

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**7 September 2000**

**(extract from Book 3)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

His Excellency the Honourable Sir JAMES AUGUSTINE GOBBO, AC

## **The Lieutenant-Governor**

Professor ADRIENNE E. CLARKE, AO

## **The Ministry**

Premier and Minister for Multicultural Affairs . . . . .	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Health and Minister for Planning . . . . .	The Hon. J. W. Thwaites, MP
Minister for Industrial Relations and Minister assisting the Minister for Workcover . . . . .	The Hon. M. M. Gould, MLC
Minister for Transport . . . . .	The Hon. P. Batchelor, MP
Minister for Energy and Resources, Minister for Ports and Minister assisting the Minister for State and Regional Development. . .	The Hon. C. C. Broad, MLC
Minister for State and Regional Development and Treasurer. . . . .	The Hon. J. M. Brumby, MP
Minister for Local Government, Minister for Workcover and Minister assisting the Minister for Transport regarding Roads . . . . .	The Hon. R. G. Cameron, MP
Minister for Community Services . . . . .	The Hon. C. M. Campbell, MP
Minister for Education and Minister for the Arts. . . . .	The Hon. M. E. Delahunty, MP
Minister for Environment and Conservation and Minister for Women's Affairs. . . . .	The Hon. S. M. Garbutt, MP
Minister for Police and Emergency Services and Minister for Corrections. . . . .	The Hon. A. Haermeyer, MP
Minister for Agriculture and Minister for Aboriginal Affairs. . . . .	The Hon. K. G. Hamilton, MP
Attorney-General, Minister for Manufacturing Industry and Minister for Racing. . . . .	The Hon. R. J. Hulls, MP
Minister for Post Compulsory Education, Training and Employment and Minister for Finance . . . . .	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation, Minister for Youth Affairs and Minister assisting the Minister for Planning . . . . .	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Major Projects and Tourism and Minister assisting the Premier on Multicultural Affairs. . . . .	The Hon. J. Pandazopoulos, MP
Minister for Housing, Minister for Aged Care and Minister assisting the Minister for Health . . . . .	The Hon. B. J. Pike, MP
Minister for Small Business and Minister for Consumer Affairs. . . . .	The Hon. M. R. Thomson, MLC
Parliamentary Secretary of the Cabinet . . . . .	The Hon. G. W. Jennings

## Legislative Assembly Committees

**Privileges Committee** — Mr Cooper, Mr Holding, Mr Hulls, Mr Loney, Mr Maclellan, Mr Maughan, Mr Nardella, Mr Plowman and Mr Thwaites.

**Standing Orders Committee** — Mr Speaker, Mr Jasper, Mr Langdon, Mr Lenders, Mr McArthur, Mrs Maddigan and Mr Perton.

## Joint Committees

**Drugs and Crime Prevention Committee** — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

**Environment and Natural Resources Committee** — (*Council*): The Honourables R. F. Smith and E. G. Stoney. (*Assembly*): Mr Delahunty, Ms Duncan, Mr Ingram, Ms Lindell, Mr Mulder and Mr Seitz.

**Family and Community Development Committee** — (*Council*): The Honourables E. J. Powell and G. D. Romanes. (*Assembly*): Mr Hardman, Mr Lim, Mr Nardella, Mrs Peulich and Mr Wilson.

**House Committee** — (*Council*): The Honourables the President (*ex officio*), G. B. Ashman, R. A. Best, J. M. McQuilten, Jenny Mikakos and R. F. Smith. (*Assembly*): Mr Speaker (*ex officio*), Ms Beattie, Mr Kilgour, Mr Leighton, Ms McCall, Mr Rowe and Mr Savage.

**Law Reform Committee** — (*Council*): The Honourables D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr McIntosh, Mr Stensholt and Mr Thompson.

**Library Committee** — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

**Printing Committee** — (*Council*): The Honourables the President, Andrea Coote, Kaye Darveniza and E. J. Powell. (*Assembly*): Mr Speaker, Ms Gillett, Mr Nardella and Mr Richardson.

**Public Accounts and Estimates Committee** — (*Council*): The Honourables D. McL. Davis, R. M. Hallam, G. K. Rich-Phillips and T. C. Theophanous. (*Assembly*): Ms Asher, Ms Barker, Ms Davies, Mr Holding, Mr Loney and Mrs Maddigan.

**Road Safety Committee** — (*Council*): The Honourables Andrew Brideson and E. C. Carbines. (*Assembly*): Mr Kilgour, Mr Langdon, Mr Plowman, Mr Spry and Mr Trezise.

**Scrutiny of Acts and Regulations Committee** — (*Council*): The Honourables M. A. Birrell, M. T. Luckins, Jenny Mikakos and C. A. Strong. (*Assembly*): Ms Beattie, Mr Carli, Mr Dixon, Ms Gillett and Mr Robinson.

## Heads of Parliamentary Departments

*Assembly* — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

*Hansard* — Chief Reporter: Ms C. J. Williams

*Library* — Librarian: Mr B. J. Davidson

*Parliamentary Services* — Secretary: Ms C. M. Haydon

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. ALEX ANDRIANOPOULOS

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

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

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. S. P. BRACKS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. W. THWAITES

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

The Hon. D. V. NAPHTHINE

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

The Hon. LOUISE ASHER

**Leader of the Parliamentary National Party:**

Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**

Mr B. E. H. STEGGALL

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

<sup>1</sup> Resigned 3 November 1999

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



# CONTENTS

---

## THURSDAY, 7 SEPTEMBER 2000

PETITIONS	
<i>Preschools: funding</i> .....	691
PAPERS .....	691
APPROPRIATION MESSAGES .....	691
NATIONAL GALLERY: POTTER FOUNDATION GRANT .....	691
BUSINESS OF THE HOUSE	
<i>Adjournment</i> .....	691
MEMBERS STATEMENTS	
<i>Rail: project costs</i> .....	692
<i>Glen Eira Bowls Club</i> .....	692
<i>Roulettes</i> .....	692
<i>Member for Brighton: comments</i> .....	692
<i>Parliament: sitting hours</i> .....	693, 694
<i>Olympic Games: Geelong athletes</i> .....	693
<i>Geelong: Falcons football team</i> .....	694
<i>Olympic Games: Victorian athletes</i> .....	694
<i>Dandenong: interfaith network</i> .....	694
DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL	
<i>Second reading</i> .....	695, 726
<i>Remaining stages</i> .....	736
QUESTIONS WITHOUT NOTICE	
<i>Business: government incentives</i> .....	720
<i>Geoffrey Gardiner Dairy Foundation</i> .....	720
<i>World Economic Forum</i> .....	721
<i>Education, Employment and Training:     consultancies</i> .....	722, 724
<i>Food: industry investment</i> .....	722
<i>Foxes: control</i> .....	723
<i>Ambulance services: rural Victoria</i> .....	724
<i>Gaming: revenue</i> .....	725
<i>Information technology: adult learners</i> .....	725
ELECTRICITY INDUSTRY BILL	
<i>Second reading</i> .....	736
ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Second reading</i> .....	739

TATTERSALL CONSULTATIONS (AMENDMENT) BILL	
<i>Second reading</i> .....	740
TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL	
<i>Second reading</i> .....	742
PUBLIC LOTTERIES BILL	
<i>Second reading</i> .....	743
WATER INDUSTRY (AMENDMENT) BILL	
<i>Second reading</i> .....	746
ADJOURNMENT	
<i>CFA: Olympic torch relay</i> .....	748
<i>Geelong: water sports complex</i> .....	748
<i>Central Gippsland Health Service</i> .....	749
<i>St John of God Hospital</i> .....	749
<i>Juvenile justice: Indo-Chinese communities</i> .....	750
<i>Ethnic communities: safety study</i> .....	750
<i>Melbourne: councillors</i> .....	750
<i>Yarragon preschool</i> .....	751
<i>Belgrave–Monbulk road: black spot funding</i> .....	751
<i>Disability services: Hume region</i> .....	752
<i>Forests: regional reference groups</i> .....	752
<i>Employment and training: apprentices</i> .....	753
<i>West Coast Railway</i> .....	753
<i>Rockbank Primary School</i> .....	753
<i>Responses</i> .....	753

## QUESTIONS ON NOTICE

## TUESDAY, 5 SEPTEMBER 2000

<i>State and Regional Development: Victorian     Research and Development Council</i> .....	757
<i>State and Regional Development: Connecting     Victoria</i> .....	757
<i>State and Regional Development: Connecting     Victoria</i> .....	757
<i>State and Regional Development: Connecting     Victoria</i> .....	758



**Thursday, 7 September 2000**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.38 a.m. and read the prayer.**

**The SPEAKER** — Order! I advise honourable members that *Daily Hansard* of Wednesday, 6 September 2000, will be available on Parlynet and the Internet from 10.30 a.m. today. A limited number of hard copies will be available in the Hansard office shortly after 10.30 a.m., and the standard delivery of *Daily Hansard* will be available from 12.30 p.m. today.

**PETITIONS**

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

**Preschools: funding**

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

That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

a reduction in fees paid by parents and the removal of the barrier to participation for children;

reduction in group sizes to educationally appropriate levels consistent with those established by government for P-2 classes in primary schools;

teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;

critical staff shortages for both permanent and relief staff are alleviated;

the excessive workloads of teachers and parent committees of management are addressed.

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

**By Mr TREZISE (Geelong) (871 signatures) and Mr VINEY (Frankston East) (441 signatures)**

**Laid on table.**

**PAPERS**

**Laid on table by Clerk:**

*Crimes Act 1958* — Authorisation pursuant to s 464Z(2).

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the 1999 annual report of the Veterinary Practitioners Registration Board of Victoria.

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule Nos 47, 48, 49, 50, 141/1999, 31/2000

*Parliamentary Officers Act 1975:*

Statement of Appointments and Alterations of Classifications during the year 1999-2000 in the:

- Department of the Legislative Council
- Department of the Legislative Assembly
- Department of the Parliamentary Library
- Department of the Parliamentary Debates

Statement of Persons Temporarily Employed during the year 1999-2000 in the:

- Department of the Legislative Council
- Department of the Legislative Assembly
- Department of the Parliamentary Library
- Department of the Parliamentary Debates.

**APPROPRIATION MESSAGES**

**Messages read recommending appropriations for:**

- Children and Young Persons (Reciprocal Arrangements) Bill**
- Land (St Kilda Sea Baths) Bill**
- Plant Health and Plant Products (Amendment) Bill**
- Project Development and Construction Management (Amendment) Bill**

**NATIONAL GALLERY: POTTER FOUNDATION GRANT**

**Mrs ELLIOTT (Mooroolbark) — By leave, I move:**

That this house places on record the gratitude of the Parliament and people of Victoria to the trustees of the Potter Foundation for the generous donation to the National Gallery of Victoria and resolves further that a copy of this resolution be forwarded to the trustees of the Potter foundation.

**Motion agreed to.**

**BUSINESS OF THE HOUSE**

**Adjournment**

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

That the house, at its rising, adjourn until Tuesday, 3 October.

**Motion agreed to.**

## MEMBERS STATEMENTS

**Rail: project costs**

**Ms ASHER** (Brighton) — I direct to the attention of the house the fact that the ALP's long tradition of fiscal delinquency has yet again emerged this week in Victoria. While not commenting on the merit of the rail projects announced this week, I shall comment on their cost.

According to the ALP's Access Economics document released before the election the total taxpayer contribution for the four projects was to be \$80 million.

However, as announced this week, the total taxpayer contribution is \$550 million. That is a capital blow-out of massive proportion, completely accepted by the government without comment. The funding comes from the 1999–2000 surplus, of which \$1 billion is badged as the Growing Victoria fund, and is in addition to the \$64 million already allocated from that fund without proper parliamentary scrutiny in this year's budget.

The massive cost blow-out — and Victorians will see many more of those under the Bracks Labor government — is on top of the \$2.5 billion additional expenditure allocated in the last budget to be spent over four years. So much was heard about the Access Economics document funding and so much was heard about responsibility during the election campaign — this is the first example. A blow-out from \$80 million to \$550 million is unacceptable.

**Glen Eira Bowls Club**

**Ms BARKER** (Oakleigh) — On Saturday, 2 September, I had the great pleasure of attending the opening of the bowls season at the Glen Eira Bowls Club in Leila Road, Carnegie. It was a great evening and the room was packed with members. The club is successful and growing, with well over 300 members.

I thank the president of the club, Nathan Frydman, and the secretary, Liz Berkovitch, who coordinated the very successful evening, along with the many hardworking volunteers who assist not only in organising functions but also in organising the club itself. If one looks at the busy program for the coming year one begins to understand the hard work done by many members in making the club a success.

No doubt lawn bowls is a popular sport and is also an important social activity, but numbers have declined at many clubs. However, lawn bowls is alive and well at the Glen Eira Bowls Club. Last year the ladies section

did very well, and I wish them every success this year, along with the men's section, which I hope will have the same success as the ladies last year.

Again I thank the club for its wonderful hospitality, and I wish its members a happy, healthy and successful bowling season. I thank them also for congratulating me that night on the great win by the Bombers!

**Roulettes**

**Mr RYAN** (Leader of the National Party) — I congratulate those magnificent young pilots in their flying machines who comprise the Roulettes — they are Royal Australian Air Force pilots — based at the East Sale RAAF base who added so much to an otherwise glum grand final day when they performed so brilliantly over the Melbourne Cricket Ground prior to the commencement of the game.

**Ms Beattie** — On a point of order, Mr Speaker, the Leader of the National Party is misleading the house. There is a young woman in the Roulettes.

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

**Mr RYAN** — That is precisely why I used the phrase 'those magnificent young pilots in their flying machines', Mr Speaker. I am well aware that there is a young lady in the Roulettes who is a brilliant pilot.

As I was saying before being rudely interrupted, the Roulettes make a magnificent contribution wherever they perform, and they did so on grand final day. They are an institution in and around Sale. A little fun was had at the end of the day when by some means or other a transfer depicting the Roulettes made its way onto the base of the grand final trophy, which seems to have caused some disquiet in certain circles where being taken far too seriously is a constant risk in life.

I hope that this minor matter is examined in the proper manner and that no-one is subject to any disciplinary process. The Roulettes did a great job, and I am sure they will continue to do so.

**Member for Brighton: comments**

**Mr SAVAGE** (Mildura) — This morning on the John Faine program on 3LO the honourable member for Brighton made the outrageous claim that the opposition supported the house going into committee on the Constitution (Proportional Representation) Bill.

The facts are that — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is unacceptable.

**Mr SAVAGE** — The fact is that the only time the house can go into committee is when there are no more speakers. The honourable member for Brighton knows that. She is either loose with the truth or is ignorant of the forms of the house.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house is wasting its own time.

### **Parliament: sitting hours**

**Ms BURKE (Pahran)** — I feel compelled to make a statement about the ridiculous 22-hour parliamentary sitting yesterday. Last night on three separate occasions motions for the adjournment of the debate were moved by the opposition — at approximately 8.30 p.m., 10.00 p.m. and 4.00 a.m. On all three occasions the government and the Independents voted against the opposition and in favour of continuing the sitting.

I am not against hard work, but neither the staff, the voters nor the people of Victoria in general are impressed by this ridiculous behaviour. We are looking at a government in a new millennium and family-friendly hours will be a major part of that new millennium. Parliamentary sittings of that sort are not productive, rational or acceptable to the Victorian people.

Standing on the Parliament House steps talking about family-friendly hours will not change the hours of sitting. The house is the only place where sitting hours can be changed. The government has talked about family-friendly hours, and I would like to see it take some action on them.

### **Olympic Games: Geelong athletes**

**Mr TREZISE (Geelong)** — I take this opportunity on the last sitting day before the Olympic Games to congratulate all athletes from across the nation on their forthcoming participation in the Sydney games. However, proudly and parochially I particularly congratulate the Geelong athletes who, through sheer hard work and dedication, have earned a place in the Australian team. The athletes are Lee Troop, Nathan Deakes, Georgie Clarke, Chris Unthank, Craig Mottram, Trish Fallon, Tracey Gaudry, Nick Heffernan, Joey Didulica, Josip Skoko, Trudy McIntosh, Katie Foulkes, Natasha Lonsdale and

Warren Hansen. Those Geelong citizens are great athletes but, more importantly, they are magnificent role models for young people in Geelong. I wish them all the very best.

### **Parliament: sitting hours**

**Mrs PEULICH (Bentleigh)** — Yesterday's marathon parliamentary sitting ended after 7.00 a.m. this morning. Attempts by the opposition to adjourn the debate on three occasions were shamelessly opposed by Bracks Labor government —

**Mr Lenders** — I direct the attention of the house to standing order 96, which precludes honourable members from reflecting on decisions of the house. The honourable member for Bentleigh is clearly reflecting on the votes of the house last evening.

**The SPEAKER** — Order! I do not uphold the point of order. I ask the honourable member for Bentleigh to complete her statement.

**Mrs PEULICH** — The three Independents supported the government, making it impossible for many members of Parliament and parliamentary and Hansard staff to notify their families that the house would be sitting through the night and they would not be able to get home. These unreasonable sitting hours take their toll on everyone, including families and children. Labor's 'Integrity in public life' policy states:

... Labor will restore the integrity and effectiveness of Parliament and win back respect for the political process.

The Premier promised to introduce reforms including reasonable family-friendly hours of sitting; more time for debates; and an increase in the number of sitting days. It is disappointing, though not surprising, that the three Independents also voted against the opposition's three attempts to adjourn the debate, despite their undertaking in the Independents charter to improve the democratic operations of Parliament. This appears to have been a cynical exercise in keeping opposition members of Parliament from participating in the heroin injecting room debate and protecting the honourable member for Gippsland West.

Labor's policy further states:

These are the standards by which I would want to be judged ...

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

**Geelong: Falcons football team**

**Mr LONEY** (Geelong North) — Last Saturday at the Melbourne Cricket Ground Victorian football followers saw a great team effort. The Geelong Falcons were magnificent in winning the TAC Cup. They came from fourth place after losing their first final to win the grand final by 22 points. It was magnificent. It shows great things for the future of Geelong football.

Congratulations go to coach Damien Christensen and football manager Michael Turner, who were both terrific Geelong players. The effort of this young team and its performance last Saturday is worthy of credit, and the people of Geelong acknowledge that fact. I do not wish to single out any player in particular, but I must mention young Will Handley from Lara. Will is a constituent of mine and was a great player in a great team effort.

**Olympic Games: Victorian athletes**

**Dr NAPHTHINE** (Leader of the Opposition) — As this is the last sitting day before the historic 2000 Olympic Games in Sydney, it is my pleasant duty on behalf of the Liberal Party and opposition members to wish all athletes participating in the Sydney 2000 games the very best. In particular I congratulate those who have been selected for the Australian team and I wish them the very best in their events.

A special mention must go to all Victorians who have been fortunate enough to be selected for the Australian team. I am sure Victoria will be well served by such prominent people as Steve Moneghetti, Cathy Freeman — who we have adopted as our own — Tim Forsyth, Mark Bradtke, Andrew Gaze, Georgie Clarke — the young runner from Geelong — Russell Mark, Michael Klim, Mark Phillipoussis, Michelle Ferris from Warrnambool — my own favourite from western Victoria — Shane Kelly from Ararat and Lauren Hewitt from Warracknabeal. I congratulate the many other Victorians who have achieved at the highest level and will be fortunate enough to compete for Australia at the 2000 Olympic Games. It is to their credit and the credit of their families and coaches that they have this opportunity, and we wish them well at the games.

I wish them well on behalf of the Liberal Party, opposition members, the Parliament and Victoria. It is an historic opportunity for them and congratulations go to them. I wish them all the best in their endeavours at the Sydney 2000 Olympic Games.

**Dandenong: interfaith network**

**Mr LIM** (Clayton) — I have great pleasure in bringing to the attention of the house the excellent work of the faith communities of the City of Greater Dandenong. The interfaith network is a group of diverse cultural and religious faiths that has chosen to work with the Greater Dandenong council to promote peace and harmony in the municipality. It is a unique organisation in Australia in the sense that it brings together the followers of various faiths and religious beliefs in the City of Greater Dandenong. The network covers many faiths, including the Baha'i, Buddhism, Christian, Hindu, Islamic, Jewish and Sikh faiths. The spiritual organisations of Sathya Sai and the Brama Kumaris are also included. As time has passed and people have become informed about the network, more have joined.

The activities of the network are impressive. I have come from a background of cultural and religious conflict and it is therefore very moving to see various religious groups working together, praying in their respective temples or religious houses and visiting each other.

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

**Parliament: sitting hours**

**Mr McARTHUR** (Monbulk) — The Liberal Party laments the appalling impact on the staff of this place of last night's ludicrous all-night sitting caused by the government and the three Independents.

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

**Ms Asher** — Mr Speaker, I did not take this point of order earlier because, unlike the honourable member for Dandenong North, I did not want to eat into the 15 minutes set aside for member's statements.

My point of order relates to the honourable member for Mildura impugning my character during his 90-second presentation. I take gross offence at the remarks he made about me, and I request that you, Sir, ask him to withdraw them.

**Mr Maxfield** — On the point of order, Mr Speaker, the point of order is completely out of order. The statement by the — —

*Honourable members interjecting.*

**The SPEAKER** — Order! At the time referred to by the honourable member for Brighton, the Chair was distracted by excessive interjections across the chamber and had difficulty hearing the remarks of the honourable member for Mildura. The Chair did not pick up any comments that could be deemed to have impugned the honourable member. However, I will examine the *Hansard* record and, if necessary, will ask the honourable member for Mildura to withdraw his comments at a later stage.

**Mrs Peulich** — On a point of order, Mr Speaker, like the Deputy Leader of the Opposition, I too did not wish to take a point of order at the appropriate time so as not to impinge upon members' opportunities to make their statements. However, during my contribution the honourable member for Narracan was continuously interjecting and hurling the words, 'Liar, liar!' across the chamber. My statement was a statement of fact. I find his interjection unparliamentary and offensive and I ask you, Sir, to ask him to withdraw.

**The SPEAKER** — Order! When an honourable member finds a comment unparliamentary and wishes it to be withdrawn, he or she normally asks at that particular time. During 90-second statements the practice has been that when a point of order is taken the clock is stopped to protect a member's right to continue speaking. It is not appropriate for the honourable member for Bentleigh to take that point of order at this time. I do not uphold the point of order.

**Mr Cooper** — On a point of order, Mr Speaker, I seek clarification on the valid ruling you have just made. However, when a member is on his or her feet making a contribution and something unparliamentary is said to that member, he or she then has to make a decision as to whether he or she will eat up the allocated 90 seconds in order to take a point of order or whether he or she will do what the Deputy Leader of the Opposition and the honourable member for Bentleigh did a few moments ago.

I ask that you, Sir, take into consideration the rights of members to fully utilise their 90 seconds. When unparliamentary language is directed at them which they wish to draw to your attention, if members said, 'On a point of order' you could then say, 'Stop the clock', rule on the point of order and then restart the clock. Such a method would enable you to rule on the matter at the time it occurred and members' rights to fully utilise their 90 seconds would not be infringed.

**Dr Napthine** — On the point or order, Mr Speaker, two clocks need to be stopped — that is, one for the member who is speaking, because we do not want to

eat into his or her 90 seconds, and the overall 15-minute clock so that other members are not denied the opportunity to make a 90-second statement.

**The SPEAKER** — Order! Since the introduction of members statements the practice has been to stop the clock against an individual member's time. The 15-minute clock cannot be stopped because that is governed by sessional orders and therefore the debate must finish after 15 minutes.

A member's time is taken up when points of orders are raised, and they should be kept to a minimum. However, as I indicated in my ruling on the point of order raised by the honourable member for Bentleigh, where a member feels that he or she has been impugned or that unparliamentary language has been used, a point of order should be taken at that time.

## DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

### *Second reading*

**Debate resumed from 1 June; motion of Mr THWAITES (Minister for Health).**

**Ms McCALL** (Frankston) — I am pleased to join the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. I am only sorry the debate will perhaps be shorter than a topic of this seriousness deserves.

Contrary to observations made by government members, the Liberal Party, and I in particular, took a great deal of interest in this topic. We sought public consultation and advice, we held forums and canvassed opinions from all sides about this issue. I was pleased with the high level of response from individuals of my electorate who wrote or talked to me and shared their harrowing and difficult experiences due to the scourge of drugs in the community.

There is no naivety on this side of the house. The drug issue is probably the single major problem about which the community is unified. Something must be done to resolve the problem, and in particular to stop our young people being encouraged to take drugs or to assist those on drugs to come off them.

As a result of the debate and of the information I have received and of consultation with my electorate I have no hesitation in rejecting wholeheartedly the government's proposal for the setting up of five trial safe injecting rooms. The reasons are manifold.

Government members may argue that the establishment of these facilities is a solution, but I believe it would be only a small part of the solution. Other important issues must be addressed at the beginning before we consider safe injecting facilities.

At my own expense I took time out to travel overseas to gain some understanding of the issues, particularly in countries that have had safe injecting trials. I wanted to know whether or not they have been successful and whether the general view was that they were a reasonable solution. The overwhelming evidence was, firstly, that the communities in those cities did not accept those trials as a feasible solution, and secondly, in the areas where they have been introduced, instead of reducing the problem overall it has exacerbated it in other areas. That is particularly the case in Amsterdam and Zurich. I spoke to many people at length in the United Kingdom and the consensus was that it was not the right way to go — certainly not now and probably not in the future.

I refer specifically to my own electorate. I am well aware that the Young Street and railway station areas of Frankston are hot spots. There is no suggestion that we do not know that deals go down regularly around the railway station in Frankston. I have witnessed them at all hours of the day and night. I am well aware that the dealers can be as young as 14 years of age, and that the majority of the dealers do not live in the Frankston area. They travel down on the train, jump the barriers, do their deals and go back from whence they came. Perhaps that is one thing to be pleased about — that they do not live in my electorate.

The issue of drug dealing is a problem, and I congratulate the Frankston police, who are being criticised at the moment. They do a fantastic job in both overt and covert operations around Young and Station streets attempting to clean up the area. I hope when the Readings railway station project proceeds — I acknowledge the support and work of the previous Minister for Transport, the honourable member for Mornington, on this project — it will have a positive impact. However, it is not a solution.

One of the messages that came through loud and clear from people in my community was that they wanted detoxification units. The whole point of the argument put to me was that by opening safe injecting facilities you will not be saving a life but prolonging one; you were not, even by taking positive initiatives, encouraging individuals to come off drugs. It was an easy solution to get some people off the street so they are less visible and are in an environment in which they are less likely to die or overdose because they are under

supervision, but another issue came through loud and clear.

Recently I spoke at length with a woman whose daughter is a drug addict. The daughter is a highly educated, motivated individual in her mid-twenties, but her family is having a terrible time dealing with the problem. The mother brought her daughter to a meeting in my office and I specifically asked whether, as a resident of the area and a heroin addict, she would use a safe injecting facility if it were opened in Frankston. She said unequivocally, 'No, I would not. Firstly, I would never use a safe injecting room further than 30 seconds away from where I bought my drugs, and secondly I wouldn't do it in case anyone who recognised me saw me there'. Her concern, which she argued strongly, was the honey pot argument, that once a safe injecting room is opened it will attract dealers to within metres of the door of the facility. The police are then faced with the problem of whether they should be dealing with the dealers or the addicts. I thought it was significant that this view was coming from an addict rather than a percentage of the community who believed it was the right way to go.

I place on record that I am totally supportive of the current needle exchange program in Frankston. At the time it commenced more than 10 years ago there was considerable community unrest. However, the Frankston community now recognises, perhaps with some difficulty, that this is a positive step forward because it removes needles and syringes from public places.

I support the policy of the Liberal Party that advocates extending the program to include diabetics and to push strongly to clean up our beaches and surrounding areas. I was really surprised at the level of anger among people in the Frankston electorate at the mere suggestion of a safe injecting room being established anywhere around them; they believed it should certainly never be established in Frankston.

I understand Frankston is seventh or eighth on the list of places where most often people die from heroin overdoses. It is a terrible problem. Ambulance officers tell me that one of their biggest problems is to make moral judgments about whether they should revive an overdose victim or take a call to assist an older person who is having a heart attack. They say that making that value judgment is one of their most difficult jobs. One of the proposals in the Liberal Party policy is to give ambulance drivers the necessary authority and the facilities so that once a person has been revived from a drug overdose he or she can be put into the back of the

ambulance and removed for treatment, rehabilitation or detoxification.

At the moment what happens — the ambulance drivers are quite adamant about this — is that the ambulance drivers revive addicts and are verbally and sometimes physically abused by them. That is not a happy situation.

The problem is far bigger than we realised it would be. I am eternally grateful that Victoria does not have the concentrated populations of Western Europe or the issues related to the cocaine trade. At the moment the major problem in Victoria is the high concentration of high-grade heroin sold on the streets at a low price.

I prefer the package of solutions produced by this side of the house. It is expensive, but solutions always come at a price — and what is the price of a human life?

It is crucial that members keep an open mind. It is also important that those of us who have listened to, talked with and elicited a high level of response from our communities understand that when they tell us that they do not want a safe injecting room in their electorate we are failing in our duties as elected representatives to even contemplate it as a trial.

