

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 9 March 2010**

**(Extract from book 3)**

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**Family and Community Development Committee** — (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey. (*Council*): Mr Finn and Mr Scheffer.

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*Parliamentary Services* — Acting Secretary: Mr H. Barr

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Mr P. L. WALSH

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Brumby, Mr John Mansfield	Broadmeadows	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Clark, Mr Robert William	Box Hill	LP	Noonan, Wade Mathew <sup>7</sup>	Williamstown	ALP
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<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 13 February 2010

<sup>5</sup> Elected 28 June 2008

<sup>6</sup> Resigned 18 January 2010

<sup>7</sup> Elected 15 September 2007

<sup>8</sup> Resigned 6 August 2007



# CONTENTS

## TUESDAY, 9 MARCH 2010

### BUSINESS OF THE HOUSE

<i>Broadcasting of proceedings</i> .....	595
<i>Notices of motion: removal</i> .....	610
<i>Program</i> .....	612

### DISTINGUISHED VISITORS.....595

### CONDOLENCES

<i>Chile: earthquake</i> .....	595
--------------------------------	-----

### QUESTIONS WITHOUT NOTICE

<i>Rail: infrastructure</i> .....	602, 604, 605, 606
<i>Economy: performance</i> .....	603
<i>International Women's Day</i> .....	604
<i>Crime: victim support</i> .....	605
<i>Police: operational response unit</i> .....	606
<i>Standing Committee on Finance and Public Administration: ministerial advisers</i> .....	607
<i>Sport and recreation: community code of conduct</i> .....	608

### SUSPENSION OF MEMBER

<i>Member for Kilsyth</i> .....	608
---------------------------------	-----

### JUSTICE LEGISLATION AMENDMENT BILL

<i>Introduction and first reading</i> .....	609
---	-----

### EQUAL OPPORTUNITY BILL

<i>Introduction and first reading</i> .....	609
---	-----

### CHILD EMPLOYMENT AMENDMENT BILL

<i>Introduction and first reading</i> .....	609
---	-----

### TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL

<i>Introduction and first reading</i> .....	610
---	-----

### HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL

<i>Introduction and first reading</i> .....	610
---	-----

### PETITIONS

<i>Rail: Mildura line</i> .....	610
<i>Buses: Brandon Park shopping centre</i> .....	610

### DOCUMENTS .....

### RESIGNATION OF LEGISLATIVE COUNCIL MEMBER

<i>Hon. T. C. Theophanous</i> .....	611
-------------------------------------	-----

### JOINT SITTING OF PARLIAMENT

<i>Legislative Council vacancy</i> .....	611, 640, 667
--	---------------

### ROYAL ASSENT .....

### APPROPRIATION MESSAGE .....

### MEMBERS STATEMENTS

<i>Wheeler Centre: opening</i> .....	613
<i>Economy: performance</i> .....	613
<i>Victorian Thoroughbred Employee of the Year awards</i> .....	614
<i>Shepparton: storm damage</i> .....	614
<i>Bianca Mignot</i> .....	614
<i>Hamerkaz Shelanu Synagogue</i> .....	615
<i>Public transport: Gembrook electorate</i> .....	615
<i>Emerald Primary School: upgrade</i> .....	615
<i>Mallee research station: future</i> .....	615

<i>Liquor licensing: fees</i> .....	615
-------------------------------------	-----

<i>Riddells Creek Recreation Reserve: tennis courts</i> .....	615
---	-----

<i>Thomson River: environmental flows</i> .....	616
---	-----

<i>Arndell Park: community facilities</i> .....	616
---	-----

<i>Students: Hands on Learning program</i> .....	616
--	-----

<i>Commonwealth Day: commemoration</i> .....	617
--	-----

<i>Akron Roads: subcontractor payments</i> .....	617
--	-----

<i>Geelong Trades Hall Council: Labour Day dinner</i> .....	617
---	-----

<i>Water: irrigators</i> .....	618
--------------------------------	-----

<i>Chile: earthquake</i> .....	618
--------------------------------	-----

<i>Bushfires: Marysville exhibition</i> .....	618
---	-----

<i>Bushfires: Marysville tourism</i> .....	619
--	-----

<i>Ferntree Gully: storm damage</i> .....	619
---	-----

<i>Planning: resident access</i> .....	619
--	-----

<i>Clean Up Australia Day: 20th anniversary</i> .....	619
---	-----

<i>Darebin community health centre</i> .....	619
--	-----

<i>Lower Plenty Cricket Club: achievements</i> .....	620
--	-----

<i>Clean Up Australia Day: Frog Hollow</i> .....	620
--	-----

### SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL

<i>Second reading</i> .....	620, 639
-----------------------------	----------

### MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL

<i>Council's amendments</i> .....	640
-----------------------------------	-----

### LIVESTOCK MANAGEMENT BILL

<i>Second reading</i> .....	640
-----------------------------	-----

### ANNUAL STATEMENT OF GOVERNMENT

<i>Intentions</i> .....	652
-------------------------	-----

### ADJOURNMENT

<i>Schools: Warrnambool</i> .....	658
-----------------------------------	-----

<i>Williamstown Hospital: ministerial visit</i> .....	658
---	-----

<i>Bushfires: Boolarra emergency services communications</i> .....	659
--	-----

<i>Monash Freeway: safety</i> .....	660
-------------------------------------	-----

<i>Birmingham Primary School: parking</i> .....	660
---	-----

<i>Electricity: smart meters</i> .....	661, 662
--	----------

<i>Police: Neighbourhood Watch</i> .....	661
--	-----

<i>Hume Freeway-Donnybrook Road: access ramps</i> .....	662
---	-----

<i>Geelong: asbestos disposal</i> .....	663
---	-----

<i>Responses</i> .....	663
------------------------	-----



## Tuesday, 9 March 2010

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

### BUSINESS OF THE HOUSE

#### Broadcasting of proceedings

**The SPEAKER** — Order! Members may notice this week that the cameras for the broadcasting project move when members' microphones are activated. The cameras are not yet operational, and proceedings are not being filmed; however, programming has commenced on the camera control mechanisms. The project is on target, and we will be broadcasting video of proceedings from the sitting week beginning 4 May this year.

#### DISTINGUISHED VISITORS

**The SPEAKER** — Order! I acknowledge in the gallery today the consul general of Chile, Mr Diego Velasco-von Pilgrim, and members of the Chilean community.

#### CONDOLENCES

##### Chile: earthquake

**Mr BRUMBY (Premier)** — I move:

That we, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the individuals, families and communities affected by the recent earthquake in Chile and join with the people of Victoria in expressing our sympathy.

In the early hours of Saturday, 27 February, just over a week ago, one of the most powerful earthquakes in recorded history hit Chile. The shock was felt throughout the country, and towns from Santiago in the centre of Chile to Temuco in the south were simply broken to pieces. A short time later a series of tsunamis struck Chile's south-central coast. Coastal towns such as Constitución experienced massive, unimaginable destruction. Chile is in the thoughts and hearts of all of us today. We particularly thank our Chilean community here in Melbourne and our broader Spanish-speaking community in Victoria for the contribution they have made to our community. We think of them at this time of great need in their community, and today we offer our most sincere condolences.

We have only recently seen the terrible effects of an earthquake on the nation of Haiti, and I would like to take this opportunity also to offer deepest condolences to the people of Haiti as they continue their recovery. We in Victoria are only too well aware of the devastating toll that the forces of nature can take on a community. In Victoria our own natural enemy is fire. Chileans, on the other hand, have had to learn to live with the reality of earthquakes.

Just as the fires of Black Saturday hit Victoria with a force and magnitude that had never been experienced before, Chile was not expecting the scale of earthquake that struck on 27 February. The first main shock registered a magnitude of 8.8 on the Richter scale. This is the fifth biggest earthquake in the world since 1900. A series of aftershocks registered up to 6.0 on the Richter scale. Approximately 1000 kilometres of Chilean coastline were shaken, and the tremors were felt as far away as in Argentina and Peru. Then came the tsunamis. These were over 2.5 metres high and prompted 53 countries to issue tsunami warnings. As we know, even the east coast of Australia was thought to be at risk.

The damage and human cost has been immense. An Australian couple, Edward Armytage and Samara Finlayson, were in Chile, camping in a van about 150 kilometres out of Concepción when the earthquake struck. They described large pine trees lurching from side to side, the ground undulating beneath them. Edward said:

It felt like there were five or six men on our van rocking it from side to side.

When we remember that they were some distance from the hardest hit areas, we will all get some idea of just the magnitude and the force, the destructive power of this quake.

The earthquake struck on the last weekend of Chile's summer holiday, and so bars, nightclubs and camping grounds were crowded. We have already seen pictures of huge city buildings that were simply ripped in two, highways that were just smashed and broken to pieces and coastal villages, after the tsunami, practically wiped away. But of course none of this compares with the terrible human cost. So far the official toll stands at 528 people identified dead, but sadly, as we know, it is certain that the toll will rise significantly.

At least half a million homes have been destroyed and 2 million people have been affected. At a time when they are most desperately needed, something like 10 hospitals were completely destroyed and so were many schools. Roads disappeared, power was cut and

communications went down. One thing that we can say is that, having lived with earthquakes throughout its history, Chile does have some very stringent building codes in place. Hard as it is to believe, things could have been even worse. Chile is to be commended for having taken these safety measures.

The President of Chile, Michelle Bachelet, has declared a state of catastrophe in her country. Three days of national mourning have begun and a massive relief effort has been launched. The Chilean Red Cross is distributing food, hygiene articles and blankets to survivors. The Chilean government has deployed engineers and architects to affected regions to assess the damage and to order priorities. The Chilean military has engaged in a massive humanitarian operation using helicopters and military vessels to get food to hard-to-access parts of the country. The total damage bill from this earthquake is estimated to be in the order of US\$30 billion. The Chilean government has appealed for international assistance and I understand that aid pledges are pouring in from around the world. Today I can confirm, too, that our government will contribute \$250 000 towards the Chilean relief and recovery effort.

Finally, I take this opportunity to acknowledge Victoria's own much-valued Chilean community. There are many thousands of Victorians who were born in Chile and many more of course of Chilean ancestry. It is perhaps a little known fact that Australia's third Prime Minister, John Watson, was born in Chile.

I have greatly enjoyed the time that I have spent over many years with this vibrant and welcoming community, particularly at September celebrations for Chilean Independence Day. Whether members of our Chilean community are worried about family and friends or simply grieving at the damage that has been wrought throughout their country, we here in their new home want to offer our sincere and deepest sympathies and our support as they rally to the aid of their compatriots.

I know a community event was held on Sunday at the Fitzroy town hall to raise money for Chile's recovery efforts, and I believe that more are planned. I would encourage all Victorians to support such events and to consider providing financial support through the appeal set up by Oxfam, Save the Children and the International Federation of Red Cross and Red Crescent Societies.

In conclusion, President Bachelet has urged all Chileans to be confident Chile is going to stand on its feet again. Now is the time for all Chileans at home or

abroad to pull together and, with the aid and the solidarity of the international community, to begin the reconstruction process. We in Victoria have seen what can be accomplished when devastated communities come together in unity and in partnership to rebuild their lives and towns. Today we share with all Chileans in their sorrow for what has happened, and we join them in their hopes for a speedy recovery and in their hopes and aspirations for a brighter future.

**Mr BAILLIEU** (Leader of the Opposition) — In seconding this motion I am drawn with considerable sadness to note yet again how often in the last 10 years this house has marked the consequences of natural disasters in Victoria, across Australia and across the world.

On 12 January this year an earthquake struck the Caribbean island of Hispaniola. That earthquake registered 7.0 on the Richter scale. It devastated the small nation of Haiti on the western side of the island which Haiti shares with the Dominican Republic. The highly concentrated quake left a staggering 220 000 people dead, 300 000 injured and more than 280 000 houses destroyed or badly damaged. More than 1 million people are reported as displaced. As inhabitants of one of the poorest nations in the world, Haitians found themselves struggling to survive this disaster with limited preparation, education, structural resilience or resources. It is estimated that 80 per cent of Haitians live below the poverty line. Subsequent weather conditions hampered rescue operations and exacerbated the suffering. The world watched in horror but moved swiftly to assist. There were remarkable stories of survival that amazed us all and some were, as if by miracles, saved from the ruins nearly two weeks after the tragedy. But the logistical effort was clearly compromised by the extent of the devastation, a breakdown of law and order and the shortcomings of a government challenged in even the best of times — and the misery continues.

What a tragedy it has been for a nation long regarded for its beauty and tranquillity that has in recent decades been torn apart by instability. Can this be the same *Haiti Cherie* for whose gallant citadel the King of Calypso so sweetly pined many years ago, crooning of his beloved land:

A gentle breeze, a warm caress, if you please  
Work, laughter and play, yes we'll always be this way.

Sadly, history has played a different tune and now there is even more to do to pick up the pieces. On 2 February I gave notice of a motion to acknowledge this disaster, and I am now grateful to have the opportunity to speak

of it. We say, too, today to the people of Haiti: you have the support and friendship of this Parliament and we offer whatever support is possible to assist in future rebuilding. It will be a momentous task.

Just a few weeks later, on 27 February, another earthquake struck, this time in Chile. That earthquake registered a staggering 8.8 on the Richter scale. It is estimated that this earthquake had 500 times the power of the Haiti quake. The quake was centred close to the city of Concepción and registered north through Valparaiso along the Peru Chile trench line. A massive tsunami followed, sweeping west across the Pacific over a 500-kilometre strip. In all it is estimated that more than 500 000 homes were destroyed. Some 800 people were killed, many by the massive waves that hit nearby peninsulas and islands; and some 1.5 million people are said to have been displaced. In a country of 17 million covering such an extended area that is an extraordinary number.

This quake is said to have been one of the strongest ever recorded. A 9.0 earthquake struck Chile in 1960, and since 1973 there have been more than a dozen earthquakes of a magnitude of over 7.0. The fact that despite the incredible damage so few lives were lost has been widely attributed to the standard of building codes, the long history and experience of the Chilean people with earthquakes, terremotos, and the relative prosperity of the country. Average income in Chile is 10 times that of Haiti and in comparison with Haiti just 20 per cent of its people live below the poverty line. But that is cold comfort in yet another tragic series of events.

In the last few days alone we have seen survivors returning to Australia, still with fears and tears in their eyes, still in awe at the level of destruction. We have seen aid from Australia assembled by the federal government, the Red Cross and other agencies setting out across the ocean. But huge problems remain.

In a letter printed in the University of Notre Dame and St Mary's College *Observer* of 3 March, a 2009 Chilean graduate of that university, Gonzalo Brenner, wrote:

... it is not the physical damage that is affecting the region the most.

Thousands of now-homeless people have resorted to rioting and violence to get a hold of prime necessities like food, medicine, water and fuel. But there are even more people using the situation only to create chaos.

This is an enormous hurdle for the newly elected president, Sebastián Piñera, who leads a party aptly named Renovación Nacional and who will be

succeeding Michelle Bachelet. With cruel irony the earthquake coincided with the transition and handover period. It is hard to imagine a new government facing a greater, more immediate, more unexpected or more unwanted challenge, but it is even harder to imagine the suffering of so many individual human beings and their families. It is essential the challenge is met, and Chile must be assisted by the international community.

Last week I had the pleasure of meeting with the Chilean consul general, Mr Diego Velasco-von Pilgrimm, who is here with us today. I thank him for his generosity in proceeding with that prearranged meeting at such a difficult and busy time. There are several thousand people with Chilean heritage living in Victoria, Australia, and in particular Victoria, has strong economic and investment ties with Chile and the relationship is growing quickly. As Pacific Rim partners, our countries have recently concluded a free trade agreement. There are now more than 100 Australian companies trading in Chile with billions of dollars of investment involved, particularly from companies such as AGL, AMP, BHP, Hoyts and Orica.

There are also significant historical, trade and cultural ties. Victorians are all too familiar with the exploits of Chile's Davis Cup team and its star, Fernando Gonzalez, and Australia and Chile will be vigorously competing in this year's FIFA World Cup in South Africa.

We have other important ties too. Like Australians, Chilenos take great pride in their emergency services workers, particularly their firefighters, or bomberos as they are known. In Chile the bomberos are volunteers, each and every one of them. That tradition is to Chile what the Country Fire Authority is to Victoria. In that spirit I discussed with the consul general the rescue effort, the aid program and his quest to bring together the two groups with a view to a long-lasting mutually beneficial relationship. I understand that Victorian resident bomberos have already arrived in Chile to assist. They will have much to do. As in Haiti, the work ahead to stabilise the Chilean disaster zone, to aid with rescue and recovery and to assist with rebuilding will be unprecedented.

On behalf of the opposition I offer our prayers for all those in Haiti and Chile who have lost family, loved ones, property, businesses and income. As the home of multiculturalism, and with worldwide eyes and interests, Victoria commits itself again to assist in whatever way is possible.

**Mr MERLINO** (Minister Assisting the Premier on Multicultural Affairs) — I too would like to express my sympathy to the Chilean community.

On 27 February 2010 an 8.8-magnitude earthquake struck off the coast of Chile. This massive earthquake lasted 3 minutes and, as we have heard, caused a series of tsunamis along the coast. More than 500 000 houses have been damaged and 2 million people have been left homeless. Several hundred lives have been lost and, sadly, the final toll will rise, with many more still reported missing.

As news of this disaster broke Victoria's Chileans tried to contact their families and friends overseas. It is during these times of crisis that living so far away is particularly difficult.

Our sincere condolences go out to those who have lost loved ones in this tragedy. We wish you the strength to overcome your sorrow and the courage to see out this day, the next one and the one after that. As your country's greatest poet, Pablo Neruda, said:

You can cut all the flowers but you cannot keep spring from coming.

I believe these words will ring true for Chile in the days, weeks and months ahead.

Yours is a resilient nation and the spirit of the Chilean people remains intact. Though buildings have collapsed, the civil and economic foundations of Chile remain standing. Though you mourn your losses, you also hold on to hope. Spring will come.

Here in Victoria we are all too familiar with the consequences of natural disasters. In the ashes of Black Saturday we saw unparalleled hardship reinforce solidarity and we learned that when tragedy strikes some small comfort can be found in the kindness and generosity of strangers.

Our own history reminds us that the bonds between people can go a long way towards healing wounds and restoring hope. Since the disaster in Chile there has been a groundswell of support to assist the recovery. Here in Victoria the Chilean community has long shown its commitment and compassion to those in need. Its response to this disaster is no exception. About 23 000 Chilean-born people live in Australia, and the Chilean community in Victoria now includes a network of second and third generation Chilean Australians. This disaster will have left many feeling a renewed sense of solidarity with their compatriots.

In the days following the disaster we saw community groups mobilising their resources to assist with the recovery effort. In the wake of the disaster, next Saturday the Chilean Club of Victoria will be hosting a grand fiesta in Melbourne's west to raise money to support humanitarian efforts. The Chilean consul general has established a fund to help those affected by the earthquake in Chile, and I encourage everyone to give generously. I have no doubt that the strength and the capacity for joy of the Chilean people will help them to overcome this dark period.

The community is not alone. Australian state and federal governments have already made firm commitments to assist Chilean authorities in their reconstruction efforts. As the Premier just stated, the Victorian government will be contributing a quarter of a million dollars to the relief and recovery effort. We are coordinating our efforts with Chilean authorities on the ground to ensure that the help goes where it is most needed.

Our thoughts as well as our actions are with the Chilean people affected by this tragedy. Victorians have always volunteered to support families and communities affected by disasters overseas, because these crises remind us that a community is defined not by economy, ethnicity or geography but by an immediate certainty that humanity is bound by the obvious fragility of existence itself. Life is precious, and that is why when disaster strikes we all come together to mourn those lost and to rebuild for the future. In doing so we remind ourselves that spring will come.

**Mr RYAN** (Leader of The Nationals) — I rise to support the motion. In the early hours of the morning of 27 February 2010 a terrible event occurred when an earthquake with a magnitude of 8.8 on the Richter scale struck Chile. Only 46 days earlier, an earthquake with a magnitude of 7.0 on the Richter scale struck Haiti. In the course of that event, which was the worst to strike that country in 200 years, 1.3 million people were left homeless and more than 220 000 people were killed. Up to 10 days after the event 121 survivors had been pulled from the rubble. More than half a million people now live in vast encampments on a temporary basis. The situation in that country grows worse with the passage of every day because the rainy season is upon them, and the incidence of disease outbreaks continues to grow. In the order of 6000 to 8000 people have suffered grievous injuries of different scales. In addition the cost of the damage to infrastructure runs into the billions of dollars.

As I said, 46 days later Chile fell victim to the dreadful event I have just described. The epicentre of its

earthquake was 115 kilometres from Chile's second-largest city of Concepción. The tremors shook the capital of Santiago for a minute and a half, bringing down telephone and powerlines. A tsunami was triggered, and that claimed more lives in the coastal regions. Worse still, since the quake there have been hundreds upon hundreds of aftershocks, which for the people who have survived brings its own terror.

