyone is disappointed if pulled over by police officers and fined. From time to time, I have had to contribute to the state's revenue because I have driven one or two kilometres over the speed limit.

The bill also requires a person who cannot provide a breath sample to accompany police to a place where a blood or urine sample can be taken. It is a good, commonsense bill. I would be surprised if the community would be concerned about its implementation. At the end of the day, our job as legislators is to try to improve the safety and quality of life of persons using the state's roads. I support the bill, and I am grateful it will pass through this house with bipartisan support.

Mr ROBINSON (Mitcham) — I am pleased to speak briefly on the Road Safety (Amendment) Bill. I begin by reflecting on the fact that this will be a full debate, because every member who wants to contribute to the debate will be given the opportunity to do so. That is a tremendous reflection on the way the house is now arranging its sitting hours. In my two years as a member of Parliament before the last election, more often than not bills such as this were not aired in a way that allowed all members to contribute to the debate.

This significant bill will strengthen the efforts of the state to control the road toll and enhance road safety. The steps involved are necessary and will meet with the overwhelming support of people across Victoria. The bill flows from the recommendations of the Road Safety Committee, which have been ongoing since 1996. It has been universally recognised during this debate that for a number of years the Road Safety Committee discharged its responsibilities in a very satisfactory manner.

Essentially, the bill seeks to extend to drivers on Victorian roads the same obligations with respect to intoxicants that apply to alcohol. We have operated in this state for a considerable time with rules that prescribe what drivers can and cannot do with blood alcohol limits of set levels, and those arrangements have proved to be very effective. Time moves on and the law must be amended to take stock of changing patterns of behaviour. Over recent years Victoria and other states have been confronted with a significant growth in non-alcoholic drug intoxication, so it is about time legislation was introduced to cover that situation.

A number of speakers have referred to the technical considerations of the Road Safety Committee with respect to drugs other than alcohol and the way those drugs impair the ability of drivers. The Road Safety Committee is not alone in having considered those matters. In the previous Parliament I was a member of the Law Reform Committee which undertook an inquiry into self-induced intoxication. Some people might think that was a very appropriate reference for a parliamentary committee, but it was a serious inquiry which took the committee to Sydney, Brisbane, Adelaide and Darwin. In the course of its deliberations the committee was presented with evidence from experts in the fields of drugs and psychology about the complex physiological relationships between drugs and mental capacity.

I do not think any member of the committee, which included the honourable members for Doncaster and Rodney, the former honourable members for Narracan and Melbourne, and me, came through the inquiry with a clearer understanding of the relationship between drug usage and mental impairment. On the evidence presented to the committee it was obvious that the incidence of polydrug abuse is increasing. On several occasions the committee had evidence presented to it that people convicted of crimes of violence would often be affected by having taken alcohol in combination with other drugs, and that nowadays that is the norm rather than the exception. The difficulty is in trying to understand and explain the way different intoxicants

work on the body. Some drugs act as stimulants and others act as disinhibitors.

It is extremely difficult for people in the law to clearly comprehend the way drugs work in every case, and that is a key challenge to parliaments when they are considering legislation such as this. All honourable members would accept that legislation such as this is necessary, but there is also a need to recognise that in future it may not prove to be as easy for courts to establish clear links between drug usage and impairment as it has been to establish links between alcohol abuse and impairment. Largely the challenge is to establish clear, solid and objective measures that will enable drug impairment to be proved as readily as alcohol intoxication. As has been noted during the debate, there is an objective measure of intoxication — the breathalyser. For better or for worse for a long time a .05 blood alcohol reading has been accepted in this state as the starting point for the strict liability offences.

It is not as easy to devise tests for intoxication as a consequence of taking non-alcoholic drugs. Nevertheless, the government will attempt to deal with the issue as best it can. To that extent, clause 4 of the bill will enable prescribed drugs to be added to the legislation. I suspect that that mechanism in the bill will be regularly utilised for the purposes of updating the schedule.

In the second-reading speech the minister noted that the bill had been structured to allow the law to take account of the way chemicals are altered to get around — —

Mr Steggall interjected.

Mr ROBINSON — That is right, they are altered to get around strict definitions. I do not know what the honourable member for Swan Hill had for dinner, but he is overstimulated. I wonder whether, had he been fortunate enough to travel north to investigate the issue with the Law Reform Committee, he would have had the courage to withstand Cyclone Rona, which held up the committee for two days in Cairns. The incident would have terrified some people, but the Law Reform Committee members soldiered on and their deliberations and investigations did not suffer as a consequence.

The committee was well acquainted with the difficulties that confront Parliament and law enforcement agencies in trying to deal with the rising incidence of non-alcoholic drug impairment. I conclude on this point by referring to the rapidly escalating incidence in recent years of drug usage and manipulation across the sporting world. Many athletes and coaches have been

discredited as a result of resorting to fiddling with chemical compounds to mask such usage. The drugs act as stimulants to performance, but the real skill is involved in preventing detection. To a large extent the people who are actively involved in the supply and prescription of illicit drugs to stimulate sporting performance are well ahead of the agencies that are attempting to enact higher standards.

The government hopes the bill will send a strong message to all road users, some of whom are a more recalcitrant than others. The bill reminds me of a story that first came to prominence a couple of years ago on the 3AW breakfast show.

Mr Dixon — What about 3AK?

Mr ROBINSON — It is being challenged in the ratings by the 3AK post-breakfast program, on which the honourable member for Dromana and I are now stalwarts. Given another 50 or 60 years we might get close to threatening them in the ratings, but we are working on it.

The story I referred to involved a driver who was slightly under the weather. He passed a police booze bus without being pulled over but then mysteriously pulled up, got out of the car, walked back to the booze bus, went up to the first constable he saw and asked if he could have half a dozen sugared doughnuts. He was so far gone he thought the booze bus was a doughnut van. That is a true story. It should serve to remind honourable members that the purpose of the bill is to send a strong message to the community. I hope it will send drivers such as that a strong message before they go out and through the abuse of whatever substance intoxicate themselves to the point that they present a danger to others on the roads. To some extent the government will have to wait for technology to catch up so it can more easily enforce than it can today the standards it has provided for in the bill. I am confident it will get there.

In conclusion, I hope the bill will help reduce the tragic road toll. The costs of the current Victorian toll are almost incomprehensible. It is almost insulting to suggest to people who lose loved ones that an economic price can be put on the road tolls because their loss means so much more to them than mere dollars. The legislation will greatly assist in helping to control what is a real blight on the Victorian community.

Mr McINTOSH (Kew) — I join the debate on the Road Safety (Amendment) Bill, and in doing so I note that in their contributions many other honourable members have eloquently and adequately dealt with it. I

do not think a member of the house would not be moved by the scourge of drugs in the community. The community faces the pernicious problem collectively and tries to grapple with all sorts of solutions across its broad spectrum — namely, how to deal with addiction, how to solve the addiction of others, how to deal with the families and friends of addicts, and how to deal with community issues associated with alleviating the effects on the community of such a major problem.

One of the problems facing the community is the money, the time and the energy spent on treating the problem. The current debate has thrown up a downstream effect — that is, the road toll caused by drug-drivers.

Many speakers have referred to statistics, but when it is reduced to statistics the magnitude of the problem is diminished. One honourable member referred to statistics from a recent coronial inquest that demonstrated that one-fifth of road fatalities were caused by drug-drivers. The honourable member for Forest Hill referred to statistics that estimated that they were responsible for one-third of the fatalities. Whatever the statistics may be, drug-drivers present a serious and major problem that the community must face.

Many years ago I was in court on the retirement of Sir John Starke, who had been a judge of the Supreme Court for 30 years. Sir John, who retired as Victoria's senior puisne judge, was the chairman of the Adult Parole Board for his entire time on the Supreme Court bench. He said that when he first became chairman of the board in the early 1960s 10 per cent of the prisoners were in jail for drug-related offences, either because they were addicts or because they had trafficked in drugs. In Sir John's opinion by the 1990s that figure had increased to 90 per cent. Whatever else Sir John Starke did he was certainly at the coalface of the problem.

One of the issues the house is debating is the impact of drug-driving accidents on the road toll. The casualties are not necessarily the addicts themselves but the innocent victims of drug-drivers. The community must grapple with that problem. The honourable member for Gippsland West referred to the deterrent effect of the booze buses. Drink-drivers can attend education programs and counselling, but the classic example of a deterrent is the widely-publicised booze bus with its mechanisms for detecting the level of alcohol in the blood.

The detection of drink-drivers by booze buses or breathalysers has not been without its difficulties.

Although I did not participate in many cases involving drink-driving when I was a junior barrister, I was aware that some members of the bar and many forensic chemists made a sizeable living by claiming there was an error factor of up to .025 in the breathalyser readings. If that could be proved to the satisfaction of the court — and it was easy to do — acquittals could be sustained. Ultimately legislation ruled out that avenue of excuse and Victoria now has a precise system for determining the alcohol levels in people's blood. The test is simple and all honourable members have probably had the opportunity of seeing the test in action in booze buses or elsewhere.

The problem with which the honourable member for Forest Hill and the other members of the Road Safety Committee grappled was the limited ability to detect drugs in the blood. A blood or urine test is impractical in a booze-bus setting. The committee came up with a novel approach that has since been adopted by another state, which shows that Victoria is pushing the envelope in this regard. The approach centred on determining the level of impairment rather than the level of drugs in the bloodstream, and the bill introduces a mechanism for defining that impairment level.

One of the interesting things I have experienced in my time as a new member is the level of cooperation among members from both sides of the house as they deal with difficult social issues. The issue of drug-driving, including the mechanism for detecting drugs in a driver's bloodstream, has been dealt with maturely and rationally. However, that does not mean we stop there. I commend the honourable member for Mitcham for his statement that the prospect of using new technology to detect the level of drugs in a driver's bloodstream must be grappled with.

The bill is another step in the process of dealing with a major problem on the state's roads that is also a significant part of the drugs issue we confront as a community. It sends the clear message to the community that if you are drugged and drive, you're a bloody idiot.