I have no hesitation in speaking vehemently against the government's legislation. However, I will continue to work constantly and continually and as hard as I possibly can to ensure the people of Frankston and of Victoria are given the maximum number of opportunities to remove this scourge from the community.

**Mr HOLDING** (Springvale) — Members derive pleasure from contributing to many of the debates in this chamber. Sadly, this is not a debate that gives me any pleasure.

There is no doubt the heroin problem in Australia and globally is getting worse. We know the rate of production of illicit opium is rising and rose by one-third from 1998 to 1999 to a record 6000 US tons. We know the price of illicit opium is decreasing: it was \$450 per gram in 1997 and \$300 per gram in 1999. We know that the age of first use of illicit drugs is declining. We know that the number of overdose deaths in Victoria is rising: there were 49 in 1991 and 359 in 1999. The number of overdose deaths is predicted to reach 496 by the year 2005.

In my electorate of Springvale in the City of Greater Dandenong community these statistics are real and saddening. They mean three non-fatal overdoses every day; every two to three weeks we can expect that

somebody will die of a drug overdose; that the City of Greater Dandenong and the Southern Health Care Network have had to pick up 250 000 used syringes in the past 12 months; passengers on Bayside Trains have had to put up with sharps disposals placed in the seats like punji sticks. Lighting in public toilets in the Greater Dandenong area has had to be changed so that addicts cannot shoot up there, and people's perception of personal security has declined as a consequence of the drug menace and associated crime in the local area.

This is a tragic and sad issue in the City of Greater Dandenong and the electorate of Springvale. It is something to which no individual or political party has all the answers. The government acknowledges that. The community does not expect that any one party has all the solutions or that parliamentarians or members of the community should agree on what those solutions should be.

However, the community does expect one thing from us — that members of Parliament and leaders of political parties deal honestly with the issues.

I refer to an interview on 774 ABC radio on 8 June between Jon Faine and the Leader of the Opposition. The interview was held in the context of the Wesley Central Mission proposal to establish a supervised injecting facility. The Leader of the Opposition said:

There are two letters from Jeff Kennett himself to Reverend Langley, and both of those letters clearly spell out to Reverend Langley that there is no approval and no support for the development of such a facility...

He went on in the interview to say that:

... the Premier in his direct letters to Reverend Langley expressed the government's view that the Wesley Central Mission development should not proceed, that it would be illegal, and didn't have government support and it wasn't government policy. I don't think it could have been plainer than that.

They are quotes from the Leader of the Opposition: the development should not proceed, according to the government; it would be illegal; it did not have government support; and it was not government policy.

The Leader of the Opposition went on to say, in a handwritten letter on parliamentary letterhead dated 2 August 2000 to the Reverend Pam Kerr, the moderator of the Uniting Church, which I can now make available to the house and the Victorian people:

As discussed please find enclosed copies of letters from the then Premier the Honourable Jeff Kennett concerning the Wesley proposal. I believe these letters clearly show that the then Premier urged Rev Tim Langley not —

the word 'not' is underlined —

to proceed with any development of this facility ...

The correspondence goes on in the handwriting of the Leader of the Opposition:

I can also advise you from my position as a minister in the previous government that the government did not —

'did not' is underlined —

have a position which was supportive of injecting facilities.

What is the truth? The truth is that the correspondence from the former Premier did no such thing. The correspondence from the former Premier dated 20 August 1999, a couple of days before the election was called, says:

Dear Reverend Langley

Thank you for your letter of 6 August 1999 about your proposal for a primary health care facility for injecting drug users.

I understand you met with senior government officials to discuss your proposal and that further meetings are proposed. Constructive discussions like these will help us reach a shared understanding about the legal and other issues related to your proposal and possible means of resolving them.

We share a desire for the rapid development of new ideas and strategies to address the scourge of drugs and I hope these discussions will provide important information for the government as we continue to seek potential solutions. I reiterate that the government needs to consider many issues before a final decision on supervised injecting facilities can be taken, including commonwealth–state relations, precedents, legal and policing issues and general public interest matters.

**Mr Viney** — When did he say that?

**Mr HOLDING** — He said it on 20 August 1999.

Today for the first time I can share with the people of Victoria the narratives of meetings between the officials of Wesley Central Mission, senior government bureaucrats, senior members of the former government including government ministers, and the chair of the government's Crimes Prevention Committee.

On 7 May 1999 at 3.30 p.m. the Honourable Rob Knowles met with officials from Wesley Central Mission. The narrative of that meeting states:

Rob Knowles was honourable and helpful as well as deeply concerned about the runaway death toll. Rob Knowles mentioned that the Drugs and Crime Prevention Committee would be releasing an occasional paper in the near future.

I now return to the words of the Leader of the Opposition on ABC radio:

... the government's view that the Wesley Central Mission development should not proceed, that it would be illegal, and didn't have government support and it wasn't government policy.

What happened then? On 5 August in a meeting with officials from Wesley Central Mission the Honourable Andrew Brideson, a member for Waverley Province and the then chair of the parliamentary Drugs and Crime Prevention Committee, was able to report that:

... the committee has come to a unanimous view that supervised injecting facilities and heroin trials should be allowed

... if no election the findings of the group will be released in October 1999

Further, the committee:

... recommended acquiring services of public relations consultant

The narrative of that meeting then goes on to state that the Honourable Andrew Brideson was:

... happy to assist in whatever way Wesley wishes, e.g. have an advisory group to cover political issues.

On the same day there was a meeting between people at Wesley, the head of the Department of Premier and Cabinet, Bill Scales, and the assistant secretary of the Department of Premier and Cabinet for social policy, David Adams. In the narrative of that meeting Bill Scales referred to the 'need to be clear about the effect of the service' and was:

interested in more comprehensive approach than that 'safe injecting facilities', i.e. there is a synergy with your approach and what we want

...

want to move forward together not independently

not ready to move as fast as us and September opening would be premature for us

government is still making up its mind but is considering the trial of a suite of approaches, this being one.

That was being said at the same time the Leader of the Opposition was on radio saying he did not support it and had advised Wesley Central Mission that it was illegal, urging them not to proceed.

The narrative of that meeting of 5 August 1999 goes on to show that Bill Scales suggested:

... that you consider not opening on 9 September.

David Adams provided a copy of criteria the government wanted Wesley to meet. At the time, remember, the then Minister for Youth and Community

Services, now Leader of the Opposition, was on radio saying that the then government was urging them not to proceed saying it would be illegal and that the government would provide no support whatsoever.

In a further meeting on the same day with David Adams from the Department of Premier and Cabinet, Mr Adams said the department believed:

... it can be done without legislative change.

In other words, while the then minister was on radio saying the then government advised Wesley Central Mission that it was illegal, David Adams from the Department of Premier and Cabinet was advising the mission that, according to the department's advice, the department believed it could be done without legislative change.

The dot point in the narrative of that following meeting reads as follows:

Department of Premier and Cabinet needs to drive it now.

All that was at the same time the then minister was on ABC radio saying the government urged Wesley Central Mission not to proceed, that it would be illegal, and that it did not have government support.

A following dot point in the same meeting account states:

government would have preferred to time the opening of such facilities with the Brideson report

That is a report that the Wesley mission had been told, on the same day, would make a unanimous recommendation that the supervised injection facilities trial should proceed; and that the Honourable Andrew Brideson would provide the mission with ancillary and public relations support so that it could proceed.

At a meeting on 11 August 1999 the Department of Premier and Cabinet was represented by Ian Killey. The stated agenda of that meeting was:

to clarify issues of concern to government, especially legal issues, so that government can decide whether to decide on change of policy.

That meeting was held at the same time as the then minister, the current Leader of the Opposition, was on ABC radio saying the government had advised Wesley Central Mission not to proceed, that the government did not support the establishment of the facility and that to proceed would be illegal. That is duplicitous and two-faced.

The Honourables Andrew Brideson and Rob Knowles and other government ministers, senior officials and bureaucrats were encouraging Wesley Central Mission to proceed with the establishment of the facility and offering to assist with public relations and advice, saying that it could proceed without legislative change — even though the then minister had said on radio that it would be illegal 'after the election'.

On 2 August the then Minister for Youth and Community Services, the current Leader of the Opposition, wrote a letter to the Reverend Pam Kerr, Moderator of Uniting Church. Part of that letter was used as a paragraph in the *Report of the Moderator's Committee to Review the Government and Structure of Wesley Central Parish Mission, 31 August, 2000*. Paragraph 128 of that report states:

128. The review committee has been contacted by opposition leader, Dr Denis Napthine, to ensure that it was aware of letters sent to Wesley Mission, when the previous government was in power, expressly warning Wesley not to move ahead of the debate and that the government could not endorse any precipitate action.

The then minister wrote to Reverend Pam Kerr at the same time as he was on ABC radio saying the government had advised Wesley Central Mission it would be illegal to proceed, that the mission did not have government support and that the government did not want the trial to proceed or the facility to open.

Now the people of Victoria can have the documents establishing that that was not a view put by the then Premier, Jeff Kennett, in his correspondence to Wesley Central Mission or by the bureaucrats who were sent to Wesley Central Mission on behalf of government.

**Mr Wilson** — Bureaucrats?

**Mr HOLDING** — Bureaucrats on behalf of the government, including David Adams and Bill Scales from the Department of Premier and Cabinet, the Honourable Andrew Brideson and the Honourable Rob Knowles. After meeting with Wesley Central Mission those people encouraged it, but after the election suddenly it became politically inopportune and inappropriate. It became politically necessary for the Leader of the Opposition to cut Wesley Central Mission loose and deny any involvement with it. He denied that he had encouraged it to proceed and that the now opposition had had meetings with the mission and provided it with support and encouragement.

The opposition denied that it had, with the endorsement of senior ministers, provided Wesley Central Mission with senior bureaucratic advice so that it could develop its proposal further and have it implemented as soon as

possible. The opposition also denied that the Honourable Andrew Brideson had met with representatives from Wesley Central Mission and said there would be a unanimous report from the Drugs and Crime Prevention Committee.

What are the former members of that committee doing now and how are they voting on the legislation? How are the former members of the Drugs and Crime Prevention Committee, including the honourable member for Knox, going to vote? He came into this place and tipped a bucket on Adrian Rollins from the *Age* for allegedly misrepresenting his position in a newspaper article, saying he had never said he would be arguing in the party room in support of supervised injecting facilities.

I have spoken to Adrian Rollins since that article appeared and the honourable member for Knox made his representations, and he stands by his remarks in the article. He believes he accurately quoted the honourable member for Knox and the honourable member represented to him that he would be arguing in the party room in support of supervised injecting facilities.

How will the Honourable Andrew Brideson in another place vote on the legislation given that he advised Wesley Central Mission that the committee of which he was formerly the chairman would be making a unanimous recommendation in support of supervised injecting facilities? How will the honourable member for Cranbourne, the deputy chairman of the former committee, vote on the legislation when it comes before the house? As I have said, the Honourable Andrew Brideson advised Wesley Central Mission representatives that there would be a unanimous recommendation in support of supervised injecting facilities. When the legislation comes before Parliament how will the other former members of that committee vote, including the honourable member for Shepparton and the Honourable John Ross in another place?

What about the 24 Liberal Party members of the upper house who were polled by the *Herald Sun* on how they would vote on proposed legislation for supervised injecting facilities? Four of them gave a qualified yes and the rest either said they had no comment or they had not yet made up their minds. Not one of them said he or she was opposed to the legislation, yet now honourable members learn that every single one of them, all 24 Liberal members of the upper house, is going to vote down the legislation, even though at the time they made other representations to the *Herald Sun*.

The truth is that the documents provided to the house today — and I am happy to provide them to the

Victorian public — reveal that the representations made by the Leader of the Opposition on ABC radio and to the Reverend Pam Kerr were not true.

For his own base political purposes the Leader of the Opposition has put the truth to one side. The Kennett letter alone does not support the Leader of the Opposition's conclusions. Taken in conjunction with the detailed notations of the meetings with Wesley Central Mission it can only be concluded that the Leader of the Opposition has allowed his status both as leader and as a former government minister to be misused. The untruths and half-truths peddled for political purposes have been used against individuals in an internal church review. Worse, the untruths have been peddled to the Victorian people.

The first pillar of political leadership is that leaders deal honestly with the Victorian people. It is the first test that a leader must pass before he or she can establish a right to lead the state. The Leader of the Opposition has dismally failed that test. He has not once but twice dishonestly represented the then government's position relating to the establishment of a primary health care facility at Wesley Central Mission.

The Leader of the Opposition should come into this place and explain how the interview on ABC radio is consistent with the documents that have now been made available relating to the meetings with Wesley Central Mission. He must explain how his representations on ABC radio and his handwritten representations to the moderator of the Uniting Church, the Reverend Pam Kerr, are consistent with the activities of the — —

**Dr Napthine** — On a point of order, Madam Deputy Speaker, the honourable member for Springvale has breached standing order 108. He has impugned my reputation, and I ask him to withdraw his comment that I made dishonest representations. Nothing could be further from the truth. It is a gross misrepresentation of the facts.

I have with me a copy of the correspondence sent to the Reverend Kerr, the moderator of the Uniting Church, and I am happy to provide the correspondence to the house and the community. There is nothing in it that is not accurate and absolutely appropriate.

The honourable member for Springvale has come in here seeking to impugn my reputation, and I ask him to withdraw his comments.

**The DEPUTY SPEAKER** — Order! I listened carefully to what the honourable member for Springvale said. He offered to table the documents, but

if the Leader of the Opposition feels he has been impugned and the member has called him dishonest, I ask the honourable member for Springvale to withdraw his comment.

**Mr HOLDING** — I don't believe I used the word 'dishonest'.

**The DEPUTY SPEAKER** — Order! I believe the honourable member said he had been dishonest on three occasions.

**Dr Napthine** interjected.

**The DEPUTY SPEAKER** — Order! I am quite capable of answering the honourable member for Springvale's question without the assistance of the Leader of the Opposition.

**Mr HOLDING** — I withdraw whatever the Leader of the Opposition has taken offence to.

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

**Mr COOPER** (Mornington) — I am delighted to join the debate because drugs are the biggest single social issue I have had to come to grips with in my time in this house.

I listened with some degree of attention to the comments of the honourable member for Springvale. I am fascinated that the honourable member would beat up a situation by saying that the Department of Premier and Cabinet is somehow the government. Nothing can be further from the truth. The Department of Premier and Cabinet is a department of bureaucrats. What the officers, including Mr David Adams, say to people about injecting rooms, or anything else for that matter, does not bind the government.

It is interesting that the honourable member for Springvale would put such an enormous amount of store in something Mr David Adams said. I understand Mr Adams is still employed by the Department of Premier and Cabinet as a senior policy adviser, so if he falls out of his tree at some time and makes further outrageous statements is the opposition supposed to believe those statements are binding on the Bracks government? That will not happen.

From time to time public servants make mistakes; they make statements that may be outrageous or incorrect, and governments cannot be hung, drawn and quartered because of them. It is outrageous for the honourable member for Springvale to beat it up.

It is also outrageous for the honourable member for Springvale to say that the Kennett government was in favour, either covertly or overtly, of safe injecting rooms. Nothing could be further from the truth. The matter was never brought before a party meeting of the previous government, and I say from personal knowledge that it was never brought before the cabinet either. The previous government never discussed the issue of injecting room facilities, let alone said either overtly or covertly that it would approve them at either the cabinet level or the party level.

What we heard this morning from the honourable member for Springvale is nothing more than a beat-up, and as the Leader of the Opposition said in his point of order the honourable member's comments were nothing more than a gross misrepresentation of the documents and correspondence sent by the Leader of the Opposition to the Uniting Church.

The honourable member for Springvale also said the Kennett government had cut the Wesley Central Mission loose. We all know who cut loose the Wesley Central Mission. It was the Uniting Church. The Uniting Church discovered to its horror that moneys that had been raised and should have been going to areas it believed were important were being directed towards the construction of a safe injecting facility in Little Bourke Street. The Uniting Church was outraged about that, and it made the right decision by telling Reverend Langley and his committee that they had done the wrong thing. The committee had done the wrong thing, and the Uniting Church took action.

It is a disgrace that the honourable member for Springvale should come into this place today and make those outrageous and inaccurate misrepresentations, and I am pleased he has at least withdrawn the allegations he made against the Leader of the Opposition. However, he owes the house an apology for the rest of his speech, which was farcical.

This debate is important, and the majority of honourable members who have contributed to the debate in this house and in the public arena, even the honourable member for Springvale, are concerned about the growth in drug trafficking and drug use. I say 'the majority of members' because I am not sure all members share that view, but I would hope everyone in the community does, because drugs are the biggest social, health and justice issue that has confronted the community of Victoria in its history. It is an important issue for the house to consider.

Whether people argue for or against the bill is irrelevant to the serious issue of dealing with drug abuse, although

clearly members of the government will claim that injecting room facilities are important for dealing with drugs. I welcome the debate, even though I have a contrary view to that embodied in the bill, because it focuses attention on what I have already described as a major social, criminal and health issue. The issue must be tackled by this Parliament and the community resolutely and effectively.

The bill is wrong, potentially dangerous and should be defeated because injecting rooms will enable people to legally inject illegal substances. Not only are the substances illegal, there is also clear evidence that shows that most of the funds spent by users to purchase drugs come from their involvement in illegal activity such as robbery, burglary, bag snatching, assaults and so on. My authority for saying that is the Victoria Police. Generally, the community accepts that the funds used to purchase drugs come from illegal sources.

The bill is wrong because injecting rooms maintain the nexus between drugs and crime. Injecting rooms also send out the message that there is a safe way to use dangerous drugs. People talk about safe injecting rooms. I even use the term, but there is no such thing as a safe injecting room, and there is no such thing as a safe way to inject dangerous drugs. Yet that is the message that would go out loud and clear to impressionable members of the community, including people who are not currently drug users but who are thinking they may give drugs a try. The message that would be sent out to them is that there is a safe way to use dangerous drugs.

The establishment of government-approved injecting rooms will create legitimacy for the use of illegal drugs. They will send the wrong messages. Those are the major reasons why the bill should be defeated. I do not think the government will want to go down in history as the administration that sanctioned the use of illegal drugs and encouraged experimentation with such drugs by impressionable non-addicts. I do not believe for one moment that is what the government would have in its mind. It would be horrified to think that anybody could point the finger at it and say, 'This is what you are doing'. But that is what the government is doing by introducing the bill.

I took up examining this issue with enthusiasm last November. I have been to Switzerland, spoken with drug addicts here, spoken with the community and have an enormous amount of material from the Internet. The overwhelming view is that the bill will send the wrong message to the community and maintain the nexus between crime and drug use. The government should seriously consider the matter before it proceeds.

Some people have been unkind enough to say that this is the government's way of getting a quick fix to a serious solution. They say it is an out-of-sight, out-of-mind attitude to get some of the drug addicts off the streets so that the community will believe the problem in the hot spots around the state will be diminished.

Some are saying that, but I do not believe that is the case. The government believes it is dealing with the problem in the best interests of the community. However, it is not going about it the right way. The bill will do nothing to reduce drug usage or drug abuse. The evidence from Europe shows that injecting rooms have not reduced the numbers of users or the crime that supports their habit.

I shall refer to a number of public comments that are important for the house to take into account. The *Herald Sun* of 4 March reports:

Victorians should reject out of hand plans for supervised heroin injecting rooms after learning today that the Swiss experiment has encouraged an open market for the killer drug.

...

The drug problem can only be tackled when addicted persons follow a proper course of medical treatment accompanied by counselling from properly trained individuals. People who inject dangerous drugs put their lives at risk. Injecting rooms are no safe havens.

The *Herald Sun* editorial on 15 August states:

Firstly, the Bracks government must abandon its stubborn commitment to legislate for heroin injecting rooms.

The Victorian Liberals' decision to block Labor's move renders it futile and a waste of valuable time.

The Liberals' decision was the correct one. It reflects the view of an overwhelming number of Victorians that the state has no business sanctioning and facilitating use of this dangerous, illegal drug.

The oft-repeated but no less valid reason: it would send the wrong message — especially to those tempted to try heroin for the first time.

The *Dandenong Examiner* of 16 May reports:

A packed Springvale town hall let it be known loudly and clearly on Friday night that the people of Greater Dandenong do not want an injecting room in their municipality.

On 13 June the Islamic Council of Victoria wrote to all members of parliament and said:

We are concerned that the government's proposals to liberalise in this way the laws that have been introduced to combat the illegal drug menace will only have the effect of facilitating and encouraging the abuse of narcotics within the

population. If passed, the proposed legislation would be inevitably seen as condoning the use of drugs of dependence through the establishment of officially sanctioned public facilities for injection. That would send the wrong message both to people who are already dependent on drugs as well as to those who might be tempted to begin using them.

The Community Coalition for a Drug Free Society sent me an email on 8 June. It states:

By having injecting rooms it is a sign of the public giving up the fight for the addicts. A solution that will actually get down to the core of the problem isn't to let addicts feed their addictions in a public place but to make improvements to treatment and rehabilitation facilities.

Finally, a letter was faxed to my electorate office yesterday by a young constituent of mine, who gives good advice to all Victorians. She is the voice of middle Victoria giving a view on the matter. She states:

I am a student of legal and international studies at TAFE, I am a mother, I am a wife, I am 26 years old, I have many friends from many diverse backgrounds ...

...

Safe injecting rooms? Safe for who? What a joke! They still have to rob, mug and steal to get the stuff. What makes people think they will use these multimillion dollar facilities anyway; the sharps disposal units are proof that they haven't one iota of concern for either their own hygiene or public safety. They leave needles everywhere anyway, even right next to the damn things. As a result of the heroin problem, this summer my son will miss out on the Australian child's rite of passage of spending time on the beach. Why? The answer is obvious. And 'safe' injecting rooms are not going to change this. Only a very small percentage of addicts will use those facilities just like the sharps disposal units. So far there has only been an effort to put a bandaid on the problem. There needs to be a complete overview and overhaul of how this problem is being dealt with. With an emphasis on the long term.

...

If the government and therefore us the taxpayers support them to use illegal drugs by giving them a good clean warm safe environment to do it in, we are condoning it and this to me is utterly unacceptable. Rehabilitation programs are surely a more productive, positive angle. Preventative measures, including educating kids at school, is also paramount, and community workshops etc. We should be trying to combat heroin dealers by spending more on customs security, better technology for detecting drugs and more police to stamp it out in the suburbs.

That person is saying what the vast majority of the community is saying. The vast majority of the Victorian community have not made up their minds quickly because they have been bombarded by information from all sides of the argument.

However, they can now be trusted to come to a reasonable, educated opinion on the subject. The reality is that the vast majority of the Victorian community is

saying to the opposition, to the government, and to everybody else it can say it to, 'Throw the bill out; reject it; get on with the policies — as this young lady said in her letter — put forward by the Liberal Party dealing with detoxification and rehabilitation'. That is the way the issue should be dealt with rather than by the bandaid approach of the safe injection facility legislation that the house is dealing with today.

I urge all honourable members, including the honourable member for Richmond, who is about to give us the benefit of his experience on the issue, to reject the bill.

**Mr WYNNE** (Richmond) — I support the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. Honourable members may recall that in the first speech I gave in the house when I had the honour of being elected to represent the good people of Richmond I said that the drugs question was the most significant social issue confronted by my electorate.

During the eight or nine months in which I have represented the people of Richmond, not a day has passed when the electorate has not faced the terrible social scourge of drug addiction. In concert with the leadership — most particularly the Minister for Health — and together with the community, much work has been carried out to develop a fully comprehensive and well-documented strategy to address the drugs problem.

It is incumbent on me to signal the magnitude of the problem in the electorate of Richmond. I refer to the excellent report of the Penington committee, *Drugs: Responding to the Issues — Engaging the Community*, which shows the significance of the drug problem in my municipality. In the period from June 1998 to September 1999 the City of Yarra recorded 658 non-fatal overdoses, the highest number for the five municipalities mentioned in the report. Some 40 fatal overdoses were recorded during that period, and that was second only to the number in the City of Melbourne, which tends to be a major catchment area for much of the drug dealing in the community.

I point out by way of backdrop, as many honourable members have indicated in their contributions, that the number of deaths from heroin overdose has increased from 49 in 1991 to 359 last year, and it is anticipated that by 2005 the figure will rise to 496. If you compare that figure of close to 500 people with the road toll, you realise that at some point in the coming years the exponential curve between the road toll and the drug toll will be crossed.

Twenty years ago state governments attacked the road toll. All honourable members will recall the Victorian campaign — ‘Declare war on 1034’ — to combat that horrendous out-of-control road toll of 1034 and the galvanising of support and public opinion that something had to be done because a road toll of more than 1000 could not be tolerated. Reflecting back to that time, it would be fair to categorise the response by the government of the day as a comprehensive response that received bipartisan support. It was recognised in the community and by both sides of the Parliament that a road toll of more than 1000 people was not acceptable.

The government was hoping for the same level of bipartisanship and concentration in the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill so that a potential drug overdose rate of close to 500 by 2005 could be arrested. Sadly, that has not occurred. I was optimistic that the Liberal Party would tackle seriously this major social problem in the community. The National Party’s position had been made abundantly clear. It was obvious in the lead-up to the Benalla by-election when a scare campaign was conducted: advertisements stating ‘Vote for the Labor Party and you will get injecting facilities in Benalla’ were screened on television, which was disgraceful. I gave up hope of the National Party embracing this major social problem of drugs in the community.

I hoped the Liberal Party would listen to the debate and try to understand where the government was coming from with its comprehensive strategy, one component of which was safe injecting facilities. The opposition — most particularly the honourable member for Malvern, speaking on behalf of the Liberal Party — has indicated that its fundamental difficulty with the injecting facilities proposal is that it sends the wrong message that in some way there is an acceptance of illicit drug taking.

In no way does the government accept that position. Its proposal does not send the message that illicit drug taking is a desirable activity. The government understands the social outcomes of drug taking and the terrible effect it has on individuals, their families, close associates and the community.

The response of the Liberal Party is disappointing. The proposed alternative policy position mooted by the Liberal Party is to employ extra police and increase the number of detoxification and rehabilitation beds. Significantly the previous government reduced the number of detoxification beds from 258 in 1992 to 199 in 1998–99. As is well known to members on this side

of the house, the former government also reduced the number of police. The opposition can only suggest a reversal of its own policy when in government without a single new initiative or innovative way of dealing with this massive social problem and epidemic in the community.

I turn to the Bracks government’s proposal. Saving lives is a fundamental concern of government members. We have a real commitment to a number of initiatives. The four planks of those initiatives are providing increased prevention programs, increased policing, community safety initiatives and improved treatment and rehabilitation services. The government seeks a comprehensive response to this problem. It does not seek to pull out of this debate one element, that of injecting facilities. Injecting facilities are but one part of a comprehensive plan to try to tackle the problem. At the core of the rationale behind supervised injecting facilities is the provision of a focus for drug users where they can inject drugs in a safe environment.

The government does not want people injecting drugs when they are down back lanes and in people’s gardens, disposing of injecting equipment and causing social nuisance, harm, and tragically for some people, death. The government wants to save lives and reduce public nuisance. Its proposal would offer treatment and rehabilitation services, and chaotic street users would be brought into continuing contact with professional staff.

Many people have sought to misrepresent the government’s position on injecting facilities. Government members want to provide a comprehensive range of professional support in injecting facilities. We want to get people off heroin dependency, which requires a rapid and positive response at short notice. That response would be available on the spot at supervised facilities.

Supervised facilities would allow users to establish a basis of trust with facility staff thereby creating the possibility of working with users over the long term. Anyone who has had experience with drug users would know that their lives are chaotic. They have major issues in their lives involving relationships, housing and financial difficulties.

It is important to build a level of trust with drug users and to provide professional support to assist them to achieve a medical remedy for their tragic addiction. Those who return to heroin from methadone programs cost the community in the vicinity of \$50 000 per year in crime, prostitution and drug trafficking. The cost of treatment with synthetic opiates such as methadone is

less than \$6000 per annum. If people can be diverted from heroin and placed in methadone programs, as well as being incredibly useful for the person's safety and wellbeing it can also lift a major burden off the community.

I briefly turn to a number of matters raised by the honourable member for Malvern, who suggested in his contribution that the level of community consultation had not been appropriate. Community consultation has been led by the City of Yarra, and I compliment former Mayor Steve Watson and current Mayor John Phillips on standing up for the community and saying, 'No, this is the way we want to go forward. We want to support our community'. They have done an excellent job and played a leadership role.

Honourable members are aware that the Penington inquiry undertook significant research and showed in its survey of residents that more than 80 per cent of residents in the City of Yarra supported the introduction of safe injecting facilities.

Evidence from Turning Point — a major drug agency, which I am delighted to say is in my electorate — and the Coroner's Court indicates a worsening drug problem. Drug-related deaths in the City of Yarra have continued to increase: 26 in 1998, 41 in 1999, and already 22 in 2000.

The age of users is getting lower and parents, siblings, friends and children are affected by each tragic death. Often families have been struggling for years to contain a victim's involvement with heroin. This is a major social cost to our community.

The Liberal Party's opposition to the bill sells out local communities. It ignores the rights of local communities to make choices appropriate to their local needs. The honourable member for Malvern attended a number of community meetings in my area, and I was pleased about that because he made a genuine attempt to inform himself.