I mentioned previously that the force of this quake measured 8.8 on the Richter scale. It is said to have been some 500 times greater than that which struck Haiti. The preliminary measurements of the quake and its aftermath show that the entire city of Concepción moved west by a distance of about 3 metres. Standing waves occurred north of New Orleans, nearly 4700 kilometres from the epicentre of the quake. As we have heard, all too tragically again there have been many deaths. The death toll at the moment is in excess of 450 people, and it is almost inevitable that that number will climb. Half a million homes have been destroyed, with some 2 million people left homeless. As we have heard, the damage to infrastructure is now being measured in the order of US\$30 billion.

The magnitude of these tragedies is difficult to grasp. Only last year we lost 173 of our own here in Victoria as a result of the disaster of the bushfires, and we mourn them still. The relativity of these events is utterly staggering.

Two hundred and twenty thousand people died in Haiti. That is about the number of people who live in the whole of Victoria east of Dandenong. It is astounding to think that that number of people were wiped away in the appalling tragedy of that event. It is more astounding to think, shocking as the events in Chile have been, how even more catastrophic it might have been if the epicentre of this quake had been 115 kilometres away from where it was. That these lives have been lost in Chile is in its own way a terrible tragedy, but it could well have been catastrophe upon catastrophe. It is to the great credit of the people of Chile that the building codes of that nation have been adjusted to be able to accommodate disasters of this order.

With the lack of warning and the ongoing nature of the aftershocks of course the people continue to live in the terror of this shocking event. How fickle life is. How many times have we stood here over these past years moving these motions and supporting them in the memory of those who have been lost and those who have been left behind? As ever, as a Parliament we will continue to do what we can to assist the people of

Chile. I welcome the announcement of the \$250 000 of assistance by the government on behalf of Victorians.

Our thoughts and prayers are with the people of Chile. We will support them where we possibly can. Chile and Haiti have a rich history of people of enormous strength and pride. As I said, how fickle is life that these nations should have been struck in this terrible manner. I support the motion.

**Mr LANGUILLER** (Derrimut) — I would like to offer my deepest sympathies to Victoria's Chilean community and to everyone affected by the Chilean earthquake. Today I join in this condolence motion to extend our prayers to those who have lost so much, as also happened in Haiti. From the outset I wish to place on record my acknowledgement of the tremendous effort made already by the Chilean-Australian community, Chile's consul general in Melbourne, Senor Diego Velasco-von Pilgrim, and Chile's ambassador to Australia, Senor Jose Luis Balmaceda.

By agreement with you, Speaker, and the opposition I, by leave, wish to place on record a few remarks in Spanish, the language of Chilean poet Pablo Neruda:

De principio, deseo hacer rec onocimiento al tremendo esfuerzo que estan realizando las comunidades Chileans-Australianas, su consul general, Senor Diego Velasco-von Pilgrim, y su embajador en Australia, el Senor Jose Luis Balmaceda.

In this difficult time I know the thoughts and best wishes of all communities in Victoria are with those concerned for their loved ones in Chile. Yesterday, with my parliamentary colleagues, I was with the Croatian community in the western suburbs. They told us that they will put on a big event for Chile because they have relatives in Chile; there are 170 000 Croatians who live in Chile, and the list goes on with other communities. I wish to take this opportunity to commend the Sudanese community of the western suburbs and the many other communities that are coming out in support of Chile.

At this time of difficulty the thoughts and best wishes of all communities are with them. Today Victorians stand alongside the Chilean community, as we did for the Sri Lankan, Indonesian, Taiwanese and, recently, Haitian communities, when they faced the tragic effects of tsunamis. Once again the Chilean earthquake has reminded us all of nature's destructive power, but it has also shown the best in human nature, as we experienced not long ago with Victoria's response to the terrible bushfires that ravaged our communities here.

As it happens, I found myself in Chile at the time. I was travelling to Uruguay for the change of government in response to a private invitation extended to me by the

President of Uruguay. It was a privately funded trip in response to a personal invitation. We happened to be stranded in Santiago. We landed in an airport which was closed; there were no lights. We were quickly bussed into the city to try to find hotels. I can only say how proud I was of the conduct and attitude of the Australians and Kiwis who very quickly organised themselves. They did it generously, they did it humbly, they showed they had the nerve to deal with the situation and, where possible, they helped others. I could tell you many anecdotes and stories.

I would like to stress the human tragedy and damage in Chile caused by the earthquake and the tsunami that immediately followed, which generated waves of 10 to 60 metres travelling at 500 kilometres an hour. I would like to stress that the magnitude of the disaster is such that it has all but obliterated nearly 1000 kilometres of the territory, representing some 25 per cent of the continental coastline and inner countryside. However, the increasing death toll, as the Premier and the Leader of the Opposition have indicated, may not reach the immense level of other catastrophes worldwide because Chileans are relatively well trained and prepared for this type of event in their country. I think it is fair to place on record that many administrations over the last few years have done what they could to ensure that the building codes were improved to meet the challenges that they knew they would have to face sooner or later in terms of earthquakes or 'terremotos'.

At this point hundreds of people have died, 2 million homes have been lost and 10 major hospitals — out of a total of 96 in the country — have completely collapsed. This includes major hospitals, which I wish to mention because I know members of the Chilean community will recognise the names: Félix Bulnes of Santiago, San Antonio de Putaendo, Angol, Lebu, Parral, Curicó, Hualañé, Lota and Huepil, to name a few. It is estimated that out of a total of 24 000 beds in the nation, 4000 beds were lost, and possibly hundreds of community health centres and schools have also been decimated. I understand from the Chilean authorities that the estimated damage is in the order of \$30 billion.

I am confident that Chileans and the international community will do their utmost to respond to the requests that have been made by the Chilean government, the authorities and the emergency services for saltwater purification systems; structural damage assessment systems; field hospitals with surgical capability; satellite telephones and transmission stations; electricity generators; and autonomous dialysis centres — to name a few of the types of desperately required equipment.

The Chilean community has made a very profound and constructive contribution to the economic, cultural, social and political development of Victoria. It has made Victoria a better place to live. A Chilean presence in Australia can be traced back to 1837 when the deposed Chilean president, General Ramón Freire Serrano, and a companion were transported to the colony of New South Wales from their exile in the penal colony of Easter Island. In the 1850s a number of Chileans — the vast majority men — came to Victoria, attracted by the discoveries of gold. We know in the 1850s there were a number of Chilean miners in Ballarat and Bendigo. The local *Bathurst Free Press and Mining Journal* documents the presence of 16 Chilean miners. There is still a mill close to Ballarat which carries the name 'Chilean mill'.

The 2006 Australian population census registered some 24 000 Chilean-born Australians, with the majority living in Melbourne, in particular in the cities of Casey, Brimbank, Greater Dandenong, Melton, Wyndham, Moonee Valley, Kingston, Monash, Maribyrnong and Knox.

Conversely, many Australian and Victorian companies invest in Chile, including BHP Billiton, Orica, Pacific Hydro, Nufarm, GHD, Sinclair Knight Merz and Boost Juice, to name a few. I am confident that Australian companies investing in Chile will do the Australian and the corporate thing and help where possible to establish a fund for the purpose of helping Chileans. These economic relations are indeed cemented very solidly in the free trade agreement that we now have with Chile.

Since the disaster, emergency fundraising appeals have flourished in Victoria to collect donations from Chilean Australians as well as from some 20 other ethnic and multifaith communities. I have seen in the last few days that this is interfaith working at its best — may I say, the Australian way.

I especially wish to acknowledge the commitments and efforts made by the Catholic Church of Victoria and Archbishop Hart, many municipalities around Victoria, the Australian trade union movement, chambers of commerce, television and radio stations SBS, 3ZZZ and 3CR, and Spanish print media. Much guidance and support has been provided by the Victorian Multicultural Commission.

I join Chilean community leaders who have already expressed their gratitude to the federal and state governments for the generous contributions made towards the rehabilitation and reconstruction of Chile, and I pray for those who have lost their loved ones and their communities.

In conclusion may I make a few remarks that I know Chilean and Latin American community leaders would want me to make in this house. First, with respect to the relationship between Premier Brumby and the Chilean community, with the utmost respect to every other member of Parliament in the land, may I say that no-one has the same relationship with the Chileans as Premier Brumby. The Chilean community recognises Premier Brumby from the time when he led the opposition and turned up to many functions, and consequently is personally known by thousands of people. I think he is the only politician — I do not wish to include myself in this — who can dance the national folk dance, *las cuecas*.

When I was in Chile I formed the clear view — and it was my observation — that the Chilean people from of all walks of life and from all political parties are very strongly committed to national unity. They recognise that no time can be wasted on anything other than putting efforts into the rehabilitation and reconstruction of the nation. I commend the political courage — which is not easy to find, as we know — that President Bachelet has had in trying to do her utmost to rebuild the nation and to act decisively. I equally commend the leader of the Chilean opposition — president-elect Señor Piñera, for his commitment to national unity and for getting behind President Bachelet until he assumes office in a few days.

I can assure members of Parliament and the Chilean community that whilst much has been said in the media in relation to hooliganism and vandals, the truth of the matter when one observes things on the ground, as we know well, is that 99.9 per cent of Chileans are hardworking men and women and decent human beings, who are getting behind the authorities and in particular the emergency services to try and reconstruct the nation. I commend them for their efforts.

I conclude by commending the Chilean community and all their friends — and they have many — for the tremendous efforts they are making to assist their loved ones in Chile. I am proud to be a member of this Parliament and of this government and proud of the effort it makes, when it can, to support other nations in strife.

**Ms ASHER** (Brighton) — I too wish to contribute briefly to the debate on the condolence motion moved by the Premier. Unfortunately the world has always experienced devastating natural disasters. Modern communications mean that natural disasters such as earthquakes, tsunamis, floods, landslides and drought are felt internationally and promptly.

We have seen a vast array of recent examples of events, some of which have been the subject of condolences before this place. We have of course seen the tsunami on Boxing Day 2004, which left more than 200 000 people dead. We have seen Hurricane Katrina, and earthquakes in Pakistan and China. In 2008 we saw devastating fires in California; and of course in this house we passed motions of condolences in relation to the Victorian bushfires last year.

As recently as October 2009 we were discussing in this place a condolence motion relating to the families of victims in the South Pacific, Indonesia and Asia in relation to the tsunami in Samoa, American Samoa and Tonga. We are very familiar here with worldwide events, and unfortunately since that condolence motion of October 2009 we have seen two further events of destruction and devastation. The extraordinary devastation in Haiti on 12 January 2010 that killed more than 200 000 people has been referred to by a number of other speakers. It goes without saying that these natural disasters have far-reaching social and economic consequences for countless people, their homes and their livelihoods.

Today we have a condolence motion moved by the Premier in relation to the devastation that occurred in Chile on 27 February 2010. Chile is one of South America's most stable and prosperous nations, as other speakers have touched on. Unfortunately a massive earthquake, measuring 8.8 on the Richter scale, struck. Again, I think it has been mentioned that many of the people in Chile were at camping grounds, in restaurants, bars and nightclubs, which were full to capacity, and as others speakers have mentioned, we are very fortunate that the devastation and loss of life was not worse. Cities and towns were hit first by the quake and then by 12-metre waves. The quake was felt as far as 900 kilometres away. It released 500 times the amount of energy that the earthquake in Haiti did. In fact there were fears of a repeat of the 9.5-magnitude earthquake which was recorded in Chile in 1960. We in Australia were made immediately aware of the consequences of the quake when coastlines in Queensland, New South Wales and Victoria were put on alert for possible tsunami.

Many of these figures are estimates at the moment, but Chile has been devastated with possibly up to 2 million people displaced and up to 800 people killed, and the estimates of damage stand at this stage at \$30 billion. Thousands of square kilometres of land were destroyed, representing 25 per cent of the country's area.

We of course have enormous empathy and sympathy for the families of those who died and the families of

those who are injured, but also for the level of devastation, the lack of food and water, and the fact that 14 000 army and navy personnel are trying to effect short-term reconstruction in Chile.

Other nations have offered assistance, including Australia. The Australian government donated an initial \$1 million in emergency assistance, and from an announcement by the foreign minister I understand another \$4 million will be put forward for the reconstruction effort once the right effort is negotiated with Chile. I too welcome the Victorian government's announcement today of a contribution of \$250 000. The consul general for Chile in Melbourne has been active in establishing a fund for people to assist in the rebuilding of schools and hospitals in particular, and there have been a significant number of fundraising campaigns set up, which I urge people to support.

There are 23 000 migrants from Chile in Australia. The 6500 in Victoria make an enormous contribution to this state, and our hearts go out to them in their hour of need. I extend my deepest sympathies to those who were affected by the earthquake in Chile and to all members of the Chilean community here in Victoria.

**Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.**

## QUESTIONS WITHOUT NOTICE

### Rail: infrastructure

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. I refer to Metro Trains Melbourne's asset management plan, which identified the dangerous condition of Melbourne's train infrastructure as having 'the potential to cause derailment of trains or collision with structures or trains on the adjacent lines, with catastrophic consequences', and I ask: why did the Premier cover up this report, a report which warned of the potential for catastrophic accidents, when he should have instead been warning Victorians of the dangers?

**Mr BRUMBY** (Premier) — I thank the Leader of the Opposition for his question and note that all the railway systems that operate in Victoria are subject to the rail safety regulator, who has approved all aspects of the system in Victoria. I am not sure whether the opposition is saying, 'Don't travel on rail' — is that what the opposition is saying?

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier not to invite interjections from the opposition.

**Mr Baillieu** — On a point of order, Speaker, the Premier is debating the question. The question was a simple one: why did the Premier cover up this report?

*Honourable members interjecting.*

**The SPEAKER** — Order! I suggest to all members, but particularly to the member for Polwarth, that question time will not continue in this vein.

I do not uphold the point of order from the Leader of the Opposition. The Premier, to address the question.

**Mr BRUMBY** — As I said, all of the Victorian system is overseen by the Victorian rail safety regulator, and all of the system is approved.

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for South-West Coast, and I ask the members for Scoresby and Kilsyth not to interject in that manner.

**Mr BRUMBY** — What the document says is that the 'existing track condition is in general fit for purpose to meet safety requirements for the annual tonnage of traffic carried'. That is what it says. The document does not reflect the additional funds which the state provided after that process. That is the fact of the matter.

The new contract with Metro provides an additional \$500 million for rail maintenance works for a total spend of \$1.8 billion over the next eight years. That program includes an escalation in the replacement of timber sleepers with concrete sleepers; a significant increase in other track renewals, including rail grinding and civil works; and upgrades to the signalling system. Under the Metro Trains franchise approximately 710 000 concrete sleepers will be installed at an approximate cost of \$144 million.

*Honourable members interjecting.*

**The SPEAKER** — Order! Once again I ask the members for Scoresby and the South-West Coast to cease interjecting in that manner, and I ask for some cooperation from the Deputy Premier.

**Mr BRUMBY** — In addition, the rail grinding will re-profile something like 20 per cent of the network each year so that the entire network will be treated every five years. More than 120 000 timber sleepers have been replaced over the past two years to reduce track buckling. Signals will be upgraded and replaced as part of that \$1.8 billion maintenance fund, and that

includes overhauling 300 light-emitting diode signals every year.

On 11 January, when the temperature reached 43 degrees Celsius, there were no incidents of track buckling, due to the preventive maintenance completed by Metro, including the flying squads of railway engineers.

The government is committed to the \$38 billion transport plan, which includes all the funding for this franchise and the maintenance program. It is only a matter of weeks ago that the Leader of the Opposition said he would rip up that plan.

### **Economy: performance**

**Mr FOLEY** (Albert Park) — My question is also to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the Victorian economy is performing?

**Mr BRUMBY** (Premier) — I thank the member for Albert Park for his question. I was with the member for Albert Park in his electorate on Sunday with Ian Kiernan from the Clean Up Australia campaign and the Minister for Environment and Climate Change. I announced \$6 million for a new littering program across our state over the next four years. Ian Kiernan was very complimentary in his comments about Victoria.

There is certainly a lot of interest in the performance of our economy, particularly from people trying to secure a job in New South Wales. One of those people who was trying to secure a job in New South Wales told the ABC recently, 'Victoria has lower rates of payroll tax; Victoria has simpler and easier regulations'. I guess the house would want to know who was that job seeker. It was the leader of the Liberal Party in New South Wales, Barry O'Farrell, a rare Liberal who understands the economy, unlike those opposite, who were predicting — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will not debate the question.

**Mr BRUMBY** — Since the Parliament last met there have been a number of statistics released by the Australian Bureau of Statistics.

**Mr O'Brien** interjected.

**Mr BRUMBY** — I am sure they are of interest to the house and the member for Malvern. Victoria recorded the highest value of total building approvals in the 12 months to January 2009 — \$22.2 billion. Building approvals equal jobs. Victoria recorded the highest value of residential building approvals in the 12 months to January 2009. As I have said previously in this house, there is a fundamental transformation of the Australian economy occurring. If you look, for example, at dwelling approvals, you see that over the last 12 months Victoria has accounted for something like 32 per cent of the nation's dwelling approvals despite the fact that we represent around a quarter of the nation's population and around a quarter of the nation's economy.

On Tuesday last week retail trade figures were released. They show that the value of Victorian retail trade sales rose by 1.5 per cent in January. On Wednesday the national accounts figures were released, and I am pleased to say that Victorian state final demand rose 3 per cent in the December quarter — which, by the way, was the highest of all of the states and above the national domestic final demand growth of 2 per cent.

**Ms Asher** interjected.

**Mr BRUMBY** — Victorian business investment, I say to the Deputy Leader of the Opposition, grew by 14 per cent in the December quarter, the highest of all the states. Public investment also outpaced national growth in the quarter and over the year, growing at 19.7 per cent over the past 12 months.

It is fair to say too that the fundamentals we have put in place, the competitiveness of our tax system, the strength of our skills system, the soundness of our infrastructure system — all these things — are attracting new investment to our state. During the week Boeing Australia made its announcement that it would be closing its plant in New South Wales and shifting 300 jobs to Victoria. While we feel for those families affected in New South Wales, we welcome the fact that those jobs are being attracted here. It is like a magnet, if you like, bringing new investment and new jobs to our state. Boeing itself said, 'Melbourne makes greater sense'.

I refer in closing to a couple of other things which have occurred in the past fortnight. The first grain train ran on the \$16.5 million Benalla–Oaklands line that we fixed up. Seventy jobs were created to deliver this. The first sod was turned on the South Morang rail extension. This will secure 460 jobs. The \$650 million northern sewerage project is powering along, with 180 jobs created. Preparation works have begun on the

development of the Alexandra District Hospital, creating about 80 construction jobs. I understand the first sod has been turned on the Wellington Street social housing project, with 70 jobs as a result of that.

All of this confirms again what the figures have been showing, that around two-thirds of all the jobs in Australia over the last year have been generated here in Victoria. Finally, the ANZ job statistics came out today, and I am happy to say the ANZ job statistics for Victoria for the month are up 19.3 per cent — again well above the national figure.

### **Rail: infrastructure**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to comments this morning by the acting CEO of Metro Trains Melbourne, Raymond O’Flaherty, that when Metro took over the rail network on 30 November last year there were 400 hot spots requiring immediate rectification and further that Metro warned in April 2009 of the potential for a catastrophic train derailment due to the condition of the network, and I ask: why were Victorians not alerted to the fact that their lives were being put in danger because of a lack of investment by this government in basic rail safety?

**Mr BRUMBY** (Premier) — The Leader of The Nationals has asked the same question as the Leader of the Opposition, and the answer is the same — that is, the document submitted notes that the system meets the safety requirements for the annual tonnage of traffic carried, and the whole system is overseen by the rail safety regulator, who has approved it.

### **International Women’s Day**

**Ms DUNCAN** (Macedon) — My question is for the Minister for Women’s Affairs. I refer to the Brumby Labor government’s commitment to making Victoria the best place to live, to work and to raise a family, and I ask: in light of International Women’s Day can the minister advise the house how the Brumby government is recognising Victorian women’s achievements, including in improving women’s safety?

**Ms MORAND** (Minister for Women’s Affairs) — I thank the member for Macedon for her question and for her passionate commitment to improving the lives of Victorian women. Most members would know that yesterday was International Women’s Day, celebrated on 8 March right around the world to recognise the economic, social and political achievements of women. This year’s theme, ‘Equal rights, equal opportunity: Progress for all’, is consistent with this government’s

belief that Victorian women should have the opportunity to participate equally in all aspects of life.

To achieve that goal women need safety, women need respect, women need equality of opportunity and women need the opportunity for leadership. The Victorian Honour Roll gives us the opportunity to celebrate many remarkable women who have achieved significantly in their chosen fields. It is an important and tangible way we can recognise remarkable women — some very well known and others not.

One of the 20 women inducted onto the honour roll last week was Professor Elizabeth Blackburn.