Ms BEATTIE (Tullamarine) — I was proud to be in the house today to hear the bipartisan approach to the debate on the stolen generation. I am also pleased to join the debate on the Road Safety (Amendment) Bill, clauses 4 to 15 of which seek to implement the recommendations of the previous parliamentary Road Safety Committee on dealing with drivers impaired by drugs other than alcohol.

The bill also seeks to empower approved health professionals other than doctors to take blood samples

for analysis for alcohol under three acts dealing respectively with road safety. They are clauses 17 and 18 in respect of the Road Safety Act, clauses 27 to 30 in respect of the Marine Act and clauses 31 to 34 in respect of the Transport Act. It is important to note that the changes will not apply to accident victims who are in hospital. Blood samples from accident victims will continue to be taken by doctors.

The honourable member for Mitcham must have the same set of friends as I, because I have also heard the story about the person asking for doughnuts. I have also heard of a friend of a friend who was pulled over by a motorcycle policeman on his way home one night. It was only one street away from home so the policeman said to him, 'You'd better go home, you've only got one street to go'. The driver promptly hopped in his car and drove over the police motorcycle.

It would be remiss of me not to praise and thank the members of the parliamentary Road Safety Committee for completing what must have been a difficult task. I understand the honourable member for Forest Hill steered the committee through that difficult task in his capacity of chairman.

The bill also makes other amendments to the Road Safety Act. The need for amendments of this type was highlighted on New Year's Eve when in a tragic accident a young woman was hit by a car driven by an alleged drug-driver and was killed. I will not comment further on that case. Clause 4 expands definitions in the act. The amendment in clause 4(1) broadens the definition by substituting 'accredited driver education program' for 'accredited drink-driving education program'. That reflects the need to cater for both alcohol and drug offences.

Clause 4(2) proposes a new definition of the word 'drug'. The proposed definition is based on the Queensland model and will have the effect that substances other than alcohol will be declared drugs if they deprive a person of his or her normal mental or physical faculties either temporarily or permanently. Drivers reasonably suspected of driving while impaired will undergo a series of assessment tests and if they provide reasonable grounds for a belief that they are impaired they must provide blood and urine samples. If the police pull over a driver whose eyes are glazed, who cannot focus and who shows other symptoms of impairment, he or she may be asked to go to a police station and take further tests. The further tests of impairment will be videotaped and may be conducted only by a trained and authorised impairment assessor.

The honourable member for Mordialloc said he was worried about what would happen to those videotapes and there is a need to make sure they are all destroyed so they cannot be used for any other purpose.

Tests could include what is known as the horizontal gaze test. Another could be the one-legged test, which involves a suspected impaired driver standing on one leg for 30 seconds. If honourable members ever think they are impaired, I invite them to try that test. There is also the old-fashioned but accurate test of walking a straight line. They are all good tests. They are tried and true methods. After undergoing such tests — and only then — a person may be required to give a blood or urine sample. The sample must be taken by an approved health professional.

Clause 4(3) defines an approved health professional as either a division 1 registered nurse within the meaning of the Nurses Act — that is, a nurse with the highest level of training and experience — or a person approved in writing by the director of the Victorian Institute of Forensic Medicine. People in both categories are respected professionals whose ability cannot be called into question. The subclause (3) also requires those professionals to have the qualifications, training and experience necessary to take the samples.

It would constitute a reasonable defence if a person had taken a prescribed drug or a permissible non-prescribed drug available through pharmacies. Such drugs would carry a sedation warning, usually including the words 'This medicine may cause drowsiness and may increase the effects of alcohol'. Honourable members will be aware that there are antihistamine drugs that have dire side effects if they are taken with alcohol. The warnings on packages state that persons who are affected should not drive motor vehicles or operate machinery. As with illicit drugs, impairment as a result of taking prescription drugs can be extremely dangerous. Clause 7 provides penalties on conviction for such offences. Apart from attendance being required at the aforementioned accredited driver education program, penalties include licence cancellation and disqualification. They are severe penalties.

Clauses 16, 22 and 24 enhance the power provided to local councils to determine local parking penalties. Clause 19 provides protective services officers with the power to prosecute parking offences.

I record my support for the amendments to the Marine Act. My partner and I own a small boat. We have often been passed on the water by large boats, commonly known as party boats, that carry passengers who drink

alcohol. It is easy in that party atmosphere for the pilot of the boat to indulge in a few too many drinks.

The honourable member for Geelong would also occasionally see that down his way. People in charge of those craft should know that they have a responsibility to look after their passengers. Far too many drownings have been caused by people skylarking on the bay, particularly after their boats overturn. It is important that drug and alcohol impairment is not seen just as something that happens on the road.

Clause 36 repeals certain provisions in the 1990 amendments. It is proposed that the term 'tailgating' be changed to 'menacing driving' and that higher penalties be imposed. The subjective nature of menacing driving makes it inappropriate to have a loss of licence-type infringement notice for such an offence; the charge of menacing driving should be proven in a court. Honourable members who have had motor vehicles with no headlights on at night driving close behind their cars will recognise that it is an extremely dangerous practice and should be discouraged. The amendment gives the law the tools to discourage that practice.

The amendments to the Road Safety Act will make it more relevant to our modern society and the changing nature of artificial substances in the community. The schedule of common drugs talks about stimulants, amphetamines, methamphetamines, ecstasy, ephedrine, pseudoephedrine and cocaine. It reads like some sort of drug-induced nightmare. It also includes Serepax, Rohypnol, Mogadon and Temaze, to name a few. The house can see how these cocktails of drugs make it extremely difficult to prove that drugs are present unless you can take blood and urine samples.

I support the bill and am pleased that it has the support of the opposition. I wish the bill a speedy passage.

Mr DIXON (Dromana) — The opposition does not oppose the bill. As a former member of the Road Safety Committee I am always pleased to see the work of a joint parliamentary committee coming to fruition in legislation. Victoria has been a leader in road safety, not only nationally but internationally with our booze buses, television advertising, speed cameras, radars, and seatbelt legislation.

As a member of the Road Safety Committee I was always pleased with the reaction we received when we travelled either interstate or overseas. The committee was held in high regard by all sorts of road safety groups around the world. On many occasions they even came to visit us to discover what Victoria was doing so that they could take away many valuable lessons. With

the introduction of this bill, Victoria is now tackling the next big contributor to our road toll — the increased use of drugs other than alcohol and their effect on drivers. We must never rest and take our lowered road toll for granted. If we do that it will soon get higher.

The operation of this legislation will be watched very closely by a number of jurisdictions around the world. They were pleased that the Road Safety Committee put together its report and they are looking forward with anticipation to how it will be implemented. It will be interesting to see whether the processes set out in the bill will provide a smooth avenue for catching those people who are abusing substances other than alcohol, which then impair their driving.

Honourable members have discussed the cost to the community of accidents on the roads, both in social and economic terms. Road accidents can range from the inconvenience of your front fence being smashed or your car damaged to the horrible trauma of somebody near and dear to you being killed in a road accident. Just in purely dry economic terms it has been estimated that the cost of a road death in Victoria is \$1 million. Of course, that is secondary to the social cost. It is important to continue to tackle and lower our road toll.

The various possible combinations of drugs as well as alcohol, whether they be illegal or prescription drugs, are quite vast. It has been very hard to measure, because there are so many combinations and variations. To some degree that probably has been an excuse for not tackling this problem, but at last we are tackling it. I hope the bill will be a solution that goes some way towards tackling it because we cannot measure it in an objective way. To a large degree it has to be subjective.

The Road Safety Committee's report entitled *The Effects of Drugs (Other than Alcohol) on Road Safety* refers to the concept of driving with impairment. That concept is very important. It is subjective because science still cannot establish in any categorical sense what levels of drugs and combinations of drugs and alcohol will affect one's ability to drive. The definition of impairment is interesting and it is more than adequate in this case. The report states:

Impairment is a reduced ability to perform various elements of driving adequately.

We have all been in situations where it is hard, even when we are fully sober and sane, to drive adequately and maintain those skills. But with the effects of alcohol and then the unknown effects of drugs on their own or drugs mixed with alcohol you can see how hard it is to maintain any safe control over your car.

I will touch briefly on a few matters that I am pleased are addressed in the bill. The first is deterrence. It is important to have deterrence linked with provisions in the bill so that driver licenses can be disqualified. I am also pleased with the flexibility that allows approved health professionals to step into the process when a medical practitioner is not available. I am convinced this process is fair, logical and non-intrusive. I will be interested to watch whether, as the honourable member for Mordialloc said, video evidence is as contained and appropriately used as is hoped.

I hope that one of the aspects that will be brought forward for public discussion is the improved labelling of prescription drugs so that when people take them they will be more aware of what they are taking, how it will affect them physically, how it will affect them when mixed with alcohol and how that will affect them when they are driving.

Mr INGRAM (Gippsland East) — We should recognise firstly the right of all road users to travel safely on our roads and not be at risk from drivers under the influence of either alcohol or drugs.

Victoria has been a leader in road safety campaigns and road safety legislation. It has had drink-driving laws in place for 30 years and was one of the first states in Australia to bring in seatbelt laws. When seatbelt laws were first introduced they were not treated kindly. People rarely used seatbelts, but the fines imposed under the legislation encouraged them to do so. The same is true of the drink-driving legislation. It is important to recognise the role legislation has played in road safety in Victoria.

The bill puts in place the 1996 recommendations of the Road Safety Committee. We should recognise the excellent work done by all parliamentary committees. The bill deals with drivers who are impaired by drugs other than alcohol and allows doctors and other health professionals to take blood samples from drivers of vehicles, including the drivers of rail and marine vehicles.

The recommendations of the Road Safety Committee set out in chapters 6, 7 and 8 of its report cover a wide range of aspects of road safety. It is important for governments to ensure that the risks for all road users are minimised.

The bill deals with many facets of road safety, but we should also recognise other causes of accidents on our roads, particularly in rural areas. The risks for country people are heightened because of the declining state of country roads. It is a serious problem. Country roads

are not being maintained and road transport vehicle loads are getting heavier. Pressure should be put on road transport operators who do not abide by the law. The bill will ensure that road transport drivers are allowed to operate only for the appropriate hours.