The Labor Party did not just have public meetings in large town halls. It had meetings on public housing estates, meetings with the Aboriginal and major ethnic communities, meetings with pharmacists, meetings with doctors and meetings with people who are on the front line of this social problem.

Major consultations were led by the Yarra Drugs and Health Forum. That group has not been meeting just for six months or a year, it has been meeting for four years. People from the local community — traders, drug agencies, welfare agencies, police and all the other key players — have been involved in the group. They were

onto the issue of heroin use in the City of Yarra three or four years ago. It is a sophisticated group of people seeking to address the problem not with a knee-jerk reaction but in a systemic, comprehensive and considered manner.

Much of the credit for the 80 per cent support rate for an injecting facility in the City of Yarra can be given to groups like the Yarra Drugs and Health Forum, which as I have said has been on this task for four years. It has been an extensive consultation program. Our community has been informed, but the decision made by the Liberal Party to oppose this legislation ignores the rights of local communities.

The Liberal Party was part of a coalition government that reduced services and police numbers and cut back on welfare spending, which resulted in a fundamental neglect of many of the social infrastructures. The Bracks government has a massive task ahead — but it is a task that it will confront — in reconstructing the social infrastructure. It will not turn its back on this major social issue, it will try to come forward with positive solutions.

I pay enormous credit to Dr Penington, who has done an extraordinary job in presenting material for our consideration. He has been absolutely open to the community and has been prepared on a one-on-one basis to meet with people and groups and attend major public meetings and to stand independently and say, 'This is my considered view as an expert in this area, and this is the way we should be going forward'.

He is a most distinguished person who is supported by a group of like-minded experts. I acknowledge the assistance of Professor Margaret Hamilton from Turning Point, who is widely recognised as an expert on the drugs issue. I also acknowledge Dr John Fitzgerald from the Department of Criminology at the University of Melbourne. He is one of those rare academics who do not sit in their ivory towers at the university; instead, he gets out on the ground and works with communities. I thank him for that. Dr Brian Staggoll has also provided wonderful leadership to the Yarra Drugs and Health Forum.

This issue is a test of leadership. In my view, and I believe that of the community, the Liberal Party has failed that test. More importantly, the position it has taken here today, and the tenor of the debate, shows that, sadly, it has failed the community.

**Mr ROWE** (Cranbourne) — I start my contribution to the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill by reminding

the house that I was deputy chairman of the Drugs and Crime Prevention Committee from 1996 until the last election.

I was most disturbed by the contribution of the honourable member for Springvale, who seems intent on bending the facts or failing to provide the full and complete facts. He sensationalises matters and misleads the house.

It is a shame the honourable member for Springvale shafted the previous member for Springvale in Labor Party factional deals and fights, because Eddie Micallef was a great member of Parliament for Springvale and a great campaigner for drug services and community health.

**Ms Gillett** — On a point of order, Mr Acting Speaker, I ask you to direct the honourable member for Cranbourne to return to the bill rather than to impugn members of this house.

**The ACTING SPEAKER (Mr Kilgour)** — Order! There is no point of order.

**Mr ROWE** — It is a pity the honourable member for Werribee did not take a point of order during the contribution of the honourable member for Springvale.

Having been a former deputy chairman of the Drugs and Crime Prevention Committee I was fortunate enough, along with you, Mr Acting Speaker, to undertake a four-year investigation on a reference given to that committee by the then Premier. That was the foundation of Turning the Tide and the first Penington report.

The honourable member for Springvale referred to the unanimous report of the Drugs and Crime Prevention Committee. As you would well know, Mr Acting Speaker, that report does not exist. There was never a unanimous report of that committee recommending that safe injecting facilities be established. In fact, a number of discussion papers prepared by the committee were circulated to various interest groups. I shall quote from the preface of one such paper which states:

This discussion paper on safe injecting facilities in the Victorian setting is intended to be part of this process of examination. It is hoped that the arguments and findings presented in this paper will contribute to public discussion and greater understanding ...

It was not a finding of the committee, but a discussion paper.

**Ms Gillett** — On a point of order, Mr Acting Speaker, the honourable member is quoting from a document and I ask him to table that document.

**The ACTING SPEAKER (Mr Kilgour)** — Order! Is the honourable member prepared to table the document?

**Mr ROWE** — Yes, it is a public document. It is in the parliamentary library. The contribution of the honourable member for Springvale was full of falsehoods and half-truths. The Drugs and Crime Prevention Committee did not produce a unanimous report; it produced only discussion papers. At the time of the calling of the last election, no report had been prepared for tabling in Parliament. There have been only draft documents. So much for the honourable member for Springvale! I again acknowledge the great work of the former member for Springvale, the Honourable Eddie Micallef, especially in the drugs area. I am pleased to be going to a community function in his honour on Friday night.

The other half-truth of the honourable member for Springvale related to supposed discussions that took place or documents that had been exchanged between the Honourable Andrew Brideson in the other place and the Reverend Langley from the Wesley Central Mission. It was common practice for the Drugs and Crime Prevention Committee to meet with all stakeholders about its inquiries, but the Honourable Andrew Brideson categorically denies at any time having had discussions with the Reverend Langley indicating that he would provide any form of public relations support for the Wesley Central Mission. At no time did he indicate it was likely to be supported by the Victorian government. In fact, as much was conveyed to the Reverend Langley in response to letters he had written to the then Premier. A cabinet office document prepared in response to the Reverend Langley's letter to the Premier states in part:

Wesley wrote to you and ... as a result of your concerns about the Wesley proposal being contrary to government policy and premature, senior government officials met with Wesley.

Wesley does not have the support of the government to open a supervised injecting facility and would be foolish to do so.

The document was signed by David Adams, the assistant secretary, of the Social Policy Branch of the Cabinet Office. He is the same person the honourable member for Springvale quoted in his contribution!

The proposal to establish safe injecting facilities was examined extensively by the Drugs and Crime Prevention Committee. The Honourable Andrew

Brideson and Dr John Ross went to Europe, and I visited the United States of America with the committee. We looked at all aspects of the issue — drug use, drug courts, and drug policy around the world. From our discussions our perception was that the professionals in the drug industry have an agenda to influence and project only one side of the story.

There is evidence countering the benefits of establishing injecting facilities in Europe that has not been mentioned in Dr Penington's report or by so-called experts in the field. Various governments have adopted different strategies, particularly with policing. The declines in overdose deaths from heroin in many European cities coincided with increased police activity and not as a direct result of the provision of injecting facilities. Switzerland opened the first injecting facility in 1986, and within a five-year period the mortality rate from heroin use tripled. It did not decline, it tripled. After that the police in Switzerland closed the facility and many of the addicts around Zurich moved back to their home towns.

It is interesting to look at the experience at Paulus Kirk, where an injecting facility was set up by the Dutch Reform Church. The facility became a honey pot to drug dealers. It got so bad that the priest in charge of Paulus Kirk ended up licensing three drug dealers to supply drugs to people coming into his facility.

The safe injecting facility is not a panacea. It will not fix the problem, because at the end of the day the dealing of drugs is illegal. The cost of drugs will not change, and addicts will not cease robbing homes and stealing property to finance their drug addiction.

**Ms Duncan** — But they might stay alive.

**Mr ROWE** — The honourable member says they may stay alive. It has been found that once the purchase of drugs has been made addicts use the drugs within 2 minutes.

**A government member** interjected.

**Mr ROWE** — And in Europe the drug dealers flock to injecting facilities.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Gisborne will get the call later. The honourable member for Cranbourne should ignore interjections.

**Mr ROWE** — Five injecting facilities forced upon the residents of the underprivileged suburbs of Melbourne will not affect the drug problem in Mount Waverley, Geelong or Frankston because users will not

drive to those facilities to inject. They will buy their drugs in Frankston, Shepparton or Bendigo.

**A government member** interjected.

**Mr ROWE** — The majority of the deaths in Footscray were of people who did not live within the municipality. I pick up on the interjection that the councils have decided. It was evident in Footscray that, despite the protestations of the Premier that the government would consult with communities and that injecting facilities would not be forced upon them, when the legislation was introduced it would be councils that would make the decision, not the communities.

I went to public meetings in Footscray and saw that the community did not want injecting facilities. I went to meetings in Springvale, and that community did not want injecting facilities. The Footscray council made the decision to impose the facility on its community without consultation. The council would not offer a referendum and the councillors in attendance at the public meeting had already made up their minds before any public debate.

**A government member** interjected.

**Mr ROWE** — The Liberal Party and the National Party have taken advice from far and wide. As I said, I have been to Footscray on a number of occasions. Dandenong and Springvale are close to my electorate, and having a background in policing and being deputy chairman of the Drugs and Crime Prevention Committee I have a knowledge of the drug culture.

I have extensive knowledge about treatments such as methadone and about heroin trials. None of them is a panacea. Safe injecting facilities, as the government calls them, are not the answer and should not be forced upon the communities. They should not be seen — —

**Mr Wynne** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Richmond has made his contribution.

**Mr ROWE** — In Footscray the number of deaths dropped dramatically with an additional 83 police on the streets and the number of ambulance call-outs also dropped dramatically.

**Mr Smith** interjected.

**Mr ROWE** — As the honourable member for Glen Waverley suggests, in the past three weeks there have

been no heroin-related deaths in Footscray because of increased policing activities — nothing to do with safe injecting facilities.

That is the whole point of the European experience. We are told only one side of the story. We are not told about the increase in policing or the increase in deaths after the opening of the first thirteen injecting facilities. We are not told that the number of deaths decreased with increased policing and vigilance. Look at the experience in New York and the great results achieved with zero tolerance. It works in New York, and everybody says it is a right-wing, fascist view but the approach does not relate only to drugs. It means enforcing every by-law and minor summary offence on the statute book. It means making a community proud of itself and helping the community to grow.

In closing my contribution I would like to say that Dr Penington is a great academic and a great man in many ways. Unfortunately, Dr Penington and Margaret Hamilton are too precious about criticism. Mr Acting Speaker, you would be aware that according to Dr Penington, the Drugs and Crime Prevention Committee had the audacity to criticise the report. That ended up with Dr Penington sending a nasty letter to the committee and having a confrontation with the chairman and other members of the committee.

It is interesting that when the opposition established its position and came out with an alternative drug policy Dr Penington chose to abuse the Liberal and National parties simply because they did not agree with him. If you do not agree with Dr Penington, you are wrong. That is intellectual snobbery. Injecting facilities may work in some places around the world but they will not necessary work in Victoria.

*Honourable members interjecting.*

**Mr Wynne** — Give them the trial.

**Mr ROWE** — You cannot have a trial if you have not set down the basis for its evaluation. The Premier, by his own account, is speaking to scientists to work out the basis for evaluating the trial. What a lot of garbage! Set it down first, establish the basis of the trial, set up the evaluation criteria and then put it to the community and let the community decide. I wish the bill a quick and honourable failure.

**Mr BRACKS** (Premier) — I am proud to support the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill in the Legislative Assembly and am hopeful it will receive close and careful consideration in the Legislative Council.

As you know, Mr Acting Speaker, all honourable members are very worried about the scourge of drugs, drug abuse and the flood of cheap heroin coming into Australia. Our instinctive reaction as members of Parliament is to attempt to eradicate drugs. That is a sensible and proper response that all honourable members should have. I have mentioned in the past that I certainly held that view in the past, and to a large extent I still do. About 12 months ago my view was that there was not a good case for supervised injecting facilities but that enforcement, prosecution and rehabilitation was the only path to take.

However, one need look only at what is recommended by the people who are close to the problem, especially the families, some of whom are related to people who have died, and the practitioners who treat the victims. Those are the people who have to deal with heroin first-hand, and they have convinced the government that it has to look at different solutions.

It is no surprise that support for supervised injecting facilities, among a range of other initiatives, also comes from groups such as the Australian Medical Association, the Law Institute of Victoria and other key groups, including ambulance workers, who see first-hand the tragedies occurring in families and on the streets. Those groups and others are looking desperately for solutions because they can see what is happening.

Along with other honourable members I have taken the time to visit treatment and rehabilitation centres and some of the needle exchange centres in Victoria, and I have looked at some of the supervised injecting facilities overseas. I believe anyone who has seen those arrangements will come back and say, 'We have to try something different in Victoria'. That is exactly what the legislation is all about.

Recent history shows the extent of the problem posed by heroin. In 1993 there were 59 deaths from heroin overdose and last year, only six years later, there were 359. That is a tragedy. Nearly half, or 172, of those 359 deaths occurred in the five municipalities nominated by the government as areas for supervised injecting facilities trials. So far this year 206 people have already died of heroin overdose.

Honourable members will have seen the horrific page in the *Herald Sun* showing the road toll alongside the heroin toll. Both number in the 200s and both are a tragic waste of life in Victoria. I was very pleased to see the intervention of Sir Rupert Hamer, a former Premier and a very progressive Liberal identity in Victoria. He said that when confronted by the same sort of situation with debate on the road toll during his regime he had to

take actions that conflicted with the civil liberties of Victorians and were not condoned in any other Australian state or internationally. He was referring to the proposal to make the wearing of seat belts compulsory, and he was right that it would infringe liberties. He also pointed out that the proposed seatbelt measure was one of a comprehensive range of measures developed to attack the road toll. History will show that his boldness in policy formation and his preparedness to try something different worked, and the road toll was reduced significantly.

No government can stand by and not try something different to bring down the heroin toll — not only the deaths but the non-fatal overdoses. Half of the total of non-fatal overdose victims attended by ambulances, which topped 3500 last year, occurred in the 5 municipalities nominated by the government.

Almost 12 months ago the Labor Party in opposition developed its drugs policy. The policy was released in July last year and required about \$75 million over four years on top of the existing spending allocated by the previous government in Turning the Tide and other projects it had undertaken and which gained the bipartisan support of the then opposition.

The Labor Party policy had four planks. One was the prevention of drug use. It advocated more apprenticeships and traineeships, better retention rates in schools, more training for young people, and more opportunities for unemployed people to be active and involved in the community. The second was the saving of lives, and supervised injecting facilities were a key part of that plank. The third was about getting lives back on track, including detoxification and rehabilitation. That plank was designed to make sure facilities were available with short waiting times for people who wanted treatment or were referred to treatment from supervised injecting facilities.

The fourth plank was the effective policing of the drug trade, involving more enforcement and more capacity available to police command to undertake its work of enforcement and prevention. That is partly why the government committed funds for 800 additional police.

The policy arose not only from the work in Victoria but also from the excellent work conducted overseas, learning from what was happening there. It also arose from the significant work of the Parliament's own Drugs and Crime Prevention Committee, which was moving towards these solutions. The government's Drug Policy Expert Committee, headed by Dr David Penington, was moving in the same direction.

Overseas evidence is overwhelming. Anyone who has had the opportunity to travel and see some of the facilities and talk to municipal officials, police and other organisations would bear that out. It can be deduced from overseas evidence that the rate of transmission of HIV and hepatitis C has reduced. There has been a shift of drug use off the streets and away from public places, and the extent of public nuisance has been reduced. Encouraging the provision of access to further treatment and rehabilitation has also been important.

There are 15 supervised injecting facilities in Switzerland and 7 in Frankfurt, Germany. I saw some of the facilities in Switzerland, and to date no deaths have occurred in injecting facilities there. In Frankfurt the number of deaths from overdoses has reduced from 147 in 1991 to 26 in 1997. That is a startling decrease and on any evidence is a remarkable achievement — an important one for saving lives. In the Frankfurt facilities also there have been no fatal overdoses to date.

I regret that the opposition is denying the opportunity for councils to be involved in supervised injecting facilities. The government has been up front in its policy. It has a clear mandate and did not hide its policy. In July last year the Labor Party said that as part of a \$75 million comprehensive drug strategy over four years it would introduce supervised injecting facilities. It went further in its policy and said that five councils would be nominated for the implementation of its policy, and required their concurrence for the supervised injecting facilities to be established.

The government determined where most of the overdose deaths occurred, and for the very reason that it did not want only one supervised injecting facility in the state it nominated the cities of Dandenong, Yarra, Port Phillip, Maribyrnong and Melbourne. However, although those cities were nominated, their concurrence and support were needed for the trial to occur. Not only was the government accountable to the public at the state election on 18 September for a policy that was debated and discussed widely by the Victorian community, but it also gave further opportunity for the councils to make their own decisions.

It is interesting to note that on 18 September, given our known policy, the Labor Party gained a majority, and following the by-election in Frankston East it was able to form government. The matter of supervised injecting facilities was not weighing on the minds of Victorians to prevent them from voting Labor at the election and subsequently in Frankston East. The municipalities of Dandenong, Yarra, Port Phillip, Maribyrnong and Melbourne each returned a Labor member of

Parliament. The Labor candidates were not rejected for standing up and saying they supported a policy that included supervised injecting facilities.

Moving on to the Burwood by-election — —

**Mr Rowe** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Cranbourne has made his contribution.

**An honourable member** interjected.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The Premier, without assistance.

**Mr BRACKS** — The Burwood by-election was another opportunity for the matter to be raised, discussed and debated. The Liberal Party organisation, I assume with the support of the parliamentary Liberal Party, ran advertisements on radio 3AW that said, ‘Don’t vote Labor because what you will get is shooting galleries in Victoria’, implying somehow that if the Labor Party was elected in Burwood, the electorate would have a supervised injecting facility. It was dishonest and it was paid advertising to raise the issue as a major issue at the Burwood by-election.

Honourable members know the result of the Burwood by-election. It was not a matter that swayed the people of Burwood. They were prepared to try something different to ensure a reduction in the number of deaths in the Victorian community from heroin overdoses.

The by-election for the seat of Benalla was another opportunity to reinforce the government’s mandate. This time it was not the Liberal Party that advertised, and it was done not on radio. The National Party paid for advertisements on WIN TV in Benalla that said, ‘You vote for Labor and you get shooting galleries’. The scare campaign was mounted a third time, and honourable members know what happened in Benalla because the elected member is sitting on the government benches!

It cannot be said that this government does not have a mandate, because it was reinforced on three successive occasions: at the state election and at the Burwood and Benalla by-elections. The Liberal and National parties made it clear in debate and through their advertising that Labor should be opposed because of its policy, and people did not do it. The Labor government has a clear mandate.

Given the opportunity, there are many people on the opposition benches who would support the proposal. I

am hopeful that, if they listen to the debate and the bill is voted down in the Legislative Council, at some time in the future when the bill again comes before the house members of the Liberal and National parties may think again.

I refer to some of the contributions to the debate on the bill, particularly that of the Leader of the National Party, who said, ‘Why do we need five supervised injecting facility trials in Victoria when there is one happening in New South Wales?’. There is some logic to his argument, even if the Labor Party disagrees with it. If the bill goes down, and I hope it does not because I hope it will be successful — and the words of the Leader of the National Party leader were, ‘Let’s wait to see if it is successful’ — the onus will be on the Liberal and National parties to reconsider their position.

That was the contribution several members made in debate. Therefore, the onus is on them to agree that if the trial in Sydney proves to be successful and saves lives, they will not sit back and prevent the government from trialling the facilities. That would be totally illogical and totally against every effort made in Victoria to save lives and minimise harm.

I believe there are people of goodwill on the other side of the house who are prepared to consider a trial at some time in the future. I hope they keep their minds open. In recent discussions I had with Dr Penington he agreed with me that a good and thorough debate has taken place in the Victorian community and that we have progressed. Although, regrettably I understand the Liberal and National parties will block the bill in the upper house, at least the debate has moved on and the next time a trial is pursued in Victoria — the government will pursue it again — there will be more readiness to accept the concepts and ideas involved in supervised injecting facilities as part of a wider plan to try to reduce the harm from drugs and to save lives.

I believe some people on the opposition benches already hold that view. I was encouraged by the fact that the shadow health minister came back from a visit of overseas facilities with a delegation, which included the head of Vichealth and the honourable member for Footscray, in a positive frame of mind and indicated that he would seek other solutions, such as doctors providing heroin on prescription to addicts. Effectively, that would involve users injecting heroin in the surgery. I welcome the fact that he is trying to find other solutions. If he were given the opportunity to be the Leader of the Opposition — I do not know whether he will in the future — I believe he would try to pursue a moral authority and get the matter through the Parliament by gaining the support of the Liberal Party. I

regret that that is not the case — not that he is not the Leader of the Opposition; I am agnostic on that question — and that the government will not get the bill through.

The previous Liberal administration was also prepared to examine those options in good faith. We know both Jeff Kennett and Rob Knowles were moving towards having a supervised injecting facility and were prepared to negotiate with Wesley Central Mission for that purpose. The submission by the honourable member for Springvale proved that. The correspondence shows quite clearly that there was a preparedness on their part to look at a supervised injecting facility in certain circumstances that were set out in a letter submitted by the then Premier, Mr Kennett, to Reverend Langley just prior to the election. It sets out the standards and requirements of those facilities if they were to go ahead. So, there was a preparedness on the part of the previous government. We know from evidence submitted to the house that the previous government was keen to pursue that through either regulation or legislation. So, in the past there has been a preparedness on the part of the all-party committee; the former Premier, Mr Kennett; the former health minister; and the current shadow Minister for Health. There has been a tendency within the Liberal Party to support these progressive policies.

I regret the fact that the bill will be blocked in the upper house. It will mean we will have to delay an important option for saving lives and minimising harm in Victoria. If the bill goes down, we must still pursue every avenue possible to minimise harm in the community by establishing diversion programs and increasing support for rehabilitation and detoxification. That is why I, with the Prime Minister, Mr Howard, made the recent announcement in Melbourne that an important diversion program would be undertaken. It will be a collaboration between the federal and state governments, so it is also on offer to minimise harm in the community.

I congratulate government members on their preparedness to stand up in their communities on a difficult issue. In particular, I thank my parliamentary secretary, the honourable member for Footscray.

**Government Members** — Hear, hear!

**Mr BRACKS** — While being subjected to some acrimonious abuse from a range of quarters over the past couple of years, which he accepts front on and in good faith, he has consistently pursued his principles and policies, and I congratulate him on that. I also congratulate him on taking a leadership role on this

issue along with other ministers and members of Parliament on this side of the house.

This is the first step. I regret the fact that the Liberal Party has shown no leadership on the issue. The government will raise the matter again in the future. The onus is on the opposition to reconsider it in good faith if the trials work overseas and in Sydney, because nothing should stop any member of Parliament from making decisions about measures to save lives in the future.

**Mr SMITH** (Glen Waverley) — I regret that the Premier was unable to be in the house earlier to hear the contributions of the honourable members for Mornington and Cranbourne, because they put paid to the tirade we heard earlier this morning from the honourable member for Springvale. Everything he raved on about this morning — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! The level of conversation is too high. I ask the honourable member for Geelong North to take his seat.

**Mr SMITH** — It was proved to be false. It is a shame that the Premier was not in the house to hear those scurrilous allegations being refuted convincingly. In any event, it will be fascinating to see whether another media beat up like the one we saw preceding the debate takes place. I imagine tonight there will be nothing at all about it in the media.

The Premier is about to dash off. He has been pushing for a reduction in the road toll, but he has a lot on his plate today given that country members have been forced to be in this house for the past 24 hours. They will have to be awfully careful — —

**An honourable member** interjected.

**Mr SMITH** — Will you listen? You can't keep your mouth shut! Honourable members will have to be awfully careful if they are to get home safely.

What happened last night in this place will put everybody's driving capacity at risk when they travel home. If an accident happens, I hope the Premier has it on his conscience.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! the honourable member for Narracan! The honourable member for Cranbourne will cease interjecting. The level of conversation is too high. Would the honourable member for Richmond lower his voice? The

honourable member for Glen Waverley, without assistance.

**Mr SMITH** — This debate is about whether there are alternatives. The point of opposition members making contributions today is to give their reasons why they are not supporting the bill. One of the things I said in a speech prior to the bill being introduced in the last sessional period was that alternatives were available to the government rather than safe injecting houses, which send out the wrong message, that the government is condoning the use of drugs. Setting up so-called safe injecting houses will not overcome the problem; in fact I have material that shows the problem will increase if such facilities are made available.

What I spoke of earlier and have now been able to elaborate on is material from both within Australia and overseas. When I was a member of the former Police and Emergency Services Committee we inquired about how the drug Naltrexone could be used as an alternative treatment for drug addiction. Melbourne has a number of such facilities. One that I went to see and spent some time studying, which I have already shared with the house, is run by Dr Michael Kozminsky from Brighton. We saw the way Naltrexone can be used for detoxification. The Reverend Tim Costello has also started a Naltrexone clinic based on the same protocols. These programs are being conducted concurrently with research carried out in Sydney, and I would like to share that with the house because this material has not yet been made public.

A pilot project that has been under way since 1998 at the Westmead Hospital in outer Sydney has achieved remarkable results with the use of Naltrexone. During the same period the New South Wales government has decided to fund public hospitals to allow them to use Naltrexone as a means of detoxification.

Since 1998, 150 patients have been treated at the Westmead Hospital using Naltrexone for detoxification. Subsequently 300 have been on the program, including the period since 14 June when the New South Wales government announced that it would fund public hospitals that were carrying out Naltrexone detoxification programs.

Such facilities are an alternative to safe injecting rooms because the Westmead Hospital program has had a 100 per cent success rate. It is a dramatic new area that the government has not tackled. The committee recommended that to the then Minister for Health, the Honourable Rob Knowles, when the coalition was in government, but it was not taken on board, and the

honourable member for Bennettswood would confirm that.

The trial in New South Wales has started and has achieved a 100 per cent success rate. The government should examine what is taking place in New South Wales and go down that path rather than trying to foist on the community injecting rooms that are untried and probably dangerous. The problem is that the government will not examine other alternatives, and Naltrexone is one that should be tried.

I have had a short discussion with the Reverend Tim Costello, who said that already more than 50 people have gone through his Naltrexone detoxification program, which consists of a cocktail of drugs given by a doctor, similar to that given by Dr Kozminsky at Brighton. Before the patient comes into the clinic he or she must have been clean of toxins for a number of days. Once the process begins it takes 24 hours to get the patient relaxed and then Naltrexone is given in various doses until the body is purged and detoxified.

It is a dangerous process, but not if it is done with proper nursing care and under medical supervision. The two addicts I saw were treated successfully. I am informed by Dr Kozminsky that he has helped some 1000 addicts over the past few years and has had a 100 per cent success rate. Success means that after six months a patient is clean of drugs and is given a clean bill of health. After detoxification the addict requires the most important phase, rehabilitation. This is something the government should be taking on board and investigating, because once the person has been detoxified unless he or she has family support and support from institutions there is the likelihood that he or she will go back on to drugs if not properly supervised. Dr Kozminsky is asking for the community through the charitable institutions to find ways of rehabilitating people who have been detoxified. The government should use its good offices to ask organisations such as the one Archbishop Pell was thinking of setting up and perhaps even Reverend Tim Costello to implement that important second phase.

As I said, the government has not gone down that avenue and that is the reason I oppose the bill. Strict enforcement should apply to drug traffickers. We have seen in the central city and Footscray that if they are given the resources the police can clean up the drug problem. I am sure the honourable member for Footscray will confirm that, and it is a tribute to the police. The level by which traffickers can be convicted must be a low level.

Naltrexone should be used, forcibly if necessary, for the treatment of prisoners to enable them to be detoxified and start on the road to recovery. Sufficient treatment facilities are needed for detoxification and rehabilitation. Education is needed for young people in schools. However, the main thing I ask of the government is that it looks at the Naltrexone programs that have been carried out. When I was in Israel recently I examined the results of the work of Dr André Waismann. If the government were fair dinkum it would find a better alternative. The community would be more accepting of a positive solution to the problem in the form of detoxification and the eventual follow-up with rehabilitation.

**Ms DAVIES** (Gippsland West) — I rise to speak on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. Some 359 people have died in Victoria from heroin overdoses in the past year. Considerable numbers were revived but have been left with permanent brain damage. Those figures are horrible, as is the problem, which has been getting obviously worse for several years.

At the outset I say that the proposal is not a high priority for my electorate or me. It is not an issue that has stirred the passions of most of the people in my electorate despite some intense efforts to create a controversy. I have received many letters, and I continue to have conversations in the far reaches of my electorate as I travel around — and in my garden, the supermarket and just about everywhere else — so I have had many discussions with many people. In itself, the issue is not one of high priority.

A high priority — I have received the message many times — is solving the drug problems that occur in my area and rural areas in general. Severe problems include the mixing of drugs, both legal and illegal, the combination of drug usage and driving, which is deadly, and both old and young who feel unsupported and alone and who just get stuck.

My main focus and efforts on behalf of the people in my electorate remain on the issues that are their main focus. People need and want the capacity to treat their specific problems in their own areas so that they can stay in their communities. That means treatment must be close by, not in the valley or the city. I have repeatedly given the government that message. It has been receptive and I will continue to press the issue. Rural areas need additional treatment facilities for drug and alcohol problems.

The other ongoing issue is traffic problems. The police coverage of the whole area is an issue regularly

outlined as a major issue. Again, the government has been receptive and improvements have been made. Neither area has been satisfactorily covered yet, so further improvements are needed.

There are heroin users locally, which I regard as tragic. Street use is not the same problem as it is in some metropolitan areas. The problems for heroin users in rural areas are more likely to manifest themselves in the form of people using and sometimes dying alone at home, which I find sad and terrible. All honourable members should work together to reduce the problem and provide proper treatment facilities.