Professor Blackburn is the first Australian woman to receive the Nobel prize. She was awarded the 2009 Nobel Prize in Physiology or Medicine, along with her colleagues in the United States, for the work they are doing on new cancer treatments. Professor Blackburn is one of only 40 women ever to have won the Nobel prize over its 108-year history, compared to 762 men. It really is an amazing achievement. So few women have won a Nobel prize over 108 years, yet fewer than that have been elected to the Victorian Parliament representing the Liberal or National parties. That is quite incredible — only 40 women.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members will come to order. I suggest to the Minister for Women’s Affairs that she come back to answering the question as asked.

**Mr O’Brien** interjected.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Health should not respond to interjections from the member for Caulfield, and the member for Caulfield is reminded not to make interjections across the table.

**Ms MORAND** — Ensuring that Victorian women have the opportunity to achieve means ensuring that Victorian women do not have barriers to achievement, and one of those significant barriers is family violence. Honour roll inductees this year who have played very significant roles in advancing women’s rights and reducing violence against women include Lesley Hewitt, Eileen Capocchi, Keran Howe and ‘Aunty’ Maria Starcevic, some of whom are very well-known people in this house.

The Brumby government has made significant improvements in the way it responds to family violence, including the integrated response from the police, the courts and the family violence service support system. Now we are embarking on a new path which is about addressing the factors that contribute to violence against women. Research has shown that gender stereotyping and unequal power relationships between men and women contribute to a culture of violence against women. Our plan is called A Right to Respect. We are taking action to ensure that women have a right to be heard, a right to be safe and a right to respect.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask government members to come to order.

**Mr Nardella** interjected.

**The SPEAKER** — Order! The member for Melton should cease interjecting in that manner.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I suggest to the member for Bass that I do not need his advice.

### **Rail: infrastructure**

**Mr MULDER** (Polwarth) — My question is to the Premier. Is it not a fact that the Premier's obsession with the \$1.4 billion myki fiasco and his multimillion-dollar transport advertising campaigns has led to a lack of funds for transport safety, leaving Victorian commuters at risk of a catastrophic accident?

**Mr BRUMBY** (Premier) — As I indicated in my answer to the Leader of the Opposition, as part of the new franchise arrangements we provided an additional \$500 million, bringing the total amount to be spent on maintenance over eight years to \$1.8 billion. As I have said, that \$1.8 billion program provides for a significant escalation in the timber sleeper replacement program and a significant increase in other track renewals. It upgrades the signals, with 300 signals to be overhauled every year. I am informed that since the start of the new franchise in December 2009 Metro has advised that rail strengthening works have already been delivered at 400 priority locations across the network.

In addition to this, we have provided record funding through our Victorian transport plan. I think it is something like a sixfold increase in funding for level crossing safety, which we are seeing being rolled out right across the state. All of this is about producing a

network which has more investment, which is safer and which is more reliable. It is a very different network to that which was in place a decade ago when we saw rail lines closed across the state and 1563 fewer train services provided each week.

In terms of the level crossing upgrades to which I referred, 45 level and pedestrian crossings were upgraded during 2007–08 and 56 level and pedestrian crossings were upgraded during 2008–09. For the financial year 2009–10, 26 level crossing upgrades have already been completed or are in the construction stage, as well as one disability access crossing upgrade. The grade separation at Springvale Road, Nunawading, which is a great success, has also been completed.

Here is a story about investment in the system by our government and an additional \$500 million, lifting the whole maintenance spend to the highest ever in any eight-year period.

### **Crime: victim support**

**Mr CRUTCHFIELD** (South Barwon) — My question is for the Attorney-General. Can the Attorney-General update the house on government initiatives that assist and support victims of crime and any threats to those achievements?

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I suggest to the member for Bass that if he wishes to ask a question, he should stand in his place at the appropriate time and he will have the call. The member for Bass should stop interjecting in the manner in which he is interjecting today; otherwise he will find himself subject to standing order 124.

**Mr HULLS** (Attorney-General) — I thank the honourable member for his question. As he would know, there has been a revolution in relation to reform for victims of crime in Victoria over the last 10 years. In fact it was a Labor government which established the statewide helpline and the Victims Support Agency as well as the victims register and the victims charter and carried out widespread reform to sexual assault and family violence law.

We also established the Sentencing Advisory Council to allow the community to have input in relation to sentencing reforms. We are proud that one of the first things we did when we came to office was introduce special financial assistance for victims of crime. As members of this place would know, that reinstated compensation for victims for pain and suffering, which was abolished under the previous coalition government.

I am pleased to announce that last year alone more than 3000 primary and related victims received pain and suffering compensation. This is assistance that would have been denied to victims of crime had it been up to members opposite. This cultural change is continuing, with the Brumby government paving the way to give far more weight to the impact of crimes on victims and their families. For far too long our criminal justice system has retraumatised victims, whether through grossly inappropriate cross-examination, the requirement to give evidence time and again in sexual assault trials or the ability of perpetrators of crime to rely on the misogynist defence of provocation.

We understand that victims' voices are vital if we are to give life to the promise of justice. Victim impact statements are already an established part of the Victorian legal process, and they are important because they provide the victim with the opportunity to tell the court in their own words how they have been affected by a crime. We have already made amendments to the Sentencing Act so that judges have to take into account the impact of the crime on the victim when determining the sentence. We plan to go further by giving victims who choose to do so the right to read their victim impact statement out in court and, if they choose, to include photographs or a recording to demonstrate the impact the crime has had on them.

Another recent reform is the new interlocutory appeals process in the Criminal Procedure Act. This process allows appeals on key issues to be heard and resolved whilst the trial is still on foot, reducing the need for appeals and retrials later on. This will reduce delays and reduce the stress and trauma of court proceedings for victims and witnesses. A recent interlocutory appeal determined that only one trial should be held in relation to a sexual offence against a child instead of four separate trials. This shows that that reform is working, and it means that victims are not being retraumatised by the process. Our reforms are holistic in nature and have been aimed at assisting rather than retraumatising victims of crime. This is in stark contrast to the one-size-fits-all policy of mandatory sentencing, which would lead to a huge increase in not guilty pleas, a huge increase in the number of trials and therefore a huge increase in trauma to victims of crime.

As a government we will continue to find ways to treat victims of crime with the respect and compassion they deserve and to create a justice system that best facilitates the needs of victims of crime.

## Rail: infrastructure

**Mr BAILLIEU** (Leader of the Opposition) — Given that Metro, and now the Premier, have admitted that it will take eight years for the catastrophic risks identified in Metro's asset management plan to be fixed, will the Premier now provide an unequivocal guarantee that the rail network in Victoria is today safe — yes or no?

**Mr BRUMBY** (Premier) — As I indicated to the Leader of the Opposition in answer to his first question, the amount of funds being expended on maintenance over the next eight years is the highest ever. As for the — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members of the opposition and the Minister for Health to cease interjecting.

**Mr BRUMBY** — As for the network, as I have made clear in every single answer today — —

**Mr Baillieu** interjected.

**The SPEAKER** — Order! I ask the Leader of the Opposition to cooperate with the smooth running of question time

**Mr BRUMBY** — The network is approved safe by the rail safety regulator.

## Police: operational response unit

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Police and Emergency Services. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on measures the government is taking, with Victoria Police, to tackle street violence, and is he aware of any alternatives?

**Mr CAMERON** (Minister for Police and Emergency Services) — I thank the member for Ballarat East for his question. The member for Ballarat East and the community more broadly are very proud of Victoria Police and of the work its members do. They are very proud that we have more front-line police than at any time in our history.

Last year the government announced a \$47 million package that would result in the provision of an additional 120 police. That is because the Chief Commissioner of Police wanted to have an operational

response unit. The Brumby Labor government supported that initiative. The reason the chief commissioner wanted that unit was to provide an even greater level of flexibility within Victoria Police. The chief commissioner wants to continue to expand the operational response unit.

The operational response unit's work is not only to tackle issues on the streets, around road policing and around emergency management but to give police an additional response capacity. Since its establishment last week with extremely well-trained officers, the operational response unit has been busy assisting an operation in Ballarat that has been a success. It has also been assisting a road policing operation in the northern suburbs and assisting on the weekend as a consequence of the storms. Already we have seen the operational response unit doing tremendous work.

This latest initiative, the Brumby Labor government-funded operational response unit, builds on earlier initiatives the government has taken. These include issuing banning notices to troublemakers in entertainment precincts — something those opposite tried to hold up and gut in the upper house — and we have announced an expansion to that. It took a Labor government to introduce an on-the-spot fine for drunkenness and drunk and disorderly behaviour, and we have recently announced that we intend to double that fine. We have also established the weapon search powers and announced an extension of those powers. The operational response unit will also be involved in those operations. You have to ask yourself: which is the party that introduced these things? The party, of course, was Labor.

I am aware of a different approach by the opposition to the operational response unit. The Speaker will be aware that that \$47 million came about because we introduced a liquor licensing fee system where there was not a cross-subsidy. We put that cross-subsidy into police and into the operational response unit.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members of the opposition not to interject in that manner.

**Mr CAMERON** — Despite those opposite initially supporting that initiative and that legislation, they have changed their minds and now say that the licensing system should be scrapped. Of course what that means is scrapping — —

**The SPEAKER** — Order! I ask the minister not to debate the question.

**Mr CAMERON** — On this side of the house we support the operational response unit, just as we have supported an increase in police numbers, and we totally reject the proposition of those opposite to decrease police numbers and get rid of the operational response unit.

### **Standing Committee on Finance and Public Administration: ministerial advisers**

**Mr McINTOSH** (Kew) — My question is to the Premier. I refer the Premier to the New South Wales Legislative Council's 2004 inquiry into corrupt planning processes in New South Wales when then Premier Carr allowed his chief of staff to appear before a committee to give evidence, and I ask: what does the Premier have to hide in seeking to prevent his top spin doctors, George Svigos and Fiona Macrae, from appearing before the Victorian upper house inquiry into the corruption of planning processes in Victoria?

**Mr BRUMBY** (Premier) — I think the honourable member for Kew knows very well the longstanding arrangements that have been in place in this — —

**Mr McIntosh** interjected.

**The SPEAKER** — Order! The member for Kew!

**Mr BRUMBY** — I think the honourable member for Kew may well have been spending a lot of time in Sydney; I do not know. In Victoria the long-established agreements, conventions and traditions are that advisers and political staffers do not appear, and that has always been — —

*Honourable members interjecting.*

**The SPEAKER** — Order!

**Mr BRUMBY** — The opposition can try to make this a political stunt — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast will cease interjecting in that manner, and it would be really helpful if the Minister for Health ceased interjecting in the manner that he has perfected today.

**Mr BRUMBY** — That has been the longstanding tradition, and the Attorney-General has written to the upper house committee accordingly.

In terms of appearing before committees, there are now more ministers who appear more often before more committees in our state than has ever before been the

case. As Premier I appear before the Public Accounts and Estimates Committee after the budget for 3 hours every year.

**Mr Wells** interjected.

**The SPEAKER** — Order! The member for Scoresby!

**Mr BRUMBY** — For the record, the last Liberal Premier never ever went to a Public Accounts and Estimates Committee hearing. He never ever appeared. Let us not have this trumped-up concern from the opposition about transparency. It has never been the case that staff appear. As I have made very clear publicly, the minister is the person accountable, and the minister will be appearing.

### **Sport and recreation: community code of conduct**

**Mr BROOKS** (Bundoora) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the Brumby Labor government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on what measures the Brumby government is taking to tackle bad behaviour, violence and the ugly parent syndrome at local community sporting events?

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Bundoora for his question. As a key part of our respect agenda, the Brumby government has drawn a line against foul-mouthed spectators, abusive officials and the ugly parent syndrome.

Under its zero-tolerance approach to bad behaviour at local sporting events, the Brumby government has developed the new Victorian code of conduct for community sport — a code that every Victorian sporting association must sign up to or risk losing millions of dollars in funding. Breaches of the code include violent or abusive behaviour, vilification, discrimination, sexual harassment or intimidation and failure to maintain a safe environment.

Every sport must sign up to the code. That means almost 16 000 clubs right across the state will be bound to it. Those who fail to sign up to it or fail to enforce it will not be eligible for funding and any existing funding will cease. To put this into perspective, we are talking about over \$250 million in the last decade.

**Mr Hodgett** interjected.

**Questions interrupted.**

## **SUSPENSION OF MEMBER**

### **Member for Kilsyth**

**The SPEAKER** — Order! The member for Kilsyth has been warned, and I now ask him to leave the chamber for 30 minutes under standing order 124.

**Honourable member for Kilsyth withdrew from chamber.**

## **QUESTIONS WITHOUT NOTICE**

### **Sport and recreation: community code of conduct**

**Questions resumed.**

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — That \$250 million in the last decade is an amount more than five times greater than when those opposite were last in power.

Every sport will be required to have a contact person who people can report breaches to, and all sports will be required to report annually on how they are implementing the codes. Clubs with a bad culture will not be able to sweep a problem under the carpet.

The code has been developed in consultation with Victoria's peak sporting bodies, and it has the support of our sports, our clubs and our players. An article dated 1 March in the *Herald Sun* reported:

Melbourne Victory star Archie Thompson said the code would stop some of the stars of tomorrow being driven out of sport.

'It's great. I had racial taunts from parents. There's no need for it'.

This theme is echoed by our state sporting associations and clubs. Netball Victoria CEO Leigh Russell said:

Netball Victoria fully supports the implementation of the code. Most importantly for us, the code supports a zero-tolerance stance towards violence against women.

Peter Congress, president of the Sunraysia Football Netball League, was reported in the *Sunraysia Daily* of 2 March as saying:

It's certainly something we need to get 100 per cent behind ... we've got to get people back to enjoying sport and get away from the ugly side of it that has appeared at some games.

Hockey Victoria CEO Ben Hartung said:

This is a proactive and positive step and should be embraced by all sporting organisations.

Northern Districts Cricket Association secretary John Arthur said:

This code of conduct is a positive step in reducing bad crowd behaviour, violence and intimidation ... the association will embrace it.

Finally, an editorial from the *Bay Post* of Batemans Bay in New South Wales says:

It's a tough move but one that's likely to be welcomed by kids and parents who see their weekends spoiled by parents who intimidate officials and end up embarrassing themselves and their offspring.

Any measures that will help stamp out the practice are welcome ... let's hope it is also adopted here.

The only people silent on this new code are those opposite. It is hardly a surprise when their leader's view of local sport is limited to a pleasant, lazy Sunday afternoon at the Portsea polo.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister not to invite interjections in that manner, not to debate the question and not to use question time to attack the Leader of the Opposition.

**Mr MERLINO** — The issues facing community sport are a long way from the chukkas, cross hooks and circular wind-ups of polo. Only the Brumby government can be trusted to send a loud, clear message: ugly abuse has no place in community sport in our state.

## JUSTICE LEGISLATION AMENDMENT BILL

*Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Sentencing Act 1991, the Children, Youth and Families Act 2005, the Corrections Act 1986, the County Court Act 1958, the Criminal Procedure Act 2009, the Magistrates' Court Act 1989, the Marine Act 1988, the Road Safety Act 1986, the Supreme Court Act 1986, the Gambling Regulation Act 2003 and other acts and for other purposes.

**Mr CLARK** (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.

**Mr HULLS** (Attorney-General) — This is an omnibus bill that makes a range of changes to legislation within the justice portfolio. It amends the Sentencing Act to give effect to the Sentencing Advisory Council's recommendation that breach of an intermediate sentencing order should no longer constitute an offence but that breach proceedings should be brought more promptly. It amends the Sentencing Act to ensure that the County and Supreme courts can use aggregate sentences when they are sentencing offenders. It amends the Children, Youth and Families Act to ensure that child offenders who assist authorities are entitled to a discount on sentence the same way adult offenders are. It amends the Corrections Act and the Sentencing Act to extend and strengthen Victoria's home detention program. It makes several amendments to further improve the Criminal Procedure Act. It amends the Gambling Act to alter the structure of the Victorian Commission for Gambling Regulation, and it also amends the Gambling Regulation Act to enable racing controlling bodies to impose an appropriate fee for the use of race fields.

**Motion agreed to.**

**Read first time.**

## EQUAL OPPORTUNITY BILL

*Introduction and first reading*

**Mr HULLS** (Attorney-General) introduced a bill for an act to re-enact and extend the law relating to equal opportunity and protection against discrimination, sexual harassment and victimisation, to repeal the Equal Opportunity Act 1995, to make consequential amendments to other acts and for other purposes.

**Read first time.**

## CHILD EMPLOYMENT AMENDMENT BILL

*Introduction and first reading*

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

That I have leave to introduce a bill for an act to amend the Child Employment Act 2003, to apply provisions of the Working with Children Act 2005 to the supervision of children in employment, to make amendments to the Working with Children Act 2005, to make consequential amendments to the Transport Accident Act 1986 and for other purposes.

**Mr CLARK** (Box Hill) — I ask the Attorney-General to provide a brief explanation of the bill.

**Mr HULLS** (Attorney-General) — The bill proposes targeted amendments to the Child Employment Act to improve the operation of the scheme. It also addresses some stakeholder concerns about the operation of the act and some anomalies with the legislation, and it will reduce the administrative burden on child employment offices, enabling them to focus more on education and compliance activities.

**Motion agreed to.**

**Read first time.**

## TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL

*Introduction and first reading*

**Mr PALLAS** (Minister for Roads and Ports) introduced a bill for an act to amend the Transport Act 1983, the Bus Safety Act 2009, the Rail Safety Act 2006, the Marine Act 1988, the Rail Corporations Act 1996, the Road Safety Act 1986, the Working with Children Act 2005, the Public Transport Competition Act 1995, the Road Management Act 2004, the Transport Legislation Amendment Act 2007 and other acts and for other purposes.

**Read first time.**

## HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL

*Introduction and first reading*

**Mr ANDREWS** (Minister for Health) — I move:

That I have leave to bring in a bill for an act to amend the Public Health and Wellbeing Act 2008, the Disability Act 2006, the Children, Youth and Families Act 2005 and other acts and for other purposes.

**Mr BLACKWOOD** (Narracan) — I ask the minister to provide a brief explanation of the bill.

**Mr ANDREWS** (Minister for Health) — The bill makes a number of administrative changes to give effect to the creation of the new Department of Health

as distinct from the former Department of Human Services.

**Motion agreed to.**

**Read first time.**

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I advise the house that under standing order 144 notices of motion 7 to 15, 104, 155, 193 and 241 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

## PETITIONS

**Following petitions presented to house:**

### Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

**By Mr CRISP** (Mildura) (32 signatures).

### Buses: Brandon Park shopping centre

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the dangerous situation of pedestrians crossing Springvale Road to reach Brandon Park shopping centre from the bus stop opposite.

The bus stop opposite Brandon Park shopping centre on Springvale Road in Wheelers Hill is located approximately

100 metres from the nearest traffic lights at which pedestrians can cross.

This results in many people, after alighting from bus routes 885, 888 and 889, trying to cross Springvale Road to reach the Brandon Park shopping centre at the bus stop. Springvale Road at this location is a busy dual carriageway with three lanes in each direction and very dangerous when people, especially the elderly with walking frames or trolleys, attempt to cross.

The petitioners therefore request that the Legislative Assembly of Victoria take action to have bus routes 885, 888 and 889 amended so that buses travel into the streets adjoining the shopping centre, as routes 848 and 850 currently do, allowing passengers to alight safely in Brandon Park Drive to access Brandon Park shopping centre, without the need to cross busy Springvale Road.

**By Mr ANDREWS (Mulgrave) (191 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr CRISP (Mildura).**

## DOCUMENTS

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Yarra Bend Park

Emergency Services Superannuation Scheme — Actuarial investigation as at 30 June 2009

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to Statutory Rule 61/2000 (*Gazette G7, 18 February 2010*)

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

Cardinia — C137

Frankston — C57

Hume — C109

Macedon Ranges — C70

Maribymong — C56

Mildura — C61

Wellington — C57, C59

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR 11

*Racing Act 1958* — SR 12

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 11, 12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

*Consumer Affairs Legislation Amendment Act 2010* — Section 19, Part 8 and Part 9 — 1 March 2010 (*Gazette G 8, 25 February 2010*)

*Land (Revocation of Reservations and Other Matters) Act 2009* — Parts 2 (other than section 3), 5, 6 and 7 and Schedules 3, 4, 5, 8 and 9 — 25 February 2010 (*Gazette G 8, 25 February 2010*)

*Racing Legislation Amendment (Racing Integrity Assurance) Act 2009* — Parts 2, 3 and 4 — 1 March 2010 (*Gazette G 8, 25 February 2010*).

## RESIGNATION OF LEGISLATIVE COUNCIL MEMBER

**Hon. T. C. Theophanous**

**The SPEAKER** — Order! I have received the following message from the Governor:

I write to advise that on Monday, 1 March 2010, I received a letter from Mr Theo Theophanous, MLC, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter, Mr Theophanous's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the Constitution Act 1975, a joint sitting of the Council and Assembly is now required to fill this vacancy.

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**The SPEAKER** — Order! I have also received the following message from the Legislative Council:

The Legislative Council acquaint the Legislative Assembly that they have agreed to the following resolution —

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Charles Theophanous and proposes that the time and place of such a meeting be in the Legislative Assembly chamber this day at 6.15 p.m.

with which they request the agreement of the Legislative Assembly.