The bill covers both prescription and non-prescription drugs. It enables offenders to be dealt with more efficiently. It is good legislation that takes a further step in reducing the unacceptable number of deaths and serious injuries on our roads. The bill provides powers to the police to videotape tests of drivers of vehicles whom they believe have drugs in their system. Police will be able to cancel licences and impose fines on transport operators.

I agree with an earlier speaker who said that the bill goes further than the advertisements about drink-driving that said, 'If you drink and drive you're a bloody idiot', and puts the same onus on people who use our roads when they are intoxicated by other illegal substances. I support the bill.

Mr PLOWMAN (Benambra) — I wish to comment on clause 9 of the Road Safety (Amendment) Bill, which inserts proposed section 55B in the principal act.

I wish to contribute to the debate because I question how the measures will be implemented in country areas. The opposition does not oppose the bill, but I believe the measures contained in it should be implemented as clearly and reasonably in country areas as they are in metropolitan areas.

Proposed section 55A provides that a member of the police force may at any time require any person driving a motor vehicle, any driver of a motor vehicle that has been required to stop at a breath-testing station or a person whom the officer believes on reasonable grounds has been driving a motor vehicle, or was an occupant of a motor vehicle involved in an accident if it is hard to establish who the driver was, to undergo an assessment of drug impairment. In all those circumstances the person is required to accompany the member of the police force to undergo the assessment, which must be videorecorded unless the prosecution is satisfied that the video recording was not made because of exceptional circumstances.

As you would know, Mr Acting Speaker, in your area but more so in mine, if an individual is picked up when driving or is responsible for a motor vehicle that has been involved in an accident, the breath-testing station may well be more than an hour away; it may even be more than 2 hours away.

Consider where police video equipment that would allow such assessment is currently located. In the police region of which the electorate of Benambra is a part, video equipment is available only where the community policing squads or sexual offence and child abuse units are located. Those centres are Wodonga, Wangaratta, Benalla and Seymour. That leaves a lot of country at least an hour and a half away from any of those centres.

What will happen if, well away from any centre where video equipment is available, a country police officer finds someone he or she thinks is drug impaired? What will the officer do? What if the person objects to travelling for an hour or an hour and a half to submit to video assessment? Unless additional resources are provided for video equipment in places like Corryong, Mitta Mitta, Dartmouth, Mount Beauty, Whitfield and Mansfield — centres that do not have video equipment — police officers in those areas will be placed in a difficult position.

In many such places there is a one-person police force, or at least only one person on duty at a time. That officer, finding someone who might be impaired, will have to drop everything and leave the area to take the suspect up to an hour and a half away to have the assessment done. Under the bill the police officer performing that duty will have to stay at the place where the assessment is carried out for at least 3 hours, adding further to the time the police officer will be away from other duties. Plenty of police officers faced with that option would say that they would not be fully performing their duties if they left their areas for so long.

If the legislation is not accompanied by the provision of video equipment across country police stations police officers will be faced with an untenable situation. They will have to ask themselves which is the lesser of the two evils. Should they take the person whom they believe to be drug impaired away for assessment or should they say, 'Get on your way, soldier, and don't do it again!?' I think I know which option many police officers would be inclined to take.

The bill provides that assessment of drug impairment must be carried out by a member of the police force authorised to do so by the Chief Commissioner of Police. That is another difficulty. Why not give blanket authorisation to all police officers? Then, if a police officer at Mitta Mitta picks up a driver who is in his or her view under the influence of drugs, the assessment can be done. Of course that means most officers will require training in video assessment routines, because most of them do not have that training.

Therefore, in addition to the introduction of the legislation there is a need to distribute video equipment to police in country areas and to train all policemen and women so they can be authorised by the chief commissioner to determine whether someone is drug impaired.

Ms ALLAN (Bendigo East) — I am pleased to join the debate on the bill. Like my country colleague the honourable member for Benambra, I will speak on the effects of the bill on country Victorians.

If I understood him correctly, the honourable member was building an argument for more police resources in country areas. That is certainly a position I would support. With the introduction by the government of 800 extra police officers over the next four years I am sure some of those extra resources would be welcome in country areas across Victoria.

The bill is another of the type we on this side of the house love to introduce because it implements yet another of the policies the Bracks Labor team took to the last election — and won! The bill satisfies a policy commitment to improve road safety across Victoria and is a move towards the promised 20 per cent reduction in the road toll over the next five years.

Road safety is a very important issue in country Victoria. I acknowledge the contributions over many years of country members to the parliamentary Road Safety Committee. Too many deaths occur on country roads, and too many of them involve young people. As the youngest member of this chamber I am often asked to speak to young people in my electorate, and the issue of drugs, alcohol and driving often comes up in our conversations.

I direct the attention of the house to the tragic accident that occurred in central Victoria in January 1999 when four young people lost their lives on a country road on the outskirts of Bendigo because of a lack of driving experience. The driver was on P-plates and the passengers were aged between 16 and 18.

Although it is hard to talk about positives, after that tragic accident the parents, families and friends of the young people who were killed established an organisation called operation DEFY. They are talking about defying the road toll and the continual deaths of young people on the roads through inexperience or alcohol or drug abuse. The parties are to be commended for going out into the community and playing an educative role for both young people and other drivers and focusing on the issues of inexperience and drug and alcohol use. They have also raised vast amounts of

money for the establishment of a driver education centre in central Victoria.

I note the honourable member for Rodney, my northern neighbour, is nodding in agreement. I am sure that you, Mr Acting Speaker, are more than aware that driver education centres are much needed.

The bill also educates young people about the dangers of driving while under the influence of drugs and alcohol. I heard the honourable member for Hawthorn talk earlier about drinking. Other honourable members have pointed out the effectiveness of the campaign that has as its message 'If you drink and drive, you're a bloody idiot'. It warns young and older members of the community alike about the danger of alcohol abuse and driving.

The bill is concerned about looking after young people who drive under the influence of drugs as well as protecting other motorists. As I said, I am particularly focused on the Road Safety (Amendment) Bill. I speak of the young people in country Victoria who, whether because of the tyranny of distance, boredom or whatever, seem to turn to drug and alcohol abuse as quickly as their city peers. Country members must emphasise that drug abuse is not limited to the metropolitan boundaries; it is as significant an issue in country Victoria as it is in the city.

Last Thursday afternoon I spoke at length with a group of young people in my electorate who belonged to an organisation called Lead On. It develops leadership skills among young people in central Victoria and aims to keep those young people in the region. Whenever I visit schools or communities and speak with young people we always end up on the subject of the effects of drugs on their peers and their families. It is tragic to hear their stories. I was interested to hear one young person say that drugs are not the only problem and that alcohol abuse is also a problem for young people, particularly teenagers.

I emphasise that although the bill concentrates on drug abuse and convicting people who drive while under the influence of drugs it is also important to note that young people are still most affected by alcohol. They see their parents use and possibly abuse alcohol and they see their peers accepting that every Friday or Saturday night the standard is to get as blotto as possible in the shortest amount of time. In one sense it was heartening to hear young people recognise alcohol as a problem and talk about some of the ways to address the problems of their peer groups.

The bill makes it an offence for people impaired by a drug to drive a motor vehicle. I commend the Minister for Transport for bringing the bill to the house. It is important for members of Parliament at both state and federal levels to consider the impact of drug abuse in society.

A novel and interesting way of bringing the issue to public attention was suggested by the Salvation Army recently. It said that any members of Parliament involved in drafting or debating legislation that involves drugs should undergo drug tests. That was an interesting way of directing public attention to the fact that drug abuse touches all sectors of the community and that although members of Parliament are considering drug abuse they must make sure they are doing so in the most informed and considerate way for the benefit of the community.

I am sure honourable members would have been shocked by the recent photographs in the *Herald Sun*. Although a number of newspapers have run drug stories over the years, the recent photographs of two young girls who had just shot up in their vehicle and were about to drive off with the used syringes still on the dashboard was shocking. It was a graphic illustration that young people are driving while under the influence of drugs.

I recognise and commend the work undertaken by the parliamentary Road Safety Committee. In its report it stated that one-eighth of the state's road toll is attributable to the taking of drugs while driving. The bill makes up part of the Bracks Labor government's four-prong strategy and road safety campaign. The important part of that drug strategy is education, which includes education of young people. Driver education is very important in this instance, as is communicating with young people through Lead On.

The bill goes to great lengths to detail the conditions under which drug tests will be undertaken and the minister has gone to great lengths to ensure that it is a transparent process. Clauses 4 to 15 deal with drug testing and the related amendments.

The honourable member for Benambra went into detail about the videorecording of drug tests as they are being undertaken. The bill outlines the process by which someone who might be seen as driving while under the influence of drugs is tested after being pulled over. As the honourable member for Tullamarine said, a person's appearance is taken into account and glazed or bloodshot eyes are noted. A testing procedure follows. If that indicates that the driver might have drugs in his or her system a blood or urine test is required.

It is interesting to note that just as there are severe penalties for people who are convicted of being under the influence of alcohol while driving there are also severe penalties for people who are found guilty of driving while under the influence of drugs. They include fines up to \$1200 for a first offence and up to \$2500 or three months imprisonment for a second or subsequent offence. The driver will also be disqualified from driving for 12 months for the first offence and 24 months for the second offence. I hope that most drivers who are convicted of a drug offence for the first time do not make the mistake of doing it for a second time. It is a serious issue, particularly in country areas where there are already far too many road deaths involving young people, most notably males under the age of 25.

I hope that having gone through the process of being found guilty and suffering a significant fine or imprisonment, a driver would not be silly enough to turn around and again drive while under the influence of drugs.

As I said, the bill is part of the overall government strategy on educating the community about the evils of drug and substance abuse. Too often taking drugs is viewed by young people as a cool thing to do. Plenty of popular songs — one in particular by a well-known Melbourne band — come to mind when we think of drug abuse. Sadly, many celebrities are often reported on and glorified by popular media culture for their drug use. I look forward to talking to young people in Bendigo and central Victoria about driving while under the influence of drugs and hope they take the message on board. I am sure they will. They already talk to me about it and they understand the issue of drug abuse. I commend the bill to the house.