I sincerely believe that part of the solution to the problem lies in helping people to feel better about themselves and their lives, to give them hope and help them feel that they are respected and are part of a community and a wider society. I genuinely believe we are on the road to encouraging a more caring society than we have been over the past few years.

More resources are needed in the areas of prevention, treatment and enforcement of law. I am unsure of the specific details, but I know the government has committed itself to extra detoxification beds. The honourable member for Malvern referred to 220 extra detox beds across the state. He argued that Liberal opposition members believe 500 extra detox beds should be provided, which I thought was a remarkable figure considering that the previous government did so little when it had the opportunity and the funds. The former government cut the number of available beds.

The Leader of the National Party put forward the sensible suggestion of adding facilities as needed. I believe facilities need to be added until the stage is reached where any addict who says, 'I want to enter a detoxification facility' can do so straight away. I do not think it is practical to make such people wait. I emphasise the point that a proportion of those facilities and different sorts of facilities need to be introduced into rural areas.

The proposal before the house aims to set the framework to allow the government and up to five metropolitan councils to set up supervised injecting facilities within those five council areas. The municipalities mentioned are the City of Melbourne, the City of Port Phillip, the City of Yarra, the City of Greater Dandenong and the City of Maribyrnong.

Some time ago the honourable member for Evelyn interjected and implied there was a suggestion to put these facilities in rural areas. The honourable member knows that is rubbish and nonsense.

**Mrs Fyffe** interjected.

**Ms DAVIES** — I do not want one. It is an absurd suggestion.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Gippsland West will ignore interjections and speak to the bill, through the Chair.

**Ms DAVIES** — Thank you. Only two of those five areas have expressed any interest in pursuing the issue. I know how difficult and complex the issue of drug abuse is, and I do not believe there is one magical solution to the problem. The proposal of an 18-month trial of possibly one, two or up to five supervised injecting facilities was an attempt to make the unsafe lives of some heroin users a little safer. It may have helped some users to think that someone cared and there was a place to go. It may have helped some of those people live long enough to have a chance of growing out of their habit and successfully receiving treatment.

I do not know whether the proposal would have worked, and given that the Liberal Party, the National Party and my Independent colleagues have chosen to reject the legislation, as is their right, we will not know.

I was prepared to allow the councils that were named to go ahead with a trial. That possibility is now not open to us, at least not at present. I would like to believe we can leave the politics of the issue behind, and I hope we will be able to focus on the areas where there is community agreement and look at as many solutions as can be agreed on, to deal more adequately with the terrible problem than we have been over the past few years.

**Mr MAUGHAN (Rodney)** — I am pleased to participate in this important debate. I preface my remarks by saying that Victorians are justifiably concerned about the misuse of drugs in the community. The use of drugs that alter mood has a long history in human society. Evidence shows that the opium poppy, marijuana and alcohol have been used by human society for thousands of years.

Drug use, particularly legal drug use, is an accepted part of the Australian way of life. Australians lead the world as pill poppers, and I refer to prescription drugs. I do not know what the figures are today, but in 1995 — I suspect they are not much different today — the figures were as follows: 75 per cent of Australians use alcohol in any one week; 25 per cent of Australians use tobacco products; 50 per cent use some form of medication

every week; and 29 to 30 per cent of Australians have used cannabis at one time or another.

Drugs have been an accepted part of Australian society for many years for medical, social and recreational purposes. It is the abuse, misuse and overuse of drugs — in particular the overuse and misuse of hard drugs, illicit drugs, designer drugs and cocktails of drugs that cause the problems in society.

The bill deals specifically with heroin, which is a deadly drug of addiction and a blight on the community. Before turning to the proposals in the bill I shall place some facts on the record, because it is important that we remind ourselves of these statistics to get the drug problem in perspective.

The Alcohol and Drugs Council of Australia estimated the annual economic cost of drug abuse in Australia to be in the order of \$18 billion. The economic cost to Victoria, therefore, is about \$4 billion per annum — a massive amount!

One-fifth of all deaths in Australia are drug related. Eighty per cent of our prison population is in jail because of drug-related crimes. Each year 17 000 people are hospitalised from misuse of drugs. In Victoria deaths from drug overuse rival deaths from road accidents. As at yesterday 279 lives had been lost in road accidents while 206 people had died as a result of drug overdoses.

To put that into context on a world scale I turn to the national statistics. In 1996, and again the proportionate figures have not changed much up to the present date, 18 580 people died from tobacco-related causes, 3656 people died from alcohol-related causes and 739 people died from illicit drug use. Ninety-five per cent of all drug-related deaths involved legal drugs. I am not attempting in any way to minimise the size of the illicit drug problem; I am merely trying to point out the size of the legal drug problem we are also facing in this country.

A lot of rhetoric has been heard today about what has and has not happened over the years. In 1995, in attempting to deal with this issue, the former coalition government set up the Premier's Drug Advisory Council. The council was chaired by Dr David Penington and consisted of eight eminent members of the community with expertise in law, medicine, criminology, community issues and the like. I share the sentiments that have already been expressed about the role played by Dr Penington.

The council consulted widely, reviewed all available literature worldwide, considered 300 individual

submissions and consulted 50 expert witnesses. The landmark report it presented in 1995 provided a great deal of information about the drug problem in Victoria.

Dr Penington addressed the Legislative Assembly in 1995. I spoke during the debate in May 1996. I said then, as I say now, whatever we are currently doing is not working, as is evidenced by the indisputable fact that drug use, particularly among young people, is increasing — and that is the bit that concerns me the most. Drug use among young Australians is increasing, whereas in some other parts of the world it is declining. We need to examine what those countries are doing that we are not yet doing in Australia. We need to do more, and we need to try something different.

That view was shared by a commonwealth all-party committee, which said in its 1995 report:

... all evidence shows, however, that our law enforcement agencies have not succeeded in preventing the supply of illicit drugs to Australian markets, but that it is unrealistic to expect them to do so. If the present policy of prohibition is not working then it is time to give serious consideration to the alternatives, however radical they may seem.

The bill before the house is one of those alternatives.

Although I do not fully understand why people, particularly the young, start using drugs, enough is known about the topic to make us aware that there are many predisposing factors such as childhood abuse and neglect, poor parenting, dysfunctional families, lack of fulfilment, lack of employment, rapid changes in society, the increasing gap between the rich and the poor, poverty, homelessness and lack of self-esteem. All those factors can lead to the vicious circle of alcohol, drugs and crime. Drugs are frequently used to mask emotional pain.

Drug abuse is a massive problem worldwide. The United Nations estimates that globally the drug trade is worth \$400 billion — I repeat, \$400 billion. Global production of heroin is 360 tonnes and the drug trade in Victoria is estimated at about \$500 million — it is a massive trade.

There is bipartisan agreement that drugs are an unacceptable burden on our community, that we need to do more and to try something new and that that will require significant resources. The difficulty we have is agreeing on what it is that we should be doing.

The previous coalition government introduced the Turning the Tide program, which flowed from the Penington committee report. I reject Labor's assertion that the previous government did nothing. It initiated the \$100 million Turning the Tide program over four

years to address the very issues we are talking about today.

Still the problem continues and the number of heroin-related deaths increases. A document prepared by the Victorian Institute of Forensic Medicine and the department of forensic medicine at Monash University shows clearly that the number of heroin-related deaths has increased almost in a straight line from 49 in 1991 to 359 in 1999. It is appalling that so many people are dying from drug overdoses. It is sad that as the road toll reduces from 1034 some years ago to 400 at present, drug-related deaths continue to increase.

However, it is not all doom and gloom. I pay tribute to the government for some of the initiatives it has taken. The \$12 million for the student welfare coordinators is a step in the right direction. I note that the expenditure on treatment for drug-related problems is now \$53 million and rising. I commend the establishment of the Drug Policy Expert Committee, chaired by Dr Penington, and the stage 1 report *Drugs: Responding to the Issues — Engaging the Community*, which clearly shows that more drugs are being produced around the world. Global production of illicit opium increased by one-third from 1998 to 1999, rising to a record level of US6000 tonnes. The document states in part:

The price of drugs is going down and the purity is increasing ...

More drugs are being sold and used on our streets ...

Young people are starting to use heroin earlier.

Surveys show that the proportion of those who were under 16 when they first used heroin has increased from 1 per cent in 1993 to 7 per cent in 1995.

People are using a range of drugs ...

More deaths and serious injuries are occurring as a result of overdose.

The report predicts that deaths from overdose will increase to almost 500 by 2005. They are frightening statistics. The report recommends the trial of supervised injecting facilities because it believes anything that reduces deaths from drug overdose should be tried.

I have concerns about government-sanctioned injecting facilities as proposed in the bill. The provisions lack clear detail about how the trial is to be conducted. It is proposed that a committee will work out some details, but what are those details?

I worry about the message government-sanctioned supervised injecting facilities will send to young people. I note that supervised injecting facilities will not

address the problem for many members of the community who have drug-related problems. Approximately 61 per cent of drug-related deaths occur at home, and 56 per cent of people dying from drug-related causes are alone at the time of their deaths. They are frightening figures.

The Drug Policy Expert Committee has put the cart before the horse. It should have put forward the positive issues and positive recommendations first. More money should be allocated for enforcement, education and prevention of the harmful use of drugs. Far more money should be allocated for treatment and rehabilitation followed by harm reduction strategies, programs and supervised injecting facilities. It should not have been at the top of the list, as it is today, but an optional extra after the other things have been done.

I strongly support harm reduction and drug abuse being treated as a health problem and not a criminal problem. A book entitled *Needle and Syringe Programs — A Review of the Evidence* refers to Australia's drug strategy. On page 5 it states:

Harm minimisation refers to policies and programs aimed at reducing drug-related harm and encompasses a wide range of integrated approaches including supply-reduction (law enforcement), demand-reduction (including abstinence-orientated interventions) and harm-reduction (including needle and syringe programs).

Australia leads the world in developing its needle and syringe programs. I support harm-reduction strategies, but the best form of harm reduction is not to use drugs at all.

I oppose the legislation. I regret that the government has tried to score political points rather than bringing the community with it and talking with the opposition instead of going out on its own. It has failed with this proposal. It is not well thought out or attracting community support. As I said, the report puts the cart before the horse. We desperately need more resources for rehabilitation. I refer to an article in the *Shepparton News* of 19 July which refers to the crisis and delays for drug rehabilitation. The article states:

Faced with up to six months wait for help, many people wanting to overcome drug addiction gave up and continued to self-destruct.

Two of the regions drug rehabilitation workers said the Shepparton region suffered a critical shortage of drug withdrawal support because of insufficient funding.

Their comments followed a scathing attack yesterday on the Victorian government for 'spouting empty rhetoric' while people died because there were not enough drug treatment services.

Odyssey House chief executive officer, David Crosbie, hit out at the lack of funding after a person died of a drug overdose at the weekend after waiting unsuccessfully for several weeks for a bed to become available.

Goulburn Valley Health's withdrawal support service coordinator, Cameron McGregor, said he tried to gain residential placement for 14 people in urgent need of post-withdrawal services in the past 12 months, but only three were able to be placed and one of those waited six months.

A similar story is told by the director of Kyabram's Teen Challenge. It is an excellent program that I have had a lot to do with. It has 30 people in residences and plans to build another 30 beds because of the demand. Teen Challenge gets no government funding, but it is a highly successful program with an approximately 85 per cent success rate.

An article in the *Kyabram Free Press* of 1 August refers to the same problem:

... people seeking drug and alcohol rehabilitation were getting younger, with the youngest resident now 18 years old and the majority under 25.

I conclude by referring to the contribution of the honourable member for Richmond, who said injecting facilities were to be part of a comprehensive program. What is the program? What are the other initiatives the government proposes to undertake? The honourable member criticised the National Party for its clearly stated position. On many occasions National Party members have been told to listen to their constituents. On this issue we have listened to our constituents, and the people of country Victoria tell us clearly they do not want these facilities.

We have listened; we have responded to those concerns and we are now being criticised by the honourable member for Richmond.

In conclusion, I am deeply concerned by the scourge of drugs in our community. I support the harm minimisation approach. I believe in the misuse of drugs being treated as a health problem and not a criminal problem. I urge the government to provide additional funding for drug rehabilitation at Odyssey House, Teen Challenge and other organisations in our community. I support additional funding for education, welfare and police. I certainly support additional funding for speech pathologists, occupational therapists and child psychologists. I support those sorts of policies. I do not support the legislation before the house because it is not well thought out and does not have community support.

**Mr LONEY** (Geelong North) — I welcome the opportunity to join the debate and to follow the honourable member for Rodney, who went through a

number of the considerations he had gone through in forming his view, and many of them are the same considerations that I have gone through in forming my view.

The fact that I have come to a different conclusion does not mean that the honourable member for Rodney has not attacked the issue with sincerity and integrity. He certainly has done so. It is the sort of issue that is not black and white. People can look at the facts in this debate and the different elements of it and come to different conclusions. It should be appreciated that different points of view can be validly held, and I acknowledge that. As I said, I welcome the fact that I am speaking after the honourable member for Rodney and have no doubt about his sincerity.

This is one of the most difficult social issues faced by our age. The effect of drugs in the community is devastating and disastrous. Drug use affects not just individual lives but families beyond the nuclear family. It affects people in ways that many of us find hard to imagine or understand, particularly for people like me who had the good fortune to have their adolescence and young adulthood in the 1960s in Australia. That was a time when a young person had no worries or concerns about security or the future. While there were all sorts of things — —

**Mr Carli** — What did you do for fun?

**Mr LONEY** — I will come to that in a moment because it is important. There is a lot of talk about what happened in the 1960s, but in my group the most popular drug of choice was alcohol. Although it created problems, particularly for young men — there was a high element of abuse of alcohol — it did not lead to the same problems that the abuse of hard drugs does for young people. Alcohol was a social drug in that it was consumed in large groups with other people. Hard drugs have the opposite effect — they take people out of society into lonely, depressing and degrading lifestyles, and they end up on their own.

The honourable member for Rodney spoke about the 1995 debate in this place. I particularly remember the then member for Sunshine speaking about young people dying alone in toilets. That is the image of the hard drug problem in our society and elsewhere.

Many speakers have talked about drugs as a global problem, which it certainly is. One of the ugly faces of globalisation is the rampant spread of the drug trade over national boundaries, and seemingly national governments can do little to stop it.

We have a world economic forum coming up here shortly. Perhaps there should be a world social forum that focuses on these sorts of issues and comes up with global solutions. There are real problems, particularly when so many countries benefit from the illicit drug trade. The problems associated with drugs are not easily solved.

The honourable member for Rodney referred to some of the statistics on the increasing rate of fatalities from heroin. Those statistics are well documented and do not need to be repeated ad nauseam in this debate — members understand them very well. The rate at which heroin-related deaths in Victoria and Australia is rapidly rising is startling.

What that tells us is that our strategies must change and that it is time to face this complex issue in a number of ways. Looking at issues including those raised by the honourable member for Rodney I have come to the view that we have to change the way we go about it. As Dr Penington says, we may well need a radical solution. However, I have not come to that view easily or lightly, Mr Acting Speaker, or in a short period.

A number of people, including Mr Eddie Micallef, the former member for Springvale, who is in the gallery today, have done tremendous work in the area, and Mr Micallef has had a great influence on my thinking. The Springvale community should salute his good work.

We need to break into the problem. I cannot stand here and say with certainty that safe injecting facilities will work — no honourable member can — but we have to try them out. Too many of our young people are dying, and if we can save a few of them the attempt is worth while. I have no problem with people who have come to a different view, but I have come to that view.

However, safe injecting facilities are not worth trying on their own. They are not of themselves and cannot be a solution; they must be backed up with a range of other measures. I am pleased the legislation requires the facilities to back up what they are doing by ensuring that people coming into a facility have the opportunity to go on elsewhere. Clause 80C(a) supports that process by stipulating:

... services to be provided by the operator in the operation of the injecting facility including, but not limited to, satisfactory arrangements for counselling and access to treatment services for uses of the facility ...

That means the facilities are not, as has been suggested in some quarters, centres where people simply turn up and shoot up. They are about trying to break the cycle

and move young people on to other facilities for counselling and treatment. The government recognises the need for follow-up.

The honourable member for Rodney mentioned student welfare, and I concur with his remarks. Extra funding for student welfare is an important part of a total approach, as is increased provision for detoxification facilities. Geelong, for example, simply did not have enough detoxification facilities. Detox facilities have to be provided. You cannot expect to help young people in Geelong who are addicted if you have to tell them to go to Melbourne, Ballarat, Gippsland or somewhere else to get into a detoxification facility. That will not work.

**Mr Steggall** interjected.

**Mr LONEY** — As the honourable member for Swan Hill says, not everyone who uses a safe injecting facility will want to get off drugs, but the facility must exist to allow those who want to try to get off drugs to have a chance to do so. For me, that is what the bill is about — giving support to people and helping them to get off the downward spiral.

The taking of drugs is, for most of us, impossible to understand. I have great difficulty understanding why anyone would want to indulge in drugs, and I believe many other people feel the same. Nevertheless, it is occurring at an ever-increasing rate, so we have to face the issue.

The government is attempting to do that on a range of fronts, and the first and best method is prevention. Prevention means encouraging our young people not to start. Just saying no is not going to work, as we know from all sorts of programs.

The second element is getting lives back on track. That is where safe injecting facilities come in, because they offer a new start, an opportunity to get one's life back on track.

**Mr Steggall** interjected.

**Mr LONEY** — I appreciate the fact that the honourable member for Swan Hill has doubts about that. I have no problem with that.

I do not know with 100 per cent certainty either, but I have come to the conclusion that we must try, just as Dr Penington did. When he was first appointed by the previous government I do not think Dr Penington knew the position he would end up with. When Dr Penington started the project I think he would have said he would never end where he did, but he worked through the

issues, assessed them and said that change was required. That is the essential element.

The third element of the government's policy is effective policing, which is important because the drug trade brings with it a whole range of ancillary crime that needs to be tackled. It is not unreasonable for people to want to feel secure going about the streets of their cities and towns. Effective policing must be included in any broad-based response to the drug problem.

A short while ago the police carried out a major undercover operation in my electorate of Geelong North which resulted in breaking up a large ring of the drug trade. It followed a similarly successful operation in the Footscray area.

The fourth, and perhaps most important, element is that the government's policy is aimed at saving lives. We are all aware that too many lives are lost to drugs.

I probably used the same information to come to my conclusions as the honourable member for Rodney used in coming to his. This sort of debate is not black and white. It is a complex issue, and it is not possible to get agreement from everyone. Like other members of Parliament, I assume, I have had many people presenting every view possible write or talk to me about safe injecting facilities and the drug problem. The community does not have a single approach. There is no single view, regardless of what some phone-in polls might tell us.

**Mr Carli** interjected.

**Mr LONEY** — Perhaps I will tell you over dinner one night.

The drug problem must be tackled in more than one way, and the government's policy is starting the process. Sadly the problem is not confined to one socioeconomic group or one suburb, although I have tremendous sympathy for some of my colleagues, particularly the honourable member for Footscray and the way he has attempted to tackle the problems in his community.

The drug problem impinges on each and every one of us in some way, and we must take our share of responsibility in finding the solution. I hope safe injecting facilities have a trial in Victoria because if they save lives the cause of combating drug addiction and loss of life will have been advanced.

Finally, I would like to think that one day we might beat the problem of illicit drug addiction in our

community, but it is a long way off. I also hope we will tackle with great zeal the massive problem of abuse and over-prescription of legal drugs in our community. I suspect that if proper studies were conducted it might prove to be a larger problem than the one we are debating today.

**Mrs ELLIOTT** (Mooroolbark) — I rise to join the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill and, along with my colleagues, to oppose the proposed legislation.

The *Herald Sun* figure today for the number of heroin deaths in the community this year was 206. It is a bald figure because behind all those deaths is a family tragedy, including a private school girl who was found dead in her parents' bathroom with a needle in her arm and a chaotic drug user dead in a side alley. On the radio this morning I heard the father of a young woman who has been arrested in Thailand, I think, for possession of drugs, sounding very resigned and saying that she had had a longstanding drug problem.

The figure of 206 heroin deaths is unacceptable to everybody in the community. There is nobody who is not concerned about the problem. Interestingly the figure is not rising dramatically but is flattening out, and there is some hope in the fact that there have not been the significant rises that we saw in the past few years, and I hope the trend continues.

I, like other honourable members on both sides of the house, was overwhelmingly against the setting up of injecting facilities.

However, there is a finer breakdown than that. Other people believe it is morally wrong for the government to condone injecting facilities and that it is an evil trying to combat another evil. Those people would never change their minds on the subject of drug injecting facilities. Often their principles are based on religion and a strong moral sense that it is not the way to go. Included among that number are the people at Teen Challenge, which is an offshoot of the Assembly of God. The honourable member for Rodney mentioned them. Teen Challenge has had considerable success with its abstinence program in Kyabram and at another site. The program is based on study, hard physical work and total abstinence from drugs. It seems to work for people who can commit psychologically, intellectually and emotionally to the program, but obviously it will not work for everyone.

Other people do not have moral objections but believe drug injecting facilities will never work. They give

many reasons for believing that, and if I have time I will refer to those reasons in a few minutes.

Some other people say that drug injecting facilities may work overseas, particularly in Europe, but they will not work in the Victorian community. A large group of people — many of whom are professionals, including a pharmacist, the principal of a leading Melbourne girls' government school, a senior police officer and a doctor — took the trouble to write extensive letters to me supporting the concept of injecting rooms and providing cogent reasons for their belief that the Labor government's proposal is a good one.

I, like other speakers, have taken on board all those views. I believe there are some inherent contradictions in the proposed legislation, one of which may appear to be superficial. Earlier this year with bipartisan support the house legislated against people being able to smoke in restaurants. That was done as part of a harm-minimisation strategy that caused some concern among restaurateurs at the time, but it has now been largely accepted. No-one pretends that smokers who do not smoke in restaurants do not have cigarettes outside the restaurant halfway through their meals and may have another one when they get home. There is also no doubt that tobacco use kills more people than heroin use. Tobacco deaths may not occur as obviously or tragically as heroin deaths, but they are as tragic for the families who have to watch loved ones dying of lung cancer. We legislated against people being able to smoke in restaurants.

Setting up injecting rooms presents the problem of how we deal with the fact that people who use injecting rooms will need to bring the drugs with them. Where will they buy them? What will be the effect of having drug traffickers gathering in the area in the hope of making sales? Honourable members on both sides of the house have pointed out that users will not travel too far once they have scored their drugs, so they will need to obtain them near the injecting room. If they do not, they will contravene the law, because they will be in possession of illegal drugs.

That would not help the users in my electorate, the kids who shoot up near the Mooroolbark and Croydon railway stations or in the streets and lanes around my office. It is definitely a problem in my electorate. One of the primary schools has had people going in on Monday mornings before school starts to collect syringes from the school grounds.

The other problem I envisage concerns the age of the users. I twice visited the proposed Wesley Central Mission injecting facilities — once by myself and

another time with other honourable members from this side of the house. The people at the mission said they would not be able to identify the age of the users because they do not often carry identification and some may slip through the net. They would simply have to guess the ages of the users. The first Penington report states that under certain circumstances persons under 18 years may be admitted to the facilities. I believe the community generally would find the state's sanctioning of under-age children using the injecting facilities to be repugnant.

The cost of the facilities was estimated by the Penington report at about \$800 000 per annum. If that is extrapolated over the five proposed injecting facilities, the cost would total \$17 million over four years. That is exactly the figure the government said it would provide each year to enhance treatment strategies. In other words, \$17 million would be one-quarter of the total funding the government has said it will provide. That is a costly exercise, given that we do not know how many lives it will save.

Another problem other honourable members have raised concerns the evaluation of the programs. How will the strategy be evaluated? There are no details in the legislation about that. People would want to know how many lives will be saved and how effective the strategy will be if that amount of money is being invested.

It is possible, or even probable, that no lives have been lost in most of the European injecting facilities, but that does not mean that the users who have used the facilities did not go, inject somewhere else and die there. We cannot say that the people who used the injecting facilities in Europe did not die of drug overdoses.

Another problem is the fact that after a while the users will want to use drugs again. Keeping them at the injecting facilities long enough to be able to transfer them to other helping agencies will be extremely difficult. I do know how many of them could be helped in that way.

**Debate interrupted pursuant to sessional orders.**

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

## QUESTIONS WITHOUT NOTICE

### **Business: government incentives**

**Dr NAPHTHINE** (Leader of the Opposition) — I direct my question to the Premier. What incentives did

the government offer as a bid to secure the \$23-million, 500-job IBM Asia-Pacific centre which, like the Oracle business centre, has now been lost to Sydney?

**Mr BRACKS** (Premier) — As I indicated yesterday, the government has had an outstanding result in generating jobs. Part of that generation of jobs means attracting industry support to the state and ensuring that new regional headquarters and industries are located here. The government is having considerable success.

One has only to examine the Australian Bureau of Statistics (ABS) unemployment figures released today. They show that Victoria maintains the second lowest unemployment rate in the nation — below New South Wales at 6.2 per cent, or 0.2 per cent lower than the national average. The unemployment rate in Victoria has been below the national average for six of the past eight months.

**Dr Napthine** — I raise a point of order, Mr Speaker, on the question of relevance. The question related to the bid made by the government to attract the 500-job IBM Asia-Pacific centre, which has been lost to Sydney. The question asked about the bid made by the government for that investment and those jobs.

**The SPEAKER** — Order! I have heard sufficient on the point of order. I uphold the point of order and ask the Premier to answer the question.

**Mr BRACKS** — The industry assistance program that the government operates attracts a large number of jobs to Victoria. Already, on aggregate, more than 70 000 jobs have been created by the government since it came to office.

### **Geoffrey Gardiner Dairy Foundation**

**Mr STEGGALL** (Swan Hill) — I direct my question to the Minister for Agriculture. Following the Dairy Bill, which was debated earlier this year, confusion exists between various dairy industry bodies and the minister about the constitution of the new Geoffrey Gardiner Dairy Foundation. When the legislation was debated it was agreed that \$300 000 would be made available for the Dairy Herd Improvement Fund for two years through the foundation. Will the minister explain why he has not honoured that agreement?

**Mr HAMILTON** (Minister for Agriculture) — I thank the honourable member for Swan Hill for his question. The last part of the question is easy to answer, because the legislation clearly sets out that the body responsible for the management of the reallocated funds following the repeal of the Victorian Dairy Industry Act is the board of the Geoffrey Gardiner Dairy Foundation.

I take up the point regarding the statement in the act — and certainly a government commitment — that up to \$300 000 per year for two years would be allocated for dairy herd improvement services. I am sure that honourable members opposite who take an interest will understand that the government wanted to ensure that there were no increased costs to dairy farmers for the dairy herd services they had enjoyed under the Dairy Herd Improvement Fund.

The process to be followed is that the Dairy Herd Improvement Fund will apply for funding for services to Victorian dairy farmers to ensure that they retain the services historically provided to them up to a cost of \$300 000. The current difficulty between the players in the industry is whether funds from that \$300 000 can or should be allocated to research and development projects. The act clearly states that the funds are to be used for services of benefit to Victorian dairy farmers. If a research and development fund can be clearly seen as a service to the dairy farmers, it ought to be funded by the board.

In summary, the act states and the intention of the government is that the services provided to the Dairy Herd Improvement Fund of up to \$300 000 per year for two years must be to Victorian dairy farmers, and they must be of a kind previously funded or provided by the Dairy Herd Improvement Fund. The fund has a great deal of historical evidence of services funded and provided to Victorian dairy farmers. A further part of the process covers the allocation of those funds. Historically, the process must be approved by the United Dairy Farmers of Victoria (UDV) before the funds are allocated.

**Mr Mulder** interjected.

**The SPEAKER** — Order! The honourable member for Polwarth!

**Mr HAMILTON** — I have summarised the intent of the legislation and the substance of the agreement reached during its passage. I reiterate that the allocation of those funds will be the responsibility of the board of the Geoffrey Gardiner Dairy Foundation. I assure the industry players — the dairy farmers — and members opposite that the government will honour the intent and spirit of the legislation.

**Mr Plowman** — They don't want the spirit, they want the money!

**Mr HAMILTON** — There is a relationship between spirits and money. Given the historical record of the Dairy Herd Improvement Fund and its knowledge of the services provided and/or funded to

Victorian dairy farmers, I am confident that it will come up with a budget subject to the approval of the UDV and granted through the board. I hope that sorts out the problem.

### World Economic Forum

**Ms GILLETT** (Werribee) — I refer the Premier to the importance of the World Economic Forum to Victoria's future. Does the Premier believe it is important that Victorians demonstrate their support for the event?

**The SPEAKER** — Order! The question is seeking an opinion. Questions should seek information. I will afford the honourable member for Werribee the opportunity of rephrasing the question.

**Ms GILLETT** — I ask the Premier to enlighten the house about why it is important that Victorians demonstrate their support for the forum and what action he will take to encourage Victorians to demonstrate that support.

**The SPEAKER** — Order! I will allow the question as it appears that the honourable member for Werribee is seeking information about the importance of the event.

**Mr BRACKS** (Premier) — I thank the honourable member for Werribee for her question. As most, if not all, honourable members appreciate, the World Economic Forum is important for all Victorians, no matter what walk of life they are from. It is a chance for Victoria to put its best foot forward and to demonstrate the way we hold and conduct international events, as we do with major events in the state.