**Ordered that message be taken into consideration immediately.**

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

That this house meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Theo Theophanous and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly chamber on Tuesday, 9 March 2010, at 6.15 p.m.

**Mr McINTOSH** (Kew) — The opposition certainly supports this motion.

**Motion agreed to.**

**Ordered that message be sent to Council informing them accordingly.**

## ROYAL ASSENT

**Message read advising royal assent on 2 March to Transport Integration Bill.**

## APPROPRIATION MESSAGE

**Message read recommending appropriation for Statute Law Amendment (National Health Practitioner Regulation) Bill.**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR** (Minister for Energy and Resources) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 11 March 2010:

Credit (Commonwealth Powers) Bill

Livestock Management Bill

Severe Substance Dependence Treatment Bill

Statute Law Amendment (National Health Practitioner Regulation) Bill

Moving the government business program for this parliamentary week has the effect of identifying the four listed pieces of legislation that the government requires to be dealt with by the Assembly by 4.00 p.m. on Thursday. In the normal course of events, if that were the only part of the legislative program, it would be a light week. However, there are some obvious things that will take place during this week that will add

to the requirements of the business of the house. Firstly, as we have already seen, the condolence motion on Chile, supported by both sides of the house has, understandably, delayed the commencement of the government business program. Secondly, I advise members of the house that once again we will be providing an opportunity for individual members to respond to the annual statement of government intentions. In that context, with four pieces of legislation, a delayed start and the statement of government intentions, we will have a sufficient workload. There may be another item that will come forward, but if there is we will raise that with the opposition, and it will not be necessary for that to fall within the government business program. In that context, I recommend this motion to the house.

**Mr McINTOSH** (Kew) — The opposition will not oppose the government business program, far from it; there is probably a rare degree of commonality between all of us. Clearly the government business program is not extensive, and there will be an opportunity for those members who have not yet made a contribution on the annual statement of government intentions to do so.

I am intrigued by what the Leader of the House has indicated — that another item of business may be added which will not be included in the normal government business program but might be up for debate. It could be the growth areas infrastructure contribution notice of motion, which has now been sitting on the notice paper for a number of months; it could also be the public finance bill. But hopefully the Leader of the House will indicate to me in the near future what that item will be to ensure that the opposition is fully aware of what is proposed for the course of this sitting week. As I said, the opposition does not oppose the government business program.

**Mr DELAHUNTY** (Lowan) — I will just make a few comments on behalf of The Nationals in coalition. We also are not opposed to this government business program. As the Leader of the House said, there are four bills itemised on the procedure list this week. Today we can only debate two of those bills: debate on the Statute Law Amendment (National Health Practitioner Regulation) Bill and the Credit (Commonwealth Powers) Bill cannot start till tomorrow. The government has obviously got its act together. The Parliament has started a new year, and today we have seen that about five or six bills will be brought into the house early this fortnight. Obviously next sitting week we will see a greater number of bills earlier in the week.

Item 4 of the orders of the day is an amendment from the Legislative Council to the Water Amendment (Entitlements) Bill of 2009 to be considered. My understanding is that this could also be considered this week. It is interesting that item 8 is the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. I am wondering whether this water amendment bill will take as long to get through this chamber as the other one has, because if it does we could be waiting till 2013 before that 2009 bill will be debated in this house.

As the Leader of the House mentioned, a couple of other matters will be dealt with this week. One is obviously the joint sitting with the Legislative Council in this chamber. I think we have met over here a couple of times; maybe it is time for us to move over to the Council chamber. That will happen when we have a change of government.

The other items that have been and will be dealt with are the Chilean condolence motion, which is supported by all sides, and the annual statement of government intentions, which the Leader of the House has spoken about. My understanding is that The Nationals members have all contributed to the debate on those matters, and I believe all the members of the Liberal Party have too. There are a few to go on the Labor side. It is interesting to note that this year, very differently from last year, the opposition has had the opportunity for a few members to comment on the annual statement of government intentions. Only about three or four speakers from this side had the opportunity to speak on the statement of government intentions of 2009.

As the member for Kew said, this is a fairly light program. It concerns me that the Leader of the House has said that other items could be brought into the house. We take the word of the Leader of the House that he will give us appropriate notification to prepare for those things. As country members, we are notified of government business late on Thursday, and that is done well by the Leader of the House. We prepare for Parliament, and we have to transport down here all the information we need for debates. We appreciate the earlier notice. The Nationals are not opposed to this government business program.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Wheeler Centre: opening

**Mr BATCHELOR** (Minister for the Arts) — I recently had much pleasure in joining the Premier to

officially open the Wheeler Centre for books, writing and ideas. The Wheeler Centre is an Australian first. It is a centre where some of the best writers and thinkers from Australia and indeed from across the world will discuss their work, engage in debate and share their ideas. Also home to many of our literary organisations, it is a place that will open its doors to people from all walks of life — a place to hear from our best, preview the new, reflect on the classics and perhaps be startled by the provocative.

The centre's establishment is one of the most significant steps the government has taken in Victoria's history to support the literary sector, with the Brumby government proud to invest over \$20 million. The centre has also been financially supported by a very generous philanthropic gift from Maureen and Tony Wheeler, and we thank them for this.

Melbourne is home to more writers, editors, publishers, bookstores and readers than any other Australian city, and we have a robust culture of reading, thinking, debating and simply showing up at events and festivals that is second to none. This is why the Victorian government approached the United Nations Educational, Scientific and Cultural Organisation to become an international City of Literature, one of three in the world — and of course we were successful in that bid. This is a significant further investment by the Brumby government and will directly benefit our writers, our thinkers and publishers and our audiences of today, and will help develop those among us who will rise to meet the challenges of tomorrow.

### Economy: performance

**Mr WELLS** (Scoresby) — This statement condemns the Brumby Labor government for favouring spin over substance when it comes to managing the Victorian economy. A number of reports and economic data have sent a warning to the Brumby government about the health of the Victorian economy and its poor economic stewardship.

The March 2010 Sensis Business Index showed business confidence in Victoria fell dramatically in the last quarter to the lowest in the nation. The Sensis index also revealed that the future job prospects and actual employment levels of Victorians have declined dramatically in the March quarter and are now below the national average.

The latest exports data shows Victoria's goods exports have fallen to the lowest annual level since 2004 — to just below \$18 billion over the 12 months to January. This means over the last decade under Labor the value

of Victorian goods exports has plunged in real terms, taking inflation into account, far below the level achieved in 1999.

CommSec's state economic analysis released in January this year rated the Victorian economy as being third last for economic performance among the eight state and territory economies. These are all clear warnings of dangers ahead for the Victorian economy as the effects of the Rudd stimulus wear off, despite the Premier misleading Victorians on the real state of the economy. They are collectively another indication that the Brumby government has dropped the ball on economic management.

### **Victorian Thoroughbred Employee of the Year awards**

**Mrs MADDIGAN** (Essendon) — On 27 February I had the pleasure of presenting the 2009 Victorian Thoroughbred Employee of the Year awards at the excellent Moonee Valley Racecourse. I congratulate those who work so hard in the stables and who won awards. The full-time stable employee award went to Yoshi Shima from Steve Richards Racing; the part-time stable employee award went to Molly Watts from Rod Symons Racing; the track rider award went to Kylie Schulz from Heath Conners Aquanita; the stud hand award went to Christopher 'Kit' Willick from Chatswood Stud; the new staff member award went to Akin Yargi of Darley; and the overall winner was Yoshi Shima from Steve Richards Racing.

It is excellent that these hardworking, mainly young people are recognised, because there is no doubt that working in stables is sometimes very hard. Some of these people are studying. For example, a part-time awardee not only studied during the week but had to start work at half past four in the morning on weekdays and half past six on weekends, so we are talking about people with a real love of horses in the industry and who work exceptionally hard.

I congratulate Victoria Racing on working with the trainers to introduce these awards some years ago. It was a great occasion, and it was a pleasure to see the delight with which people received awards. It was a great evening for all concerned.

### **Shepparton: storm damage**

**Mrs POWELL** (Shepparton) — On Sunday, 7 March, a massive storm hit the Shepparton district. I have lived in the Shepparton district for about 50 years, and I believe it was the worst storm we have ever had, with widespread and devastating damage to homes,

personal property, public buildings, schools and infrastructure. Almost 80 per cent of the 500 calls for assistance to the Victorian State Emergency Service in the north-east came from Shepparton and Tatura. So far not one government member of Parliament has been to the district to inspect the damage and to assure people that they will be assisted.

The government has made general announcements of assistance to people affected by the storm which hit Melbourne and its surrounds on Saturday, but no specific assistance has been offered to the Shepparton community. The *Shepparton News* told me it was unable to contact any government department yesterday to get any information or advice. The City of Greater Shepparton has not been contacted or received any offer of support from the Brumby government, and has had to manage as best it can through this emergency.

During the storm massive trees were uprooted, falling onto buildings and homes and causing severe damage. Houses were also inundated with water as gutters were unable to cope with the massive deluge of rain. Thousands of homes and businesses lost power when power poles were damaged or blown down. This morning 150 homes were still without power. Two primary schools are closed today and a secondary college has limited its students' attendance because of the damage.

I would like to thank the community, the volunteers, the emergency workers and the Shepparton council officers and workers who assisted those in need, and I call on the Brumby government to provide urgent assistance to those affected by the storm in the Shepparton district.

### **Bianca Mignot**

**Ms BEATTIE** (Yuroke) — I take this opportunity to pay tribute to an extraordinarily talented young woman from my electorate of Yuroke, Gladstone Park hurdler and runner, Bianca Mignot. I am pleased to inform the house that Bianca recently finished first in the 400-metre hurdles in the Australian under-20s championship, and in that same athletics competition came second in the 400-metre run.

Bianca is described as an extremely versatile athlete, and these results indicate just how versatile she is. Bianca was recently announced as the Leader Senior Sports Star of the Year for 2009, and with good reason. Bianca's outstanding sporting achievements so far have placed her in a terrific position to reach her goal of representing Australia at the 2012 Olympic Games. Bianca also combines her amazing athletic abilities with studies in fitness at Victoria University. I wish her

well for the upcoming Commonwealth Games and congratulate her on all that she has achieved.

I would also like to take this opportunity to congratulate the family, friends, volunteers and coaches who have supported Bianca in reaching the heights that she has, and I look forward to hearing about many more successes that I am sure Bianca will achieve. Bianca comes from a large, supportive family and uncles and aunts always go to the meets and support Bianca. I wish her well in the future.

### **Hamerkaz Shelanu Synagogue**

**Mrs SHARDEY** (Caulfield) — Yesterday I attended what is usually a joyous occasion for the Jewish community at the Hamerkaz Shelanu Synagogue, the dedication and celebration of a Sefer Torah — in other words, a new Torah scroll — from Israel, the writing of which is completed using a quill on the day of the dedication. The reason the celebration was somewhat tempered and at times sombre was because the Sefer Torah was dedicated to a baby who, at less than two years of age sadly drowned just 30 days ago. For the family of baby Yakov Ovadia Ben-Zur, we offer our condolences and wish them a very long life.

We also say, in Hebrew, ‘Kol hakavod’, recognising their generosity, along with the Yitshaki family, in presenting Hamerkaz Shelanu Synagogue with a beautiful Sefer Torah, which we hope will one day be housed in their new synagogue.

### **Public transport: Gembrook electorate**

**Ms LOBATO** (Gembrook) — Some more recent great news for users of public transport in the electorate of Gembrook includes the opening of a new car park at the Berwick train station. The major expansion of the station is now complete and open for business, with parking for almost 800 cars to cater for the booming patronage around the Berwick area. This car park features closed-circuit television to improve the safety of our commuters, and a bike cage has been installed to provide a secure area for cyclists to park their bikes.

I recently advised the house of the achievement of securing the new Gembrook–Pakenham bus service. This service has been provided in response to the requirements of residents in and around the Gembrook township for access to education, employment and entertainment. I can now advise that this much called for service will commence on Monday, 29 March, and I look forward to joining my constituents on the first bus. I am delighted that this service will be in place in time

for the school holidays, and know that through this service peoples’ lives will be improved.

### **Emerald Primary School: upgrade**

**Ms LOBATO** — The Emerald Primary School community welcomed the news I provided to it last Monday that its school will now be included in the Building Futures program. Architectural planning for a brand-new school will commence soon. Congratulations to the principal, Mark Carver, the school council and community, and many thanks to the Minister for Education.

### **Mallee research station: future**

**Mr CRISP** (Mildura) — The Minister for Agriculture has agreed to lease the Mallee research station at Walpeup to the Sunraysia College of TAFE. The TAFE has formed an interim committee to promote the site for both community and agricultural purposes. Recent weather events offer the prospect of an early autumn break. In order to negotiate with prospective users of the Walpeup site, the lease issue requires prompt resolution. On 14 October 2009 the minister reported to the house that:

The process we have put in place for our divesting of this site is sensitive to the community and sensitive to industry.

I call on the Minister for Agriculture to honour his words and deliver the lease to the Sunraysia College of TAFE. If research partners are to be attracted to Walpeup, the site needs to be marketed. Without security of tenure the mission is impossible.

### **Liquor licensing: fees**

**Mr CRISP** — On another matter, small country businesses like the Hattah and Wemen stores are struggling under the weight of the Brumby government’s 500 per cent tax hike for liquor licensing. These businesses have sacrificed opening hours to remove the huge premium add-ons on top of the 500 per cent increase in fees. The minister has offered relief to bed and breakfasts and vigneron. He can also ease the pain of those small business outlets, which, in the cases of Hattah and Wemen, are the centre of their communities. These businesses have no history of alcohol-related violence and should not be charged for problems that are occurring elsewhere.

### **Riddells Creek Recreation Reserve: tennis courts**

**Ms DUNCAN** (Macedon) — On Tuesday, 9 February, I had the pleasure of accompanying the

Minister for Sport and Recreation to the Riddells Creek Recreation Reserve where he announced a grant of \$60 000 for new tennis courts and court lighting, funded through the community facility funding program's minor facilities category. This funding will be used alongside \$100 000 contributed by the Macedon Ranges Shire Council and \$56 000 contributed by the local tennis club. This is a huge sum of money for the tennis club to have contributed, and I congratulate the members of the club for their tremendous effort in bringing this project forward.

The funding will go towards the construction of three new acrylic hard court surfaces and new court lighting. The new courts will also be able to be used for netball training and competitions. These courts will be the first of their kind in Riddells Creek and will create opportunities for primary school-age children and local netballers, who will now have an outdoor court for competition as well as beautiful new tennis courts.

These courts are part of a bigger staged plan to expand sporting facilities at the Riddells Creek Recreation Reserve in partnership with Riddells Creek Primary School. I would like to congratulate members of the committee of management for their vision for this recreational reserve, people like Graham Stewart and Rod Kinter, and all the members of the Riddells Creek tennis club and of the committee of management who put in so much time and effort to improve their local communities. This is a great example of the state government working in partnership with local government and local communities to improve local sporting facilities.

### **Thomson River: environmental flows**

**Mr INGRAM** (Gippsland East) — I rise today to call on the government to return the Thomson River environmental water reserves. The dedicated environmental flows to the Thomson and a number of other rivers were suspended because of the low inflows and the drought, which has caused a major impact right across the state. This weekend's major rainfalls, whilst causing damage in some areas, are a welcome boost to the storages. With Melbourne's storages now over 35 per cent capacity, it is well past time the government returned the environmental flows to these stressed river systems.

The Gippsland Lakes and the Thomson River are very important to our region. The Gippsland Lakes are a Ramsar-listed wetland, one of our most important not only economic but also environmental assets in Gippsland, and there must be no relaxation of the water restrictions until these dedicated environmental flows

are returned. The inflows in our catchments have arguably returned to more natural patterns. With the north-south pipeline, which has caused a lot of debate in this place, and the proposal for the desalination plant to come online, there is no reason for the government to continue to withhold these dedicated environmental flows which are so important to the health of the already stressed Gippsland Lakes system.

### **Arndell Park: community facilities**

**Ms HENNESSY** (Altona) — I rise to acknowledge and thank the Truganina community, Wyndham City Council and council staff for the outstanding work done to develop the Arndell Park Community Centre and Sports Pavilion in Truganina. The Minister for Community Development joined me and other community leaders on a site visit to the Arndell estate last Tuesday and announced \$1 million in Brumby Labor government funding. I would like to congratulate the Wyndham City Council, which is providing the remaining funds for the project.

This exciting new facility will ensure residents of Truganina, Tarneit and Williams Landing access to excellent local facilities. By having social, sporting and community facilities located in one easily accessible place Arndell Park will become a much-needed hub for this growing community. The centre will include space for playgrounds, fitness activities, faith-based activities, facilities for older residents, performing arts space and a sports pavilion for the adjacent soccer fields. It is truly a terrific project. A modern commercial kitchen will also enable catering for events and provide an environment to teach valuable culinary skills.

Through projects such as this the Brumby Labor government is delivering facilities that will be used by residents of all ages across the electorate of Altona well into the future. I am really looking forward to visiting the centre when it is complete and in full swing.

### **Students: Hands on Learning program**

**Mr BURGESS** (Hastings) — I have been approached by many members of my community who are dismayed that a lack of government funding for the Hands on Learning program may prevent its continuation in many secondary colleges on the Mornington Peninsula. The Hands on Learning program provides an alternative mode of education for disengaged students. By working with students to address negative attitudes, this program allows students to reconnect with their school and community and avoid the development of damaging behaviours such as drug and alcohol abuse and early school leaving. Early

school leaving is often the catalyst for the downward spiral to lawlessness and other unhealthy life choices.

Frankston City Council has supported the program by working with local schools to develop a program as part of its graffiti management plan that, amongst other things, refurbishes scout halls that have been vandalised. Not only does this program provide students with practical skills but it allows them to engage in a very worthwhile community service.

The Hands on Learning program has operated in many cases with assistance from private enterprise, but these uncertain year-to-year funding arrangements are forcing schools to operate the program at great cost, often running at a significant loss.

One constituent expressed great concern that the Hands on Learning program at Mornington Secondary College would have to cease due to a lack of funding, despite the fantastic results the program had generated for her 13-year-old son during his 12 months of participation in it.

I encourage the Minister for Education to look at the fantastic results that the Hands on Learning program has achieved. Appropriate funding of the program will assure not only its future but also the futures of so many children who have engaged with this alternative learning program and had such positive outcomes.

### **Commonwealth Day: commemoration**

**Mr PANDAZOPOULOS** (Dandenong) — I rise to acknowledge that yesterday was Commonwealth Day, which recognises the common heritage of the 54 countries that make up the Commonwealth of Nations and reminds us not only of our role as part of that heritage but of our role in an international community. Victoria being such a multicultural state, it is probably the only place in the world that has residents from each of those commonwealth countries as part of its community.

Last week I was visiting the Northern Territory Parliament and I noticed that they had some very big plans and activities to commemorate Commonwealth Day in their Queen's Hall, where they had the flags of the 54 commonwealth nations and displays about those countries. I think it is a bit disappointing, and I have reflected on that, that we have not done something similar here in Victoria. In fact, it joined this up with its Harmony Month activities — we have Cultural Diversity Week in Victoria — as part of the Northern Territory Parliament's role in these activities.

When I walked into the main foyer I saw the flag of the Republic of Cyprus. It reminded me of the many troubled countries that make up part of the commonwealth and the role that we can play in these matters. Of this commonwealth nation, 37 per cent is under occupation by a different country. It reminds us of the need for all of us to have the resolve to support commonwealth countries in need under United Nations law and international law — —

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

### **Akron Roads: subcontractor payments**

**Mr K. SMITH** (Bass) — On 1 February Akron Roads, a company working on a number of road projects in my electorate, went into voluntary administration. A large number of contractors and subcontractors who were working on the sites are owed millions of dollars. The works have stopped, but speed restrictions remain in place for the travelling public, so the inconvenience continues.

I would like to know what the minister and VicRoads are doing to get these projects moving again. When will they award new tenders to get them moving? The minister and VicRoads know they are responsible for this debacle, as the work of Akron Roads on the Bass Highway was unsatisfactory. The company was always very late in the delivery of the previous stages of the project and the standard of work was not good, yet it was awarded the work on stage 6 — that is the stage it was working on — and the work on the upgrade of the Koo Wee Rup part of the highway in the knowledge that it was not capable of handling these jobs.

Subcontractors may lose their houses and equipment as a result of Akron's demise, yet the minister and VicRoads do not seem to care about them or the travelling public, who have had to put up with the inconvenience of these roadworks on the Bass Highway for the term of this incompetent and corrupt government. The lack of information provided by the government to the people involved has been appalling, but it is typical of this uncaring government.

### **Geelong Trades Hall Council: Labour Day dinner**

**Mr TREZISE** (Geelong) — This Friday, 12 March, I will once again have the pleasure of attending the Geelong Trades Hall Council's Labour Day dinner. I think I can accurately say that I have been to nearly every such dinner over the last 20 years, and definitely

every dinner in the years I have served as member for Geelong.