Mr LUPTON (Knox) — I commend the Road Safety Committee under the leadership of the honourable member for Forest Hill for the work it has done in the area. The report produced some years ago set a standard that has enabled the legislation to be brought forward.

Former members of the Drug and Crime Prevention Committee — the Honourables Andrew Brideson and John Ross in another place and the members for Cranbourne and Shepparton in this place — discussed the possibility of recommending to the Parliament that legislation be introduced to provide that people under the influence of or impaired by drugs while driving should have the full weight of the law brought to bear on them. It is pleasing to see the legislation has come into being.

It is disappointing for the Drugs and Crime Prevention Committee that it did not get a brief on the drug issue. As a result the work — and several hundred thousand dollars spent on research over three years — was put away. After a lot of argument the reference has been given to Professor Penington. The Drugs and Crime Prevention Committee would have come down strongly with a recommendation that legislation along similar lines be introduced.

Drug use changes from time to time. Twelve months ago heroin or cocaine might have been popular. The other day I read a report in the *Herald Sun* indicating that LSD is on the comeback and that over the past six months 50 000 tablets have been seized. LSD had disappeared several years ago but is now back on the streets. In the fight against drugs and in legislating to combat the drug problem it is important to realise that illicit drugs are easier to obtain than cigarettes. A person under 18 years may have difficulty buying cigarettes at a milk bar but can get illicit drugs anywhere.

The legislation is excellent, though not foolproof. When the breath testing legislation was introduced lawyers could make money from exploiting a number of loopholes. The bill is the first step in the fight to reduce the road toll and make it illegal for people to drive while impaired or under the influence of drugs.

The problem will grow because the population is using drugs more often. In an article in the *Herald Sun* of 3 March it was estimated that one in five drivers killed on Victorian roads was driving under the influence of drugs other than alcohol — a terrible statistic.

The possible decriminalisation of the use of marijuana concerns me. The residue of marijuana in the body has long-term effects on people's behaviour, including their driving skills. The Drug and Crime Prevention Committee visited a place in San Francisco where marijuana was openly smoked despite being illegal; the police turned a blind eye because they realised the people in the San Francisco community need to get a fix through marijuana.

The honourable member for Shepparton, who was with me on the trip, will recall vividly the behaviour of some of the people and the effect of the marijuana. Not everyone was affected — some were not affected at all while others acted strangely. There is no rule that can be applied across the board to say how people will be affected. In a room of 30 or 40 people, perhaps 5 of them were behaving strangely. I think that is typical. Some people could smoke marijuana and not be

affected while others could smoke it once and go off their faces.

The legislation is good. It is not going to solve the problem but it will make people aware that a person who drives while impaired by drugs will have the full weight of the law brought down on him or her. The minister should be congratulated on introducing the legislation. The Drugs and Crime Prevention Committee would have made a similar recommendation. Certainly the conservative members of the committee would have made a similar recommendation had the committee been given the brief when Parliament was recalled.

I commend the legislation. It is a step in the right direction and will put Victoria back in the forefront of the fight against drugs.

Mr HOLDING (Springvale) — It gives me great pleasure to make a contribution to the debate on the Road Safety (Amendment) Bill. The main purpose of the bill is to introduce an offence of driving or being in charge of a motor vehicle while impaired by a drug.

It is an important piece of legislation for the people of Springvale. Members of the chamber will not be surprised to learn that Springvale has an acute drug problem, particularly an acute heroin problem. People come to Springvale to purchase drugs, and the evidence indicates that one of the by-products of the problem is that a majority of drug users buying drugs in Springvale use them close to where they are purchased. After scoring a hit of heroin users then have to return home or go to work. Consequently they drive while impaired or under the influence of the drugs, creating an acute road safety and personal safety problem in my electorate and surrounding areas.

In Springvale there are approximately three non-fatal overdoses every day and one fatal overdose probably every two weeks or thereabouts. During the past 12 months the City of Greater Dandenong picked up over 250 000 used syringes through the Southern Health Care Network drug crisis syringe pick-up service. There is obviously an acute drug problem in Springvale. People use drugs in proximity to where they purchase them and then drive home or to their places of work while under the influence of drugs. It is very important to support the provisions in this bill so that the problem can be dealt with.

I shall deal extensively with the issue of impairment because it is probably the key issue. The bill provides a set of thresholds that must be resolved in order to establish that an offence has taken place. The first is the

observation test. It is carried out by the members of the police force who pull over a driver to conduct a random breath test, roadworthy test or some other check and, who, after questioning, form the belief that there is a reasonable possibility that the driver may be impaired by drugs.

Obviously it is not a perfect or foolproof method, but the observation tests include things such as the ease with which the driver is able to produce his licence, whether he recalls his name, and evidence of slurred speech or any other behavioural issues that are not necessarily attributable to other things. Obviously slurred speech may be due to some other disability. However, I imagine most police officers would, through observation, be able to establish a reasonable belief, which leads to the next aspect of the test — that is, the impairment test.

I was eager to get more information about the impairment test, which is based on what I understand to be the standardised sobriety tests that have existed in the United States of America for 20 years or more. They include a variety of things, such as flickering of the eyes — a physiological test. Flickering of the eyes is a characteristic of excessive alcohol consumption but also of opiate use, which is obviously one of the tests that could be used as part of the impairment test. The second is the so-called one-legged stand, where the driver has to stand on one leg for about 30 seconds and count to 30. The ability to count consecutively to 30 as well as the physical act of standing on one leg is part of the broader impairment test.

Walking in a straight line has been mentioned by many previous speakers as well. It is obvious that the inability to walk in a straight line may indicate an impairment. It is important to view the test as a combination of all its constituent parts and not just as one, simple tick-a-box procedure where if you fail one request you fail the impairment test. That is not how it works. It requires a judgement by police officers on all components of the test.

Introduction of the impairment test will be based on a training package developed for the police based on some of the recommendations of the Road Safety Committee. The committee had the benefit of evidence from medical experts and the Los Angeles Police Department, which has a long history of dealing with the so-called standardised sobriety tests. In addition to the training package a workbook is either in the process of being developed or has been developed, and there will be an interactive CD-ROM.

During my background reading on the bill my attention was drawn to the survey entitled 'Drug use monitoring in Australia (DUMA) — preliminary results from the Southport site 1999'. The document deals with trends and issues in crime and criminal justice and is issued by the Australian Institute of Criminology. The institute had the benefit of considering some of the scientific tests used to establish the medical question of whether a person has a drug in his or her system. The first test is observation; the second is the impairment test. If both those tests lead to a reasonable belief that the matter should be pursued, the next phase is the urine or blood test to positively and definitively establish whether drugs are present in a driver's system. The Australian Institute of Criminology study states:

In drug testing, it is possible to have false positives (the person is said to have taken the drug when in fact they have not) and false negatives (the person is said to have not taken the drug when in fact they have consumed the drug). However, accuracy rates for urinalysis generally exceed 95 per cent across the major drugs, false negatives are in the 2 per cent to 4 per cent range, and false positives are rare or nonexistent.

That is very important because it establishes that, although some people will satisfy the requirements of the test and get off even though they have been taking illicit drugs, it will be very unusual — statistically almost impossible according to the studies — for someone who has not taken an illicit drug to be found to have such a drug substance in his or her system.

The conclusion of the Australian Institute of Criminology study — it was based on just one watch-house where urine-based drug tests were taken — states:

The data show that cannabis is the most prevalent drug and it is the drug that most people arrested for a drug arrest test positive for. Two-thirds of those who tested positive to cannabis did not test positive to any of the other illicit drugs. However, virtually all of those who tested positive to one of the other illicit drugs tested positive to cannabis. As cannabis use is widespread it is found across all the major offence categories analysed in this paper.

The offence categories included traffic offences relating to driving while under the influence of alcohol.

The importance of the legislation cannot be understated. It establishes a rigorous regime under which a person will be subjected to a medical, or more invasive, blood or urine test, which is appropriate. It is important that respect for people's right to privacy and civil liberties be balanced against the overriding consideration of community safety and welfare. That is certainly the message I have received loud and clear in my electorate of Springvale. People expect not only that

legislative provisions such as these will respect people's civil liberties but also that their welfare and safety will be protected.

As well as providing for a series of tests, including the medical test for impairment, the legislation creates a defence for the finding in a person's system of permissible non-prescription drugs. Even though a person may not have satisfied the impairment test, if a drug he or she was using had been obtained only from a pharmacy or registered medical practitioner that will be considered appropriate and the person will not be convicted.

The legislation provides a definition of 'drug', which is important. It also provides for people other than medical practitioners to take blood samples. That is important to ensure the legislation is workable in satisfying the 3-hour test, which relates to the taking of not only drug samples but also alcohol samples. The legislation will ensure that a suitably qualified person other than a medical practitioner can administer the urine or blood test for not only drugs but also alcohol. That is an important change. Importantly the section 85 statement in the legislation will protect those people from liability for any actions they take in carrying out their duties under the legislation.

Mr Doyle interjected.

Mr HOLDING — The shadow minister interjects that there are two. That is correct, and I did not suggest there were not.

I am pleased to have been able to contribute to the debate on the bill. Road safety is of great importance and interest to the people of Springvale. They support the enactment of this sort of legislative regime to protect their safety and welfare. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I am pleased to contribute to the debate on the Road Safety (Amendment) Bill, the prime purpose of which is to introduce a new offence of being in charge of a motor vehicle while impaired by a drug. I welcome the legislation because I am concerned about death and injury on the roads as it affects each and every one of us in some way or another.

I well recall the introduction of the drink-driving legislation, which led to a major cultural change. It is now considered antisocial to drink and then drive, and a far more socially responsible attitude to the issue has been one of the important factors that has led to a dramatic reduction in the road toll. The drink-driving legislation, the presence of booze buses funded by the

Transport Accident Commission, breathalysers that give reliable and accurate tests, the introduction of credible speed limits, a prominent police presence, and penalties that hurt have combined to reduce death and injury on the roads. However, the road toll is still unacceptably high and I therefore welcome legislation that it is hoped will reduce death and injury even further.