The government, the Victoria Police and organisers have been working tirelessly to plan this event for Victoria. I place on the record my appreciation of the Australian Davos Connection and Michael Roux, who has headed up the project. He has done an outstanding job in organising this event. Nothing has been left to chance in the preparation by the Victoria Police, the organisers and the government, through the Department of State and Regional Development. The forum provides a unique opportunity to attract investment and new jobs to the state and to sell Victoria as a great place in which to do business.

I understand some Victorians are concerned that the issues of social inclusion, the environment and community values are not present in the forum. I say to them, as I have said in the house before, that those issues will be a feature of the World Economic Forum. The forum does not make decisions about the world

economy or about nations complying with any economic codes. It is a networking forum that mixes international companies with other companies. It is also about exposing those companies to governments and about building partnerships. For that reason it provides a great opportunity for Victorians as the hosts of this event.

Whether it be the Australian Tennis Open, the Formula One Grand Prix or other major events, this state has demonstrated that it can conduct good events on a world scale, which provides enormous international representation.

My message to Victorians is to once again show how well we can showcase an international event to the world. The government can do only so much to encourage individuals not to resort to violence or senseless protest as part of the World Economic Forum.

The government cannot control people who want to act irresponsibly during the event. Given that this is the last day of sitting before the event, my plea to parents is to ensure that every school student remains at school. As a state government we will do our best to ensure that every school student is at school and is not taking part in the demonstration. We urge parents to do the same, and we urge parents to take up the suggestion offered by some schools — that is, to offer alternative forms of discussion about globalisation within the school setting.

I also ask parents to ensure that schoolchildren are not used by radical forces for potentially violent demonstrations. The potential is there, and parents can play a role in ensuring that their children are not part of that process.

Next week the world will be watching Victoria. It is a great event for Victoria and Melbourne. There is a significant opportunity to showcase the state, and I urge every Victorian to get behind the event. It will be a great event for Victoria, and it will bring considerable wealth to the state.

### **Education, Employment and Training: consultancies**

**Mr HONEYWOOD** (Warrandyte) — I refer the Minister for Education to the \$95 000 that has been paid to Joan Kirner's former political adviser, Mr Jack Keating, to perform secretariat services for yet another inquiry in her department. How is it that the minister did not know that Mr Keating had been appointed to this task?

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Oakleigh; the honourable member for Frankston; the Treasurer!

**Ms DELAHUNTY** (Minister for Education) — This government spends money building up education; the previous government spent money tearing it down. The former government spent a quarter of a million dollars trying to foist the self-governing schools initiative on us, a quarter of a million dollars to privatise. This government will continue to hire the best advice it can to build education in Victoria across the breadth of this very large department, which covers education, employment and training.

I ask why the honourable member for Warrandyte is pinching the questions of the honourable member for Hawthorn. That issue is within the purview of another minister.

### **Food: industry investment**

**Ms DUNCAN** (Gisborne) — I refer the Minister for State and Regional Development to the government's commitment to attracting jobs and investment into regional Victoria, particularly in the food industry. I ask the minister to advise the house of the latest information concerning major new investments in regional Victoria.

**Mr BRUMBY** (Minister for State and Regional Development) — I am delighted to advise the house that today the Murray Goulburn Dairy Cooperative is announcing that it is expanding its Koroit facility in south-west Victoria, which represents a \$55 million investment and 50 new jobs for the state and will make it the biggest dairy facility in country Victoria. That is a major win not just for south-western Victoria but also for Victoria as a whole.

The government has worked actively with the company, and I visited the company at Koroit in June. The government provided additional funding to assist with road infrastructure. Victoria was successful in winning investment against very competitive bids from the South Australian government.

The investment comes on top of a \$40-million investment at Melton, which was confirmed just under two weeks ago, involving the Japanese company Saizeriya. It will result in 170 new jobs. It is the first time the company has ever invested outside Japan. When Saizeriya came to Australia it went to Queensland, but then came to Victoria because of the encouragement it received from the Bracks government.

I am also pleased to advise the house that the Ballarat company Biostarch has purchased the old Bonlac dairy factory at Camperdown to produce calf food. That represents 15 new jobs. After Bonlac closed, the government provided \$250 000 to the South West Water Authority to assist with the purchase of a waste-water treatment plant to make it attractive for a new buyer.

In the past three weeks Victoria has seen around \$100 million in the form of new investment in the food industry, generating hundreds of new jobs for Victorians. Earlier the Premier mentioned the employment figures for Victoria. Four out of 10 Australian jobs were created in Victoria.

If ever you wanted to see a great performance in the economy, jobs growth and growing the whole of the state, the Bracks government provides it.

That is in clear contrast to the Liberal and National parties, which for seven years in coalition did absolutely nothing for country Victoria and whose former leader described the regions of our state as the toenails.

**Mr Perton** — On a point of order, Mr Speaker, the minister is clearly debating the question. This is the minister who lost us the IBM investment, the Oracle investment — —

**The SPEAKER** — Order! The honourable member for Doncaster does himself no justice by taking a valid point of order and then spoiling it by attempting to use the point of order to debate the issue. I uphold the point of order and ask the minister to answer the question.

**Mr BRUMBY** — The government will provide the honourable member for Doncaster and the Leader of the Opposition with a full briefing on the Oracle matter because it was in the last decade! You're a bit behind the times. We would like to see — —

**The SPEAKER** — Order! The minister, through the Chair.

**Mr BRUMBY** — We would like to see the opposition parties getting behind the good news that is happening in Victoria about the new \$100-million investment and the hundreds of jobs that are being created.

### **Foxes: control**

**Ms DAVIES** (Gippsland West) — Given that today is Endangered Species Day, will the Minister for Environment and Conservation reintroduce — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is unacceptably high. The Chair is having difficulty hearing the question. The honourable member for Gippsland West, without assistance.

**Ms DAVIES** — Will the minister reintroduce a bounty on foxes to better control their numbers and reduce the terrible harm that they do?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the honourable member for her question and her interest and concern for endangered species — —

*Honourable members interjecting.*

**Ms GARBUTT** — That is obviously not a view shared by the opposition, which considers Victoria's biodiversity and endangered species — —

*Honourable members interjecting.*

**Ms Davies** — On a point of order, Mr Speaker, I seek your assistance. I cannot hear the answer and I really would like to hear it.

**The SPEAKER** — Order! The house should quieten down so we can all hear the answer.

**Ms GARBUTT** — Thank you, Mr Speaker. I thank the honourable member for Gippsland West for her question and her concern about endangered species, which is a view that is clearly not shared by the opposition, except perhaps for its one endangered species — its leader!

Today is Endangered Species Day and it is also Biodiversity Month.

*Honourable members interjecting.*

**The SPEAKER** — Order! The house is wasting its own time. The minister will be heard in silence.

**Ms GARBUTT** — The Department of Natural Resources and Environment spends more than \$10 million a year protecting endangered species and biodiversity. The control of pest animals is a significant part of that. The government recognises the damage that foxes do and is committed to protecting our endangered species. Bounties have not been the most effective method of controlling foxes. They do not allow for a targeted approach where foxes can be a problem and, in fact, can be counterproductive in diverting resources away from more effective programs.

As part of the bipartisan approach, during the past eight years the department has been providing a coordinated group approach for fox control which is a more effective program of eradication. One of the most innovative and effective programs occurs in the electorate of the honourable member for Gippsland West, at Phillip Island, where there has been a targeted program to protect penguins, mutton-birds and other endangered birds that are important to that island and have been subject to predatory foxes. The program, started under the previous Labor government and continued under the Kennett government, is regarded as being successful because it involves a group of people including officers from my department, Parks Victoria, the Phillip Island nature reserve and Landcare groups. The department will continue with similar programs, and we will not be putting a bounty on the Leader of the Opposition, either.

**Education, Employment and Training:  
consultancies**

**Mr HONEYWOOD** (Warrandyte) — I refer the Minister for Education to well-known Labor mates, Jim Betson and Bill Hannan, who after a seven-year absence have recently resurfaced in the Department of Education, Employment and Training allegedly to advise on the establishment of the Lyndsay Connors consultancy. Given the minister has chosen not to describe the individuals as either consultants or contractors, what other definition has she chosen to hide the taxpayer funding for these well-known Labor mates?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the honourable member for Polwarth.

**Ms DELAHUNTY** (Minister for Education) — Have we got the right minister this time?

When the Labor Party first came to government it conducted an open program of applications and interviews for all ministerial staff.

*Honourable members interjecting.*

**Ms DELAHUNTY** — Empty vessels make the most noise. During that process I sought in my ministerial office the best professional advice I could get. We have an obligation to build education, not to tear it down.

**Ambulance services: rural Victoria**

**Ms ALLEN** (Benalla) — I refer the Minister for Health to the importance of a well-equipped and resourced ambulance service in country Victoria and I ask: will the minister inform the house of details of the government's boost to country ambulance services.

**Mr THWAITES** (Minister for Health) — The Leader of the Opposition has asked me to talk about the Bright ambulance station and I am more than happy to do so in answering the question. I am pleased to advise the house that from this week Bright has a new professional ambulance station. The government has delivered in its first year what the former government could not deliver in seven years! If the former government had been there for eight years it still would not have delivered. The Labor government has done what the former government promised but never delivered. The only thing the National Party delivered for Benalla in seven years was an upgrade of the electorate office for the former member.

The government has recruited ambulance officers for Bright and from this week professional ambulance officers commenced work, and the first day shift started on Monday. Full 24-hour coverage will begin at the end of the month when all the staff come on board. The Bracks government has committed funding of \$398 000 to fit out the building and provide new ambulances. It has also committed \$280 000 of recurrent funding for the Bright ambulance service.

This will provide a good service for Bright and will assist in freeing up the resources in Myrtleford, Beechworth and Wangaratta. Bright is a key tourist destination, so the new funding is important for the local people and will also assist in tourism.

It is one of many initiatives the government has introduced across the state. As a result of the intense lobbying of the honourable member for Gippsland West the ambulance station in Cowes has had a major boost and extra ambulance paramedics will provide two-officer crews — something that could never be done properly by the previous government. The honourable member for Polwarth would be very happy with what we are doing in Lorne and Colac —

*Honourable members interjecting.*

**Mr THWAITES** — The honourable member for Gisborne would be pleased with the government's plans for Romsey — also significant. The Bracks government is getting on with the job of providing better ambulance services in regional Victoria.

**Gaming: revenue**

**Mr BAILLIEU** (Hawthorn) — Can the Minister for Gaming now confirm that total state revenue, including GST substitutions collected from gambling in Victoria, will not decline as claimed in the 2000–01 budget papers but will in fact rise by \$69 million?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the honourable member for Burwood.

**Mr PANDAZOPOULOS** (Minister for Gaming) — I welcome the honourable member's first question on gaming. The government is committed to a responsible approach to gambling and is undertaking initiatives to set up new rules and obligations in the industry to reduce community damage. Parliament passed a bill in the last sessional period and some regulations still need to be put in place.

In the next few weeks I will release the gaming turnover figures for last financial year for each local government area. I remind the house that this is the first government that has released this information. It will be the second time I will have released such information into the public arena, and when it is made available to me by the Victorian Casino and Gaming Authority that information will be released to the public and provided to local councils. The figures will compare the turnover in the most recent financial year and the previous financial year.

The government is committed to reducing dependency on gambling, which exploded under the previous government — a spruiker for the industry. The Bracks government is about a responsible approach to gambling, and it will continue to publish figures annually.

**Information technology: adult learners**

**Mr LEIGHTON** (Preston) — Can the Minister for Aged Care inform the house of new programs to improve adult learning, literacy and computer skills and provide the house with evidence of the need to further extend opportunities for adult education in the community?

**Ms PIKE** (Aged Care) — In Adult Learners Week it is appropriate for all members to recognise that it is never too late to learn. The government has ample evidence that adult learner programs will assist members of the opposition. An aged care policy, prepared by the honourable member for Polwarth, has been forwarded by email to government members.

There is no shame in adults admitting they would be assisted by learning programs to assist them with spelling, but more than 30 spelling and grammatical errors in a three-page document suggests that a special program might be required.

*Honourable members interjecting.*

**Ms PIKE** — This opposition work, which took twelve months to develop, demonstrates that opposition members are out of touch and have no ideas, no vision and no original thoughts.

Let me refer to the document. I ask the house to take note of the first three words under the heading 'Home and community care'.

**Mrs Peulich** — On a point of order, Mr Speaker, I am sure you would realise that the minister is not dealing with a matter that relates to government administration but a document prepared by the honourable member for Polwarth. She would be well advised to spend time revising her homelessness strategy, which overlooks the important —

**The SPEAKER** — Order! I will not allow the honourable member for Bentleigh to use a point of order to ask a new question. There is no point of order, but I ask the minister to restrict her comments to the question asked by the honourable member for Preston.

**Ms PIKE** — Adult learner programs are the responsibility of the government. The first three words of the document are, 'Adopt Labor policy'!

**Mr Maclellan** — On a point of order, Mr Speaker, for its educative value I draw your attention to the fact that the minister is quoting from a document that is several stapled A4 pages. I ask that she set a good example and make it available.

**The SPEAKER** — Order! As the minister was quoting from a document I ask her to make it available to the house.

**Ms PIKE** — The document is a fine example of the need for adult learning programs. I am absolutely delighted to offer it for the edification of the opposition.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Cranbourne!

**Ms PIKE** — I am pleased to announce that in addition to the excellent work of the Minister for Post Compulsory Education, Training and Employment the government will contribute \$120 000 to bring the

Internet and computers to frail elderly residents of nursing homes, and will fund the University of the Third Age to improve availability of adult learning facilities to older Victorians across the state.

Those initiatives are a tangible demonstration that no matter where older Victorians live the government wishes to make sure they have access to opportunities to learn and participate. It is never too late to learn.

## DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL

*Second reading*

**Debate resumed.**

**Mrs ELLIOTT** (Mooroolbark) — Significant legal, financial and practical problems with setting up supervised injecting rooms are not addressed in the proposed legislation. Therefore, the Liberal Party, as I said earlier, will not support the legislation.

The second report of the Drug Policy Expert Committee, which arrived in my office last week, includes a useful list of risks and protective factors for young people, including the following: young people need to experience success and stability in their lives; they need to be able to relate to adults in a meaningful way; they need to experience success at school and have a sense of connectedness, not only to their families but to the community; and they need a warm relationship with at least one parent. Most honourable members who are parents will attest to the fact that those are factors that lead to success in bringing up resilient children. The government will need to put extensive resources into early childhood development.

The report of the expert committee that I cited earlier also points out strategies and intervention points that may help children to resist the lure — and the allure — of drugs. Those points are remarkably similar to the early childhood development initiatives policies for support of parents and families listed in the Liberal Party policy document called ‘Combating drugs — a safer way’.

The two most important child development agencies, the maternal and child health nurses, are the gateway to a healthy future for our children. The attendance rate at maternal and child health centres for new mothers with their first child is almost 100 per cent, and funds need to be provided for professional development for the nurses to give them the support they need to educate new parents, particularly new mothers, about the impact

of harmful substances on newborn and young babies and to help them with effective parenting. It has been proved in many studies that maternal and child health nurses are among the health professionals that families trust the most, so they are the ideal people to give advice and help that new parents, some of whom may themselves be substance abusers, need.

Preschool is the other almost universal institution that virtually all very young children come into contact with. The minister’s reluctance at the start of this year to increase per capita funding for preschools is to be deplored — although she did make up the difference in the second half of the year when faced with the threat of industrial action.

A year of preschool gets children ready for school. Teachers working in the early years of primary school can, almost without exception, pick the children who have not had the benefit of a year at preschool. Preschool teachers are trained to detect learning and emotional difficulties in young children and to be aware of which children are at risk. There is a need for additional professional development to strengthen teachers’ skills in identifying the difficulties children have in their early years and, perhaps, to counsel parents if need be.

I was disturbed to hear the Premier say on radio that the excellent Life Education program seems to be at some risk. It has no guarantee of funding for next year. Up to now — —

**An honourable member** interjected.

**Mrs ELLIOTT** — I am being very careful. Up to now the Life Education program has received \$400 000 a year from the state. That excellent program accesses 210 000 children per year, and I hope and trust the Premier and the Minister for Education will continue it. If the government is not prepared to find the funding, I hope the program is able to access funding from the private sector. It is an excellent life education and drug awareness program for children in primary schools.

Another area of concern in the treatment of drugs is that Odyssey House apparently has few or no facilities for mothers who are drug users to have their children with them while they are undergoing detoxification and rehabilitation. If mothers are required to undertake rehabilitation they have to leave their children elsewhere, and obviously that is not desirable. I would like to see the Odyssey House programs enhanced with government funding so that mothers with young

children, or children of any age, can have their children with them while they undergo rehabilitation.

**Ms Campbell** — The Liberal government — —

**Mrs ELLIOTT** — The Bracks government is in power now and it should find the funds so that children of parents who are drug takers can stay together as a family unit, because that is one of the greatest protective factors that children can have.

**Ms Delahunty** interjected.

**Mrs ELLIOTT** — I repeat that it is the Bracks Labor government which has committed itself to addressing the drug problem in the community and I am pointing out where it might put funds to assist in its desire to reduce the problem. It can be addressed at its end point where people are already taking drugs. Of the many excellent programs to do that the greatest is detoxification and rehabilitation. The Liberal Party's policy document entitled 'Combating drugs — a safer way' commits to 500 extra detoxification and rehabilitation beds, extra policing and specifically designed ambulances and personnel to treat drug users who overdose in the streets.

I am particularly interested in intervention in the early years of young peoples' lives so they can resist drug taking altogether. To do that the community needs to raise children who are confident, secure and well educated, and who are connected to themselves, their communities, their families and their friends. That is where the major part of the resources should go.

The funds needed to set up and maintain the proposed drug injecting rooms could be better deployed in more effective and far-reaching programs.

**Mr HOWARD** (Ballarat East) — I am particularly pleased to be able to speak to the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill.

Although I am a regional member of Parliament and the injecting facilities are proposed to be trialled in a maximum of five municipalities in the Melbourne metropolitan area, I am no less interested in the issue. I fully support the legislation.

I emphasise that although trials are not proposed for Ballarat I recognise that Ballarat has a significant drug problem that needs to be addressed. Although the bill is getting a great deal of public attention some members of the community are wrongly thinking that supervised injecting facilities are the major plank of the Bracks Labor government's drug strategy. That is clearly not the case. The government has a broad strategy, about

which I will talk later, that covers all aspects of the identified needs and areas that need to be dealt with to help overcome the drug problem in the community.

There is a significant drug problem outside Melbourne in the community of Ballarat East, which is of concern to me. As a former schoolteacher and a person who is much involved in the community I have seen and been made aware of many family tragedies in my electorate. In my role as a schoolteacher I have been greatly saddened by many of the stories that have come to me. I have witnessed the results of students having gone through personality changes as a result of becoming drug abusers and I have been contacted by many parents who have been devastated and are at their wits' end trying to help their children who have become drug abusers. It is saddening and difficult to provide advice to parents who are trying to deal with that longstanding and ongoing problem.

I would like to share my experience of a student whose name was Cain. He was a bright, cheerful year 7 student when I first taught him. He was a lovely young man with the world ahead of him. Like so many other students he faced a number of challenges as he progressed through years 7, 8 and 9 and became unsettled in his schooling. He left school, but then having decided to have another go at his education he came back in year 10 and was making a go of it. Unfortunately, he was not able to continue and he left. He did not know where his future lay. I was saddened to learn two years ago that Cain died of a heroin overdose at the age of only 18 years.

Those stories are saddening. They touch the lives of many people in our electorates, and I would have expected members of the opposition to be able to relate to those problems and to vote for the bill in an effort to help maximise the opportunities to support harm minimisation and the people who become drug abusers.

Last year, prior to my election as the honourable member for Ballarat East, the honourable member for Ballarat West and I held a forum in Ballarat for people across our community to enable them to share with us their experiences and concerns about the drug issue. It involved parents, members of the police force, lawyers, doctors, community health workers and many others who have experience in working with drug abusers. At that challenging meeting we heard first-hand the experiences of young people who have become drug abusers and some older people who have had a heroin habit for a long time. We talked about a number of their concerns, and I am pleased to say many of those concerns were recognised in the policies of the Bracks

Labor government. In fact, they were recognised in Labor's policy platform before the election.

As previous speakers have said, the policies have four major themes. They include preventing drug abuse by providing education to junior age children through the formal education system; providing backup support services such as counselling and a range of other measures I will refer to later; saving lives through harm minimisation, of which the bill before us is a key plank; and getting people's lives back on track after they have been drug abusers by providing more withdrawal services and detoxification facilities. Those measures were a significant part of the Labor election platform, and the Bracks Labor government is now putting them in place. I am keen to see them continue to develop.

The fourth theme, the need for greater policing support, was identified not only at our forum in Ballarat but throughout Victoria. We are all aware that the proposal to increase the number of police was a significant part of the Labor Party's platform before the election, and it is now part of the Bracks government's platform. Increasing police support will enable the police to do further work to help deal with drugs on the streets.

After the government came to office it employed Dr Penington and the drug expert committee to look at the issue. They came to Ballarat a little over a month ago to talk with practitioners in the area. They have also travelled across Victoria to talk to many people and have put forward many suggestions. They have clearly supported the policy enshrined in the bill.

I refer to the specifics of the bill. It is about supervised injecting facilities — not safe injecting facilities, as the press has sometimes referred to them.

**An honourable member** interjected.

**Mr HOWARD** — That is correct. We do not recognise them as being safe facilities; we recognise them as being supervised facilities. We are using the term 'supervised injecting facilities' because it more accurately reflects their nature.

Why are they necessary? All of us in this chamber realise that the number of heroin overdoses have increased. We have heard it said many times during the debate that last year in Victoria 359 deaths occurred as a result of heroin overdoses. The government has a role in trying to reduce that number.

We need to show leadership on the issue. The bill is about a trial of supervised injecting facilities. It is not about forcing the facilities on the community, but it allows the door to be opened. The government is

prepared through the bill to support a trial in each of the five noted municipalities if those communities believe they are worth trying.

The matter has been discussed by many honourable members on this side of the house, and many studies have been done. Dr Penington has studied what has been happening in other countries, and there is clear evidence that injecting facilities are working in some areas. It is certainly worth trialling them in Victoria rather than closing the door.

Why not go ahead with a trial, instead of having people injecting drugs on the streets, in people's front gardens or around businesses? Why not encourage people to go to a supervised facility rather than having them out on the streets? Why not provide support for those people through these facilities to get them on the track of withdrawal and to save their lives instead of having them injecting drugs on the streets? Why not encourage that process? It is difficult for me to understand why honourable members on the other side of the house have gone back on their original statements to Dr Penington. They said, 'Yes, we are prepared to listen to what you say. We will make a decision once we have heard more of the evidence you want to present to us'.

The government was prepared to hold back introducing the legislation until Liberal Party members had a chance to hear what Dr Penington had to say. Unfortunately the Liberals decided to shut the door. A month ago the Liberal Party made it clear to all Victorians that it would not wait for Dr Penington's report. Once that door was shut, the bill was not listed for discussion until a later date.

Why not give this program a go? Many Liberals believe it is worth a trial. The honourable member for Malvern clearly stated in his contribution that he was open-minded and wanted to understand more about the proposal. Why were his views overturned? What happened in the Liberal Party discussions? Why did the Liberals decide to not allow municipalities and communities to have a say on supervised injecting facilities? It is interesting to hear the views of opposition members about what the communities say. I respect the views of community groups because some in my electorate would not want supervised injecting facilities in Victoria.

The government has a leadership role. Last year 359 people died from drug overdoses. Is it possible to reduce that number? If so, why close the door and say, 'No, we have a closed mind on this matter, that is it because it is not within our policy'.

Harm minimisation is not something the Liberal Party relates to. It has once again taken the conservative approach rather than looking at the facts and explaining its position to the community. The government knows supervised injecting rooms will not work on their own because other measures will have to be taken. It would be ideal to get everybody into rehabilitation, but the honourable member for Malvern and other members know that you can take a horse to water but unless drug abusers are ready to be rehabilitated we cannot save them. Rehabilitation must be provided for them, and the injecting facilities may help to open the door by providing counselling and other rehabilitation measures. Those operating the injecting facilities can help addicts onto the path of withdrawal.

The opposition parties have closed the door, thus leaving the addicts to inject on the streets. It is sad when one hears eminent people such as Sir Rupert Hamer challenging the Liberal Party by saying that safe injecting rooms should be explored. The former honourable member for Ballarat East, who was clearly interested in this area, and others to whom I have spoken say, 'Yes, I believe these are things that should be trialled rather than closing the door on them'. When one is not in the public eye one can express one's belief that perhaps such measures should be trialled. Unfortunately, opposition members have taken the opposite view.

The government has a strategy and recognises the need for more police to be present on the streets. A number of police operations undertaken this year and last year have changed the drug patterns in Footscray. In Ballarat recent police operations have addressed the problem by bringing more drug pushers before the courts. It is important that the government and the community support our police force in this area.

It was unfortunate that the Kennett government did not follow through on its original promise to increase police numbers in this state. In fact, under the coalition government police numbers dropped. The government is increasing police numbers to assist in reducing the number of people pushing drugs on our streets. No matter how many police are on the streets, the drug pushers will move on to other areas. It is a problem that cannot be controlled by police action alone.

The government has provided \$53 million in the state budget for drug treatment, and a further \$17 million has been committed for 2000–01. Other members have spoken about the \$1 million initiative to re-establish a help line for parents of children who are drug abusers. Often it is not only younger children who are drug users but also many 20 and 30-year-olds. Parents find it

difficult to know how to deal with them. The provision of excellent programs will assist those parents to some extent.

The Premier, in conjunction with the Prime Minister, recently announced the diversion of drug abusers away from the criminal justice system to try to find other solutions that may help them. The initiatives will provide some 16 residential withdrawal beds, 77 residential rehabilitation beds and 122 new alcohol and drug support accommodation beds in this state. But that is only part of the picture.

The Minister for Education has done great work providing funding for more school nurses and qualified counsellors to help students who may have problems, something that is vitally important in this jigsaw puzzle of trying to overcome the drug problem.

The overall strategy of the Bracks government is not just the items listed in the drugs strategy but the recognition that a more positive and caring attitude is required in the community. The Bracks government is about doing that by providing better services and returning services that were taken away so that people who under the former government became more isolated are able to take advantage of them. All honourable members have a role to play to ensure that our communities become more understanding and supportive of drug abusers. I am confident that my own community of Ballarat will gain more detox beds and a rehabilitation unit, which will be important.

As the Premier outlined, the government has a mandate for the legislation. It was clearly a policy that the party took to the election, that everybody recognised, and it has become a significant issue since the by-elections in Burwood and in Benalla, where the opposition tried to take advantage of it. The fact that the Labor Party won the election gives a clear indication that the people of Victoria were prepared to support the government. The bill is an important plank in an overall broad strategy to reduce the problems of drug abuse in the community. Substances that are currently legal must also be examined in an endeavour to reduce that abuse. I commend the bill to the house.

**Dr DEAN (Berwick)** — I intend to make only a brief contribution. I know that many honourable members on this side wish to speak and it is important to me that they have the opportunity to do so. As a consequence of the admirable contributions by some of my colleagues I do not intend to repeat those issues of merit but will restrict myself in a focused way to the legal issues surrounding the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill,

and in one case an issue which I think honourable members will be most surprised to hear.

I have an obligation to at least state quickly some matters that are of importance to me. Having done that I will proceed with my task. It is frustrating as shadow Attorney-General — as I am sure it is for the Attorney-General — because our jurisdiction picks up the results of what has happened. What is done in our area in the courts and prisons is, in effect, attending to the symptoms of much deeper problems.

I believe the courts can do two things, to be taken as separate tasks. The first is the aggressive task of dealing with commercial traffickers, the people who are trafficking in drugs worth around \$100 000, which is the amount they are caught with. They are making profits from their trafficking and people are dying as a consequence. It does not take much imagination to call them murderers. They know they are killing people and yet they continue.

The Safer Way policy takes firm action concerning traffickers. It allows judges to take into account not only the consequences of the crime but also the assets associated with the crime. The policy also suggests that the courts should be able, at their discretion, to remove all the assets from such people and use them for the rehabilitation of their victims. The policy also introduces minimum sentences. They are not mandatory sentences but sentences that require the judge to explain if he or she intends to hand down a lesser sentence. The approach is imaginative and aggressive, but sets the bar in the appropriate place.

Post-sentence restrictions are proposed so that when traffickers come out of jail the courts can decide whether they should forfeit certain rights in relation to search warrants and having their bank accounts checked by named agencies such as the Australian Taxation Office and the drug bureau. That is up to the judge, who must decide the period for which that situation will continue. The whole point of those aggressive policies is to hit traffickers where it hurts, and that is where their money is. It is all about money to them, which is why penalties must be structured to ensure that money is taken away from them and that when they come out of jail they cannot return to the money tree.

The other division is that the courts can locate those people who need help because they are the ones that come to the courts. I invite honourable members to examine the opposition's Safer Way policy, which sets up a different model of drug courts from the one the

Attorney-General has introduced. I believe the opposition's model is better, but that could be debated.