For the information of the house, last year saw the 100th anniversary dinner of the council, which held its first meeting on 12 January 1909. It is of interest that an earlier trades hall had been established in Geelong in the 1890s, and it had as its original home the place where the Country Fire Authority is currently based. However, due to the Depression years that organisation was disbanded.

The current trades hall is located in Myers Street. The building was opened in 1928, with the preceding years' meetings being held at the then waterside workers hall in Malop Street. The council has had a proud and active past, and to this day it fights tirelessly for local workers' rights and jobs. Through the 1960s the organisation was active in the Vietnam War moratorium campaign; in the 1980s it led the way with the vehicle industry tariff campaign; and in recent times it has coordinated many local campaigns, including the campaign against WorkChoices, which saw the demise of the antiworker Howard government.

As member for Geelong I have had the pleasure of working with the current secretary, Tim Gooden, and prior to that former secretary John Kranz, a real stalwart of the trade union movement in Geelong.

I look forward to this Friday's dinner, where I will join president Dave Ball, his executive, delegates and hundreds of workers in celebrating Labour Day in Geelong.

### **Water: irrigators**

**Mr WELLER** (Rodney) — I wish to bring to the attention of the house a matter which is causing great concern to irrigators in the Goulburn-Murray region.

Goulburn-Murray Water irrigators located on non-backbone channels are becoming increasingly worried about their future due to a lack of communication from the Northern Victorian Irrigation Renewal Project. I have had calls to my office from irrigators located between 5 and 15 kilometres from the backbone channels who have not yet been informed by NVIRP how and when they will be connected to the channel system. Some of Victoria's most efficient irrigators are on non-backbone channels and are living in fear that they will not be connected to the system. They face being shut down by the Brumby government.

If the Brumby government had any compassion and respect for these irrigators, it would have insisted that NVIRP officers be out talking to these farmers well

before now, discussing options and finding solutions to connect them to the system. Instead the government is wasting valuable resources by spending millions of dollars on misleading advertising. The advertisements currently running right across Victoria claim that 425 000 megalitres could be saved through the irrigation upgrades, when in fact last year the system only lost 350 000 megalitres. Using the government's very own figures, last year's savings across the whole system would only have been 200 000 megalitres.

Given that savings generated by the reconfiguration, the upgrade of Shepparton district and the Central Goulburn 123 and 4 project were committed well before NVIRP began, the actual savings generated by NVIRP in a year like last year would have been only 105 000 megalitres, not 425 000 megalitres. This means the Brumby government's claims of more water for Melbourne — —

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

### **Chile: earthquake**

**Mr HARDMAN** (Seymour) — I put on record my condolences for the people of Chile and their community here in Victoria, who have suffered the devastation of a major earthquake and the resulting tsunami.

### **Bushfires: Marysville exhibition**

**Mr HARDMAN** — On Saturday I had the honour of opening an exhibition of Marysville photography and video footage at the temporary ski-hire facility. Post-fire photographs were taken and collated — along with pre-fire photos by community members — by Barry Thomas of VideoVision, who has been a regular visitor to Marysville since Black Saturday, recording the heroic efforts of local community members, volunteers and workers.

Barry's dedication to the task of recording the physical reconstruction and recovery of the Marysville community is evident in the exhibition, which is only a small proportion of his volunteering efforts. I encourage members to visit [www.gomarysville.com](http://www.gomarysville.com) to see some of his amazing time-lapse photography and video footage.

I encourage the whole community to visit the exhibition, which arose from discussions with locals who feel it will tell the story that they have carried the burden of retelling since Black Saturday.

### **Bushfires: Marysville tourism**

**Mr HARDMAN** — Marysville, Narbethong, Buxton and Taggerty are very much open for business. Local businesses require our support. There is accommodation available and many attractions are open and awaiting the return of visitors. Attractions include the first stage of an 80-kilometre mountain bike trail at Lake Mountain, which I had the privilege of opening in February. Campgrounds and walking tracks in the Cathedral Ranges state park are open. Bruno's sculpture garden and Buxton trout farm are operating and providing a great visitor experience. Great hospitality and accommodation are available at the Black Spur Inn in Narbethong, at luxury bed and breakfast facilities, Marysville caravan park and many more similar places. Volunteers are staffing the visitor information centre at Marysville to provide more information. Please visit Marysville.

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

### **Ferntree Gully: storm damage**

**Mr WAKELING** (Ferntree Gully) — I would like to highlight to the house the effects on the Ferntree Gully electorate of the hailstorm that occurred on 5 March.

The fierce storm, which caused havoc across Melbourne last weekend, caused significant damage in the suburbs of Lysterfield, Rowville, Boronia and Ferntree Gully. Many private residences, businesses, schools, churches and community groups are now dealing with the damage left by the extreme hail and flooding.

I have been in contact with the schools in my electorate, a number of which have encountered significant damage, including flood damage, broken windows and broken skylights. I know the school communities will pull together to ensure that the damage is repaired quickly, and I hope the Minister for Education will assist in this process.

I thank and pay tribute to members of the Knox branch of the State Emergency Service and other emergency services who worked hard throughout the weekend to assist those in need. Their work and support are integral during these trying times. I also thank the numerous individuals who left their own homes to care for neighbours, family and friends and assisted in the clean-up at various community sites across the electorate.

### **Planning: resident access**

**Mr WAKELING** — I also highlight to the house the effect of the planning laws, which is resulting in many local decisions being determined by the Victorian Civil and Administrative Tribunal. On many occasions VCAT has overridden the views of local residents. The minister should be ashamed that local residents no longer have a strong voice on planning developments taking place on their doorstep.

### **Clean Up Australia Day: 20th anniversary**

**Mr WAKELING** — I would like to thank and congratulate the residents who participated with me in Clean Up Australia Day on Sunday. The day was a great success. There was a great turnout, and Heany Park reserve has now been cleared of rubbish. Clean Up Australia Day is now in its 20th year, and it is fantastic to see so many residents willing to lend a hand to keep Australia clean. I pay tribute in particular to the more than 100 members of the Sant Nirankari Mission in Rowville.

### **Darebin community health centre**

**Mr SCOTT** (Preston) — Today I would like to highlight the fantastic work that is performed in my electorate by the Darebin community health centre. The centre provides services at sites in East Reservoir, Northcote and Preston and at PANCH Health Service. The East Reservoir site is perhaps the best-known site where these services are provided in my electorate. It provides a range of services including chronic disease management programs, community health nursing, community liaison, counselling and casework, dental services, diabetes education, health promotion, general practice, men's shed, needle exchange, and nutrition and dietetics.

The Darebin community health centre has been a pillar of our community in providing services to disadvantaged members of the community in particular, such as Aboriginal and Torres Strait Islanders, newly arrived refugees and asylum seekers, children under 12 years of age and their families, people from low socioeconomic backgrounds and people with high clinical needs.

The health centre has been in the vanguard of service provision by providing services which not only help people in the community but importantly prevent people from having to use acute care services. By maintaining people's health, preventing disease and managing chronic disease the Darebin community health centre has enriched the lives of many in our

community and allowed people to escape the ravages that have often befallen low-income earners who would otherwise be unable to access medical services. By providing these services Darebin community health centre has allowed members of the community to be treated with dignity and to have a better quality of life.

I recommend — —

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

### **Lower Plenty Cricket Club: achievements**

**Mr HERBERT** (Eltham) — I rise to acknowledge the Lower Plenty Cricket Club for its continued success both on and off the field and its tremendous commitment to boosting female participation in the sport of cricket. The club has a proud history and, importantly, a progressive policy of engaging with the community and encouraging participation.

Lower Plenty Cricket Club is one of the fastest growing sporting clubs in my local area. The club has grown from having just 1 junior side and 3 senior sides in 2004 to having 13 junior sides, including 1 girls side, 8 senior sides and 2 veterans sides today. This remarkable growth in such a short period can only be attributed to the outstanding work of many people at the club. I pay tribute to former president Guy Jenkin, current president Tony Marsh, project manager John O'Connor, junior coordinator Michael Bowen and girls team coordinator Fran Hurst. I also pay tribute to Tabatha Delaney for her work with the all-abilities side. I congratulate them all on the terrific work they do.

I was delighted to accompany the Minister for Sport and Recreation at the club last week when he announced \$60 000 in funding for a new multipurpose training facility. This much-needed funding was greeted with tremendous enthusiasm by the many cricketers, young and old, who were preparing for the weekend's semifinals. I wish the Lower Plenty Cricket Club all the best with this week's finals and for next year's season.

### **Clean Up Australia Day: Frog Hollow**

**Mr DONNELLAN** (Narre Warren North) — I would like to congratulate the friends of Frog Hollow and specifically Stephen and Dean Hallett, who ran Clean Up Australia Day on Sunday last week. I am congratulating them not just on their work last Sunday but because over a period of about 10 years they have totally transformed the park by making plantings with funding from Melbourne Water and the local municipality, the City of Casey. The park has gone from being a barren wasteland to something quite

magnificent, including a large number of birds returning to the lakes, making it an environment people are absolutely overjoyed to walk through. Large community groups work there and have done a marvellous job of reinvigorating this park. Well done Stephen and Dean Hallett!

## **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL**

*Second reading*

**Debate resumed from 10 December 2009; motion of Mr ANDREWS (Minister for Health).**

**Ms WOOLDRIDGE** (Doncaster) — I am pleased to rise to speak in the debate on the Severe Substance Dependence Treatment Bill 2009. This house has been anticipating this bill for many years. As far back as 2000 the Drug Policy Expert Committee proposed that the government review the Alcoholics and Drug-dependent Persons Act 1968 with the view to removing it from the statute book as it was cumbersome and not in tune with contemporary treatment approaches.

The government first began work on this bill in 2005, and at that time said the bill was expected to be introduced into Parliament in the 2006–07 year. The bill was then expected in 2008 after it was flagged in the 2008 annual statement of government intentions. It was the Minister for Mental Health's only legislative target for the year, yet she failed to deliver it. The legislation reappeared last year in the 2009 annual statement of intentions, but it was not until the very last parliamentary sitting week of the year that we finally saw the bill.

Although we have waited all that time the bill does not fundamentally reform the way in which drug and alcohol treatment services operate, nor does it provide much-needed investment or resources to a cash-strapped and struggling drug and alcohol sector. What it does is update the heavily outdated Alcoholics and Drug-dependent Persons Act 1968 to put some protections in place for the individuals involved. I would like to go through some details of how the bill works.

The bill repeals and replaces the outdated Alcohol and Drug-dependent Persons Act 1968. It sets out criteria for the detention and treatment of persons with a severe substance dependence. In clause 5 a person is defined as having a severe substance dependence if:

- (a) the person has a tolerance to a substance; and

- (b) the person shows withdrawal symptoms when the person stops using, or reduces the level of use of, the substance; and
- (c) the person is incapable of making decisions about his or her substance use and personal health, welfare and safety due primarily to the person's dependence on the substance.

Clause 8 sets out the situations where people are eligible to be considered for detention under the act as being where 'the person has a severe substance dependence' as previously defined, where 'because of the person's severe substance dependence, immediate treatment is necessary as a matter of urgency to save the person's life or prevent serious damage to the person's health', where 'the treatment can only be provided to the person through the admission and detention of the person in a treatment centre' and where 'there is no less restrictive means reasonably available to ensure the person receives the treatment'. The person must also be older than 18 years of age.

The bill provides an improved framework to better support people with a severe drug or alcohol dependency who, as a result of their dependency, cause serious harm to themselves. This legislation aims to enhance their rights in comparison with the previous act and establish a system that can better respond to their immediate needs. When they are trapped in a world of drug and alcohol dependency and abuse, people's ability to make decisions about their health and wellbeing is often significantly affected. Too often they lose the capacity to escape from a substance-dependent cycle, and without the support and concern of others they often end up with a disability or, unfortunately, dead.

This legislation grants an individual the power to lodge an application for a detention treatment order at the Magistrates Court. This provides family, friends and members of the public an opportunity to better protect someone whose health and wellbeing is spiralling downwards as a result of dangerous substance use.

A person lodging an application would need to get from a registered medical practitioner an examination and assessment of the drug-dependent person. The medical practitioner would then need to seek a second opinion from a senior clinician at a drug and alcohol treatment centre. Once the assessment has been completed a person can lodge an application with the Magistrates Court. The person subject to the detention and treatment order will then be granted the right to obtain legal representation. A hearing must be held within 72 hours of the filing of the application, and the person who is subject to the application has the right to appear.

Once a court order is made, the person is given a priority listing on the waiting list to access a treatment service. The legislation provides that a person can only be placed on a detention and treatment order for a maximum of 14 days. This differs somewhat from the current act, which allows the court to make a treatment order for a maximum of seven days, with a provision for the treatment centre to apply for an additional seven-day extension.

This bill also differs from the current act in that it introduces a set of guidelines which affect the operation of treatment centres and provide for greater involvement of a person throughout all stages of their treatment. As part of these new provisions a person entering a treatment facility will be given the right to nominate a person to act to protect their interests. This nominated person will be able to act as an advocate and provide support and assistance to the person receiving treatment. The Office of the Public Advocate will also play an important role in the administration of this legislation. Acting as an independent voice, the public advocate will visit and support the person subject to the detention and treatment order and assist them in exercising their rights.

This bill also includes a provision for a discharge and case management plan to be developed, which does not exist in the current act. This will be developed in conjunction with the person on the detention and treatment order. While the bill does not go into detail, the bill briefing informed us that the case management will be provided for a period of 6 to 12 months following discharge. The second-reading speech also commits to the development of a lead treatment service which will house case managers to support and assist the person receiving treatment.

A revision of the current act is desperately needed; no-one is contesting that. However, the coalition parties will be taking a position of not opposing the bill as we have a number of concerns which I will outline over the course of this speech. In the first case I really must talk about the consultation, because the reality is that this government has had five years to develop this bill. It has been consulting on it for five years, but key stakeholders and those affected by the legislation have not been adequately consulted.

First of all I would like to quote the Association of Participating Service Users (APSU), which is the voice for alcohol and drug service users. It said:

... APSU calls for the democratic process of consulting and educating service users regarding the repercussions of such a bill prior to accepting this as legislation. We would hope that the opinions from people who use AOD —

alcohol and other drug —

services are taken into account, especially as they have expertise regarding the experience of severe addiction.

It went on to say:

APSU recommends that families are consulted regarding this legalisation ensuring they understand the implications of reducing civil liberties.

APSU is very concerned that it has not been adequately consulted.

The Victorian Aboriginal Legal Service is also concerned about consultation. It stated:

In light of the unique context of the bill in relation to members of the Aboriginal and Torres Strait Islander community, it is disappointing that consultation with the Aboriginal and Torres Strait Islander community regarding this bill has, to our knowledge, not occurred. This is especially the case given the reading speeches suggest there are concerns regarding impacts on Aboriginal members of the community.

Of those who have been consulted, many feel that they have not been heard or their concerns have not been appropriately incorporated. Drug and alcohol groups, while supportive of measures to better support and treat people with substance dependency, have voiced significant concerns about the implementation and the effectiveness of the legislation. Consumers and the legal fraternity have also expressed considerable concerns, arguing that this bill potentially infringes on the Victorian Charter of Human Rights and Responsibilities.

I would like to quote from Harm Reduction Victoria, which said:

It should not be morally possible to grant a certificate of compliance with the charter of human rights without having undertaken a rigorous process to seek out the opinion and perspectives of those community members who are likely to be affected by this act. No such effort has been made to research and thoroughly evaluate the considerations of all the various stakeholders, especially consumers of AOD services and dependent users of drugs and alcohol.

It is very concerning that while the government has had five years to undergo extensive consultation with key stakeholders, genuine consultation has not actually occurred. As a result there are a number of points that are yet to be clarified.

Here we are today debating a bill that is the subject of some consternation and that raises many questions. I would now like to spend some time looking at the various provisions in the bill and the concerns that have been raised. First and foremost, a fundamental premise of this bill is that two weeks detention is actually

effective. The government's discussion paper on the review of the previous act, under the heading 'Evidence to support or reject compulsory treatment of non-offenders', states:

There is no available evidence to support or reject compulsory treatment for non-offenders.

It goes on to say:

Anecdotal evidence collected from drug treatment services that have received section 11 clients suggests there are potential benefits and costs for the individual, and for the individual's family and community, in civil commitment.

That view is reflected in a lot of the work that has been done by Turning Point. The jury is very much out in relation to whether the two-week detention is effective. In terms of states across Australia, some states undertake a detention process and some do not.

The review process goes on to list a number of strong points and also weak points in relation to such detention. One of the good things is that civil detention can be a life-saving intervention. It captures people at the highest risk and provides some time for time out, but it also potentially gives families an opportunity for respite from what can be very difficult situations. However, the costs raise a real question about the appropriateness of compulsory treatment and the deprivation of the liberty of individuals. The limitations of compulsory treatment concern people who are not motivated to change their behaviour.

There are some real concerns in relation to the bill. An important comment I received was from Margaret Hamilton, former chair of the multiple and complex needs panel. She said:

I saw some situations where a bill such as this might have provided one of the only ways of interrupting an alcohol and drug 'binge' by someone (usually already somewhat disabled by previous episodes of same or other difficulties) long enough to clarify and sort out their actual physical and mental health status.

There are some real questions about whether the two-week detention is effective, which is the cornerstone of the debate. This new bill will give some potential to do some research and look for more evidence for the future.

A critical issue for the service providers — and this was raised by members of the drug and alcohol sector — is the inability to perform what is required of them under this bill. The bill enables the detention of individuals, but current withdrawal facilities are not secure environments. One service provider aptly described this to me when he said, 'This legislation seems to have

power but it does not actually have it. It does not reflect reality'. A person detained under this law can walk out of a treatment service if they choose to. An estimate from the sector is that 50 per cent of people do walk out. There are things that can be done. One-to-one staffing can be provided and they can try to talk people out of leaving, but if they want to go, they can. Police are often called to bring them back, but they can just walk out again. Some service providers in the sector say that for this law to be effective locked treatment facilities, similar to a model being piloted in New South Wales, should be funded.

The peak alcohol and drug group, VAADA (Victorian Alcohol and Drug Association), has expressed its concern that in its current form the bill fails in its duty of care to ensure the safety and security of Victorians sanctioned under its provisions. In a media release, VAADA states:

Simon Ruth, VAADA president, stated that current Victorian withdrawal facilities are not suitably designed, or staffed, to treat larger numbers of involuntary clients and are unable to prevent people from leaving the facilities if they wish to do so. The limitations of the proposed legislation, will find country Victorians being transported to inner city Melbourne detox centres that they are able to leave and left to roam inner city streets, intoxicated with nowhere to sleep. As currently drafted, the bill fails to ensure the safety of the individuals it is designed to help.

Turning Point, a statewide drug and alcohol agency, also has concerns along these lines, and I quote:

We strongly feel that involuntary treatment for AOD issues should only be considered if the appropriate facilities are set up — i.e., that have secure and lockable areas where involuntary patients can be detained, that have areas for voluntary and involuntary patients that can be fully segregated, and that have high levels of staffing and staff who are appropriately trained to deal with the paradigm of involuntary treatment. Current treatment services have no real ability to detain patients.

There is real concern that this bill does not have the facility to enable its aspirations to be achieved.

There is also some uncertainty about the role of treatment services under this bill. The minister's second-reading speech commits to the development of a drug and alcohol treatment service. There are currently three services located in Victoria: they are St Vincent's, Moreland Hall and DASWest. The government has had five years to consider, draft and finalise this bill, and yet the minister cannot tell us what the final model of delivery will look like. The minister and her department have not yet determined whether they will establish a new treatment service and keep the existing three support services or whether they may

work with the existing services and allocate one as the lead agency.

Funding of \$300 000 to \$400 000 per annum has been allocated to cover additional costs for treatment services and case management and provide some funding for the Office of the Public Advocate, but we have not been told whether these are new dollars or are they coming out of funding for existing services. In terms of treatment planning, in the briefing we kept hearing that brokerage would be available to ensure discharge plans could be delivered, but we have not seen specific funding commitments to enable those brokerage dollars to be made available.

There are also some broader issues for treatment services. Do they have the specialist staff to fulfil the requirements of the act, especially when treatment is often required within constrained time frames? Will these high-needs individuals, who may be trying to leave a facility, detract from others who are seeking treatment from the same service at the same time? Given that treatment services are currently so full, will they be able to manage additional clients or will people end up in hospital beds waiting for a treatment facility? These are just a few of the many concerns about treatment agencies.

As I mentioned earlier, a lot of concern has been expressed about certain provisions in the bill by consumers and the legal fraternity, many of whom deem aspects of this legislation to be in contravention of the Victorian Charter of Human Rights and Responsibilities. The Scrutiny of Acts and Regulations Committee received a number of submissions regarding this legislation which expressed some concern about provisions in the bill limiting and impinging on the freedom and liberty of people subject to an order application. SARC found there was not enough evidence to support the effectiveness of short-term compulsory detention, about which I talked previously. The Human Rights Law Resource Centre believes the failure to justify the effectiveness of this form of treatment contravenes the requirements of section 7(2) of the charter.