All honourable members are concerned about the drug problem. The general trend to the use of cocktails of illicit drugs is bad enough, but some of those now being used should cause the community concern. Various speakers have referred to the extent of death and injury on the roads caused by drivers having used drugs other than alcohol. The figures on the extent of drug use as a factor in road deaths range from 25 per cent to 33 or 35 per cent. The 1997–98 figures indicate that 32 per cent of fatally injured drivers had drugs other than alcohol in their bloodstreams. That gives some indication of the problem.

All honourable members who have spoken in the debate tonight would share the view that drivers impaired by drugs should be treated in exactly the same manner as those impaired by alcohol. They are not responsible and compromise the safety of others when they drive. Until now the difficulty has been in finding a reliable and accurate test for drugs. To give an example, a constituent of mine was seriously injured by a person who was driving while impaired by drugs, but the driver could not be charged because of the inaccuracy of the test. That driver has since been involved in another accident in which another person was seriously injured. That is totally unacceptable. The legislation will put an end to that sort of behaviour.

The all-party Road Safety Committee should be commended for the groundbreaking work it has done in the area. I think all-party committees are a great part of the parliamentary process. A number of years ago I chaired a subcommittee of the Social Development Committee that looked at speed limits and motorcycle safety. It also looked at the issue of driver impairment, but at that stage there were not accurate tests and no progress was made. Technology has moved on and accurate tests are now available. I applaud the recommendations of the committee.

Other speakers have already pointed out the leading role Victoria has played in road safety legislation, including the introduction of seatbelts, drink-driving legislation, credible speed limits, and so on. The bill is a further step in that direction.

Road use is a privilege. The second-reading speech sums that up well when it says the bill aims to provide an appropriate balance between protecting the rights of the individual and the community expectation that effective measures will be brought to bear on the problem of drivers who continue to drive while impaired by drugs. Everyone has a right to safe passage on the roads. Many honourable members, particularly country members, drive thousands of kilometres each year. People's lives are put at risk every time they go out on the road, and the bill goes a further step in providing safe passage.

I welcome the legislation. The opposition does not oppose the bill, nor should it. The cost to the community caused by people driving while impaired by drugs is estimated at between \$140 million and \$150 million a year — and that is only the financial cost. The trauma and damage done to careers and family relationships by road accidents — accident is the wrong word, crashes is more appropriate — caused by irresponsible people driving while impaired by drugs must also be taken into account.

Earlier speakers referred to the mechanics of the bill, such as the preliminary road test, the further physical test, blood and alcohol tests and videorecording. I share the concerns of the honourable member for Benambra in expressing the need for more video cameras.

I am pleased that the bill also applies to rivers and streams. It contains a section 85 statement, the use of which members of the government railed against when in opposition. Coupled with legislation on excessive speed and driving with alcohol levels above .05 the bill sends a strong message to the community.

I congratulate the all-party committee, particularly the chairman, the honourable member for Forest Hill, on the report. I welcome this advance in road safety legislation.

Mr NARDELLA (Melton) — I support the Road Safety (Amendment) Bill, which is important and will have an effect on many of my constituents. One of my constituents — Kerryn — and her son were travelling in their car when a drug-driver collided with them. I agree with the honourable member for Rodney that it was not an accident but a crash. The collision has markedly affected Kerryn's life. Because of her brain injury she is no longer in charge of 50 people at work, her marriage has broken up and her life has been destroyed, all because a drug-driver was behind the wheel of a car.

The bill follows many bipartisan initiatives such as the seatbelt and .05 legislation. It follows the government's policy of trying to lower the road toll by 20 per cent over the next five years. The human cost of deaths on Victoria's roads — in many instances they are the lucky ones — and the injuries caused by collisions involving people affected by drugs is dreadful.

I congratulate the Road Safety Committee on its fine report. Members of the upper house referred to the Road Safety Committee as the replacement for the earlier Mortuary and Cemeteries Administration Committee because of the amount of travelling it undertook both in Australia and overseas. However, its report demonstrates the benefit of committee members seeing first hand what is done in the United States of America by the police and law enforcement officers who used the various tests encompassed in the legislation. Drink-driving laws in the USA have a blood alcohol limit of .1 rather than .05. The committee comprised several distinguished members of Parliament.

My mate the Honourable Doug Walpole was on the committee, together with Brian Mier, both of whom were members in the other place. The chairperson was the honourable member for Forest Hill. He led the committee extremely well, and the report bears that out.

The legislation is important for my constituents and the constituents of surrounding electorates such as Werribee. It will make Victorian roads safer. Although it is unfortunately impossible to completely solve the problems, honourable members understand the need to try to put together a legislative framework that will support the police in dealing with situations in the best way possible. I appreciate the opposition's support. I commend the bill to the house.

The SPEAKER — Order! As the required statement of intent has been made pursuant to section 85(5)(c) of the Constitution Act 1975, I am of the opinion that the second reading requires to be passed by an absolute majority. As there are fewer than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! Under sessional orders the time for the adjournment of the house has arrived.

Alpine cattle grazing

Mr RYAN (Leader of the National Party) — I raise a matter for the consideration of the Minister for Environment and Conservation on behalf of the members of the Mountain Cattlemen's Association of Victoria. It relates to a dispute regarding licences that have been granted for alpine bush grazing under the terms of the National Parks Act. The dispute followed a significant bushfire that occurred in January 1998 in the Caledonia region. The bushfire burned approximately 24 000 hectares of the Alpine National Park north of Heyfield, including 3000 hectares of treeless subalpine vegetation. It was the first landscape-scale fire to have occurred in the Victorian alpine region since 1939.

An issue subsequently arose as to the capacity of the licensees to exercise their rights pursuant to the terms of their licences to graze stock, which had been done for some 100 years. A dispute developed between the members of the association and Parks Victoria as to whether grazing could occur. The department would not grant the permit, and in accordance with the terms of the act and at the request of the parties a panel was appointed by the minister to determine the position. That panel was conducted under the auspices of Tony Graham, QC. Hearings were held in February of this year. On 17 February a determination was made by the panel in favour of Parks Victoria and against the interests of the association.

During the course of the hearing it was recognised that this is a critical asset available to the members of the association for the purposes of grazing their stock, and Mr Graham made that point in his closing remarks.

Is the minister prepared to again consider allowing the licensees to access this important area? Normally that access would occur between November of one year and April of the next, when stock would be grazed in the subject area. The fact that they cannot graze the stock causes these folk severe financial strain, because they are obliged to make other arrangements. I ask the minister to consider whether those farmers will be able to graze their stock as they have historically done, as Mr Graham pointed out at the panel hearing.

Vicroads: disabled driver licences

Mrs MADDIGAN (Essendon) — I raise with the Minister for Transport a matter concerning Vicroads and the need for it to review its processes regarding the

issuing of driver licences to people with physical disabilities. Concerns about the process have been raised with me by one of my constituents and her family. It would appear from the information they have put before me that the Vicroads process is geared more to people who become disabled after they have received their licences than to disabled people seeking their licences for the first time.

I suspect the process has probably grown up over a number of years without any actual process or standards ever being investigated. The woman in question has some physical disabilities and normally uses a wheelchair. She applied for her licence. The process is that you have to get your L-plates and after you have learnt to drive you then must have an occupational therapy (OT) assessment before you sit the licence test. In her case she paid for her driving lessons and finally had the OT assessment. The result of the assessment was that her legs were not strong enough for her to use foot pedals and that she would have to use hand controls, which meant she then had to go through the whole process from the beginning of having driving lessons at extra expense before she could go for her licence.

Her family thought that was a rather bizarre sequence of events — that you could learn to drive without an OT assessment, then you were told you were not capable of doing it — and that it would appear to make the person a danger not only to herself but to other people on the road. The family asked what processes were in place to overcome the problem. They were informed by Vicroads that a medical review board looks into these cases, even though there is no-one with medical qualifications on the board. They were also told that you can obtain a second opinion — which this family did. They were then told by Vicroads that whatever the second opinion is, that is the final decision, even if it is different from the first opinion. Again, that seems a rather bizarre set of circumstances.

For many disabled people the capacity to drive gives them much-needed independence, and it is essential that Vicroads does everything it can to enable them to achieve that goal. It would appear that the process that has grown up over the years at Vicroads does not enable people to easily get a licence. It is time that there was a review of the policy and that procedures were put in place to make it a fairly easy process.

Victorian Primary Principals Association

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Education to investigate and report back to the house on why a number of bona fide statewide

education organisations appear to be either excluded or provided with minimal consultation prior to major education decisions being announced by the minister.

An email from the president of the Victorian Primary Principals Association, Mr Lex Arthurson, to all principals across Victoria states:

Today I wrote to the Minister for Education on the issue of consultation with members of the principal class. This came in response to a number of recent government initiatives, the latest being the teacher staffing arrangements in which the level of consultation was in our view inadequate.

...

The VPPA received a draft paper from DEET on the proposed changes to staffing arrangements.

We were also disappointed with the manner in which the principals were informed. The AEU had managed to forward information prior to the official memo reaching principals. Further, information provided by the AEU was not totally accurate and caused some confusion.

Surprise, surprise! The head of the Victorian Primary Principals Association wrote to all principals pointing out that that eminent, statewide education organisation had a mere three working days in which to be consulted on and respond to a major change to education policy, whereas the trade unions had three weeks to get back to the minister with their considered views.

In addition to that, recently we have seen the launching of the curriculum standards framework, a Kennett government initiative that has been borrowed in totality by the Minister for Education. Of course, no attribution was given to the Kennett government. Anybody reading media reports would have thought that the Minister for Education was entirely responsible for dreaming up a whole new curriculum standards framework.

Who was at the launch? The usual fellow travellers — the Australian Education Union, the Victorian Council of Social Service and the Joan Kirner parents federation, who were all invited to participate. Who was left off the invitation list? The Association of School Councils in Victoria. The statewide body responsible for school councils in Victoria was not invited to the launch of the curriculum standards framework. Why was that? Because that organisation is not seen to be singing from the same hymn book as the Minister for Education.

Talk of consultation from the Minister for Education is all rhetoric. There was no genuine consultation other than with the other Mary who runs education in Victoria, Mary Bluett. That was the consultation process. Legitimate, statewide education bodies, many

of which have a history of more than 50 years input into government decision making, had no input whatsoever into this minister's so-called consultation process.