It is an important task for the courts to ensure that addicts caught in the traffickers' web can, if possible, be helped with a comprehensive backup. The credit system already operating in the Magistrates Court is working well, but the proposed establishment of drug courts through special divisions of the Magistrates and County courts is an innovative policy that will work.

I wish to make some quick points on the overall notion of how we can prevent the drug problem from starting and growing and how it can be overcome. I will go through them quickly because they are not the focus of my speech.

Firstly, you ask the question: why is this happening? I believe the reasons can be divided into three categories: social issues, experimentation and human nature. At the heart of the first category of social issues is dysfunctional families or dysfunctional relationships, and the best way to deal with that problem is to try as best you can to reach and find those dysfunctional relationships as quickly as possible and try to do something about them. However, the symptoms of dysfunctional relationships do not manifest themselves only in kids taking drugs, they result in youth suicide, depression and violence — a nasty mixture.

What is the approach to be taken on this issue? It is all about early intervention, about getting there as early as possible and about schools. That capacity to find and reach these children is sitting right in front of us in our schools, and we should be making a lot more use of it. It is well set out in the Safer Way policy that was launched by the shadow Minister for Health.

I turn to the issue of experimentation. My view is that experimentation with drugs should be treated in the same way as experimentation with alcohol and other related issues — you need to scare the living daylights out of kids. You need to have peer groups operating and you need to have advertising campaigns such as the ones that have proved so successful with drink-driving, smoking and road accidents.

You cannot do much about the issue of human nature, but certainly you can work as hard as you can to make it as hard as possible for those whose human nature will lead them down that path.

I turn to the legal issues, because they are what I am here to talk about. The first thing I want to say, because it is central to why I struggled to get up today to contribute to debate on the bill, is that it is my belief that it is at least quite likely that this bill is invalid. I

believe the bill is invalid, or that there is a serious argument that it is invalid, because it conflicts with a commonwealth act. A state act that conflicts with a commonwealth act is invalid. We may be debating a bill that is invalid.

Because of time restrictions I will firstly refer to the lesser point, which relates to the commonwealth Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990. It basically says that it is an offence to have equipment or materials connected with the preparation of drugs. Certainly there is an argument, although not the strongest argument, that the items used in injecting facilities — the table, the bowl and the water — are such equipment or materials.

However, the real killer — this is something that will have to be thought about in the future if ever the proposal is thought of again — is section 233B(c) of the commonwealth Customs Act. It states that any person who without reasonable excuse — proof of which shall lie upon him — has in his possession or attempts to obtain possession of any prohibited imports to which this section applies which have been or are reasonably suspected of having been imported into Australia is in contravention of the act.

Large penalties follow. Narcotics are a prohibited import. The fact is that you do not have to prove they are imported. Stevens' case makes it clear that this is simply a category of goods the commonwealth government has said are prohibited, so whether they are imported or not they are a category of goods that cannot be imported and if you have possession of them you are in breach of the act. This means that everyone who goes into an injecting facility who has possession of a narcotic — again you do not have to prove they are imported, and even the act says it is assumed they are imported anyway — will be in breach of the act.

The question is: does the state legislation somehow get around this? The only way it possibly could is if it created 'a reasonable excuse'. Is the state legislation a reasonable excuse to breach the Customs Act? A lot of work has been done on that question, and I have taken advice on it.

On the issue of reasonable excuse, the accepted notion of reasonable excuse is: 'I had no knowledge' or 'I was under duress' and am therefore innocent. There is very little law dealing with a state saying that it is legal to do something the commonwealth says is illegal. You have then to go back and ask: is it intended that the Customs Act should cover the whole area in relation to the use of or access to this prohibited import, this narcotic? There is obviously debate on that question.

To bring the issue down to an absolute nub — I am happy to go into it in detail at some other time if people want me to — although it is true that a state health act that also prohibited drugs would be regarded by the High Court as not inconsistent, even if it gave different penalties, it is clear that if the state act conflicts directly with the commonwealth act it will be inconsistent and it will be in breach of section 109. The point is: is it inconsistent?

I turn to *Lane's Commentary on the Australian Constitution*, which states:

When the commonwealth permits or confers but the state prohibits or deprives, there is an inconsistency which may well be labelled a correct inconsistency and so placed ... However, there is a special problem here viz the nature and content of the federal commission.

'Statutes may do more than impose duties; they may ... confer rights; and one statute is inconsistent with another when it takes away a right conferred by that other', or 'if one enactment makes or acts upon as lawful that which the other makes unlawful ... the two are to that extent inconsistent'. A federal law might permit or confer by granting a right or a privilege 'which might be waived or abandoned without disobeying the statute which conferred it'. Nevertheless, it would be inconsistent with that right or privilege — optional though it be — for a state to prohibit or deprive in this area.

The passage goes on to provide some examples. I have been through it in great detail, and I must say that if I were asked to give an opinion on this I would say yes, because the act that the bill proposes is directly inconsistent with the Customs Act. In other words, the Customs Act says you cannot possess this and the state act says if you are in an injecting room you can possess it. It defies the Customs Act, which defines a narcotic as an imported item and says you cannot possess it in Australia.

The bill is probably invalid. If it is invalid you have to ask, as I have asked in this place on many occasions: why are bills of such grave nature presented to Parliament before they have undergone a proper legal analysis? Constitution bills have come and gone and have been amended. Parliament has seen the Monty Python approach taken, whereby if the government succeeded in its constitutional bills it would need a motion of no confidence in itself to try to break a four-year deadlock with the upper house.

The opposition sees many problems with the government's legislation. The equal opportunity legislation has been wrecked and the Juries Bill hovered around for four months. The situation is most concerning, and the bill before the house is another example. It provides no immunity for civil liability. No insurance company would ever take on the risks

associated with a death in one of the proposed facilities, and so forth. Unlike the New South Wales situation it is quite clear that taxpayers will have to fund the risks associated with civil liability. The possible situations include failing to receive an injector, failing to prevent a user leaving in an intoxicated state who causes an accident or damage, or dies, failure to admit a user who then causes an accident, bad advice, actions by a family under the Wrongs Act, and so on. By not providing immunity from civil liability to the operators the bill will create grave legal difficulties.

In relation to criminal liability, for some reason operators are given immunity from procuring, soliciting or inciting the possession or use of drugs, which is totally unnecessary and quite ridiculous. They must be given indemnity, but not from procuring or soliciting. They do not need it and it makes a mockery of the whole thing. The immunity extends to small quantities of the drugs set out in the schedule. That means that a person can enter with 1 gram of heroin — that is, four hits — and with small quantities of every other drug in the schedule. It is obviously an oversight. A person could come in with bags of drugs and spend the following six weeks shooting up on crack, heroin or anything else. It is a complete lack of understanding of how to get the legal aspects of the legislation correct.

Finally, the town planning implications have not been properly looked at. Municipal endorsement is required, instead of municipal agreement. What is an endorsement by a municipality? It could be anything.

A wonderful line of text appears in the second-reading speech, where the minister defines close proximity as being 'within a 5-minute walk'. He then states that the facility will not be in close proximity to kindergartens and schools. The minister is therefore saying to the world that it is possible for a facility to be within 5-minutes walking distance from a kindergarten. I am sure he did not intend that.

I thank the house for the opportunity to make my contribution.

**Mr CARLI** (Coburg) — I am pleased to speak in the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. I have thought a lot about the question of how to tackle the incredibly pervasive drug problem. It is far more pervasive than many people care to acknowledge. If honourable members think of people they know who have had their lives destroyed by drug abuse, or of friends or members of the families of friends who have died or suffered from diseases related to drug abuse, they will acknowledge that drugs pervade society. The

drug problem does not affect only people who are stereotyped as junkies — that is, a person who wears Nike sneakers, baseball caps and baggy pants.

Heroin has been particularly destructive in its impact and it is found in many social settings, among various community groups and not, as most people believe, simply among young street users.

While there are harmful heavy drugs in society there are also lighter drugs. I was involved in the first drug debate at the time Dr Penington spoke in this Parliament and said he wanted to break the nexus between light and heavy drugs. He called for the liberalisation of marijuana, which received my support then as it does now. I believe it is fundamentally necessary to break the nexus between certain drugs in society that are often used recreationally by people most would not expect to be heroin users. Nevertheless the implications of large scale heroin use in society is about overdoses, deaths, diseases, disruptions to family lives and criminality.

Society has to acknowledge that the battle against drugs, particularly heroin, has failed. Anyone who thinks back to the early 1970s, when reasonable amounts of heroin first began arriving in Australia, will recall there was a swift response by the authorities. All heroin users were jailed, and heroin entered the prison system.

Since the 1970s heroin has been a feature of the prison system. It is a result of the authorities believing that heroin users should be locked up. It has made prisons places of drug abuse. From that time it has been possible to access heroin in prisons, which is completely unsatisfactory, particularly as it leads to the spreading of diseases such as HIV and hepatitis. Clearly the battle against heroin in that context has failed. That is why over time the move has been towards harm minimisation.

I have seen people who live in my electorate — some of whom are innocent members of the public and some of whom are just narrow minded — and who are scared of drug abusers, or so-called junkies, organise against the methadone programs that are conducted at Moreland Hall. The centre not only has an excellent methadone program but also a series of rehabilitation, outreach and prison programs, and is a leader in the country in tackling the drug problem. However, the centre is in a suburban street and often the residents get annoyed or fearful about the people who use the facility. That issue has been tackled with public education. The political players in my electorate have taken a leadership role. They have said to the

community that the community must be prepared to tackle the drug problem. It is being done through methadone and needle exchange programs that recognise the fact that people purchase drugs and use needles.

I am not sure whether or not it is better for people to take methadone instead of heroin. I have a question mark against it in my mind: why should we prescribe methadone when we may as well prescribe heroin? It would involve the same sort of program and drug, with a similar response. I believe the answer is that people are more fearful of heroin.

My electorate has not been targeted as the site for a supervised injecting facility, but the community there has been active in tackling the drug problem and has conducted proactive community programs. In the Brunswick area in particular community programs have been operating for some time, and every so often there is a reaction among members of the community who become fearful about them. Such reactions are tackled through education, promotion of understanding and discussion — in other words, by leadership. I acknowledge it is a huge problem for that area in the same way that it is a huge problem for Melbourne, Victoria, Australia and the industrialised world. It must be tackled.

While working on the drug problem I have seen many attempts to clamp down on heroin trafficking, but all have simply shifted the problem elsewhere. I was working in the streets of Fitzroy in the mid-1980s when that area was not known for heroin trafficking. The drug of choice was amphetamines. The police decided to push traffickers out of Footscray so they ended up in the streets of Fitzroy, and the local community has not been able to get rid of it since. It has taken root.

I plead with the house to recognise the need to tackle the heroin problem in ways that many of us may be uncomfortable with. I am not comfortable with supervised injecting facilities, but they are important as part of an overall program. Some users will not want to be rehabilitated because they like to take heroin — it is a buzz for them — so it should be recognised that one of the main tasks is to save lives. I plead with the house to consider this issue. When the Penington report was handed down and Dr Penington made a speech to this Parliament all honourable members reflected on the issue. I respect the differing beliefs held by various members. Although I respect the honourable member for Malvern because he came to the issue with an open mind seeking an answer, he does not believe the provisions in this bill are part of the solution. I have a

different view. I think we need to be more adventurous in tackling the heroin menace.

The community should not be hooked on seeing heroin as the only problem. Other drugs such as amphetamines, including speed, especially as a form of injecting drug, have much worse effects on people than heroin but do not result in as many overdoses. The drug problem is devastating. At the moment heroin is the drug everyone is concerned about because it is cheap, available and gives people a buzz, but there are other problem drugs — Ecstasy is the preferred drug in the dance scene and cocaine is a chic drug indulged by the middle classes.

I am not a drug user, apart from the occasional glass of wine. I acknowledge it is a major problem. I have seen families, friends and people devastated by deaths and overdoses. Parliament has an obligation to try to save lives — that is the bottom line.

Simply pushing the problem underground, putting people into prison, driving it from one suburb to another does not work because the country is being flooded by cheap product coming from Afghanistan, Burma and northern Thailand. It is arriving at ridiculously low prices — that is what is fuelling the increase in drug use. As members have pointed out, there are reasons for drug use. The reality is that people do use; they seek out the drug.

Prohibition creates a level of excitement. That must be understood. To simply scare people through education programs does not work when the buzz is that the drug is a prohibited good. Among certain age groups that prohibition is a buzz.

The bill proposes a limited trial and, given the experiments in Europe, it is worth a go. Different European countries have different attitudes to drugs and drug use. In Holland marijuana, hashish and other drugs including heroin are freely available to registered users. Historically Sweden has practised prohibition; no other Western country is so restrictive on the use of alcohol. It has a long tradition of clamping down on drug abuse, starting with alcohol.

I am not sure whether other members have travelled on the ferry from Stockholm to Leningrad; if they did they would soon learn that the Swedes are more than capable of drinking vast quantities of alcohol. Nevertheless prohibition has been part of their tradition, but it is not part of ours. Australia is not a prohibitionist society: we allow alcohol and tobacco. Certainly we restrict where it can be used, but this is not a society

that says no. That marks our culture in terms of tackling the drug problem — we are not prohibitionists.

We have to recognise we have a problem. I have no objection to getting hard on the traffickers, the people making money out of the misery of others, but I also recognise that a large part of the traffic is conducted by users, people who have been sucked into the culture.

The proposal in the bill is for a limited trial. I have spoken about this with people I consider knowledgeable in the area. In the Australian and the Melbourne context the proposal is worth trying, mainly because the five municipalities identified are drug injecting areas. In those areas it does not take long to find people injecting or to find syringes in the bins in the toilets. If you are lucky, the syringe has been put in the bin or occasionally left on the floor. Toilets are unsafe injecting rooms.

It is not hard to recognise that drug use is going on in Springvale, Melbourne, Fitzroy, Dandenong and Footscray. When I was working in Fitzroy, the laundries of the housing ministry flats were unsafe injecting rooms. We have to realise the threat of the drug problem. When the drug trade is pushed out, it goes to another area, causing the same problems: the loss of amenity and the interference in the lives of people around it. That in itself is a reason to pass the bill.

There are other reasons. It is important to drag drugs out of their subculture. The reality is that there are drug users everywhere. Recreational drug users do not look or act like junkies; they look and act like normal human beings. We should acknowledge that and bring the problem into the open.

*Opposition members interjecting.*

**Mr CARLI** — The government wants to save lives; we want to provide rehabilitation; we want to tackle the heroin scourge.

Over the years I have known people that I did not realise were heroin users until they died — other than by the fact that they kept asking for money, which is the only thing you notice about a heroin user.

The number of deaths by overdoses is unacceptable and those figures do not even take into consideration the problems of hepatitis or HIV, the damage to families or the number of people in jail because of their drug use.

Over the next three years the Bracks government will spend \$55 million in tackling the problem, and it is not all about supervised injecting rooms. Honourable

members who have been following the government program know of the raft of proposals including effective policing and trying to catch the big players.

The Bracks government approach to drugs is about prevention. More importantly, it is getting people's lives back on track and giving people opportunities to work. We already give addicts methadone so they can live a normal life. Methadone users are still drug abusers who happen to be using methadone instead of heroin. It is arguable whether methadone is preferable to heroin. The only difference is that it is not injected.

Why did this society choose the methadone road? We chose methadone because we want people to get on with their lives. Why do we have needle-exchange programs? We do that because we do not want diseases. The moment we say, 'Come here and get your clean needles' we are recognising that they are using, they are shooting up, but we do not want them to get hepatitis or HIV.

I reckon a large part of the reason for the interest in illicit drugs is the fact that they are illicit. Let us take the Dutch road and be more open about drug use.

It is difficult and unusual for a society that is not prohibitionist about other drugs to prohibit the heavier drugs. In that respect Sweden is an interesting exception because as a society it has always chosen to maintain strong prohibitions on alcohol. The alcohol trade in that country is still a state monopoly, alcohol trading hours are still restricted and alcohol is still very expensive.

That, however, is not the tradition of this country. When heroin arrived in Australia in the 1970s the community acted quickly, locking up the people involved and creating a problem that has still not gone away. Our prison system is still riddled with drug abuse, a remnant of the 1970s reaction, which failed miserably.

Now, with the bill before us, we have an opportunity to try another strategy in the armoury of strategies that can be used together to tackle the drug abuse problem. Breaking the nexus between heavy drugs and soft drugs remains a critical factor.

**Mr WILSON** (Bennettswood) — I am pleased to join the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill in the limited time available to me.

Let me say at the outset that I would have liked to spend some considerable time discussing and reflecting upon the contribution by the honourable member for

Springvale. He made a most unfortunate attack on the integrity and character of the Leader of the Opposition. His contribution took the form of a collection of innuendos, letters, briefings and bureaucratic minutes thrown together to form yet another of his great conspiracy theories.

He threw in the names of former Premier Jeff Kennett and former minister Rob Knowles. The contributions of these three men to the drugs debate, far from reflecting poorly on them, should be remembered by honourable members and the community as a wonderful achievement over many years. In the time of the previous government they were responsible for, among many other strategies, the Turning the Tide program.

At 4 o'clock today the government will guillotine debate on the bill. The effect of that will be to deny many members on this side of the house who wish to speak the right to do so. I will, therefore, mention the names of some of the honourable members who intended to speak and a little about the contribution they have made to the Liberal Party position on injecting rooms.

The honourable member for Bulleen sent a newsletter to each of his constituents asking for advice and viewpoints on the subject and received a great response. He would have liked the opportunity to get up today and tell honourable members what the electors of Bulleen think about injecting facilities. The honourable member for Bellarine conducted three public consultations in his electorate; he would have liked an opportunity to tell the house of the viewpoints and experiences of the electors of Bellarine. The honourable member for Bentleigh has had a long involvement in the development of drug policy and has, over many years, sought new solutions to problems old and new. She will be denied the right to discuss in this debate her views and the views of the electors of Bentleigh.

Two other members who will not be allowed to get to their feet and join the debate are the honourable members for Warrnambool and Bayswater. The honourable member for Warrnambool circulated to all members on this side of the house a paper detailing his research into and experience of drug policy in the Netherlands. That paper was of great value to all of us. Similarly, the honourable member for Bayswater circulated a paper on drug policy based on his experiences in Zurich.

**Mr McArthur** interjected.

**Mr WILSON** — As the honourable member for Monbulk suggests, it was a very good paper. We have

had terrific input from all members of the Liberal Party. We cannot work out why, on this day and time chosen arbitrarily, the debate on one of the most controversial issues to come before this Parliament in many years must be cut off at 4 o'clock.

Honourable members have over a long period heard all the rhetoric from the Minister for Health — how important an issue it is and how the Liberal Party should accept the challenge to go out and consult. The Liberal Party accepted that challenge from the beginning. Liberal members consulted extensively with the Victorian public and sought maximum public input into the policy position the party eventually reached.

Liberal members decided from the beginning they would not reach a conclusion until they had a clear appreciation of the community's wishes. We have now reached that position and understand what the community wants. As a result we have determined that, as a party, we will oppose the bill.

And we are not alone in that. Our friends and colleagues in the National Party have reached a similar position, and I gather at least two of the Independents have reached that position too.

It has been a great experience for me over the past nine months to see, as a new member of Parliament, how a political party goes through the policy development process. The consultation with the community was excellent, and was done both centrally from the party room and from electorate offices. We invited Dr David Penington into the party room and I understand the good professor commented as he left that he thought the briefings had been very worth while.

The saddest aspect of the whole issue is that once upon a time Victoria had a bipartisan approach to drug policy. The government and the Minister for Health in particular have destroyed that approach. That reflects poorly on the government and on the minister.

The Liberal Party has reached a policy position after a long consultation period involving its own members, the broader community and our electorates. Liberal members have received every encouragement to believe the party has reached the correct position. We know that the Victorian public overwhelmingly supports our position. It believes the government has gone too far and has politicised the issue too much. The public does not want injecting rooms in this state.

**Debate interrupted pursuant to sessional orders.**

**The ACTING SPEAKER (Mr Seitz)** — Order!  
The completion time agreed to by the house has

arrived. I am required under sessional orders to put the following question:

That this bill be now read a second and third time and that the bill be transmitted to the Legislative Council and their concurrence desired therein.

**House divided on question:**

*Ayes, 44*

Allan, Ms	Kosky, Ms
Allen, Ms	Langdon, Mr ( <i>Teller</i> )
Barker, Ms	Languiller, Mr
Batchelor, Mr	Leighton, Mr
Beattie, Ms	Lenders, Mr
Bracks, Mr	Lim, Mr
Brumby, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Seitz, Mr
Hardman, Mr	Stensholt, Mr
Helper, Mr	Thwaites, Mr
Holding, Mr ( <i>Teller</i> )	Treize, Mr
Howard, Mr	Viney, Mr
Hulls, Mr	Wynne, Mr

*Noes, 43*

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr
Baillieu, Mr	Mulder, Mr
Burke, Ms	Naphine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr ( <i>Teller</i> )	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Savage, Mr
Ingram, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr ( <i>Teller</i> )
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr
McIntosh, Mr	

**Question agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

**ELECTRICITY INDUSTRY BILL**

*Second reading*

**Mr BRUMBY** (Treasurer) — I move:

That this bill be now read a second time.

This bill represents a further step in the government's commitment to introduce competition to sell electricity to domestic and small business customers, commencing from 1 January 2001, in a measured and considered manner that ensures that all Victorians benefit from this reform.

When, in the last session of Parliament, the bill for the Electricity Industry Acts (Amendment) Act 2000 was introduced, it was foreshadowed that further amendments would be required to implement full retail competition on 1 January 2001 and beyond. Since that time, the task of implementation has continued in conjunction with industry, regulators and governments in other states and territories and nationally.

The task of implementing full retail competition in electricity is an extremely complex one. Victoria is part of a national electricity market and the government is conscious of the need to ensure that competition develops in a harmonised fashion across all the states and territories in that national market to ensure there are minimal barriers to competition and that costs are minimised. However, it is also important that Victorians benefit from the introduction of competition as soon as possible.

This bill is drafted in a manner that allows competition to be introduced in Victoria in parallel with developments in the national market. This ensures that Victoria is not delayed by developments in the national market but at the same time can develop competition in a manner that is consistent with future national arrangements.

The government wishes to ensure that Victorians benefit from competition as soon as practicable. However, the government is not willing to prejudice those benefits by an unnecessary and undue haste that results in arrangements that are incompatible with other states, that incur unnecessary costs or that do not afford Victorians the best opportunities to benefit from competition.

The previous government provided no relevant legislative framework to address the issues associated with competition for small business and domestic customers. This government, however, believes it is essential that such a framework be provided to ensure

the effective implementation of that competition and to deliver on its commitments to Victoria.

The absence of any legislative framework is of itself a major barrier to the introduction of competition to small business and domestic customers. Without that framework, the roles, rights and responsibilities of the industry, the regulator and customers are unclear. Business is uncertain about the rules and it cannot invest with any certainty. Regulators are unsure of their powers and how they should be exercised because there is no clear policy framework. This bill completes the framework that will facilitate the introduction of competition.

There are two bills now before the house. They are the Electricity Industry Act 2000 and the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000. The two bills represent conjoint or cognate legislation. At the same time, the existing Electricity Industry Act 1993 is to be renamed by these bills as the Electricity Industry (Residual Provisions) Act 1993.

As part of its review of the legislative framework that governs the electricity industry and which was inherited from the previous government, this government has determined that it is appropriate to separate out into a new act the regulatory provisions required for the ongoing regulation of the electricity industry. Left behind in the Electricity Industry Act 1993 (which, as I said before, will be renamed as the Electricity Industry (Residual Provisions) Act 1993) will be the provisions which were, for the most part, used by the previous government to restructure the electricity industry in Victoria.

The government sees significant advantages to this restructuring of the legislation. It sends a clear message to the industry and other interested parties that Victoria has moved beyond the restructuring phase. Instead we are now at the stage of oversight of a private industry — one that provides an essential service — for the benefit of all Victorians. It is also consistent with the implementation of full retail competition in Victoria and the focus that places on the regulation of the industry for the benefit of all Victorians.

This restructuring of the acts is accompanied by detailed miscellaneous amendments to electricity industry legislation. To avoid the Electricity Industry Act 2000 being cluttered with those provisions, and taking as the model previous similar exercises in Victoria, it has been decided to put these provisions in a separate act which is the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

Because much of the Electricity Industry Act 2000 represents a re-enactment of regulatory provisions that were previously contained in the Electricity Industry Act 1993, I do not propose to address this house in detail on those re-enacted provisions. However, honourable members may wish to note that in the explanatory memorandum to the bill for the Electricity Industry Act 2000 a note has been made of whether a particular provision is a re-enactment. This is in addition to section 20 of the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000, which contains a table of re-enacted provisions. Additionally the explanatory memorandum attempts to draw attention to any material differences between a re-enacted provision and its predecessor in the Electricity Industry Act 1993.

Insofar as the Electricity Industry Act 2000 contains provisions that are new — in the sense that they were not previously in the Electricity Industry Act 1993 — those provisions break down into two principal groups.

Firstly, and consistent with what I said at the beginning of this speech, there are provisions addressing further the implementation of full retail competition in Victoria. Those provisions for the most part appear in part 2, divisions 5 and 6 of the act.

This government recognises that implementation of full retail competition needs to occur within the context of the national market — —

**Ms Asher** interjected.

**Mr BRUMBY** — Where does it say that?

**Ms Asher** interjected.

**An Honourable Member** — Just read at a normal speed.

**Mr BRUMBY** — I have to speak at a normal speed.

This government recognises that implementation of full retail competition needs to occur within the context of the national market, but there are benefits to putting in place at this time the framework in Victoria required for that implementation. To that end the act contains provisions that allow for orders in council to be made providing for processes, procedures, systems and other matters required so that customers may elect to purchase electricity from different retailers and also to allow settlement of trades on the national electricity market.

Current arrangements in the national electricity market require all customer meters to collect consumption data

for every half hour. These requirements are not satisfied by the vast majority of small business and domestic consumers. These customers typically have simple accumulation meters that show aggregate consumption over the billing period. Changing customer meters to new meters which would allow collection of consumption data for every half hour is presently assessed as too expensive for most domestic and small business customers. Consequently, amendments to the National Electricity Code have been proposed to overcome this problem by allowing estimates of customer usage to be made and used for reconciling settlements in the national electricity market. This will mean that customers will not have to invest in new meters and equipment in order to become contestable although they are not prevented from doing so if they wish. However, the amendments to the National Electricity Code may not be completed in time to accommodate the introduction of competition for these customers in Victoria. And even when completed, there will still need to be measures at the state jurisdictional level to complement what is provided for nationally. Consequently, provision is being made such that a Victorian order in council can be made to specify matters relevant to the estimation procedure. One thing to note about this, however, is that the use of estimates for settlements in the national electricity market will not change how domestic and small business customers are billed by their retailers. Their bills will still be based on meter readings taken from their meters.

The provisions go on to provide for orders in council that address the costs of the processes and procedures and systems required for full retail competition and how reasonable costs might be recovered over the customer base. There are other provisions which allow for orders in council that govern provision and use of information required to be exchanged between industry participants for the purposes of allowing customers to switch retailers. Additionally, the opportunity has been taken to enhance the customer protections that were put in place by last session's Electricity Industry Acts (Amendment) Act 2000, in particular in relation to the situation that often occurs when customers in effect enter into agreements for supply of electricity by simply turning on a switch in premises where the electricity supply has been left on by the retailer.

The second principal group of new provisions appear in part 4 of the act and relate to customer load shedding. It has become apparent that there is insufficient power for Vencorp to direct customer load shedding when such shedding may avoid or alleviate situations of insufficiency of electricity supply. Accordingly, part 4 contains provisions allowing Vencorp to gather

necessary information and give necessary directions as required to address this problem.

Apart from the above amendments there are certain miscellaneous amendments contained in the Electricity Industry Act 2000. As I said before, the explanatory memorandum attempts to provide a road map to those amendments particularly where they represent a difference between what was in the Electricity Industry Act 1993 and what is now in the Electricity Industry Act 2000. Of these, I would draw honourable members' attention to an amendment being made to the provisions in part 3 that require separation of the generation, transmission and distribution sectors of the electricity industry. As from 1 January 2001, under the model set up by the previous government, the Office of the Regulator-General was to be given a discretionary power to exempt persons from compliance with those requirements — applying as it did so tests that are effectively the same as those applied by the Australian Competition and Consumer Commission under the Trade Practices Act 1974. However the office would be applying its tests at the same time as the Australian Competition and Consumer Commission — in other words, there would be two regulators to do the same job. This duplication of regulation has been reviewed and it has been decided that the office should no longer have the role and part 3 has been amended accordingly. Instead, if a person obtains an authorisation under the Trade Practices Act, or the commission determines no competition concern arises from a particular merger or acquisition, that will suffice for the purposes of an exemption from the prohibitions in part 3. This avoids the duplication of costs that would otherwise be incurred by two regulators doing the same job.

#### **Statement under section 85(5) of the Constitution Act 1975**

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975 of the reason for altering or varying that section by the bill.

Clause 118 of the bill states that it is the intention of sections 84 and 99 to alter or vary section 85 of the Constitution Act 1975.