Section 10 of the charter states that a person must not be subjected to medical treatment without their free and informed consent. However, this bill supports a situation where an individual is subject to a detention and treatment order even in instances where they retain legal capacity and choose to refuse treatment. Legal groups have also expressed concern about the detention and subsequent imposition of medical treatment without consent of a person who has not been found guilty of breaking the law. Also, the bill says a person

can apply for legal representation but is required by the bill to request that representation notwithstanding the state they are in. It is very hard to expect them to take the initiative in organising legal representation, and a very positive improvement to the bill could be that Victoria Legal Aid be required to step in, as it is for various forms of family violence applications. These and a number of other concerns are very valid.

It has been interesting to note that a lot of the debate has focused on whether or not the bill infringes on the charter rather than whether it is good legislation or policy. The reality is that these human rights concerns have been ignored by the government and this bill is an example of how toothless the charter actually is.

In terms of the regulations, when I attended the briefing on this legislation I was disappointed to find that little preparation or detail had been invested in completing the regulations. For example, the definition of a registered medical practitioner is a fundamental part of the bill. The government has flagged that this definition excludes general practitioners and could be limited to physicians with drug or alcohol specialisation. In terms of treatment centres, we do not know what sort of staff they need to have and what type of facility they need to be. The regulations have not been finalised, and there is uncertainty out in the community as to what will be the final result.

For country Victorians who wish to make an application in the Magistrates Court, seeking a recommendation from a medical practitioner for detention and treatment of a person within 72 hours of filing an application can be particularly challenging. The fact is that Victorians in rural and regional areas do not have ready access to specialist physicians. In addition, accessing a senior clinician at a metropolitan treatment centre, as required under clause 12(8) of the bill, creates significant issues for country Victorians. We need some detail on the regulations, and it is disappointing that we have not seen that yet so that some of these issues can be clarified.

Another concern is the lack of accountability and the lack of commitment by this government to being accountable about the performance of the legislation in relation to the needs of the people it will affect. The government has said it will collect data and monitor the results and it will also conduct an evaluation within 12 to 24 months, but there is no commitment to the public release of the data or the results of the evaluation. There is no way the Parliament and the public can assess the effectiveness of the legislation.

There is an opportunity for the public advocate to play a key role here. The public advocate will be notified about all cases and has an oversight role. Given that the government will not commit to reporting on the outcomes of this legislation, I strongly encourage the public advocate to comprehensively report in her annual report to Parliament on the details of the operation of the act and to provide her assessment about whether it is meeting its objectives.

In terms of implementation, I have a very important quote here from Turning Point, the statewide drug treatment agency, which says:

There is substantial Australian and international experience with various types of involuntary treatment of alcohol and drug problems, and a number of reviews and government investigations to draw on. The evidence is quite mixed on its effectiveness . . . One thing which is clear from the experience is that whether involuntary treatment provisions are used, how well they function, and whether they are effective is crucially dependent on the practical arrangements made for their implementation. In our view, no such measure should be adopted without detailed plans for its implementation.

Unfortunately we have not seen those detailed plans. The Human Rights Law Resource Centre raises a very good issue about the implementation challenges. It says:

One of the stated aims of the bill is to 'create an opportunity for a person to engage with services for voluntary treatment'. However, the bill does not guarantee that persons made subject to an involuntary treatment and detention order will have effective access to voluntary services once the order has expired.

How can we take what is a two-week detox and effectively implement it and ensure that those who wish to access voluntary treatment can do so on an ongoing basis to genuinely address their substance issues?

Professor Jon Currie, the respected addiction medicine specialist from St Vincent's Hospital, talked about this bill being window dressing. The major issue in drug treatment services is to get a long-term response because the short-term response is really not a great model for treatment of addiction and the failure rates are exceptionally high. His view is that if the government really wanted to make a difference, then money would be best spent by increasing funding for long-term and accessible drug treatment services.

That leads me to make some comments about drug and alcohol services in Victoria generally. Currently an average of six people a year are admitted to treatment centres under the existing act. That number used to be 12 but has halved under this government. The government has said it does not want or expect this bill to increase the number of people treated under a

detention and treatment order, but we know there are many Victorians with drug and alcohol abuse issues and people who need urgent assistance. Many do not have the capacity to assist themselves — they are homeless or they are stuck in supported residential services or in rooming houses without the support of family and friends. Those who do try to access drug and alcohol services are then put on a waiting list.

The reality is that the minister does not want any more people coming through our treatment centres because she knows the services are already stretched to breaking point. It has been estimated that what is available is only 50 per cent of the services that are actually needed. Waiting times have blown out to weeks, months and in some cases even years, and people have been known to die while waiting to access a bed. Accessing treatment is particularly difficult for rural Victorians with drug treatment needs.

The government collects and publishes some limited data on drug and alcohol services. In the past I have asked the minister questions on notice about waiting times for people needing to access a drug treatment bed. The responses I received from her said:

There is no centralised waiting list. Some agencies operate on a walk-in basis, while others maintain their own waiting lists.

What we hear from groups and individuals is that drug treatment agencies are under massive pressure. Harm Reduction Victoria says:

Tragedies continue to occur because people cannot voluntarily access the treatment services they want.

VAADA says:

... 'there is limited data to accurately assess wait times ...'

It goes on to say:

Agencies continue to report that the official wait times collated and published by DHS are not reflective of what is happening on the ground.

We need a commitment from this government to expand the collection of data regarding drug and alcohol services so that we can effectively assess whether the demand is being met by the services that are available. In the minister's own region a Barwon Health alcohol and drug program which prescribes methadone was forced to refuse help to about 150 people in the first half of 2008.

**Mr Trezise** — Jeff Kennett closed down every bed in Geelong.

**The ACTING SPEAKER (Mr K. Smith)** — Order! The member for Geelong is listed to speak and will wait his turn.

**Ms WOOLDRIDGE** — Another case involves a 25-year-old woman who, after years of chronic alcohol abuse, developed brain damage. Rather than being able to access urgent specialist treatment and support, she was put on a waiting list and died two years later, still waiting.

The current lack of treatment options is taking a huge toll on Victorian families and communities, but this legislation does nothing to address the growing pressure on services to ensure that Victorians with a substance dependency are able to access services when they need to.

VAADA has found:

...the existing service system is unable to meet the demands of people seeking treatment, with service users often unable to access support when required. There is growing experiential evidence that people in need of treatment are 'dropping off' wait lists and out of the system because of chronic inefficiencies and inhibited capacity.

I would like to quote from Harm Reduction Victoria one more time:

In metro Melbourne, for instance, clients wishing to enter detox or rehab usually have to keep calling every day for weeks to get a spot — this is because they do not keep waiting lists. So the government may claim that there are no waiting lists, but this is not the same thing as unmet demand.

Across large swathes of regional and rural Victoria, there are no services within reasonable travelling distance at all ... or there might be acute withdrawal facilities, but no residential rehab, transitional housing and no, or very limited, opioid replacement providers.

There are real concerns right across the board. Under this government treatment services are forced to turn away people voluntarily seeking treatment services. We know that at least 50 per cent of Victorians with a substance abuse issue also have a mental illness. Many are homeless, unemployed or have a disability. We know that people are falling through the cracks and the service systems are operating in silos.

In last year's state budget we saw the overall funding for drug prevention and control decline by an astonishing 11 per cent in real terms, and this government has failed to invest in one single additional drug treatment bed. At the same time the number of Victorians being admitted to hospital each year due to alcohol abuse has increased by more than 51 per cent under this government.

Treatment services now see more than 26 000 clients each year, and recent data shows the number of young people needing treatment is growing significantly each year. We need a treatment service that addresses this demand. Unfortunately the one we currently have reflects chronic underinvestment.

Service provider VAADA says:

...there are all kinds of bottlenecks in the system — especially bed-based services. Victoria has a worse bed rate than other states (per capita). This means that effectively clients are asked to wait here, while in another state they'd get a service.

There is very strong feedback from the community and from the service providers that what we need to do is make sure we can increase access to drug and alcohol treatment services to help ensure that people do not get to the stage where the operation of the Severe Substance Dependence Treatment Bill would actually come into place.

We know that a number of people who need access to those services do not come to the attention of the system, so we need this type of legislation in place to address that. Accordingly we will not be opposing the bill. We believe the Alcoholics and Drug-dependent Persons Act 1968 is outdated and requires reform, but after many years in the making this bill is unfortunately just tinkering at the edges. It improves current practice but fails to come up with new ideas, new approaches or new funding for a service system that is massively under pressure. Many substance-dependent persons are falling through the cracks as a result.

The Victorian government has not funded the drug and alcohol treatment services, and as a result Victorians with a severe substance dependency are not getting access to the treatment and support they need. This bill will provide a framework to help the handful of people who need to access these services, but what we need is a broader drug and alcohol system that can support the many hundreds of thousands of Victorians who need broader drug and alcohol treatment services and who need to be able to access them when they are ready to get assistance and support. That is the Victoria we need to aspire to so that people do not get to the stage where they have such a dependency that they require the assistance provided under this bill.

**Ms MUNT (Mordialloc)** — I am pleased to rise today to speak on the Severe Substance Dependence Treatment Bill 2009. Firstly, I would like to address a few of the concerns raised by the member for Doncaster on behalf of the opposition. I note the opposition will not oppose this legislation, but it has

raised some concerns about the infringement of civil liberties, the length and extent of the consultation period and the implementation of the legislation. Some remarks were also made that not one new drug treatment bed had been provided by this government.

I hope to address most of those issues in my contribution, but in particular I would like to put on the record that since the Bracks and Brumby governments were elected the number of drug treatment beds available in Victoria has almost doubled, with waiting times for those beds also cut. Counselling waiting times have decreased from 6.3 days in June 2000 to 2.2 days in December 2008 and residential withdrawal waiting times have decreased from 9.4 days in June 2000 to 6 days in December 2008. The member for Geelong will talk more extensively about his region and what happened in the past during previous governments, which is in stark contrast to what this government has done.

The purpose of this bill is to repeal the existing legislation, which was put in place in 1968. That legislation is too old and needs to be updated with new provisions inserted. As I said, the purpose of this bill is to repeal the Alcoholics and Drug-dependent Persons Act 1968; to establish a reform system of civil detention of treatment for persons with severe substance dependence; to enable the assessment and medically assisted withdrawal of persons detained under the bill to enhance their capacity to make decisions about their substance use and provide them with the opportunity to engage in voluntary treatment; and to meet the government's commitment to introduce new legislation as part of Victoria's Alcohol Action Plan 2008–13.

As background I will go through how this bill came to be. To address the concerns about the consultation process I will outline some of the consultations undertaken. In May 2008 the government approved the Victorian alcohol action plan as a comprehensive strategy to prevent and reduce harm associated with alcohol misuse. As I said, this includes a commitment to introduce this legislation. The 2009 statement of government intentions outlines the government's intention to draft and finalise this bill. The proposed alcohol and other drugs treatment bill 2009 was given approval in principle by cabinet on 31 August 2009.

As the review progressed the Department of Human Services commenced a review of the Alcohol and Drug-dependent Persons Act 1968 and a discussion paper was released for public comment. The review found that while civil detention is not of value to the majority of people with substance dependence there is a

continued need for civil detention for a very small number of people facing serious and imminent health risks. I have been briefed that the number of people we are talking about is of the nature of 6 to 10 severely affected persons per year. If there was no option to intervene with this small group, it is highly likely that these individuals would be permanently disabled or die. We are talking about a mechanism to intervene to save the lives of this small number of people.

Extensive consultation was undertaken, which was one of the other concerns raised by the member for Doncaster. I will go through some of the consultation undertaken — over a number of years, I might add — which ensured that the consultation engaged in was extensive and provided the maximum level of consultation with all affected and interested groups. The groups consulted included the Magistrates Court; the Office of the Public Advocate; Victoria Legal Aid; the Victorian Civil and Administrative Tribunal; Victoria Police; General Practice Victoria; Ambulance Victoria; the Victorian Alcohol and Drug Association; key drug and alcohol treatment providers, including UnitingCare Moreland Hall, DePaul House at St Vincent's Health and DASWest at Western Health; the Koori health unit in the Department of Health; the Koori justice unit in the Department of Justice; the Department of Justice; the Department of Treasury and Finance; and the Department of Premier and Cabinet.

The member for Doncaster also raised a concern about the implementation of this bill. Consultations will continue with all groups and individuals, and with others, during the implementation phase of the legislation to assist with the development of the service model. This is an ongoing consultation process.

In the limited time left to me I would like to talk about some of the personal contact I have had with Victorians who have severe alcohol and drug dependency issues. Many years ago my husband and I were involved in setting up what is called 'the van'. The van travels around the city into laneways and parks to assist homeless drug-dependent and alcohol-dependent people. Volunteers with the van deliver sandwiches and drinks — drinks of the soup and tea variety! — to these people and where needed provide help seeking medical attention or a bed for the night.

During this time when we were travelling around the back alleys — and my husband and daughter are still involved on Sunday nights around the city with the van — we would come across unfortunate souls who were virtually past the point of no return, who could not make informed decisions for themselves and who if left to their own devices would die — there is absolutely no

question of that. I am talking about the instances where these people, men and women, were drinking methylated spirits and stripping out their digestive systems. They had suffered severe brain damage as a result of this abuse of drugs and alcohol and were in no position to look after themselves.

This piece of legislation is being put in place to assist those few people who need that extra assistance. The bill provides that medical practitioners who work in this field will be able to recommend that these people be taken in for 14 days to detox and receive medical and other care to save their lives. It would not behove us to leave on the books a piece of legislation from 1968 which did not meet the needs of these people. It was our duty therefore to go and consult with all of the groups that we have consulted with and to put in place this new legislation to assist these people when they cannot, in effect, assist themselves.

I would like to go back to reinforce the measures that this government has put in place to reinvest in health and mental health in Victoria. Since 1999 there has been over \$490 million invested for whole-of-government initiatives to address alcohol and drug issues in Victoria. This is much-needed money, and this is much-needed legislation to back up the large investment that we have made in alcohol and drug dependency services for those affected Victorians. I support this bill and wish it a speedy passage through the house.

**Mr CRISP (Mildura)** — I rise to make a contribution to the Severe Substance Dependence Treatment Bill 2009. The Nationals in coalition are not opposing this bill. However, I am concerned that the member for Mordialloc has exposed a consultation flaw with this bill in that there really was not a great deal of effort put into seeking the views of consumers and peak bodies on this vital bit of legislation. Particularly given some of the difficulties that the member for Doncaster outlined in her extensive dissection of this bill, it is a concerning flaw in how this bill has been brought about.

The purpose of this bill is to repeal the Alcoholics and Drug-dependent Persons Act 1968, and the main objective of the bill is to set out the criteria for determining the detention and treatment of a person with severe substance dependency. It will apply where the situation is urgent and classified as necessary to prevent fatality or serious damage to a person's health. A 14-day detention and treatment order will provide for a short period of detoxification, giving a substance-dependent person an opportunity to detox in order to make decisions about their future treatment.

The provisions are extensive. The bill grants an individual the power to lodge at the Magistrates Court an application for a detention and treatment order, which must be served within 24 hours of lodging the application. This has raised some issues in that in the country the Magistrates Court may not be able to meet that 24-hour deadline as many courts do not operate on a continuous sitting basis.

The bill provides for the establishment of regulations around the examination and assessment of a substance-dependent person by a registered medical practitioner. It requires a medical practitioner to consult with a senior clinician at the treatment centre at which it is proposed the person be detained. I will go into this in detail later. This will present some unique problems for regional admissions as arranging that particular conversation between a suitably qualified regional clinician and the treatment clinician in the city will be challenging.

The bill also provides for a maximum of 14 days of detention and treatment and gives a person on a detention and treatment order the right to engage a nominated person to act as their advocate. It also requires the public advocate to be notified of the detention and treatment order within 24 hours of a person being admitted to a treatment centre and the development of a lead treatment service and post-discharge care plan.

I will outline the background to the bill. The government undertook a consultation in 2005. A commitment was given in the 2008 annual statement of government intentions. However, the bill was not introduced until December last year. The Alcoholics and Drug-dependent Persons Act 1968 was largely outdated, and its revision has been needed to improve its functioning and bring it into line with the Charter of Human Rights and Responsibilities.

There are some differences between this bill and the current act. The bill provides an individual with the ability to lodge a court application. It introduces a maximum of 14 days of treatment; the current act allows the court to make a treatment order for a maximum of 7 days, with provision for an additional 7-day extension. There is also a requirement for a second opinion and the involvement of a guardian from the Office of the Public Advocate. The bill also requires the preparation of a case management and discharge plan because many of these problems are not going to be solved within 14 days.

What we are really dealing with here is principally an alcohol problem. I will refer to some of the statistics

that come from the alcohol and drug information services. The statistics I will refer to cover July 1998 until December 2003; it is a shame there are not more up-to-date statistics. Of those people who have been the subject of an order in the past, 56 per cent are males and 44 per cent are females; the average age of males is 34 and the average age of females is 40. Eighty-seven per cent of the clients were unemployed at admission, 13 per cent were employed and 7 per cent were engaged in home duties. Thirty-four per cent reported being homeless or transient, and 10 per cent reported living alone. Seventy-six per cent of the client group was using alcohol, and that is why it is the major contributing factor, with 48 per cent using alcohol exclusively. Twenty-one per cent reported heroin and opiate use, 90 per cent reported benzodiazepine use and 43 per cent reported the use of two substances or more.

We clearly have an alcohol problem. None of us is shying away from that, but there are issues for regional Victoria. The uncompleted regulations are of great concern. They will not be disallowable, and it is a leap of faith to agree to them without their being on the table. Also, if the definition of a 'registered medical practitioner' is to be limited to physicians, there will be difficulty getting access to suitable drug and alcohol specialists in country Victoria.

We also note that the facilities are all located in the city and there will therefore be a lack of services in regional Victoria. Regional patients will need to be transported. Detox is crucial, and given the time it will take to get someone through the court process and then transport them to Melbourne, I hope a detention order will begin at the point of admission and not at the point of their being taken into custody; otherwise you are going to lose one or two days with country people having to move.

As pointed out by the member for Doncaster, there is also a need for alternative detention and treatment. The bill enables detention of individuals, but the current withdrawal facilities are not in secure environments and a person can effectively walk out. Although they do not have to stay, if they leave, the police will have to pursue them because they will be subject to a court order. If they are in the city, they are going to be difficult to find, and the clock will still be ticking on that 7 to 14 days. Regional patients who are drug dependent and on their own in the city and who may or may not be in withdrawal, will put their lives at risk as well. If a withdrawal treatment is started, it will need to be monitored. The treatment sector has raised the issue of lockable facilities. We have been told that there are only six persons doing this every year. That is likely to grow. Some of those persons caring for those affected

by severe drug dependencies will seek to jump the queue for the existing overloaded services to get treatment for their loved ones.

This is a very difficult situation, particularly when those loved ones have become removed from society by being unemployed and quite possibly without adequate housing, but somebody will attempt to care for them. In such situations people will be looking to jump the queue, and the definitions are broad and will allow that. These are desperate times, so access to immediate treatment will be important.

As we have seen before, the Salvation Army has reported in its submission to the discussion paper entitled *Towards a New Blueprint for Alcohol and Other Drug (AOD) Treatment Services* that the treatment services in the whole of Victoria are stretched to breaking point and are 50 per cent under capacity. People will jump the queue. Similarly, on 19 November 2007 Jill Stark reported in her article 'Grog victims die waiting for treatment' that people have died waiting for a bed. The member for Doncaster went into that in some detail. It has also been reported that many Victorians with substance abuse issues have a mental illness which further complicates how we can manage this. Although the bill does add some value, we still have a long way to go.

I would also like to talk about Aboriginal people. The electorate of Mildura has a large Aboriginal population — one of the largest in Victoria. There is a need for suitable facilities for treating Aboriginal persons closer to their community and in the country. Under the proposed legislation they will have to come to the city, disconnecting them from some of their vital support options. I know the member for Shepparton is going to talk in some detail about the impact of this. Regional Victoria deserves better. The needs of those suffering severe substance abuse in regional Victoria are great, and they deserve better. The Nationals are not opposing this bill but hold great concerns for those in regional Victoria who need help with their addictions, particularly with their having to suffer the disadvantage of needing to come to the city for treatment. This is a very difficult issue to resolve.

**Mr TREZISE** (Geelong) — I am also very pleased to speak in support of the Severe Substance Dependence Treatment Bill 2009, because it again highlights the Brumby government's commitment to providing real and effective assistance to members of our community who are having a genuine fight for their lives in dealing with their drug abuse. What is typical of the Brumby government and typical of our legislation is that the bill has been introduced after widespread

consultation. I am informed that over 250 groups were consulted about the development of the legislation that is before us tonight. One cannot ignore the criticism from the opposition of this government's commitment to helping people whose lives have been destroyed by substance abuse. As I have alluded to before, in the 1990s the Kennett government closed down every dedicated detoxification bed in Geelong. There were 12 beds in the Geelong drug and alcohol detox centre based in Sydney Parade, Geelong, and the Kennett government scrapped them all.