Epsom Primary School

Ms ALLAN (Bendigo East) — I ask the Minister for Transport to establish a 40-kilometre speed zone around the Epsom Primary School, which is located to the north of Bendigo in my electorate of Bendigo East.

I visited the school last Tuesday because I was invited to do so by the school principal. I was specifically asked to attend at the end of the school day, at approximately 3.30 p.m. After having visited Mrs McMahon's prep class and met with the principal, Matt Dillon, the school council president, Mr Richard Grabisch, and school council member Russell Robertson, who briefed me on the issue, I was invited to view first hand the problems with traffic around the school.

I have drawn a small mud map that I am happy to make available if honourable members would like to see it. It shows that the Epsom Primary School is located on Howard Street, off the Midland Highway. The street is also known as the Epsom–Eaglehawk road, and it is a major arterial road for heavy vehicles travelling to and from the saleyards at Huntly, north of Epsom. The problem is that as the traffic travels down the hill towards the traffic lights on the Midland Highway the speed zones go down from 100 kilometres an hour to 80 and then to 60 in quick succession. Motorists reach the 60-kilometre zone and are immediately confronted by the school. A bridge then obscures vision of the traffic lights on the Midland Highway.

While I was at the school there was a great volume of traffic as parents picked up their children at the end of the day. There was only one main entry and exit point from the school on to Howard Street, so I witnessed first hand some interesting traffic manoeuvres that I am sure the Minister for Transport would be delighted to view. Parents were trying to cross the road with their children, and I saw a number of illegal U-turns across double lines. People did not slow down or take enough care in light of the traffic around the school.

The school is located in an area of increasing population and is part of a growth area. School representatives have asked me to lobby the minister, which I am more than happy to do this evening, to establish a 40-kilometre-an-hour speed zone on Howard Street. The school wrote to Vicroads about the matter some 18 months ago but it was not followed

through. I ask the minister, in support of the school, and in particular the children — —

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

Eastern Freeway: extension

Mr LEIGH (Mordialloc) — I raise a matter for the attention of the Minister for Transport. I will read from a letter sent to residents of the Mitcham electorate:

The government continues to sit on a secret report about different tunnel designs and options for the extension ...

Many local residents have indicated their support for a longer tunnel through the Mullum Mullum Creek, and I want to work with them to achieve this objective. But how can we have an informed debate when the government won't even let us see its report on the tunnel options?

It is interesting that the government has been conning the eastern suburbs in recent days. It has produced a lovely Vicroads–Bracks government policy document. It contains four options that the government says should be — —

Ms Beattie — On a point of order, Mr Speaker, the shadow Minister for Transport appears to be reading from a document. Will he table that document?

The SPEAKER — Order! Is the honourable member for Mordialloc quoting from a document?

Mr LEIGH — Yes, Mr Speaker, I have two documents. I am prepared to make them available.

The person who wrote that letter was none other than the honourable member for Mitcham. The government is running around with a lovely, coloured brochure that contains four options, but it does not tell the residents who turn up to all the meetings that there is a fifth option that the Minister for Transport is hiding. He does not want to tell them about it. The local newspapers know about it, and some of the residents know about it, despite this secret minister trying to hide it. Why is he trying to hide it? Is it because of money? Is he trying to save the 366 Million Dollar Man, the honourable member for Mitcham?

Another issue concerns extending the road to the Maroondah Highway. The Crown owns all the land from the Ringwood bypass. Houses are being bulldozed, but the minister will not agree to extending the road to the Maroondah Highway. He will create the Eastern Underground Car Park. The traffic will move from four lanes to three lanes to two lanes to three lanes. The minister will cause the loss of millions of

dollars to Victoria, just as the South Eastern Arterial Car Park did. He knows that.

The SPEAKER — Order! Stop the clock. The Minister for Transport, on a point of order.

Mr Batchelor — The clock stopped for the honourable member for Mordialloc a long time ago.

I have listened intently to the honourable member for Mordialloc. In his incoherent rambling he has failed to ask for any action. I seek your assistance, Mr Speaker. I ask you to direct the honourable member to ask for some action to be taken.

The SPEAKER — Order! There is no point of order. I listened carefully to the honourable member for Mordialloc. It is the understanding of the Chair that he was asking for the implementation of another option.

Mr LEIGH — I ask the secret minister to release the report on the fifth option that he is hiding. I want him to agree to spend the extra \$21.5 million to finish the freeway. He will not do that. Why? He will never agree to finish the Scoresby freeway because the public transport people control him. He knows it; I know it. I ask him to declare that he will make the report available to the people of the eastern suburbs. I also ask him to agree that he will take the third option and do it. Further I ask him to extend the road to the Maroondah Highway so that we do not create the Eastern Underground Car Park.

Central Bayside Community Health Service

Ms LINDELL (Carrum) — I refer the Minister for Transport to a public transport problem experienced by many of my constituents trying to get to the Central Bayside Community Health Service on Nepean Highway in Parkdale. Honourable members may recall that the site now known as the Central Bayside Community Health Service was once known as the Mordialloc–Cheltenham Community Hospital, which was closed by the Kennett government in 1996 despite promises given by the honourable member for Mordialloc during the 1996 election campaign that it would stay open.

For nearly three years the hospital was left to sit and rot. The issue of how people could get to the centre should have been addressed before the former failed Premier opened the health centre on the first day of last year's state election campaign. In his rush to get it opened and to save his own skin the honourable member for Mordialloc failed to ensure that residents would be provided with the means of getting to the centre.

The former Labor candidate, Robyn McLeod, continually raised with the local council and the local media the problem that would be faced by users of the health centre because of the lack of transport. Now it has become another mess inherited from the former government that the Bracks Labor government has to fix up.

A bus service was trialled during the site's former life as the Mordialloc–Cheltenham Community Hospital. It ran through adjacent side streets and was most unpopular with neighbours, who did not want large buses operating in neighbourhood streets, as the honourable for Mordialloc knows. I am advised that a Ventura bus service terminates at Mordialloc station. I ask the minister to seek advice from Ventura Bus Lines on the possibility of an extension of the service along Nepean Highway to the community health centre and back to the Mordialloc station.

Geelong: water sports complex

Mr PATERSON (South Barwon) — I ask the Minister for Housing to call on the Minister for Sport and Recreation in another place to bring forward the release of an investigation into Victoria's rowing and water sports requirements. The Department of State and Regional Development is investigating the issue following the Labor Party's regrettable rejection of the proposal of the City of Greater Geelong for an international water sports park on the Belmont Common. It is to be hoped the government will see beyond the short-sightedness of the local members of Parliament and reverse its decision.

Honourable members interjecting.

Mr PATERSON — I will clarify that — local Labor members of Parliament. Recent media reports now make it imperative that the government bring forward results of its investigation, which I hope will indicate that Geelong is the right location for such a development.

Honourable members interjecting.

Mr PATERSON — To take up an interjection, the local council is still in favour of the development by six votes to three.

An article in the *Geelong Advertiser* of 27 March suggests that:

The lucrative Head of the Schoolgirls regatta could outgrow the Barwon River within five years.

That statement was reported to have been made by the events chief, regatta president Susie Palfreyman. A

further article in the Geelong *Advertiser* of 1 April reports that:

Geelong could lose the Head of the Schoolgirls regatta to Ballarat if a \$500 000 upgrade of Ballarat's Lake Wendouree rowing course goes ahead.

It would be a tragedy for Geelong if events such as the schoolgirls regatta were to leave the city. It is imperative that the government back Geelong in this project. Councillors, including Cr Anthony Aitken, have already indicated they will apply further pressure on the government. Cr Aitken proposed the current Labor mayor, so the government should not have too much difficulty with his support.

An article in the *Sunday Age* of 2 April has also backed up — —

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

Drugs: Footscray heroin dealing

Mr MILDENHALL (Footscray) — I raise again with the Minister for Police and Emergency Services the scourge of heroin dealing in Footscray and ask for urgent action. As I have said before, heroin dealing has been rife in the centre of the Footscray business district for many years, and it has had a major detrimental effect on the health of local residents, the safety of people going about their daily business, the economic viability of local trading and the reputation of a proud community.

Twenty-nine people, of whom 12 were local residents, died of heroin overdoses in the Footscray electorate last year. Tragically, although local police have battled against the trade and have managed to mount the occasional operation, the problem is getting bigger and bigger. Under the previous government the resources available to attack the problem became smaller and smaller. Local traders beat a path to my door asking for police action to deal with the blatant heroin dealing in the centre of the shopping district. The *Drive* show on 3AW last Thursday featured Steve Price witnessing the dealing first hand, following complaints, particularly from the proprietor of a longstanding and long-suffering butcher shop in Paisley Street and the manager of Forges, the famous Footscray department store.

A hostile public meeting in the Footscray town hall attended by 400 people a month ago, ostensibly to discuss injecting rooms, was really expressing its horror at and opposition to the continued level of heroin dealing in the centre of Footscray. The meeting called

for action against the scourge of those dealers. I ask the minister to ensure that a concerted operation is mounted against this blatant and damaging behaviour in the centre of Footscray.

Police: Eltham station

Mr PHILLIPS (Eltham) — I raise for the attention of the Minister for Police and Emergency Services the issue of the Eltham police station and express my concern at the reduction in suitable sites for a new station in Eltham following the decision by the local council last week or the week before not to make available to the Victoria Police the couple of sites the council controls that would meet police requirements. I am concerned that the number of suitable sites still available is dwindling. The situation looks grim.

I ask the minister to see whether it is possible to arrange for me to have either an in-confidence discussion with the police department or an open discussion regarding other available sites to ensure that the Eltham community gets a police station as quickly as possible while the minister is prepared to make the funds available.

It is an issue that has been going on for many years. The minister said the proposed station was supported when Labor was in government previously. He also claimed, wrongly, that I could be criticised for doing nothing during the years the coalition was in government. I have the documentation to disprove that assertion. Politics being what it is, however, I am prepared to accept the criticism. My only interest is to get a police station for Eltham.