Section 84 provides an immunity from suit for any person acting in good faith in the execution of section 81 of the bill or any direction under that section. Section 81 deals with situations where there is insufficiency of supply of electricity.

Section 99 provides an immunity from suit for any person acting in the execution of part 6 or any

proclamation or direction under that part. Part 6 deals with electricity supply emergencies.

The reason for limiting the jurisdiction of the Supreme Court with respect to these two sections is to give persons who act in the execution of section 81, or any direction under that section, or part 6, or any proclamation or direction under that part, a degree of confidence that they can act without fear of litigation. This is necessary to ensure that in times of actual or anticipated emergency decisions are taken and acted on immediately and in the interests of and to the benefit of Victoria and Victorians as a whole.

I commend the bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 21 September.**

## **ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL**

### *Second reading*

**Mr BRUMBY** (Treasurer) — I move:

That this bill be now read a second time.

There are two bills now before the house. They are the Electricity Industry Act 2000 and the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000. The two bills represent conjoint or cognate legislation. The existing Electricity Industry Act 1993 is to be renamed by these bills as the Electricity Industry (Residual Provisions) Act 1993.

As part of its review of the legislative framework that governs the electricity industry and which was inherited from the previous government, this government has determined that it is appropriate to separate out into a new act the regulatory provisions required for the ongoing regulation of the electricity industry. Left behind in the Electricity Industry Act 1993 (which, as I said before, will be renamed as the Electricity Industry (Residual Provisions) Act 1993) will be the provisions which were, for the most part, used by the previous government to restructure the electricity industry in Victoria.

The government sees significant advantages to this restructuring of the legislation. It sends a clear message to the industry and other interested parties that Victoria has moved beyond the restructuring phase. Instead we are now at the stage of oversight of a private industry — one that provides an essential service — for the benefit of all Victorians. It is also consistent with

the implementation of full retail competition in Victoria and the focus that places on the regulation of the industry for the benefit of all Victorians.

This restructuring of the acts is accompanied by detailed miscellaneous amendments to electricity industry legislation. To avoid the Electricity Industry Act 2000 being cluttered with those provisions, and taking as the model previous similar exercises in Victoria, it has been decided to put these provisions in a separate act which is the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

If I may now briefly address the amendments contained in the Electricity Industry Legislation (Miscellaneous Amendments) Act 2000.

The amendments in this bill divide into two groups. First, there are amendments which are transitional or consequential on the restructuring of the legislation and the separation out into the Electricity Industry Act 2000 of the ongoing regulatory provisions. Second, there are amendments which are not of that nature.

Dealing with the first group of amendments, it is to be noted that these amendments mostly involve either repeal of regulatory provisions that are henceforth to be contained in the Electricity Industry Act 2000 or the amendment of references in various other acts so that either 'Electricity Industry Act 2000' or 'Electricity Industry (Residual Provisions) Act 1993' is substituted for 'Electricity Industry Act 1993'.

Additionally, the opportunity has been taken, where appropriate, to amend spent references in those other acts to bodies such as Generation Victoria, National Electricity and VPX and instead substitute their successor bodies. There has also been an updating of definitions to be consistent with what now appears in the Electricity Industry Act 2000.

Furthermore, clause 20 of the bill introduces a new schedule 4 into the Electricity Industry Act 1993 which contains savings and transitional provisions. This schedule includes a table of re-enacted provisions which enables a comparison between what was the former regulatory provision of the Electricity Industry Act 1993 and its successor provision in the Electricity Industry Act 2000.

Dealing with the second group of amendments, the bill includes amendments to provisions in the Electricity Industry Act 1993 relating to easements, amendments to the Electricity Safety Act 1998 relating to bushfire mitigation, who carries out work and other miscellaneous matters, the Gas Industry Act 1994 to clarify who may be directors of Vencorp, the State

Electricity Commission Act 1958 to repeal a spent provision relating to easements, and the Office of the Regulator-General Act 1994 to clarify a provision relating to determinations.

I commend the bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 21 September.**

## TATTERSALL CONSULTATIONS (AMENDMENT) BILL

### *Second reading*

**Mr BRUMBY (Treasurer) — I move:**

That this bill be now read a second time.

The purpose of this bill is to: (a) reinstate a duty rate of 36 per cent of turnover for Tattersalls overseas lottery sales and 34 per cent of turnover for Tattersalls overseas soccer football pool sales; (b) compensate Tattersalls for the GST paid on the agency services provided to Tattersalls by its accredited representatives through a 0.7 percentage point reduction in the lottery and soccer football pool tax rates; and (c) clarify that Tattersalls lottery sales outside Victoria made via telephone or the Internet are not subject to the 10 cent levy.

Under the Intergovernmental Agreement on the Reform of Commonwealth–State Financial Relations, the states and territories agreed to adjust their gambling tax arrangements to take account of the impact of the GST on gambling operators. In Victoria, in the case of lotteries, the tax rate was reduced from 36 per cent of turnover to 32.36 per cent of turnover from 1 July 2000. The corresponding reduction in the soccer football pools tax rate was from 34 per cent of turnover to 29.46 per cent of turnover.

The basic purpose of the changes to the gambling tax arrangements in Victoria, which were effected in the autumn session through the National Taxation Reform (Consequential Provisions) Act 2000 and the National Taxation Reform (Further Consequential Provisions) Act 2000, was to ensure that none of the stakeholders in the gambling industry would be worse off as a result of the introduction of the GST. In Victoria, in the case of lotteries (and other gambling activities), players have not been affected at all: there have been no changes to the entry price of games, the payout rates or the probabilities of winning. The operators have continued to pay the same amount of global tax, when state gambling taxes and the GST are combined. The

Victorian government is also basically no worse off as all GST payments are being returned to the states, although in the case of Victoria GST payments are less than they should be because of adverse Commonwealth Grants Commission relativities.

In fact we get back just 81 cents in every dollar that we pay. Victorians are paying the GST and that hungry Peter Costello — —

**The DEPUTY SPEAKER —** Order! I ask the Treasurer to confine himself to the second-reading speech.

**Ms Asher —** On a point of order, Madam Deputy Speaker, I seek your guidance as to the *Hansard* treatment of a second-reading speech where the minister has incorporated additional information into the printed document. How will that be treated?

**The DEPUTY SPEAKER —** Order! The additional information will be included in *Hansard*.

**Mr BRUMBY —** Of course it will be. We get back 81 cents out of every dollar.

**Ms Asher interjected.**

**Mr BRUMBY —** That is 81 cents in every dollar, if you do not understand it.

**Ms Asher interjected.**

**Mr BRUMBY —** You should.

**The DEPUTY SPEAKER —** Order! I ask honourable members to remember that it has been a very long day, and if they wish to finish before a very late hour tonight I need their assistance. I ask the Treasurer to stick to his text and other honourable members not to interject.

**Mr BRUMBY —** To continue:

### **Overseas sales**

At the time that the autumn session legislation was enacted, which, of course, occurred before the commencement of the GST, the Department of Treasury and Finance was given to understand that Tattersalls lottery sales in their entirety would be subject to the GST. A small proportion of Tattersalls lottery sales actually take place in overseas jurisdictions. In 1999–2000 Tattersalls total turnover came to about \$903 million. Of this amount, overseas sales accounted for about \$4 million or 0.44 per cent of the total. Tattersalls has now advised that they are not

paying GST on these overseas sales, as exports are not subject to the GST.

As noted, the purpose of the adjustments to Victorian gambling tax arrangements that were enacted in the autumn session was to ensure that the operators would be no worse off as a result of the GST. However, as Tattersalls is not paying GST on its overseas lottery sales, it is in fact better off. The Department of Treasury and Finance has estimated that the gain to Tattersalls is close to \$150 000 per annum. The purpose of reinstating the 36 per cent tax rate for overseas lottery sales is to remove this unintended benefit that has accrued to Tattersalls.

While Tattersalls does not currently sell soccer football pools in overseas markets, the 34 per cent tax rate should also be restored for soccer football pools in the event that Tattersalls should decide at some future date to market this product in overseas markets.

The restored tax rates in respect of overseas sales are to operate retrospectively from 1 July 2000. This is because Tattersalls has been paying the reduced tax rate since that date. The bill contains a provision in terms of which Tattersalls will be required to pay the Victorian government all outstanding duty within seven days of this bill receiving royal assent.

#### **Agency commission**

Tattersalls markets its lottery products through a network of about 700 accredited representatives, who receive commission on their sales. The entry price that a player pays includes commission. The Tattersall Consultations Act 1958 makes no reference to commission, and the tax and payout rates are calculated on the value of sales excluding commission. The annual financial reports of Tattersalls also present sales data without making any reference to commission. Victoria therefore adjusted its tax rate to make room for the GST on the basis that the gross margin of Tattersalls was equal to the difference between total sales excluding commission and the amount paid out in prizes. On this basis, the lottery tax rate was reduced from 36 per cent of turnover to 32.36 per cent of turnover and the soccer football pool tax rate was reduced from 34 per cent of turnover to 29.46 per cent of turnover.

However, the Australian Taxation Office has now advised Tattersalls that in calculating its gross margins Tattersalls must take into account the total price that a player pays to enter a lottery, including commission. This has the effect of increasing the gross margin of Tattersalls and the amount of GST that it has to pay. As the object of the adjustment to the gambling tax

arrangements was to ensure that the operators would be no worse off as a result of the GST, Tattersalls has sought a further adjustment to the tax arrangements to compensate it for the extra GST that it must pay. The government considers that this request is reasonable.

A reduction in the tax rate is considered to be the most efficient and cost-effective way of compensating Tattersalls for the additional GST it must pay for the inclusion of commission in its global sales figure for purposes of calculating its gross margins and GST liability.

The Tattersalls commission rate displays considerable stability over time. The average commission that Tattersalls has paid over the past five years is equal to 7.71 per cent of net sales, within a range of 7.60 per cent and 7.82 per cent. The compensation that has to be given to Tattersalls is equal to 1/11<sup>th</sup> of this amount or 0.7 percentage points. The tax rate is therefore being reduced from 32.36 per cent to 31.66 per cent for lotteries and from 29.46 per cent to 28.76 per cent for soccer football pools. Victoria will be no worse off since all GST revenues are eventually returned to the states, with the caveat that current Commonwealth Grants Commission relativities disadvantage Victoria, and in fact for every dollar Victoria pays in GST it gets back just 81 cents.

The amendment will be retrospective to 1 July 2000. This is because Tattersalls has been paying GST on the commission component since that date. This will involve reimbursing Tattersalls for the difference between the tax rate that they have been paying and the reduced rate. The period of the reimbursement will be from 1 July 2000 to the day on which the bill receives royal assent. The bill contains a provision providing for a standing appropriation for this amount.

#### **Telephone and Internet sales**

A 10-cent ticket levy was introduced in Victoria in 1992 for most lottery products. Lottery tickets sold in non-Victorian jurisdictions which form part of the Victorian lottery pool were exempted from the 10-cent ticket levy as Victoria cannot constitutionally impose a tax on non-Victorians. In recent years Tattersalls has commenced selling lottery products by telephone and via the Internet. Because no ticket is actually produced and handed over to the player in the case of telephone and Internet sales, the Tattersall Consultations Act 1958 was amended to provide for a 10-cent levy. The 10-cent levy is the equivalent of the 10-cent ticket levy.

Do you understand that? The 10-cent levy is the equivalent of the 10-cent ticket levy. That is the whole point of it, and it should be underlined in the speech.

It was designed to protect the revenue and to ensure that accredited representatives selling lottery products through the traditional channels were not disadvantaged compared to sales made by telephone or through the Internet. However, the amendment did not exempt the sale of telephone and Internet lottery products sold outside Victoria from the 10-cent ticket levy. A housekeeping amendment is therefore necessary to clarify that such sales are not subject to the 10-cent levy — not the 10-cent ticket levy but the 10-cent levy.

I commend this bill to the house.

**Debate adjourned on motion of Ms ASHER (Brighton).**

**Debate adjourned until Thursday, 21 September.**

## TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL

### *Second reading*

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — I move:

That this bill be now read a second time.

This bill provides a forward-looking legislative framework for the establishment of key educational institutions in the post-compulsory education sector. The provisions of the existing legislation require amendment to accommodate the change within the sector that has occurred in the past decade. Legislative reform is also required to meet the challenges of the post-compulsory sector that today is characterised by innovation. The bill aims to achieve this while at the same time contributing to the government's commitment to improved public accountability.

Victoria has two major public institutions whose functions relate primarily to adult education — the Council of Adult Education, usually known as the CAE and the Adult Multicultural Education Services, which is known as AMES. Both organisations have been major contributors to post-compulsory education in Victoria, and both have the capacity to make a major and ongoing contribution to the people of Victoria consistent with the government's reform agenda if appropriate steps are taken to modernise their corporate status.

The CAE was established by legislation in 1947 to pursue the development of adult education. It is

currently constituted under the Council of Adult Education Act 1981. This act is outdated and in need of review. There is also a need to clarify the CAE's role and relationship with the Adult, Community and Further Education Board.

AMES is currently part of the Department of Education, Employment and Training. It has no separate legal status. AMES was established in 1951 following agreements between the commonwealth and state departments of education that led to states taking over responsibility for migrant education. AMES is now Australia's largest specialist provider of language programs. It is also a provider in the commonwealth's Job Network program, and provides job seekers from diverse language backgrounds with support in overcoming barriers to gain employment appropriate to their qualifications and experience.

The bill will amend the Adult, Community and Further Education Act 1991 to provide for the establishment of adult education institutions and their governing boards, based on the model contained in the Vocational Education and Training Act 1990 for TAFE institutes. This model has proved practical and workable over the last decade.

Two adult education institutions, to be known as Adult Multicultural Education Services and the Centre for Adult Education will be established by the act.

The Governor in Council will also be empowered to establish additional adult education institutions by order in council (in the same manner as TAFE institutes and their councils are established). Adult education institutions will, as far as possible, have common powers, functions and accountabilities.

Boards will be established as bodies corporate with the powers commonly exercised by bodies corporate, including the power to hold property, enter contracts and sue and be sued.

The Governor in Council will be empowered to make structural and other changes in respect of adult education institutions and their governing boards, in the same way as orders can currently be made in relation to TAFE institutes and their councils. The minister will be required to consult the board of the institution concerned and the Adult, Community and Further Education Board before recommending such orders to the Governor in Council.

Boards of adult education institutions will consist of between 9 and 15 members (the number being fixed by Governor in Council order in each case). Of these members:

at least half will be appointed by the minister;

one will be a staff member of the institution, elected by staff;

one will be a student of the institution, elected by students;

one will be the director of the institution; and

the remainder will be coopted by the board on the basis of relevant knowledge or skills.

Boards will be required to act within the state government policy frameworks and subject to directions of the minister, which may be given generally or on specific matters. Boards will be subject to the Financial Management Act 1994, will be required to report annually to Parliament and will be required to manage risk and insure through the Victorian Managed Insurance Authority.

The bill contains provisions designed to ensure a smooth transition to the new governance arrangements for the CAE and AMES. The board of the new Centre for Adult Education will be the successor in law of the current Council of Adult Education. It will assume over all rights and liabilities of the council. Staff of the existing CAE will transfer to employment with the board on the same conditions they enjoyed immediately before the transfer.

The board of the new AMES will assume the rights and liabilities of Department of Education, Employment and Training, which relate to the operations of AMES at the date the new board is created. Department staff involved in the operations of AMES will transfer to employment with the board on the same conditions they enjoyed as employees of the department immediately prior to that date.

The bill also repeals the Employment Agents Act 1983. This act was passed 17 years ago to establish a licensing arrangement for a wide range of employment agents. The act was never proclaimed and consequently never came into operation. It is considered to be redundant.

I commend the bill to the house.

**Debate adjourned on motion of Mr BAILLIEU (Hawthorn).**

**Debate adjourned until Thursday, 21 September.**

## PUBLIC LOTTERIES BILL

### *Second reading*

**Mr PANDAZOPOULOS (Minister for Gaming)** — I move:

That this bill be now read a second time.

This bill provides for two significant matters of policy. This bill is the government's response to the independent national competition policy (NCP) review of the Tattersall Consultations Act 1958 presented to the previous government in January 1998. This legislation demonstrates the government's strong commitment to NCP and gives effect to the main findings of that review. The review found that the Tattersall Consultations Act does not conform to NCP principles of removing restrictions on competition and should be replaced with conforming, generic lotteries legislation.

The government accepts the major findings of the review, and more recently those of the Productivity Commission, which in regard to lotteries found there are likely to be major benefits from the development of a national market for lotteries.

To that end, this government is introducing legislation that will enable Victoria to participate in, and benefit from, such a market when it eventuates. This government will actively seek the cooperation of NSW in facilitating a national market once exclusivity arrangements in that state lapses. This legislation provides for a licence to Tattersalls to 30 June 2007, which aligns it with the NSW licence. Common expiry with NSW is the first step in creating a nationally contestable market, as between them Victoria and NSW account for some 55 per cent of the national lotteries market.

The second significant matter is that this bill provides the mechanism by which the government meets its election commitment to introduce an AFL footy tipping competition.

Part 1 of the bill sets out the preliminaries, including commencement mechanisms.

The main purposes of the bill are to:

provide for the lawful conduct of public lotteries, including football pools and competitions;

repeal the Tattersall Consultations Act 1958; and

entitle the promoter under that act to a public lotteries licence for consultations and soccer football pools.

Part 2 of the bill develops the framework for public lotteries. It declares that the conduct of a public lottery licensed in accordance with this act is lawful, despite the provisions of any other law to the contrary.

This part sets out the obligations upon a licensee and the authority with respect to rules. It provides for the disallowance by the authority, and requires the operators to make rules publicly available, including through any agents.

This part also provides for the continuation of the practice that a public lottery determined by a draw must be conducted under government supervision.

This part also makes clear a licensee must ensure that an accurate record is made of each entry in a public lottery. That record must include the amount paid to enter the lottery and the amount, if any, of commission paid.

The bill prohibits accepting an entry in a lottery from a person under the age of 18 years. This extends the current ban on the sale of instant scratch tickets to minors. This change is the government's response to the clear message from the public consultation process undertaken earlier this year. That process highlighted the strong community expectation that gambling should not be accessible to minors.

This part also continues the practice that a licensee must not provide credit to a player to enter into a lottery. This does not prohibit entry by way of a credit card.

This part also prohibits schemes in relation to public lotteries that guarantee or promise a prize in the lottery or that give a greater probability of winning a prize than that given by the licensee. Such schemes are inconsistent with the government's commitment to meaningful information to players and informed choice.

This part also introduces into legislation for the first time the protection from publication of the identity of a person who wins a prize in a lottery if the person has requested anonymity.

Part 3 of the bill relates to public lottery licences. The minister is to determine from time to time the number of public lottery licences that may be issued and the public lotteries authorised to be conducted by those licences.

The minister cannot issue a licence to conduct a public lottery that is a competition approved under other gaming acts. In addition, the minister must not issue a licence to conduct a public lottery that, in his or her opinion, is offensive or contrary to the public interest.

This part sets out the procedure for an application for a licence and the method by which that application is assessed and investigated. The minister must refer each application to the authority and the Secretary of the Department of Treasury and Finance — that is, there are two main arms of assessment: probity and related checks conducted by the authority; and financial and commercial suitability, conducted by the Department of Treasury and Finance. Both the authority and the department must give a written report to the minister as to the outcome of those checks. The authority and the secretary, respectively, must carry out all investigations and inquiries they consider necessary to enable each of them to report on the suitability of an applicant.

It then sets out the manner by which the minister is to determine whether to grant or refuse a licence application. The minister may grant a licence application only if he or she is satisfied that the granting of the application is in the public interest, taking into account the matters referred to in the two reports and any other matters the minister considers relevant. In making a determination about a licence application, the minister is entitled to rely on any findings or recommendations contained in the reports of the authority or the secretary — that is, in making decisions on the granting of licences, the minister is acting on the best advice of the authority and the department.

The minister may impose conditions on a licence, including conditions that remain in effect after the licence expires or is surrendered, cancelled or suspended.

The term of a licence may not exceed seven years, with a possible extension of not more than 12 months, which may be granted only once. The rationale for this extension is to provide flexibility in the event a sole licence is about to expire and formal processes for future licensing are incomplete. A licence cannot be renewed, but a person who holds or has held a licence may apply for another licence. A public lottery licence is not transferable.

The bill provides for the possibility of a premium payment, as consideration for the licence, payable by the licensee. This recognises the value inherent in a public lottery licence. The premium payment is a tax.

This part also provides for the publication and tabling of licences and for the creation of a register of public lottery licences. All public lottery licences will be fully and publicly available for inspection.

The bill provides for a wholly owned subsidiary of the licensee to conduct lotteries on its behalf, following assessment of that subsidiary by the authority. This part outlines the authority's approval process.

This part also provides for the amendment and surrender of licences. Licensees may apply to the minister for an amendment of a public lottery licence. If that occurs, the minister may require the requesting licensee to notify any other licensee the minister believes may be adversely affected if the amendment is made. Notified licensees have the right to object to the application for licence amendment.

The minister, in determining whether to make an amendment, must consider a range of factors, including any objections by affected licensees. The minister must also consider whether the amendment is in the public interest and consistent with the tenor of the original licence. A condition of approval of an amendment may be a premium payment determined by the minister in recognition of the increased value of the amended licence.

A licensee may surrender a licence only with the consent of the minister.

This part also sets out the grounds for disciplinary action, the type of disciplinary action that the minister may take, and the circumstances by which the authority or secretary may recommend to the minister that he or she take disciplinary action. When taking disciplinary action, the minister is entitled to rely on the findings and recommendation in the report of the authority or secretary.

The minister may suspend a licence if satisfied that the licensee, an appointed subsidiary of the licensee, or an executive officer of the licensee or subsidiary, has certain criminal proceedings pending.

This division provides for the ongoing monitoring of associates, or likely associates, by the authority. It also sets out the process by which the authority may undertake investigations to help it decide whether the licensee is a suitable person or body to conduct, or to continue to conduct a public lottery.

Part 4 of the bill is in relation to returns to players, supervision charges and tax.

This part requires the licensee to ensure a return to player of not less than 50 per cent of the total amount paid for soccer football pools or 60 per cent of the total amount paid for all other public lotteries each year. This is in line with current returns to players. Total amount paid excludes any amount payable as commission to an agent of the licensee.

The bill introduces a provision for the payment of a supervision charge by the licensee. This brings lotteries into line with other gaming forms, including gaming machines. The general principle is that the gaming operator is required to meet the reasonable costs of regulation of this activity.

A licensee will pay taxes levied on the basis of player loss. This brings lotteries into line with all other gambling forms, except bookmakers. These tax rates will apply to Tattersalls consultations upon repeal of the Tattersall Consultations Act. The tax rates for lotteries other than footy tipping licence have been chosen to be comparable with the turnover tax rates currently levied upon Tattersalls, for the given payout rate of 60 per cent. The bill contains two tax rates for each public lottery. This is to ensure sales in jurisdictions that are not subject to the GST face the same effective tax rates as sales in those jurisdictions that are subject to the GST. This approach is consistent with that proposed for the turnover tax regime in the current Tattersall Consultations Act, and meets the state's obligations under the intergovernmental agreement. Slight adjustments have also been made to take account of the recently identified need to make GST-related adjustments relating to the treatment of commission and for the removal of the 10 cent ticket levy on certain Tattersalls games.

The act continues the practice of the hypothecation of lottery taxes into the Hospitals and Charities Fund. As an administrative matter, the repeal of the old act requires the creation of a new trust fund called the Mental Health Fund. This new fund is a direct replacement for the Mental Hospitals Fund under the Tattersall Consultations Act and will be funded and applied in exactly the same way as the Mental Hospitals Fund.

Revenues from the footy tipping competition will, as previously indicated by the government, be spent on the government's sports and health policies.

The bill provides for the sharing of tax with other jurisdictions in the same way as occurs now.

Part 5 of the bill relates to compliance requirements of licensees. These requirements include the keeping of

proper accounts, records of transactions, and such other records as sufficiently explain the financial operations and financial position of the licensee.

This includes the requirement that a licensee prepares and presents annual financial statements for the public lotteries it has conducted during that financial year. They must be audited by the Auditor-General and submitted to the minister who must table them in each house of the Parliament. This is the current requirement placed upon Tattersalls.

It provides for the dealing with unclaimed moneys in the same way as currently occurs with Tattersalls consultations.

Part 6 of the bill relates to investigation and enforcement.

This part provides for the appointment of inspectors, and sets out the inspectors' functions and powers, and the inspectors' rights to enter premises and seize lottery equipment.

Part 7 of the bill provides for a range of general provisions, such as setting out who may bring proceedings for an offence against this act. This part provides for the authority or secretary to hold inquiries.

The authority may enter a memorandum of understanding with enforcement agencies in other jurisdictions that allow the sharing of information appropriate for performing its functions under this act.

Parts 8 and 9 of the bill provide for a range of consequential, savings and transitional provisions, largely to ensure as little disruption as possible is caused as a result of the enactment of the bill.

The bill entitles the promoter (that is, Tattersalls) to a licence under this act for the conduct of consultations and soccer football pools until 30 June 2007. The bill also makes clear that a public lottery licence under this act, other than an AFL footy tipping licence, cannot be issued to any person other than the promoter, if the licence would be in force at any time before 1 July 2004. That is, the government is honouring the Tattersalls entitlement to exclusivity under the licence conditions from the old act. The act provides no guarantee of exclusivity from 1 July 2004.

The promoter must pay a premium as consideration for the period from 1 July 2004 to 30 June 2007 entitled under the new lottery licence. The premium payment will be negotiated between the government and Tattersalls.

If agreement on the amount or timing of the premium payment is not reached on or before 1 July 2002, the promoter's licence under the new Act expires on 30 June 2004.

In considering its negotiating position, the government will have regard to its obligations under, and strong commitment to, NCP principles. With those principles in mind, it is this government's intention to issue public lottery licences in force from 1 July 2007 by way of transparent, contestable competitive tender processes.

This legislation provides for a relevant, appropriate and open framework for the conduct of lotteries in Victoria into the future.

I commend the bill to the house.

**Debate adjourned on motion of Mr BAILLIEU (Hawthorn).**

**Debate adjourned until Thursday, 21 September.**

## WATER INDUSTRY (AMENDMENT) BILL

### *Second reading*

**Ms GARBUTT (Minister for Environment and Conservation) — I move:**

That this bill be now read a second time.

The main purposes of the bill are to abolish Melbourne Parks and Waterways and to make adjustments to some of the administrative arrangements for park management.

### **Melbourne Parks and Waterways**

Melbourne Parks and Waterways (MPW) was formed as part of Melbourne Water in 1993 but on 1 January 1995 it was established as a separate statutory authority under the Water Industry Act 1994. Its main function has been to own, control and manage open space, parks and waterways in the greater metropolitan area. It also has other statutory functions relating to waterways and regional drainage but these have never been activated.

From 12 December 1996 to 2 July 1998, MPW operated under the trading name Parks Victoria and was responsible for the on-ground management of national and other parks and conservation reserves throughout the state as well as metropolitan parks and waterways. When Parks Victoria was established on 3 July 1998 as the state's primary park management agency under the Parks Victoria Act 1998, MPW's staff were transferred to it. MPW was retained as a shell authority to enable

an orderly wind-up of its affairs, with Parks Victoria managing by agreement the metropolitan parks and waterways for which MPW is responsible.

There is no longer a need to retain MPW and it is intended that it be wound up by 1 December 2001. The bill provides for its abolition and the necessary transitional arrangements and consequential amendments to a range of legislation.

### **Metropolitan parklands**

MPW currently owns more than 4000 hectares of land within the metropolitan park system. This is land which the former Melbourne and Metropolitan Board of Works, Melbourne Water and MPW have progressively acquired for public open space as part of a long-term strategy to develop a metropolitan park system for Melbourne. The parks include land in the Yarra, Maribyrnong and Dandenong valleys, at Merri Creek and at Braeside, Plenty Gorge and Point Cook, as well as other locations. The government is strongly committed to the protection of these parklands, which include significant conservation and recreation values and give pleasure to millions of visitors each year.

The bill enables MPW to surrender all of its land to the Crown by 1 December 2001. After surrender, the land in the metropolitan parklands will be permanently reserved and protected under the Crown Land (Reserves) Act 1978. Existing easements and other rights and interests over that land will continue to be recognised and honoured by the Crown.

To accompany the reservation of the parklands, a parklands code is being developed to define the activities which are acceptable within parks and to establish processes for consideration of any proposed changed uses.

The bill also amends the Crown Land (Reserves) Act 1978 to enable, in the rare event that it should be necessary, the minister to compulsorily acquire land for public park or public recreation purposes in the greater metropolitan area. This will replace MPW's current compulsory acquisition power.

### **Wattle Park**

The land forming Wattle Park was purchased for a park in 1916 by the Hawthorn Tramways Trust. It has been transferred to successive public authorities including the Melbourne and Metropolitan Tramways Board, Public Transport Corporation, Melbourne Water and finally MPW. The bill surrenders MPW's interest in Wattle Park to the Crown and deems the land to be permanently reserved under the Crown Land

(Reserves) Act 1978. Consequently, the Wattle Park Land Act 1991 will be repealed. The bill saves existing interests relating to the Wattle Park chalet, the golf course and the tennis courts.