**Dr Napthine** interjected.

**Mr TREZISE** — The member for South-West Coast knows this, because he was there when they closed them down. The sheer hypocrisy of opposition members tonight is breathtaking.

This state government is committed to helping people get their lives back on track. This is important for the individuals concerned, it is important for their loved ones — their families, their friends — and it is important for the state government. This government is tough on drugs, and there are numerous examples of the Brumby government's commitment to minimising the effects of drugs in the community of the state of Victoria. An example is the government's world first legislation to introduce roadside random drug testing, which as a member of the Road Safety Committee I fully supported. This initiative was aimed more at reducing the deaths on our roads, but it highlights this government's commitment to addressing the effects of drugs right across our community.

The bill before us is aimed at providing real and effective assistance to people who are locked in a long-term battle with their drug dependency. In basic terms this bill aims to save the lives of a tiny number of people who are so badly harmed by their long-term drug abuse that their lives are in danger and they are therefore unable to make decisions about their futures or their lives. This bill will provide to such people a last-resort treatment, as I said, to save their lives. As the house is well aware, the bill replaces a 40-year-old piece of legislation, the Alcoholics and Drug-dependent Persons Act 1968, a bill that is obviously well past its use-by date and does not, for example, comply with the Charter of Human Rights and Responsibilities. As the minister noted in the second-reading speech:

This bill will modernise the law and provide a more compassionate approach to the very small group of people who cause serious continuing harm to themselves and put their lives at risk ...

The bill before us is for people who are at a dangerous crossroads or already past that crossroads and will provide them with a substantial improvement in health services, including increased specialist medical assistance, intensive support, as we have heard, for a two-week period, and up to six months of follow-up support through voluntary treatment within the community.

Like many, if not most members of this house, I have had firsthand experience of dealing with people who have lost loved ones, generally their kids, through substance abuse. This community expects more from its governments in dealing with this social cancer. This bill takes significant and effective steps in addressing the issue at hand. I therefore wish the bill a speedy passage through the house.

**Dr NAPTHINE** (South-West Coast) — I rise to speak on the Severe Substance Dependence Treatment Bill. This bill repeals the Alcoholics and Drug-dependent Persons Act 1968. Its purpose is to provide for the detention and treatment of people with severe substance dependence. I wish to refer to some comments I have received on this bill, firstly, from the AMA (Australian Medical Association), which said:

There are issues of capacity in Victoria's addiction medicine system. Studies conducted in 2008 by a statewide advocacy group for people who use drug and alcohol services found that waiting times for withdrawal services can be several days or even more than a week.

It said further:

... we will need to continually grow the capacity in the system to ensure that the objectives of the bill can be met now and into the future.

Further the AMA said:

... AMA Victoria is concerned that this bill makes some attempt to legislate good medical practice. This is a worrying legislative trend where the objectives of best patient care may potentially clash with overly prescriptive legislative requirements. Examples include elements of cl 28 and cl 30.

I agree with both of those comments. When considering this legislation we need to consider the whole system that we provide for people with alcohol and drug problems. With this legislation we are talking about people with very severe drug and alcohol problems, we must try to keep people from getting to that severe end of the system by having better services right throughout Victoria. We need to ensure that people with drug and alcohol problems can get access to good services early so they do not go further and further into the problems that drugs and alcohol can cause.

Geoff Soma is the chief executive officer of the WRAD centre, the Western Region Alcohol and Drug Centre, which is a wonderful organisation based in Warrnambool. It has made some comments on this legislation, and I quote from an email I received from Geoff Soma on 29 January:

The decision to retain (and potentially reinvigorate) involuntary detention and treatment in this context (where mental health, guardianship and criminal laws do not apply) has deleterious impacts on rights protected by state law and international human rights law.

These include right to liberty and security of person, recognition and equality before the law, right to a fair trial, right to life, freedom of movement, privacy and reputation, protection from torture and cruel, inhuman or degrading treatment, and right not to be subjected to medical treatment with full, free and informed consent.

There is no strong evidence to show long-term effectiveness of coercive interventions. This is especially problematic given the fundamental nature of rights affected and broader discriminatory impacts on the relevant community.

Further the email says:

The terms of the criteria set out in the bill can capture a very wide range of people, and do not make sufficiently explicit the circumstances where an order should be made.

It states further:

Other matters that have been raised by community lawyers and advocates include the following:

Potential negative impacts on harm minimisation work and culture

Potential harm to family relationships and future engagement with services

Known dangers to health of forced detoxification

Potential of increased risk of overdose on exiting facilities following involuntary withdrawal

Lengthy waiting lists for voluntary residential withdrawal facilities as a preferable funding priority

Impacts of discriminatory suspension of rights in terms of trauma and isolation

Inadequate consultation given nature of intrusion on human rights of affected communities

Impacts on indigenous communities viewed in a historical context.

I will comment on a couple of those issues and pick up on comments made by the member for Geelong, who unfortunately has left the chamber. In Warrnambool one of the most effective interventions to help people with drug and alcohol problems was closed down by this government. It was working in country Victoria, helping people who had drug and alcohol problems.

The Bridge program run by the Salvation Army was closed down by this uncaring, city-centric government.

I quote from the Warrnambool *Standard* of 9 April 2008 under the heading, 'Salvation Army drug treatment centre to close'. It says:

All eight beds from the region's only live-in rehabilitation centre will be lost when Warrnambool's Bridge centre closes in June.

About 500 men have completed the facility's program to help them overcome alcohol and drug addictions since it opened in 1993.

It is interesting for members opposite to note when this centre opened. It was 1993. I was trying to work out who was in government when this great centre opened in 1993. Who was in government? It was the Kennett coalition government. Who was in government when this centre, which has saved the lives of 500 men with drug and alcohol problems, closed? The city-centric Labor government. We should not forget these things. The government often talks about service systems but it forgets that this centre was opened under the Kennett government and closed under the Brumby Labor government.

The article further states:

The Bridge centre was the only residential rehabilitation program in western Victoria, attracting men from across the state.

One case study in the article says:

Jeffrey Robertson was addicted to alcohol and spiralling towards suicide when he was admitted to the Bridge rehabilitation centre in 2001.

...

Mr Robertson came to Warrnambool for the Salvation Army's live-in rehabilitation program after he was picked out of the gutter by police. More than six years after completing the program he is an Australian of the Year nominee and an inspiration to others in his situation.

An article in the *Standard* of Saturday, 12 April 2008 states that:

The Fairy Street house, with room for eight clients, has helped more than 500 addicts walk the road to recovery over the past 15 years.

...

Speaking from the centre, Mr Finneran —

who ran the centre —

said it was outrageous that a proven service would close at a time when so much focus was on alcohol abuse.

He said, and I again quote from the article:

After 15 years of success stories ... it's really hard to fathom that they would just shut it down ...

What is certain is that western Victoria has lost its only live-in rehabilitation centre.

This government closed down an effective rehabilitation centre for men with drug and alcohol problems in western Victoria and said to those people, 'You will have to go to Geelong to access the nearest service'. And it certainly has been to the detriment of services in south-west Victoria. Indeed another article in the Warrnambool *Standard* of Saturday, 12 April 2008 said:

South-West Coast MP Denis Napthine said the loss of the centre, and its 11 workers, was the wrong response to the city's growing drug and alcohol problems.

'Surely this essential life-saving rehabilitation service must not be allowed to close ...

'We should be opening new beds and helping people in real need'.

That is what we should be doing. We are dealing with this legislation, which is a further way down the track. We end up with people going even further down the track and needing to be the subject of severe substance dependence treatment when we have closed centres that were effective and working in regional and rural Victoria. What should have happened is that the Bridge centre should have been enhanced and received increased funding so that not only did we retain the beds for men with drug and alcohol problems but we expanded the service to include women with drug and alcohol problems.

In the last couple of minutes available to me I want to speak about services raised by the member for Mildura, in particular services needed for indigenous or Aboriginal people who have drug and alcohol problems. Tragically a high percentage of people in Aboriginal communities have drug and alcohol problems, and in south-west Victoria we have a significant Aboriginal population. Among them are a number of people — men and women — who have drug and alcohol problems and who need assistance. But they need assistance in their local community and within their local support structures. They do not need to be forced to go to Melbourne or Geelong to get services because they will not go, the services will not work — they are culturally inappropriate — and they will not deliver the outcomes that are needed for Aboriginal people in their communities.

We need specific drug and alcohol services for people of Aboriginal background and heritage, located in regional and rural areas where the populations of Aboriginal people are located, to provide services on the ground to help those people deal with their drug and alcohol problems. However, we also need to deal with issues of self-esteem and to build their skills and provide opportunities for those people to make meaningful contributions to their community and to the wider community in which they live. In terms of this bill, let us have service in country areas where it is needed.

**Ms DUNCAN** (Macedon) — I rise in support of the bill and to commend the government for its ongoing reforms and the work it does in developing good public policy around drug and alcohol issues. I say from the outset that I am pleased the opposition is not opposing the bill.

Before commencing my contribution I would like to pick up on a point that was made by previous speakers who expressed some concern about a lack of consultation in the preparation of this bill. I say to opposition members I am not quite sure what level of consultation they would like to see in the preparation of a bill like this, because there has been substantial consultation in the development of this bill, starting with a discussion paper in 2005 and an invitation for submissions in response to that. Some 250 groups and individuals were consulted in the process of developing this bill. Information sessions were also held for the public and advertisements were placed in the *Age* and *Herald Sun* newspapers asking individuals and groups to make submissions.

One of the opposition members said that no peak bodies were consulted in the development of this bill. I would like to go through some of the bodies that were involved in the development of the bill. First of all the Magistrates Court, which is obviously a key stakeholder, was consulted. Magistrates will be at the front end of this program. It will be magistrates who make the determination as to whether or not someone will be part of this treatment. Other bodies that were consulted included the Office of the Public Advocate; Victoria Legal Aid; the Victorian Civil and Administrative Tribunal; Victoria Police; General Practice Victoria; Ambulance Victoria; the Victorian Alcohol and Drug Association; various drug and alcohol treatment providers, including UnitingCare Moreland Hall, St Vincent's Hospital's Depaul House and Western Health's DASWest; the Koori health unit from the Department of Health; the Koori justice unit, as part of the Department of Justice; the Department of Justice; the Department of Treasury and Finance and

the Department of Premier and Cabinet. There are a range of other groups that have made submissions and have been part of this consultation.

I hope that the opposition is consoled and understands that this proposed legislation has had quite a long lead time and that a lot of consultation has gone on. That is because we recognise that this bill is intended to deal with the most severe cases we could imagine. It is envisaged that somewhere between 6 and 10 people a year will be captured by the provisions of this bill. It is designed to be an absolute last resort. It is mandating treatment, and we know as a general rule that to mandate treatment is not the best way to proceed. We know that generally treatment is much more successful if it is voluntary, but we also know that in very severe instances it is required to save a person's life.

That is not being overly dramatic, that is what this bill is about. It is actually a health response, not a judicial response, to drug and alcohol issues. We are talking about people who may die if they are not given treatment. The legislation is very well defined. It covers treatment for a maximum period of 14 days. Again, that is a matter of balance. We know it takes about two weeks for someone to get the benefits of substance withdrawal and be in a better position to have some say in their ongoing treatment. Again, this bill is meant to capture only a very small number of people in extreme situations.

While I generally support the view that we should have facilities across the state, and generally support the views that have been expressed by some members about the difficulties for people in country Victoria of receiving treatment, and I understand their concerns about how this bill may impact on those people or how they may be able to respond to a bill such as this, I would say that given the small number of people who are likely to be captured by the bill's provisions in any one year and the specialised nature of this bill, it would be extremely difficult to provide this very specialised service across the state. That is one of the reasons that the legislation is likely to be implemented in the area where the highest number of people will be captured.

The member for Mildura raised concerns that people appearing in a magistrates court would have the clock start on their treatment time immediately, and that in their travel to treatment they may lose one or two days of treatment. I have been advised that basically the clock starts when the person enters the facility, not at the point at which a magistrate makes the order. So this legislation is a last resort. It is quite draconian and therefore is intended to be used very sparingly.

We know that this bill repeals and replaces the Alcoholics and Drug-dependent Persons Act of 1968. That act has obviously been around for a very long time and no doubt has served its purpose well, but I am pleased that this government uses science-based evidence in developing a lot of these policies, particularly around drug and alcohol abuse. We know we must use evidence-based solutions to deal with these issues and to manage government responses. Often something that may sound like a good idea and may appeal to us is in fact either ineffective or in some cases detrimental. We want to make sure we get these things right. We want to make sure that we base the legislation on good science, good evidence and good practice.

As I said, this bill repeals the 1968 act and provides for the detention and treatment of persons with a severe substance dependence where this is necessary as a matter of urgency to save a person's life or to prevent serious damage to a person's health. Again, it provides up to 14 days detention for treatment in a declared treatment centre, and the treatment to be provided is medically assisted withdrawal from severe substance dependence. This is obviously not an easy process for people to go through. It is highly specialised, it is medically challenging, and we need to make sure that when this legislation is used, which as I said, will be sparingly, it is used appropriately, and that the detention and the treatment is appropriate.

This bill will provide that detention and treatment. It will provide critical intervention to help bring that person, as we say — not to overly dramatise this — back from the brink of death or serious medical harm and give them a safe and medically supervised time out to help them get over their dependence. It will give them access to medically assisted withdrawal, a chance to recover their capacity to think clearly about the situation and hopefully to be better engaged in what we hope will be voluntary treatment in the future. The bill tries to break the cycle in a dramatic way. It is for severe substance dependence. We hope it is used sparingly; the evidence suggests it will be used to deal with between 6 and 10 people a year. We know this is dramatic treatment, but it is reserved for those dramatic cases. With those few words, I commend the bill to the house.

**Mr MORRIS** (Mornington) — The issue of substance dependence or abuse is one that successive generations have battled. The response of government over the years has ranged from promoting substance abuse — for example, look at the opium trade in China in the 19th century or perhaps the opium trade in the Golden Triangle in the 21st century — all the way

through to prohibition and probably almost all points in between. However, there is no doubt that the easy access people have to a range of substances capable of being abused, the much greater affluence we have in the 21st century and the much greater affordability of such substances, particularly alcohol, have all contributed to the problem, as have liquor licensing reforms and the easing of the rules over the last 30 years since the early 1980s.

The changes to alcohol rules mean that packaged liquor, in particular, is available on almost every street corner. It is certainly very accessible, particularly in areas like the central business district of Melbourne. In a similar way, the sale of food in a sit-down venue is almost always accompanied by the availability of alcohol.

The availability of over-the-counter medications has also increased. Back in the 1970s or early 1980s most of those products were not available in supermarkets. You had to go into a pharmacy, where the chemist was probably standing on the raised platform up the back, keeping an eye on what was going on. These days it is much easier to simply throw things in the shopping trolley — obviously not the sorts of substances that it is envisaged will be dealt with by this legislation, but it is a matter of starting down the slope.

Another area in which we now recognise there is considerable substance abuse is prescription drugs, and we know we have a significant problem with this abuse in Victoria. In December 2007 the Drugs and Crime Prevention Committee reported on the misuse and abuse of benzodiazepines and other prescription drugs. The report clearly identified the extent of the problem in the state. As I think I said at the time, until the committee started looking at the problem it was totally unknown to me and probably to most of my colleagues from both sides of the house.

The report was intended to be far more wide ranging than it turned out to be, because the breadth of subject matter was considerably greater than expected. In fact we confined the report to dealing with benzodiazepines and opioids in particular. In the course of that inquiry the committee met with a very senior official of the United States of America's Drug Enforcement Administration in Washington, DC. This official identified prescription drugs as almost the biggest challenge faced by the DEA. When you consider that this is a body that deals with both licit and illicit drugs, you can see the scale of the problem in the United States. We have a similar issue here, although I think it is reasonable to say it is not as extreme and certainly not as well documented.

The difference between the USA and Victoria in particular is that the US approach tends to be about enforcement and punishment, whereas Victoria's approach has traditionally been to view substance abuse from a health perspective — to treat it as a health problem. That is undoubtedly the appropriate way to go about it. In my view the pushers, traffickers and purveyors of these substances, legal and illegal, need to feel the full force of the law when they breach the rules. Obviously in the case of illicit drugs the laws are clear, and such offenders should be dealt with, preferably by being incarcerated.

In my view the same rules should apply to people who go doctor shopping and obtain goods to onsell, as well as to liquor licensees. What we do not need is the convoluted control structure we have for alcohol at the moment. We need to have a clear framework. We do not need to tie up businesses in red tape; we do not need to punish them for deeds they have not committed, as we saw in the recent live music debacle. We need to have a set of rules that make it clear what licensees can and cannot do. When they step over the line, when they fail to uphold their duty of care to their patrons, the consequences need to be clear.

I note in passing some comments that were referred to in a *Sunday Herald Sun* article last weekend. One particular licensee — and I will not give him the satisfaction of being named in Parliament — suggested that violence was not at all related to alcohol and that the problems we have in the city have nothing to do with alcohol. His view is that additional police in the city centre are simply destroying the late-night scene, and apparently in his view people should be able to drink themselves senseless and licensees should be able to keep supplying them with alcohol regardless of their state of intoxication. Clearly that is nonsense. It is most unhelpful particularly to the vast majority — probably 99.9 per cent — of people who work in the hospitality industry and take a responsible approach.

There was another comment in that article. The man is reported as having said that in his view 'violence is caused by underlying factors such as depression, cultural problems and mental illness'; it has nothing to do with alcohol. I thought that was an interesting link, because in the last edition of the publication *Of Substance* Dr Katherine Mills, who is a senior lecturer at the National Drug and Alcohol Research Centre, made the point that:

Exposure to trauma is almost universal among individuals with substance use disorders ...

Despite high rates of trauma exposure ...

among alcohol and other drugs clients —

it is not unusual for these experiences to go unnoticed and therefore, untreated.

If you continue to suffer from that problem, it feeds on itself and potentially leads to a very high level of abuse. I guess the polite term for that is self-medication. However, we all know it is not self-medication but a recipe for something far less helpful than that.

A number of issues have been raised in terms of human rights, and they were extensively detailed by the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 1 of 2010. The committee recognises, and it is a point of view I concur with, that the goals of saving the life and welfare of people with severe substance dependence are sufficiently important to justify limiting other charter rights. That is a very important statement from the committee.

The committee also raised a number of other matters which time does not permit me to go into, but it might be helpful if the minister in winding up the debate took the opportunity to respond to those.

Another issue I want to mention is the importance of the health perspective. Under an unhelpful headline to an article in the *Sunday Age* of 21 February, 'Plan to lock up drunks, drug users', the president of VAADA (Victorian Alcohol and Drug Association), Simon Ruth, indicates that he is confident the law would be used appropriately. He makes the reasonable statement that:

It's not a human right to drink yourself to death ...

Simon is an excellent practitioner, and I certainly have great respect for him.

A number of other issues have been identified. The member for Macedon responded to something the member for Mildura said, but it came back to a comment by the member for Mordialloc. The point we have been making is that consumers were not consulted. This is not about peak bodies, it is not about statutory authorities; it is about consulting consumers. This issue is fundamental to a caring and decent society, and once again the government has squandered the opportunity to make much of a difference.

**Ms RICHARDSON** (Northcote) — I am pleased to rise to speak in support of the Severe Substance Dependence Treatment Bill 2009. The purpose of the bill is to repeal and replace the Alcoholics and Drug-dependent Persons Act 1968. The bill provides for detention and treatment for what I understand to be a very small number of people, between 6 to 10 per

year. It provides a mechanism to save their lives and prevent serious harm to their health. Specifically the bill provides for detention and treatment of persons with severe substance dependence where it is deemed necessary. This is to prevent them from losing their life or damaging their health.

A person can be detained and treated in a declared treatment centre for 14 days. This intervention is an attempt to provide an individual with time out from their terrible drug and alcohol dependence, and it is a chance to get them back on their feet and get them the help they need to address their particular illness.

The bill provides us with an opportunity to again contrast the approach of the Labor government and former Liberal governments when it comes to this particular area of health. As the member for Geelong highlighted, dedicated detox beds were closed in Geelong by the Kennett government. Beds were closed across the state by the Liberals because they regard substance abuse simply as a crime and they forget the very serious consequences of this approach. Why did they close dedicated detox treatment beds across the state when they were in government? I believe it is part of this wrong approach.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member will speak on the bill.

**Ms RICHARDSON** — With respect to this bill, if you are going to have an approach where you say, ‘It is just about the crime, it is not about health and it is not about dealing with the individual concerned’, you are going to make other mistakes in dealing with people who suffer substance abuse. One of the first ports of call for people suffering from a severe substance abuse problem is the health system, the hospital system itself. Doctors, nurses and the like are all there hopefully to pick up on the sorts of troubles and health issues that they may have. If you have an approach where you close beds, if you have an approach where you close hospitals, if you have an approach where you think nurses are not important and integral to the system, if you have an approach that says doctors are not necessary in our health system, you are less likely to pick up those in need, those with particular substance abuse problems and those we want to care for as a consequence of this bill.