I ask the minister at every opportunity I get to ensure that the Eltham community is guaranteed access to the funding that has been set aside. I understand he says the funds are still okay. I also ask for an assurance that a site that meets all the police requirements and will benefit the community can be found, in conjunction with the council if necessary.

The issue is certainly not controversial. It is not an issue with the Eltham community. I am interested in trying to find a site; I do not care which site it is. I believe the best site is that identified by the police — that is, the shire office area — because it is safe and available.

Electricity: worker injuries

Mr MAXFIELD (Narracan) — The issue I raise with the Minister for Workcover concerns an accident involving a constituent of mine, an electricity company linesman, who received a shock from a 22 000-volt powerline. The 22 000 volts entered his body above his

shoulder and exited from his left leg. After much physiotherapy he will regain only 40 per cent movement in his right arm and, tragically, his left leg was amputated above the knee.

The accident raises serious issues. At the time of the accident the electricity supply to the powerline should have been automatically tripped within a fraction of a second and then been cut. However, the supply continued for 5 to 6 seconds, meaning the damage to the man's body was significantly increased.

The accident was a direct result of the privatisation of our electricity supply companies. Privatised companies do not want to lose money by having to switch off the power. They are having their linesmen work on live wires. The inherent problem is arising more frequently within the power industry. The privatised companies are not interested in the safety of their workers; they are only interested in putting profit first.

I ask the minister to investigate how many injuries are now occurring in the privatised system, where workers are working on wires carrying 22 000 volts rather than the company first switching off the power.

Rail: Sandringham line

Mr THOMPSON (Sandringham) — The matter I direct to the attention of the Minister for Transport concerns a range of security difficulties on the Sandringham rail line. I ask the minister to undertake a review of the transit police and security camera operations on the Sandringham line to ensure the patronage, custom and safety of commuters are safeguarded in the days ahead.

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

Responses

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for — —

Mr Mulder interjected.

The SPEAKER — Order! The honourable member for Polwarth is interjecting from out of his place and is using unparliamentary language by not calling members by their proper titles. The Chair will not tolerate that.

Ms GARBUTT — The Leader of the National Party raised with me the issue of cattle grazing licences in the Alpine National Park which were the subject of a dispute earlier this year. I appointed an independent

panel to hear that dispute. Hearings were held over four days and the panel's decision was handed down on 17 February. It unanimously supported Parks Victoria's decision to exclude cattle from 6 of the 65 licensed areas.

Any future decisions about a return to cattle grazing will be made in the first place after an assessment of the conditions by Parks Victoria before the next grazing season.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Footscray referred to drug dealing in the Footscray area, which has been a significant problem for some time. The honourable member for Footscray has been diligent in drawing attention to a problem that has beleaguered the area for far too long.

Victoria Police has had a serious problem giving the area the attention it deserves simply because it has not had the necessary resources. The problem requires an intensive approach from a significant number of police, but as all honourable members are aware the previous government reduced police numbers by more than 800 over a period of four years.

However, as I have said, the Bracks Labor government is committed to providing additional police resources. They are already starting to become available, and that is giving the police some flexibility to make strong, proactive responses to the drug issue. I am pleased to advise the house and the honourable member for Footscray in particular that today the police announced the outcome of phase 1 of Operation Reform, which commenced on Monday. It is focused on tackling the drug problem in the western suburbs, where it has been a significant problem for some time.

In the first two days of Operation Reform, as well as deploying local police from the region the police deployed regional response units, the force response unit and crime squads, saturating the drug trafficking hot spots. So far 35 offenders have been arrested for trafficking heroin and associated offences which to date have included possession of proceeds of a crime, possession of heroin, loitering with intent and possession of a regulated weapon, and warrants of apprehension have been issued. By the second day of the operation a total of \$8192 in cash associated with drug dealing had been seized. A further 20 arrests were reported to my office this afternoon.

Operation Reform has been a highly successful anti-drug operation, and I congratulate the police on its success. It is well overdue, and it is good to see that the

police now have the resources to mount such an operation. However, it does not stop there.

A Government Member — More good news!

Mr HAERMEYER — More good news. Once a significant difference has been made to the amount of trafficking on the streets of Footscray a maintenance plan will be put into place. Footscray police will be supplemented by police from the force response unit to maintain a highly visible presence for some time. That will ensure that the problem does not creep back as soon as the operation is completed.

In response to a matter the honourable member for Footscray raised with me some weeks ago, the police have allocated an additional 25 permanent officers to the Footscray area. I place on record my congratulations to Commander Bill Kelly and Victoria Police for a great job well done.

Tomorrow Victoria Police will launch the Dob in a Dealer hotline. Members of the local community are invited to phone in on a dedicated line at Footscray police station. Any drug trafficking activity will be immediately attended to by Operation Reform personnel. The operation is ongoing; it is fair dinkum about completely stamping out the drug trafficking scourge that has intimidated the residents of Footscray for far too long.

The honourable member for Eltham referred to the siting of the Eltham police station. He referred to the limited options for a site and indicated his preference as the site of the former Eltham shire council buildings. He is schizoid! At various times he has been in favour of both the Eltham shire site and the preschool site. I am unsure what the honourable member for Eltham is in favour of.

A police station for Eltham was funded as part of a contract the Kirner government entered into in 1992 to construct some 32 000 police stations across the metropolitan area. One of the stations was in Eltham. Unfortunately, I have had to inform the house in the past that one of the first actions of the Kennett government upon coming to office was to invest millions of dollars into buying out the contract. Many areas for which police station contracts had been signed suddenly found those contracts withdrawn.

Mr Leigh interjected.

Mr HAERMEYER — It is interesting that the honourable member for Mordialloc interjects. Mordialloc was one of the police stations concerned. In 1992 Mordialloc was set to get a brand-new police

station, but in 2000 it is still waiting. This government will build a police station in Mordialloc, no thanks to the person who purports to represent the electorate. When the police station is built the residents of Mordialloc will be eternally grateful to Robin McLeod who has done all the work in lobbying to get it built.

It is a similar story in Eltham. During the election we did not hear a peep from the honourable member for Eltham about the Eltham police station. At the last election, Pam Hanney, the candidate for Eltham worked hard to get a commitment to have the Eltham police station built. Notwithstanding that she did not win, she has continued her efforts. The government is committed to building a police station in Eltham. It would be fair to say that the council has not been enamoured of the two sites discussed because they happen to be public land — one is the old shire office site and the other the preschool site. The problem with the preschool site is that it would require the relocation of the preschool. Victoria Police and the Department of Justice are not prepared to supply funds to relocate the preschool because it would make the cost of the police station prohibitive.

For some time the council has earmarked the land of the former shire office for an arts and cultural centre. The Eltham community places high value on its artistic and cultural heritage. The Shire of Nillumbik has decided that it does not wish to make the site available. Some shire councillors associated with the honourable member for Eltham received a great deal of assistance from him during the council campaign. They have indicated that unless the council makes those two sites available a police station will not be built in Eltham. That is nonsense. Whether the honourable member for Eltham and his cohorts on the council like it or not, the government is committed to building a police station in Eltham.

Those two sites are not the only sites in Eltham. Opposition members seem to have tunnel vision and think that unless the station is built on one of those two sites it will not be built. Other sites are being actively canvassed, and I assure the residents of Eltham the police station will be built. Pam Hanney will be sitting in the front row when I open the station in the not-too-distant future. The honourable member for Eltham should be eternally grateful for what Pam Hanney has done on behalf of his constituents.

Ms DELAHUNTY (Minister for Education) — The immensely excitable member for Warrandyte raised a matter relating to consultation. His animated contribution tonight was an exercise in selective amnesia. He quoted an alleged email from the head of

the Victorian Primary Principals Association concerning consultation around the teaching-staffing arrangement. It is a landmark agreement, so no wonder the honourable member for Warrandyte is so excited! For the first time it enshrines performance-based employment conditions for teachers. It also enshrines professional terms and conditions for teachers.

Not only did the government consult with the primary principals association, it also consulted with the secondary principals association, the parents, the teachers — is the Pope a Catholic? Absolutely, we consulted!

An honourable member interjected.

Ms DELAHUNTY — I take back what I said about consulting with the Pope.

Not only did the government consult with those groups, but the groups supported the government proposal. Why wouldn't they? The opposition could not have got within a bull's roar of the agreement. For the first time performance-based employment and a 12-month probation period have been enshrined. When teachers take ongoing employment — that is what professional terms and conditions mean — there is a 12-month probation period. The government will ensure the school is happy with the teacher and the teacher is convinced it is the right school and the right job.

The agreement also means that the government adheres to the belief in the local selection of teachers. Schools have a right to determine their staffing profiles; they should be able to employ the teachers they require to present the curriculum suitable to their particular student demographic.

Further, in the landmark agreement the government has enshrined that excess teachers who cannot be retrained or deployed will have access to retrenchment processes.

Mr Honeywood interjected.

Ms DELAHUNTY — The honourable member for Warrandyte interjects. Do you believe in having quality teachers in our schools, and if they are deemed to be in excess should there not be retrenchment processes? You cannot have it both ways! Either you agree with performance-based assessment or not. If teachers fail the performance test there should be and will be retrenchment processes. So let us set that to rest.

Not only were principals treated with dignity and respect as partners in the education debate, so were teacher representatives and parent organisations. For seven long, hard, dark years these organisations had the

doors slammed in their faces by the honourable member for Warrandyte as the senior education minister. Now he has the temerity to stand in this place and whinge and whine about alleged lack of consultation.

I think his real problem is — —

Mr Batchelor — Don't say that!

Ms DELAHUNTY — No, I won't. His obvious distress, and he raised it twice today, saying the spin doctors have got to the *Herald Sun* on class sizes — the opposition would know a lot about the spin doctors in the *Herald Sun* — is caused by media obsession. The media reports are reflecting what the public of Victoria feels about what the Bracks Labor government is doing with education.