The park's permanent reservation as a Crown land reserve will ensure that its significant values are protected and that it remains one of Melbourne's treasured parks.

### **Reservoir parks**

MPW currently leases 12 reservoir parks owned by or vested in Melbourne Water, for example at Silvan, Maroondah and Sugarloaf reservoirs. These parks were developed as picnic areas in association with various water storages that form part of Melbourne's water supply system. The bill substitutes the minister as the lessee in place of MPW and enables regulations to be made for the care, protection and management of these parks.

### **Waterways**

MPW's current waterway responsibilities will be reallocated through amendments to the Water Industry Act 1994, the Water Act 1989 and the Melbourne and Metropolitan Board of Works Act 1958. The minister and Secretary to the Department of Natural Resources and Environment will be responsible for licensing jetties and managing activities on the waterways outside the port waters of the port of Melbourne, while Melbourne Water will be responsible in the metropolis for the management, protection and conservation of the waterways themselves. The bill enables regulations to be made to assist in managing activities on the waterways. These regulations will complement the local authority powers under the Marine Act 1988 used to manage navigation and boating safety matters.

### **Management agreements and delegations**

The bill enables the secretary to enter into management agreements for Crown land reserves and waterways land, and also provides additional powers to delegate to Parks Victoria in relation to waterways and reservoir parks.

### **Park management administration**

The bill adjusts some of the administrative arrangements in the National Parks Act 1975 and Parks Victoria Act 1998 relating to the Director of National Parks, the National Parks Advisory Council and the Parks Victoria board.

The chief executive officer of Parks Victoria will be the Director of National Parks under the National Parks Act 1975. Consequently, the function of the director is clarified so that it focuses on advising the minister and the secretary on the operational elements of management of land under the National Parks Act 1975. These amendments ensure that advice on the practical aspects of park management is provided by the park manager, and that this advice is distinguished from the advice provided on strategic policy and Parks Victoria's performance by the Department of Natural Resources and Environment.

The secretary or her nominee will become a member of the National Parks Advisory Council, which advises the minister on the administration of the National Parks Act 1975 and on other specified matters. It is appropriate that the secretary, who is responsible under the act for ensuring that the parks are managed appropriately, can contribute to the workings of the council.

The bill also amends the Parks Victoria Act 1998 to ensure that the Parks Victoria board includes a person or persons with skills and experience in conservation.

### Conclusion

In conclusion, the bill consolidates park and waterway management. Importantly, the abolition of MPW will lead to the permanent reservation of more than 4000 hectares of Melbourne's precious metropolitan parklands for the continued enjoyment by all.

I commend the bill to the house.

**Debate adjourned on motion of Mr PERTON (Doncaster).**

**Debate adjourned until Thursday, 21 September.**

**Remaining business postponed on motion of Ms GARBUTT (Minister for Environment and Conservation).**

## ADJOURNMENT

**Ms GARBUTT (Minister for Environment and Conservation)** — I move:

That the house do now adjourn.

### CFA: Olympic torch relay

**Mr WELLS (Wantirna)** — I ask the Minister for Police and Emergency Services to take immediate action to investigate claims that the United Firefighters Union demanded that Knox Country Fire Authority (CFA) volunteers not participate in a voluntary capacity

to assist police while the Olympic torch passed through the outer eastern suburbs because the torch relay was running through a unionised Metropolitan Fire and Emergency Services Board operational area.

I provide some background on how this came about. In November last year the Victoria Police sought Country Fire Authority assistance in traffic duties when the Olympic torch passed through the Glen Waverley area. The police were seeking a disciplined uniform service to perform selected traffic control functions under police command.

The CFA volunteered for community reasons and because it believed its members were well qualified. The police state events planning office approved their acceptance in November 1999 and the necessary arrangements were put in place. Approximately two days before the Olympic torch was to go through Victoria Police instructed the Country Fire Authority volunteers that they were not to use their CFA uniforms and had to direct traffic as civilians only. After a lengthy discussion the CFA members reluctantly agreed to fulfil their commitment because they were dedicated to the task.

The CFA discovered later that the United Firefighters Union was either directly or indirectly pressuring the Metropolitan Fire and Emergency Services Board not to sign the enterprise bargain agreement as a result of the CFA volunteers assisting in the MFESB operational area.

I quote from a letter written by a member of a local brigade:

This letter is being written to convey the brigade's dismay of the unacceptable and pathetic representation given by the CFA command and the anger and hurt caused by the unwarranted intervention of the UFU with regard to our involvement in the Olympic torch relay.

I ask the minister to investigate the matter and report back to me.

### Geelong: water sports complex

**Mr TREZISE (Geelong)** — Before I attempt to drive myself and another member representing the area back to Geelong I wish, through the Minister for Community Services, to refer to the Minister for Sport and Recreation in the other house a matter on which I ask him to take action. The matter relates to government input into existing water sports complexes across Victoria.

As honourable members are aware, there are a number of water sports complexes or rowing courses

throughout regional Victoria — in Carrum, Nagambie, Wendouree, and in Geelong, the Barwon River. The clubs based around those centres want the courses upgraded. Behind the scenes organisations such as the Victorian Rowing Association are playing one club off against the other.

As a result of various complexes covertly being compelled to vie for competitions based on improvements to their courses, I ask the minister to ensure that a strategic and planned approach is taken by the government in responding to requests concerning various water sports complexes.

I am aware of the issue because in Geelong a number of key community and sporting organisations have come together to develop a realistic upgrade proposal for the Barwon River. The three government members in Geelong are working closely with rowing clubs and other sporting organisations — —

**Mr Spry** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Bellarine will get the call shortly.

**Mr TREZISE** — We are also working with water authorities, conservation groups and other interested parties in upgrading the Barwon River course. The previous government attempted to bully the people of Geelong into accepting a course in their own parkland.

The community of Geelong currently has a number of options for the upgrade of the river and we are working through them together. As well as rowing we are also talking about kayaking, canoeing, triathlons, swimming and water skiing — a water sports complex. I look forward to the minister's action.

### **Central Gippsland Health Service**

**Mr RYAN** (Leader of the National Party) — I wish to raise a matter for the consideration of the Minister for Health relating to the Central Gippsland Health Service. This magnificent service is an amalgam of the health services originally conducted at the Central Gippsland Hospital at Sale, the Maffra District Hospital at Maffra and the Heyfield Bush Nursing Hospital.

Central Gippsland Health Service is the product of years of work on behalf of community groups at each of those three centres. Three years ago a discussion paper was circulated and a lot of work was done in conjunction with representatives of each of the three towns. The formation of a board of what was then the Central Wellington Health Service followed, and

ultimately the Central Gippsland Health Service was established. The board is doing excellent work. By the time the government changed it had developed a general plan for the future of the health service.

In the 10 months in which the government has been in office, however, the plan has not advanced. I appreciate that changes of government take time, but there is concern in the community and on the board about proposals for the health service. I have recently had discussions with board representatives as a result of which I now convey to the minister a request from them that they meet him and the chief executive officer of the health service to discuss its future.

Funding for redevelopment of the Evelyn Wilson Nursing Home has recently been announced in this chamber. The board is concerned about where that fits within the overall health service. An extensive study was undertaken about four months ago by Dr Tony Cull, and the board is yet to receive a report.

The board is anxious to speak with the minister at a time suitable to him about the future of the Central Gippsland Health Service. I ask the minister to make that meeting possible.

### **St John of God Hospital**

**Mr SPRY** (Bellarine) — I raise a matter for the attention of the Minister for Health. I have been contacted by Mrs Joy Baxter, the occupational health and safety coordinator at the highly regarded St John of God Hospital, which is a private hospital in Geelong. It is, proudly, the first regional hospital in Victoria to achieve Workcover safety map certification.

St John of God Hospital obviously has a strong commitment to safe working conditions for its staff. Mrs Baxter refers to the commendable No Lifting expo of the Australian Nursing Federation (ANF) to be held on 26 and 27 September to highlight the need to reduce injury to nurses' backs while they are attending to patients. The minister supports that project and in July announced further funding of \$3 million over the next 12 months to support its initiatives. Through the work of Joy Baxter, St John of God Hospital is expressing a wish to participate in the project and wants to know if it can attract funding for training and equipment.

A precedent for such funding already exists in, for example, education, where public funding is applied across both private and public sectors in drug prevention and disability support.

The hospital employs some 330 nurses, at least 15 per cent of whom work in public hospitals as well.

Presumably some of them are agency workers who spend time in both public and private facilities and would be beneficiaries if the St John of God Hospital were eligible for public funding support. I understand that in some hospitals 40 per cent or more of nurses are agency nurses.

I therefore ask the minister whether he will consider providing some of the allocated funding for the ANF's No Lifting policy to exemplary private hospitals such as the St John of God Hospital; and, if so, how the hospitals should go about making the necessary application.

### **Juvenile justice: Indo-Chinese communities**

**Mr LIM** (Clayton) — I direct the attention of the Minister for Community Services to the ministerial statement on juvenile justice that she made in the house on 17 August. Honourable members will recall that the minister outlined a range of measures and programs to meet the needs of young prisoners from the Indo-Chinese communities, particularly the Vietnamese and Cambodian communities.

I raise for the minister's attention the need for a response that meets the needs of young Vietnamese prisoners in a positive and concrete way. *Hansard* will show that I have brought this matter to the attention of the house over three consecutive years. Alarm bells were rung in 1997 following the tabling of the Youth Residential and Parole Board report, when I was shocked to read that the number of young Vietnamese in prison is disproportionate to the number of Vietnamese in the community. The parole board is clamouring for the government to take action to respond to the needs of those unfortunate youngsters who are led astray and end up in prison. There are no specific services in the prison system to assist young people or to help them get out of the system and transfer back into the mainstream community.

I called three times for the previous government to respond but received nothing. It has taken a Labor government to respond positively to a demonstrated need from that community. I take the opportunity to congratulate the government. However, I also ask the minister to go all the way and provide a culturally related range of services for a demonstrated need. I trust that the government will have no hesitation in doing that and that the leadership of the minister will ensure it will be done.

I also make the point that the report, which was tabled by the minister, was very well received by the community. It had been long awaited.

### **Ethnic communities: safety study**

**Mr LENDERS** (Dandenong North) — I seek action from the Minister assisting the Premier on Multicultural Affairs on an issue regarding Community Safety Week, which, as members will be aware, is this week.

A community safety study has been undertaken to investigate issues of crime and safety with people from non-English-speaking backgrounds. A survey was held in the cities of Greater Dandenong and Darebin, and in the City of Greater Shepparton in regional Victoria. Participation in Greater Dandenong came primarily from the Vietnamese, Albanian, Bosnian and Iraqi communities, which participated with a fair degree of vigour. The research provided much-needed information on service provision at state and local levels for people from diverse backgrounds.

Although all honourable members have perceptions of community safety — certainly it is a common community issue — in electorates such as mine, which is not atypical of electorates represented by other Labor members, community safety is connected to problems of ethnic and linguistic diversity. For example, such people find it hard to do something as simple as telephoning 000. In my electorate 43 per cent of the population was born overseas and all but 8 per cent are from non-English-speaking backgrounds. Therefore, safety issues require special action. The main municipality in my electorate, the City of Greater Dandenong, is probably the most ethnically diverse municipality in the state if not the country. At the last count something like 148 nationalities were represented in the municipality.

Perceptions of safety are important. Again, more than most the Minister assisting the Premier on Multicultural Affairs is aware of those issues not only through his own rich experience but also through his co-representing the City of Greater Dandenong with the honourable member for Springvale and me. The results of the survey suggest that communication difficulties, particularly a lack of proficiency in English, are a significant barrier to people feeling safe.

I seek from the minister action generally and also ask him to advise the house what the Bracks government is doing to make sure all multicultural communities, including those in the City of Greater Dandenong, will benefit from the research.

### **Melbourne: councillors**

**Mr LEIGH** (Mordialloc) — I raise a serious matter concerning the City of Melbourne and the ongoing

political chaos in the council. There are two aspects to the matter. The first relates to a feature in the advertising section of the *Sunday Age* of 27 August concerning the planning committee chairman, Cr Kevin Chamberlin. I am curious why an advertisement that probably cost of the order of \$1000 was submitted to that newspaper. It shows Cr Chamberlin and his activities as planning chairman for a program of the Mirvac building company. I am therefore curious to know who paid for the advertisement and why. If it was not Cr Chamberlin or the council, there is a serious conflict of interest around his participation in such a program.

The second issue is that I understand Cr Chamberlin, the planning committee chairman, is involved in taking requests from his partner, Ms T. Coldebella, who is the town planner for the Central Equity company, which submits planning permits to Cr Chamberlin's committee. I am very curious as to why Cr Chamberlin — —

**The SPEAKER** — Order! Will the honourable member indicate to which minister he is directing the matter?

**Mr LEIGH** — I am directing it to the Minister for Local Government.

I am very curious to know the roles of Cr Chamberlin as planning committee chairman and his spouse in this matter. What is even worse, when you talk to a number of councillors behind the scenes they say that if you want to solve the Melbourne City Council issue, there is only one person you need to sack, and that is Cr Chamberlin, and that Cr Chamberlin behind the scenes is two-thirds of the trouble.

The issues I raise both relate to pecuniary interest. If Cr Chamberlin has been involved in the advertisement I am greatly concerned. I am also greatly concerned about his involvement in taking planning requests from what would appear to be his partner. I seek the involvement and action of the Minister for Local Government in this matter.

### **Yarragon preschool**

**Mr MAXFIELD** (Narracan) — I seek action from the Minister for Community Services about a preschool in Yarragon that has worked under very difficult circumstances for some time. Preschools have suffered seven years of vicious Kennett cuts, which stripped them of the ability to run efficiently, accurately and properly.

The preschool in Yarragon has been operating out of the town hall, which means it has had to pack up after each session and put everything away into a locked-up area so the community can use the town hall facilities at other times. Before the start of each session everything must be taken out and set up again. That is a difficult work environment for kindergarten teachers and the committee has looked around for a permanent arrangement, including modifying the hall — but the cost would be prohibitive.

The people of Yarragon are community minded and are working on the possibility of locating the kindergarten on the primary school site. That would enable the sharing of resources, playground facilities and so on. The relationship between the preschool and primary school has already started to develop as they work closely together, and some of the administration for the kindergarten has been done by the primary school.

I support the relocation of the kindergarten to the primary school site if that can be arranged. I ask the minister to determine what assistance can be provided to enable the preschool to relocate to a permanent site so that facilities can be set up on a permanent basis and the preschool can have the support and assistance of the local community. It would also mean the small town would have a more integrated development.

Permanent full-time kindergarten teachers cannot be employed in towns of that size because there are not enough students. However, if the kindergarten can be located with the school, the community can work together to support our young. Primary school teachers tell us that kindergarten education is critical for the education of our children. The seven years of vicious, savage neglect and mistreatment of our kindergartens by the Kennett government needs to be overcome.

### **Belgrave–Monbulk road: black spot funding**

**Mr McARTHUR** (Monbulk) — I seek the assistance of the Minister for Transport with an application for black spot road funding from a municipality within my electorate, the Shire of Yarra Ranges. The application concerns a stretch of the Belgrave–Monbulk road between Perrins Creek and Camms roads.

The council considers that patch of road to be the most difficult section of the Belgrave–Monbulk road, given that there has been significant work done on other parts of the road with assistance from the previous government. In recent years there have been 26 accidents causing injury on that stretch of road.

There have been others where vehicles were damaged but no casualties were caused.

The council states that this section of road is the one most in need of black spot funding in the area. A recent road safety audit found that the road requires a highly visible white line down the centre because of visibility difficulties in wet and foggy weather. The road also needs raised pavements with reflectors and a guard rail along the edge. The council is also reviewing surface tests to determine whether a treatment would help make the road less slippery.

A submission has been made to the government for black spot funding for this section of this important road. It is a difficult section that is used by many visitors to the Dandenong Ranges and by many residents and businesses that operate in and around the Dandenongs. It is important that people be able to travel along this section of the road with security. I would be grateful if the minister could assist in the consideration and approval of the black spot funding application made by the Shire of Yarra Ranges.

### **Disability services: Hume region**

**Ms ALLEN** (Benalla) — I refer the Minister for Community Services to support services for children with disabilities in the Hume region. During the past three months as the member for Benalla, and in the 14 months when I was the candidate during the general election and the by-election campaigns, I have received a number of inquiries from parents of children with disabilities who are frustrated as a result of the years of funding cuts to programs to assist with the integration of their children into the mainstream schooling system. I can remember travelling home from Myrtleford and Bright after campaigning and visiting preschools, schools and health services thinking that we all knew that country Victoria had been savagely neglected but that until we talked to the schools, the parents, and other organisations we really did not know how much.

Funding was slashed in many areas by the previous Liberal–National government to the extent that parents did not know where they could turn. Family support programs were slashed, leaving parents tearing their hair out wondering how they could get a weekend, a day or an hour break so they could spend some quality time relaxing. I know of some parents, particularly two mothers, who have had nervous breakdowns. Marriages are under stress, and other children in those families have also suffered greatly.

Parents in the Hume region have been crying out for assistance and programs that will make life easier for

them and their children. The way they have coped so admirably during the years of funding slashes by the previous government is a credit to the dedication of the parents, the carers and the teachers.

I ask the Minister for Community Services to tell the house what action the government is taking to ensure that parents and their disabled children will in future have access to decent services in the Hume region to assist them to lead productive lives.

### **Forests: regional reference groups**

**Mr PERTON** (Doncaster) — Recently the Minister for Environment and Conservation announced the establishment of regional sustainable forest reference groups, the first of which will be in the Midlands and includes the Wombat State Forest. The minister gave an undertaking that the appointments would include people with a range of views and a number of active groups that are interested in the area.

The action I seek from the minister is that she make available to those groups all documentation relating to forest practices, harvesting and processing and that she appoint the president of the Cobaw and Wombat Forest Action Group.

The reason the additional transparency is required is that the honourable member for Gisborne has been extremely devious in her explanations to her community. The honourable member for Gisborne has claimed that there is a 56 per cent drop in —

**Mr Nardella** — On a point of order, Mr Speaker, standing order 108 details that a member of Parliament cannot impugn the reputation of another member of Parliament. The honourable member has just impugned the honourable member for Gisborne. I ask him to withdraw that comment.

**Mr PERTON** — I withdraw the words, Mr Speaker.

The honourable member for Gisborne has told her community that there is a 56 per cent drop in the harvesting of woodchips when in reality there has been somewhere between a 15 per cent and 55 per cent increase in woodchip levels under the administration of the minister. Last year roughly 55 000 tonnes of woodchips left the region to be exported to Japan. It is now estimated by the Department of Natural Resources and Environment and local producers that the figure this year will be between 63 000 and 83 000 tonnes.

The community is naturally confused and upset. The honourable member for Gisborne has introduced

increased security in her office to prevent members of her community entering the premises. It is time for openness and honesty on the matter, and the member should stop lying to her community.

### **Employment and training: apprentices**

**Mr BAILLIEU** (Hawthorn) — I ask the Minister for Post Compulsory Education and Training to acknowledge the Kay Schofield report and recommendations on the freeze on user-choice training, and to lift the freeze immediately.

### **West Coast Railway**

**Mr MULDER** (Polwarth) — I draw to the attention of the Minister for Transport the contract between West Coast Railway and the Victorian government and call for his action on the matter. West Coast Railway has provided an excellent service on the line between Geelong and Warrnambool. It is a regionally based business that has a workshop in Warrnambool. Currently its tender is under negotiation with the government. As it is a rural and regional business that greatly supports people in the area, I ask the minister to renew both its contract and the government's commitment to rural and regional businesses.

### **Rockbank Primary School**

**Mr NARDELLA** (Melton) — I raise for the attention of the Minister for Transport a matter concerning Rockbank Primary School. I ask the minister to take further action to ensure the particular stretch of the Western Highway used by the kids who attend the school and their parents is made safer.

Currently the Western Highway is a major interstate freeway under federal government funding criteria. However, the federal government is not spending money on that major road. For instance, at Leakes Road, which is close to the Rockbank Primary School, money could be spent on building a grade separation and some bridges. It is extremely important for my residents in Rockbank that they get that — —

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

### **Responses**

**Mr THWAITES** (Minister for Health) — The honourable member for Gippsland South requested a deputation with the Central Gippsland Health Service. I am happy to facilitate that, and I will endeavour to do so within the next fortnight with the chief executive

officer, representatives of the board and the honourable member.

The honourable member for Bellarine referred to the No Lifting policy to save nurses' backs. I inform the honourable member that the Bracks government has recently increased funding for that policy to \$3 million per annum, up from \$1.6 million. That significant increase will enable the government to spread the funding around a number of hospitals that do not currently have funding and will benefit hospitals right around country and regional Victoria.

The honourable member requested that funding be made available to the private St John of God Hospital. The government's key responsibility is for the public hospital system. Although St John of God Hospital is an extremely good organisation, the government's priority has to be for public hospitals.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Wantirna referred to local Country Fire Authority volunteers expressing their disappointment at being unable to officiate in the management of traffic associated with the passing through the Glen Waverley area of the Olympic torch. The government places a high value on the role played by volunteers in the state. It is conscious of attending to their needs and not doing anything to offend them.

My office has checked out the situation with the Country Fire Authority and the metropolitan fire brigade. I understand that both agencies said there was no United Firefighters Union involvement in that decision, which was a managerial decision taken between the two agencies. I am seeking further information about what the basis of the decision was. However, from the information available to me I can assure the honourable member that the UFU was not driving that decision.

**Ms CAMPBELL** (Minister for Community Services) — The honourable member for Clayton raised the issue of the youth parole boards and the importance of having culturally and linguistically diverse workers in Victoria's juvenile justice facilities. I remember being in the house in 1997, 1998 and 1999 when the honourable member for Clayton raised that issue with the previous government.

I am pleased to inform the house and the honourable member that as part of the its juvenile justice strategy outlined in the ministerial statement the Bracks Labor government will address the issue of Vietnamese youth workers for the state's juvenile justice facilities.

Many young Vietnamese people are present in the criminal justice system, and without appropriate supports for those young offenders I fear they will reoffend and that the level of recidivism will be higher than necessary. To address the problem the government has committed an additional \$600 000 per annum for the expansion of culturally appropriate programs for young offenders from Vietnamese, Cambodian and Laotian backgrounds.

The government is drawing on the evaluation of two small pilot programs already under way in regional juvenile justice services that work with local Vietnamese communities. The relevant community organisations are in the southern, northern and western metropolitan regions of Melbourne. The honourable member for Clayton would be familiar with many of the families who have come in touch with the juvenile justice system and would know how important it is that they receive appropriate and culturally relevant support.

In addition, the juvenile justice units in the three affected metropolitan regions will recruit workers with relevant language and cultural backgrounds to strengthen their capacity to work proactively with young Vietnamese offenders and their families. The government wants to place particular importance on families in that cohort.

To ensure the relevance and effectiveness of rehabilitative and supportive services to Vietnamese youth in custody, the three juvenile justice centres have been resourced to appoint Vietnamese and, if necessary, Cambodian program support and community liaison officers.

The honourable member for Clayton should be pleased that those matters will be attended to within those juvenile justice facilities. The government will also make funds available to assist students from Vietnamese backgrounds to undertake welfare and youth worker studies, in the hope that they will be employed in the Department of Human Services as their place of first choice.

The honourable member for Benalla asked about support for families who have children suffering from disabilities. She highlighted the huge contribution families make to their children at all stages of their lives. Often parents go to heroic lengths to give their children the best in life. As a result of the \$97 million allocated in the last budget in the Hume region, eight new places will be established for shared supported accommodation at a cost of \$247 000. I am also pleased to advise the honourable member that the Making a

Difference program will provide 64 new packages for families at a total cost of \$300 000.

Day programs will have four new places and home support in the honourable member's region will receive an additional \$452 000. Also, an additional \$84 000 will be allocated to home accommodation support and \$135 000 will establish a program to enable better access for people with disabilities. The honourable member referred to families that need a break. Respite facilities will receive \$187 000 in recurrent expenditure from the budget.

The honourable member for Narracan raised a matter about the Yarragon preschool. I visited that preschool when the honourable member was the candidate for Narracan at the last election. I was impressed with the dedication of the teacher and the parents who allowed their program to continue despite their having to pack up the equipment every afternoon. I am happy to encourage the department and the Shire of Baw Baw, together with the committee of management and the Department of Education, Employment and Training through the local primary school, to work towards a co-located model.

The honourable member for Geelong asked that I refer a matter to the Minister for Sport and Recreation in the other place about government input into existing water sport complexes. I will ask the minister to ensure that steps are taken to implement strategic plans and ongoing improvements.

The honourable member for Dandenong North asked that I refer a matter to the Minister assisting the Premier on Multicultural Affairs. He referred to a study in his area and other municipalities — —

**Mr Leigh** — On a point of order, Mr Speaker, it is the practice of the chamber that when an honourable member raises a matter he or she should have the courtesy — —

*Honourable members interjecting.*

**Mr Leigh** — He's come back!

**The SPEAKER** — Order! Is the honourable member raising a point of order?

**Mr Leigh** — No, it's finished.

**Ms CAMPBELL** — The honourable member for Dandenong North asked the Minister assisting the Premier on Multicultural Affairs for assistance in relation to the survey on communications and the government's approach to ensure that people from

culturally and linguistically diverse backgrounds feel more secure and have better access to communication facilities.

The honourable member for Mordialloc raised a matter for the attention of the Minister for Local Government. He mentioned the word 'curious' about a hundred thousand times; he was rather curious — —

**Mr Leigh** — On a point of order, Mr Speaker, I clearly asked for an investigation into the pecuniary interests of local government — —

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

**Ms CAMPBELL** — The honourable member for Doncaster requested from the Minister for Environment and Conservation all documents on harvesting and processing of forest products — I am sure the minister will be delighted to hear of that request — and that she appoint the president of the Cobaw and Wombat Forest Action Group to the Midlands reference group. I will pass that on to the minister.

The honourable member for Hawthorn raised for the attention of the Minister for Post Compulsory Education, Training and Employment the Kay Schofield report and asked that she lift the freeze on user-choice training for apprentices. I will pass that on.

The honourable member for Polwarth raised for the attention of the Minister for Transport the West Coast Railway service to Warrnambool.

*Honourable members interjecting.*

**Ms CAMPBELL** — He asked that the contract with West Coast Railway be renewed.

The honourable member for Monbulk raised with the Minister for Transport black spot funding for the Belgrave–Monbulk road. He said that many accidents occur on that section of road. He said it is quite difficult to traverse and encouraged safe travel. I also reinforce the importance of safe travel for members who have not slept much in the past two days.

**Honourable Members** — Hear, hear!

**Motion agreed to.**

**House adjourned 5.56 p.m. until Tuesday, 3 October.**



**QUESTIONS ON NOTICE**

*Answers to the following questions on notice were circulated on the date shown.  
Questions have been incorporated from the notice paper of the Legislative Assembly.  
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.  
The portfolio of the minister answering the question on notice starts each heading.*

**Tuesday, 5 September 2000**

**State and Regional Development: Victorian Research and Development Council**

5. **MR WILSON** — To ask the Honourable the Minister for State and Regional Development — (a) what funding will be made available to establish or support the Victorian Research and Development Council in 1999–2000, 2000–2001, 2001–2002 and 2002–2003; and (b) whether membership will be drawn solely from the ranks of companies and research institutions or will union representatives also be included.

**ANSWER:**

Direct costs of support in 2000/01 for the newly formed Council for Knowledge, Innovation, Science and Engineering, are included in the cost of \$0.1 million for the Budget output “STI Policy and Advisory Council”. Funding for the Council in subsequent years will be determined in future Science, Technology and Innovation annual budget processes.

The membership of the Council is drawn from professional associations as well as companies, research institutions, and organisations involved in supporting commercialisation, such as venture capitalists.

**State and Regional Development: Connecting Victoria**

55. **MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Ministerial Statement ‘Connecting Victoria’ that the Government will ‘pressure the Federal Government to install quickly a suitable legal framework to protect personal information in the private sector’, what has he done to pressure the Federal Government.

**ANSWER:**

Since October 1999, and during the final stages of development of the Federal legislation to create a national information privacy framework, the Victorian Government has actively engaged the Commonwealth on the construction of the legislation.

**State and Regional Development: Connecting Victoria**

58. **MR PERTON** — To ask the Honourable the Minister for State and Regional with reference to the Ministerial Statement ‘Connecting Victoria’ that the Government will ‘continue to support VicOne while investigating ways in which VicOne can be better leveraged to reduce access costs’, what ways has the Minister found to better leverage VicOne and reduce access costs.

**ANSWER:**

Multimedia Victoria is currently finalising its review of VicOne.

**State and Regional Development: Connecting Victoria**

- 62. MR PERTON** — To ask the Honourable the Minister for State and Regional Development with reference to the Ministerial Statement ‘Connecting Victoria’ that the Government will establish ‘Parliament Live’ — (a) when will a reference be made to a Parliamentary committee to investigate the elements of this proposal; and (b) what budget is the Government making available for ‘Parliament Live’.

**ANSWER:**

The Government is committed to ensuring that the public has access to the processes of Parliament and Government.

Terms of reference for a Parliamentary Committee are being developed to enable this investigation to commence.

The Government has demonstrated its commitment towards opening up the process of Parliament by the webcasting of the Budget speech.