Members of the public love what we are doing with education, and they love what we did with the curriculum standards framework mark 2, which the honourable member for Warrandyte mentioned. He was whingeing about an invitation that was declined by one of the organisations. I remind the honourable member that one of the organisations that had the door slammed in its face for seven years had the courtesy to invite the shadow Minister for Education to the launch of its new brand, Parents Victoria — and it acknowledged that the shadow minister was there. How things have changed. Until six months ago such parent organisations were never acknowledged by government, yet they do not hold a grudge. They understand the need for partnerships. It is a bit rich for the honourable member for Warrandyte to be whingeing.

Mr Honeywood interjected.

Ms DELAHUNTY — They acknowledged you.

Mr Richardson — On a point of order, Mr Speaker, the Minister for Education is becoming disgracefully political about the whole thing. She is behaving outrageously and she should be urged to desist. She is using the children as political footballs. It is quite wrong for her to be political on such a matter.

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

Ms DELAHUNTY — I do not recall using the word 'children', but if the member for Forest Hill is implying it is a description of the honourable member for Warrandyte, perhaps I am guilty.

In conclusion, for the honourable member for Warrandyte to be whingeing about an alleged lack of

consultation is a bit like the Easter rabbit calling for a ban on chocolate — it's just unbelievable!

Mr CAMERON (Minister for Workcover) — The honourable member for Narracan raised a matter about linesmen, telling the house about an unfortunate incident in which a linesman who was working on live lines was horrifically electrocuted. The honourable member asked whether it is possible to determine how many such injuries occur in the privatised electricity industry. I will make inquiries of Workcover and once the relevant information is obtained I will get back to the honourable member.

Mr BATCHELOR (Minister for Transport) — The honourable member for Essendon asked me to take up with Vicroads the reports she has received of the difficulties faced by people with disabilities who seek to obtain motor car licences. It appears that the problem may be experienced more by people seeking to obtain a licence to drive for the first time than by longstanding motorists who have become disabled and who have to go through a relicensing process.

The honourable member for Essendon graphically and sympathetically outlined the difficulties a constituent had brought to her attention. Her constituent was in a catch-22 situation. To get a licence she had to have driving lessons before an occupational therapy assessment could be undertaken. The result of the assessment was that she should not use foot control pedals but would have to have hand controls, which meant she had wasted a large amount of money and time.

The honourable member for Essendon is seeking to put in place a process where some sort of assessment can be made at the beginning so that people with disabilities can be certain that the lessons they are to pay for will eventually lead them to obtain the licences they need.

I will take up this matter with Vicroads and ask it to look at this case in particular and, more importantly, the whole process to determine whether a number of issues need to be addressed to ensure that when people with disabilities commence the process of obtaining licences difficulties are not placed in their way. Action should be taken to avoid the situation where, after having spent time, energy and undoubtedly a lot of money going down one path, they find they should have been embarking on another. I will ask Vicroads to take that up and I will get back to the honourable member for Essendon with a response. This indicates her ongoing concern for those members of her electorate and the community.

Mr Honeywood interjected.

The SPEAKER — Order! The honourable member for Warrandyte!

Mr BATCHELOR — I am shocked, Mr Speaker. Just as I was indicating to the house the very sympathetic way the honourable member for Essendon undertakes her work, to be interrupted by the honourable member for Warrandyte was truly unfortunate.

A Government Member — Extraordinary!

Mr BATCHELOR — Extraordinary behaviour!

The honourable member for Bendigo East raised with me a problem at Epsom Primary School, which is important to the local community. It is not far off the Midland Highway, but it is on an important through route. As a result many big trucks pass very close to the school. The honourable member has raised with me the problems facing that school community — the teachers, parents, school council, principal and the children — in having to deal with traffic during the morning drop-off and afternoon pick-up periods. I will take up the matter with Vicroads.

The safety of the children who attend our schools, particularly primary schools, and the parents and guardians who drop them off and pick them up is important to the government. I understand the road in question is likely to be a local road, so in the normal course of events the treatment would be the responsibility of the local council. It may well be that this issue could be taken up through the Transport Accident Commission black spot program, which is designed to identify accident black spots on local roads and arterial roads — they are the responsibility of the state government — and take steps to put in place measures to assist and improve the safety of children going to and from school.

I shall take up this issue with Vicroads, and with the honourable member for Bendigo East, and determine whether it is appropriate for an application to be made to the TAC. I am sure the school community would get behind the honourable member and support her efforts to protect the children in that area.

The honourable member for Carrum raised with me another important transport issue — public transport access to the Central Bayside Community Health Service. All honourable members would remember the duplicitous role of the honourable member for Mordialloc in not supporting the community in the

period of the health centre's earlier incarnation as a hospital.

The government will take up the sensible suggestion of the honourable member for Carrum that public transport services be extended to the centre. The honourable member wants to ensure the area is serviced by a regular and properly operated route service. That is possible. The honourable member has made a sensible suggestion, unlike the honourable member for Mordialloc, who makes no suggestions at all, who does not care — —

Mr Leigh — On a point of order, Mr Speaker, only last week I received a letter from the minister saying he would not do anything about the bus, yet now he is saying he will do something about it.

The SPEAKER — Order! There is no point of order. I remind the honourable member for Mordialloc that he is a continual offender in taking points of order to make a point in debate. The Chair will not tolerate further points of order from him along those lines.

Mr BATCHELOR — The honourable member for Mordialloc is not capable of putting forward a sensible idea, in stark contrast to the honourable member for Carrum, who identified a problem in the local community and took it to the appropriate forum — the Parliament. After all, the job of a local member is to know the issues and raise them in the chamber. But the honourable member for Carrum has done more than that because she has come in with a sensible solution.

I will take up with Ventura Bus Lines the extension of its services. The government will work with the honourable member for Carrum and Ventura to see what can be done regarding extending services to the Central Bayside Community Health Service. It is terrific that the honourable member for Carrum has such ideas and brings them forward. All praise must go to her.

The honourable member for Sandringham raised with me a serious matter. Apparently security issues have arisen on the Sandringham rail line. The incidents in question will have been captured on the public transport network cameras and I ask the honourable member to identify when they occurred. Once that information is available to me the government will take up the matter. The government regards the issues raised as serious. I am sure they are not frivolous matters and that the honourable member will come forward with details. The government will then be able to follow through on them. I eagerly await his advice on the matter.

The last matter raised for my attention was from the honourable member for Mordialloc. He raised a number of issues relating to the consultation process that accompanied the proposal for the Eastern Freeway extension. The honourable member raised with me the possibility of consultation on 5 April. The consultation period had been under way in that community for six weeks and ended on Friday, 31 March.

The government and the eastern suburbs communities have already engaged in a widespread, thorough and detailed consultative process. The honourable member for Mordialloc has missed the train completely. The consultative process was widespread and lasted for six weeks. It was designed to take place at a time when people would be at home and available to participate, and thousands of information bulletins were distributed throughout the region inviting community groups and individuals to do so. The response was enthusiastic and widespread.

Ms Pike — Because it was a good process.

Mr BATCHELOR — Absolutely. The process was right, meetings and deputations took place and the community was engaged. The honourable member for Doncaster engaged in the process by arranging for a deputation to see me. What has the shadow minister done? He waited until the community consultation process deadline had passed before raising the issue of consultation in Parliament. He has missed the boat.

The honourable member for Mordialloc does not understand what consultation is about. He should have sought advice from the honourable member for Warrandyte. Earlier today he complained about a consultation process at the education ministry lasting only a couple of days, or whatever, when the government conducted a community consultation process in his electorate that lasted six weeks and included the distribution of thousands of information bulletins. The government has released all the documentation the previous government kept secret and would not allow to come out, as well as other documentation, and has made experts available to community groups so they can improve their knowledge base. It has been a terrific community consultation process.

I am surprised that Liberal Party representatives would come into Parliament and attack community consultation. I thought Liberal members would have learnt a lesson following the last election campaign — that people want to participate in genuine community consultation, want access to all the information and want to be provided with the assistance of technical

experts. That is what the Bracks government has done in the Eastern Freeway extension consultation process. Incredibly the honourable member for Mordialloc, who is the shadow Minister for Transport, is talking about extending tunnels to the Maroondah Highway. That is an outrageous suggestion because the previous government engaged in fraud on the electorate with respect to extending the Eastern Freeway.

Mr Leigh — You would know about fraud, wouldn't you — —

Mr BATCHELOR — That's right, because I — —

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc should cease interjecting.

Mr BATCHELOR — The previous government engaged in a fraud because although it went to the election saying it would extend the Eastern Freeway it failed to put aside sufficient money in the budget for the project. When the Bracks Labor government came to office the forward estimates provided \$255 million to extend the freeway. Everyone knows that is insufficient. The former Kennett government said it would extend the freeway in the full knowledge that it had not provided sufficient money for the project. Would it have built half a freeway? The government wants to know whether it would have built the outward-bound lane or the inward-bound lane. Those are the sorts of freeway plans which the previous government had and which the shadow minister now advocates.

The shadow minister, the former Kennett government and the current transport policy of the opposition parties were and are a joke. The opposition knows that an allocation of \$255 million was not sufficient to build the freeway extension.

An alternative is to build the freeway to Park Road and abandon the rest of the project. That is apparently the wish of the honourable member for Warrandyte. He wants the freeway to extend to his electorate, but the rest of the eastern suburbs out to Ringwood would be left high and dry. The government has said it will undertake community consultation and identify the most appropriate route.

I advise the house that the process finished on 31 March. I issued a challenge to the Liberal Party to make a submission explaining how it would build the Eastern Freeway extension and protect the environment for \$255 million. I do not yet have the results of the community consultation process, but I will find out

whether the Liberal Party, the Leader of the Opposition or the honourable member for Mordialloc have explained how the former government proposed to build the Eastern Freeway extension for \$255 million. I give a solemn undertaking that I will investigate whether the Liberal Party, the shadow minister or the Leader of the Opposition have decided to respond to the challenge or whether they will continue to treat the people of the eastern suburbs with contempt. I will inform Parliament of the outcome of that investigation.

Ms PIKE (Minister for Housing) — The honourable member for South Barwon raised an issue for the attention of the Minister for Sport and Recreation in another place. I will ensure that the issue is passed on to the minister, and I am sure he will respond appropriately.

The SPEAKER — Order! The house stands adjourned until next day.

House adjourned 11.14 p.m.