We know the previous Liberal government did just that. It crippled the health system. It did everything it possibly could to run it down, particularly in rural and regional Victoria, and this had a consequence for people who have severe substance abuse issues. There is no walking away from that.

I am pleased the opposition is not opposing this bill. However, I would say to opposition members that the consequence of your decisions while you were in government has a direct detrimental effect on these particular individuals. While you may rightly come in here to this house today and talk about civil liberties, as you should, as the member for Doncaster — —

**The ACTING SPEAKER (Mrs Fyffe)** — Order! The member will speak through the Chair and not use the word ‘you’.

**Ms RICHARDSON** — The member for Doncaster today talked about people’s civil liberties. I would argue that we have to remember that proper health care is also a right that we on this side of the house will continue to fight for. I am proud to be part of a Labor government that has doubled the number of treatment beds and cut treatment times since we came to office. This bill provides another important mechanism and helps deal with the people most at risk from their drug dependency.

Labor’s commitment does not stop there. In 2009 I was pleased to see the launch of the document entitled *A New Blueprint for Alcohol and Other Drug Treatment Services 2009–2013*. The blueprint provides a client-centred and service-focused framework that will guide the government’s reform priorities and investment decisions for alcohol and other drug treatment services until 2013. In 2009–10 the Department of Health is providing \$127.5 million for drug treatment and prevention programs to over 105 alcohol and other drugs services across the state. This is money that is much needed at the coalface to help those in need and prevent drug and alcohol abuse in the first place. These measures and this bill, and more, will go a long way to addressing substance abuse, and I therefore commend the bill to the house and wish it a speedy passage.

**Mrs POWELL (Shepparton)** — I am pleased to speak on the Severe Substance Dependence Treatment Bill 2009. This bill repeals the Alcoholics and Drug-dependent Persons Act 1968.

It has a number of purposes, but the main purpose is to set out the criteria determining the detention and treatment of a person with a severe substance dependency. A criterion for detention is if the situation is urgent or classified as potentially fatal or it is necessary to prevent serious damage to a person’s health.

The coalition is not opposing this bill because it believes trying to get somebody from being dependent

on drugs or alcohol is a very important issue. While we have some concerns about the bill and the consultation surrounding it and the recognition of those consultations, we still believe it is important that people who have a drug or alcohol dependency are treated as soon as they possibly can be and assisted in getting away from their dependency for the rest of their life.

The bill tightens the regulations about who can assess or examine a person who is dependent on drugs or alcohol: it must be a registered medical practitioner. The bill also increases the period for detention and treatment to a maximum of 14 days. The current act states that an order can be made for a seven-day maximum but it can be extended a further seven days. It makes sense to have that extra time to be able to consult with a person who needs that treatment, to make sure the treatment is actually working, that they are in a safe and secure place and able to receive the treatment they need.

The bill requires the public advocate to be notified of a detention and treatment order within 24 hours of a person being admitted to a treatment centre. One of the areas of the bill that I think has a lot of merit is the development of a post-discharge care plan. A lot of the criticism I hear of the health system and the mental health system with regard to people with drug and alcohol dependency is from the families. From the families that talk to me, it is about the lack of consultation with them when the person in their care is either sent away from a hospital or is discharged from a rehabilitation centre and the family has not been advised. I think it is vitally important that the family of a drug and alcohol dependent person be involved in their care — and they need to be there for the long-term treatment of that person. It is vital that those people have the family support and that those families understand the importance of and need for the treatment so that they can continue the care of that person, to try to stop that drug or alcohol-dependent person from reoffending. If the bill does that, it goes some way to helping.

However, it falls a long way short. After five years of consultation with the community we still have only three treatment centres in Melbourne. Other contributors to the debate have talked about the need for treatment centres in country Victoria. They also mentioned that if a treatment is given earlier in the person's dependency, there may not be the need for the person with the substance abuse problem to be detained in a treatment centre for those 14 days. If treatment is administered earlier, it may stop those people from having to go into a much more secure environment and

may hopefully prevent them from needing to go into a detention centre.

One of the organisations that deals with substance abuse at an early stage is Odyssey House. It does a great job. I would hope the government consulted with Odyssey House to see how these treatment centres could work and to create some good criteria around the best interests of the person in those treatment centres rather than just around a funding model. Molyullah drug and alcohol rehabilitation centre is just outside my electorate in the electorate of Benalla. It has been working fantastically. It was closed in September 2007. We asked the state government to fund that centre, and the state government refused. It was reopened with the commonwealth government providing some funding.

The member for Benalla, a member for Northern Victoria Region in the other place, Damian Drum, and I visited Molyullah centre a number of times, and we talked to people who were being treated for drug and alcohol dependency. Some of the women and men were talking to us about how they had reoffended over the years and that this was their last chance; this was the last place they could go. It was a really important treatment centre for them because it was in country Victoria and their families were able to visit them there. It was in an area they were familiar with — not a Melbourne-based centre but one treating country people in a country area. I understand government members have talked about how it is very hard to fund all these sorts of centres, but surely there can be one or two or three centres in country areas around Victoria where these sorts of people can go and get not only the treatment they deserve but also the family support they need.

We need to look at the sort of treatment that Odyssey House gives in country settings. It does a fantastic job. We talked to people about the waiting lists. There were waiting lists to get into Molyullah. We were told that if people are wanting to get off either a drug dependency or an alcohol dependency, it is vital for them to go through those centres when they need the treatment rather than having to wait six months, nine months or a year.

The government said there was about five years of consultation. I would hope it consulted with the Aboriginal and Torres Strait Islander people. If it did, the bill does not reflect that. There are many issues with Aboriginal people and many concerns about their incarceration for 14 days without permission. I would hope the government has spoken to Aboriginal people and Aboriginal organisations to find out how treatment services can help Aboriginal people.

One way to help them would be treatment centres in country Victoria. Many Aborigines who come from country areas right around the state would prefer to be treated and detained in a country setting where they have the support of their family, which is vitally important to Aboriginal people. It is important to all people, but it is vitally important to Aboriginal people that they have the support and guidance of their family to make sure they do not reoffend and that the family is involved in the treatment of those who have a dependency. It is about working with the communities not just the organisations that treat our Aboriginal community. There has to be a whole-of-community treatment where everybody supports these people when they get out so they do not reoffend and have to go back into a treatment centre.

Shepparton has the largest Aboriginal community outside Melbourne, and I am pleased to see that some guidelines will be put in place for these mandatory treatment centres. We need to protect the people who are receiving the treatment, but just as importantly we need to protect the people — the residents and the workers — in these treatment centres. In September 2006 a backpacker was severely hurt in an incident involving men from the Percy Green Memorial Recovery Centre, an eight-bed facility for male clients, mainly Aboriginal people. The three Aboriginal men who were involved had been referred to the centre on bail. They had a history of violence and reoffending; they should never have been in the Percy Green centre, and yet they were put there.

Guidelines need to be established for these rehabilitation centres to ensure that people who are receiving treatment are protected and that workers and other people in the area are also protected. There was only one manager working in the centre at that time, so again it is about making sure that there are guidelines in place when you are funding such a body.

This bill deals with the detention and treatment of people who are most at risk. As other speakers have said, we also need those rehabilitation centres in rural Victoria because then people can be better rehabilitated and supported in their own community. There are huge impacts on rural families when they are obliged to go to Melbourne. There is the impact of trying to get accommodation and the impact of the actual travel. Some people may not have vehicles or there may not be any public transport to get them to Melbourne at the times they need it.

While this bill may have some good outcomes, it shows there has been a lack of consultation with organisations that needed to be listened to. It took five years to get

this bill right. I urge the government to pay particular attention to people who are drug dependent and who live in country Victoria. They need to be rehabilitated in their own setting in the country.

**Mr SCOTT (Preston)** — It gives me pleasure to rise to support the Severe Substance Dependence Treatment Bill. My electorate, like many others, has problems with substance dependence and alcohol abuse. Unfortunately there is a significant community of individuals within the electorate of Preston who have severe problems with drug and alcohol dependence. This terrible scourge significantly affects their lives and particularly impacts on the lives of people around them, such as family members and friends.

I support this bill although it limits the liberty of members of the community. We should not resile from the fact that by supporting this bill we are supporting the limiting of rights of individuals in certain circumstances. We should not pretend that these are easy issues or that they are simple and straightforward. I suspect that this Parliament, over time, will revisit these issues as problems like this develop and change within our community, as they have over hundreds of years.

The purpose of the bill is to provide for the detention and treatment of persons with severe substance dependence and to repeal the Alcoholics and Drug-dependent Persons Act 1968. The objectives of the bill are set out in clause 3 and they are:

- (a) to provide for the detention and treatment of persons with a severe substance dependence where this is necessary as a matter of urgency to save the person's life or prevent serious damage to the person's health; and
- (b) to enhance the capacity of those persons to make decisions about their substance use and personal health, welfare and safety.

Clause 3(2) also stipulates that:

This Act must be interpreted, and every function conferred or imposed by this Act must be performed or exercised, so that —

- (a) detention and treatment is a consideration of last resort...

It goes on to stipulate in paragraph (2)(b) that:

- (b) any limitations on the human rights and any interference with the dignity and self-respect of a person who is the subject of any actions authorised under this act are kept to the minimum necessary to achieve —

the above objectives.

This is a limited intervention to achieve very specific goals. It is worth touching on the criteria for detention and treatment which are outlined in clause 8(2). They are:

- (a) the person has a severe substance dependence; and
- (b) because of the person's severe substance dependence, immediate treatment is necessary as a matter of urgency to save the person's life or prevent serious damage to the person's health; and
- (c) the treatment can only be provided to the person through the admission and detention of the person in a treatment centre; and
- (d) there is no less restrictive means reasonably available to ensure the person receives the treatment.

The definition of a severe substance dependence in clause 5 of the bill is:

- (a) the person has a tolerance to a substance; and
- (b) the person shows withdrawal symptoms when the person stops using, or reduces the level of use of, the substance; and —

this is important —

- (c) the person is incapable of making decisions about his or her substance use and personal health, welfare and safety due primarily to the person's dependence on the substance.

We are talking about a person whose capacity to make decisions relating to their own welfare has been limited by their dependence on a substance. In effect, we are talking about limiting the liberty of persons in the community to protect them from their own actions. In a case where a person is not in control of their own actions, their liberty has already been restricted by their dependence; therefore intervention by the state can be seen not simply as removing someone's liberty but as creating circumstances under which that liberty can be given back to them. It creates circumstances where their dependence can be removed and whereby they can receive treatment which gives them freedom and control of their own lives, a freedom which has been removed by their dependence on that substance. I see this as being a necessary limitation of personal rights in order to achieve the objectives which will reinstate the person's rights and control over their own life.

I note that the bill is considered compatible with the Charter of Human Rights and Responsibilities Act because the extent by which the rights are limited are reasonable and demonstrably justified in a free and democratic society, and I concur with that. It is a sad day when we have to discuss the impact of drugs and alcohol on persons who are dependent on those

substances, but sometimes those debates are necessary. I commend the bill to the house

**Mrs VICTORIA** (Bayswater) — I rise to speak on the Severe Substance Dependence Treatment Bill. There are several ideas behind what is being proposed in this legislation. Predominantly, it is to repeal the Alcoholic and Drug-dependent Persons Act 1968. A lot of what is being introduced in this bill is similar but goes just a step further. I commend some of those initiatives, and I will not be opposing the bill.

It establishes criteria determining the detention and treatment of a person with a severe substance dependency and it applies when a situation is urgent or classified as potentially fatal or necessary to prevent serious damage to a person's health. We are talking about a very small number of cases every year. It has been up to 10 or 12 cases a year in previous years. We are now talking approximately six cases a year.

The bill doubles from 7 to 14 days the period of a detention and treatment order that can be placed on a person and provides a short period of detoxification, allowing a substance-dependent person the opportunity to go through detox so as to make better decisions about their future treatment. This is an incredibly important step, because obviously when a person is severely affected they do not have the capacity to make those sorts of decisions for themselves. It gives them a chance to dry out if their dependency is alcohol-related, or in the case of other substances to withdraw from those substances, so they can make a conscious decision on if and how they are going to be treated.

The bill grants an individual the power to lodge an application with the Magistrates Court which has to be served on the substance-dependent person within a 24-hour period of that lodgement. This can be a challenge for those not living in Melbourne because, as members have heard from some of my country colleagues, if you only have 24 hours, obviously it is sometimes going to be difficult to find a placement for these people, and the three existing facilities that provide this type of very concise treatment are all in Melbourne and its surrounds.

The bill prescribes regulations around the examination and assessment of a substance-dependent person by a registered medical practitioner, and I will come back to the definition of medical practitioner a little bit later. It also requires that medical practitioner to consult with a senior clinician at the treatment centre at which it is proposed the person is to be detained.

As I said, the bill allows for up to 14 days of detention and treatment, up from the current 7 days with 7 days notice.

**The ACTING SPEAKER (Mrs Fyffe)** — Order!

The time has arrived for this house to meet the Legislative Council in this chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Theo Theophanous. The joint sitting will conclude at an appropriate time for the dinner adjournment, so I propose to resume the chair at 8.00 p.m.

**Debate interrupted.**

**Sitting suspended 6.15 p.m. until 8.02 p.m.**

## SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL

*Second reading*

**Debate resumed.**

**Mrs VICTORIA (Bayswater)** — I continue with my contribution to the debate on the Severe Substance Dependence Treatment Bill 2009. Initial investigations into changing the legislation happened some five years ago. A commitment was given in the 2008 annual statement of government intentions, and the bill was placed on the table in 2009. There are a few points of difference between the old and the new legislation which reflect the provision of good safeguards: one is the ability for an individual to launch a court application for a detention or treatment order, which I have spoken about before; there is the requirement to seek a second opinion, the involvement of a guardian from the Office of the Public Advocate and — this is an important point — the provision for a discharge and case management plan. It is not just treatment there and then on the spot; it is also forward thinking.

Although this bill has been at least five years in the making, it lacks considerable detail. The regulations have not been finalised and the opposition has not seen them, so the detail is unclear. For example, the requirement to have a registered medical practitioner assess the person coming in for treatment does not specify what type of medical practitioner is required. Is the government talking about a general practitioner? If that is the case, are we talking about people who are qualified to make this sort of decision, or should this clinician be a person who has a drug and alcohol specialisation? If that is the case, we have to look at the other side and say, 'Is that type of person always

available if the person to be treated is in a rural or regional area?'. My country colleagues have expressed quite a bit of concern about that point, and it needs clarification.

Another point needing clarification is: will the government be funding a fourth treatment service? In the second-reading speech it sounds as though that will be the case. There are three treatment centres: Depaul House at St Vincent's Health, UnitingCare Moreland Hall and DASWest. As I said, the second-reading speech implies that funding will be provided for a treatment centre. If that means an additional treatment centre, I welcome it, because there are not enough beds. It is estimated that in Victoria we are about 50 per cent down on the number of beds needed. Some people are waiting months; some are even waiting years to receive the drug and alcohol rehabilitation attention they need.

This bill gives an option for the detention of individuals. The word 'detention' is important here because detoxification centres cannot currently detain a person. They are not secure environments, so in most of these facilities people can get up and walk out when they feel they are finished with their treatment or if they have had enough of the treatment. With the bill calling for the detention of individuals, either secure facilities need to be built or introduced as part of the current facilities or the word 'detention' needs to be looked at because it is not a true detention.

There needs to be a commitment from the government to expand the collection of data for public scrutiny and research. It is only from having that sort of data available to us that we will know where these people go, whether this is an effective course of treatment and whether these 6 to 10 people a year are getting the assistance they need afterwards.

It appears that in some cases the government is working against its own charter of rights and responsibilities. The Scrutiny of Acts and Regulations Committee was approached by a few people — and we have seen the evidence of that — who held the view that evidence showed that the limitations to rights are demonstrably justified. They want more clarification on that matter. They believe the right to refuse treatment needs to be included in the bill; that there needs to be a review of the imposition of detention and medical treatment without consent — again, looking at people's ability to say, 'No, I don't want treatment' — and that there should be greater access to legal representation and a fair hearing.

As I said, a doubling of treatment services would be fantastic. If we look at the statistics that are around at

the moment — and I stress that what we are talking about here is involuntary commitment rather than mandated treatment, and there is a very big difference there. We are talking about a difference between offenders and non-offenders when we are talking about involuntary commitment — in other words, a civil commitment. It is really important that people understand that. The Turning Point Alcohol and Drug Centre noted that in Australia, although the possession and use of illicit substances and public drunkenness are criminal offences, alcohol and drug dependency itself is not a crime, nor is it subject to criminal justice system intervention unless it is associated with an offence. So we are changing things a little bit there.

Some other data I thought was interesting is from the Alcohol and Drug Information Service. Treatment agencies and stakeholders recorded that of the client group that had been subjected to a section 11 order under the old legislation, 56 per cent were males and 44 per cent were females; the average age of females was 40 and of men it was 34; 87 per cent were unemployed at admission, 34 per cent reported being homeless or transient and 76 per cent were using alcohol.

These are pretty shocking figures. One of the most important things we have to do is start at the source. Rather than doing all of the treatment we need to look at harm minimisation. Certainly the Dalgarno Institute has been kind in suggesting some things that I can present to the house. The executive director, Shane Varcoe, said:

With an emerging trend of binge drinking in the 45–65 age range (comprising an average of seven to eight standard drinks in a session) directly translates into the high probability that the following realities will eventuate both quickly and more prolifically. If, tragically, the ensuing realities eventuate then immediate and thorough detoxification should be implemented.

He goes on to talk about difficulties with balance and walking, psychiatric symptoms, mood swings, hallucinations, diseased hearts, diseased kidneys and diseased livers. We know all of these things. I suggest to the house that we need to be looking at prevention; it is always better than cure. We need to be progressive.

**Debate adjourned on motion of Mr PERERA (Cranbourne).**

**Debate adjourned until later this day.**

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**The ACTING SPEAKER (Dr Sykes)** — Order! I have to report that the house met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of the Honourable Theo Theophanous and that Nathan Murphy has been duly chosen to hold the vacant place.

### MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL

#### *Council's amendments*

**Returned from Council with message relating to amendments.**

**Ordered to be considered next day.**

### LIVESTOCK MANAGEMENT BILL

#### *Second reading*

**Debate resumed from 10 December 2009; motion of Mr HELPER (Minister for Agriculture).**

**Opposition amendment circulated by Mr WALSH (Swan Hill) pursuant to standing orders.**

**Mr WALSH (Swan Hill)** — I will start by explaining the amendment that I will move later. The amendment, if accepted, will insert in clause 63 at page 39 after line 22:

The regulations are subject to disallowance by a House of the Parliament.

I will come back to the explanation for that later.

This bill is obviously about livestock producers in this state. If you look at the range of livestock producers, going from cattle as the largest animals down to chooks and the other smaller animals, you realise the whole breadth of livestock industry in Victoria. Those producers on a day-to-day and year-to-year basis have to put up with the vagaries of the weather, whether it be flood, drought, pestilence, wind or other issues from a climatic point of view. They also have to put up with the vagaries of the markets, particularly the producers who deal in or are impacted on by the international markets and have to deal with the vagaries of what happens in other countries and the issues around exchange rate movements, which can have just as much

impact on a farmer's ability to make a profit as the weather or something else. What we do not want to see is any more red tape or bureaucracy than necessary being inflicted on farmers, with all the other issues they have to put up with. What they particularly do not need to have inflicted on them is pressure from extremist animal rights movements. I will come back to that later on as well. We should be focused on letting Victorian farmers do what they do best, and that is produce the wholesome, clean, cheap food that all Victorians enjoy.

The coalition will not oppose the Livestock Management Bill 2009, but, as I said, I will move an amendment to it. The intent of this bill is something that we agree with, but a disallowance would provide the checks and balances for the Victorian Parliament, which I will come back to. The bill is totally new legislation introduced to regulate livestock management in Victoria. Under this Victorian legislation the national standards for livestock managers will be implemented as regulations. These new standards are being developed by the Primary Industries Ministerial Council to deal with animal welfare and biosecurity. The council is made up of a national group of ministers; it is a national process. PIMC in consultation with industry has agreed to develop the Australian Animal Welfare Standards and Guidelines. These will apply in all states and territories in the future. As I understand it, other states are introducing similar legislation or a process whereby these standards can be incorporated in the existing legislation of those states. The view was taken in Victoria that our existing legislation was not a good fit to have these standards inserted into, so there is now this whole new piece of legislation to deal with that issue.

The standards will be integrated right across Australia, which will introduce some challenges for the ministerial council, particularly in relation to the issue of animal husbandry for cattle in the Northern Territory compared to animal husbandry for dairy cows in Victoria. No doubt there will be some intense debates at that ministerial council as to how you can come to an agreement on some of those sorts of things. The minister at the table, the Minister for Agriculture, will no doubt have some challenges over time in how he actually sticks up for Victorians on these sorts of issues. I am sure he will stick up for Victorians in making sure that — —

**Mr Helper** — In terms of the dairy industry, everybody listens to Victoria.

**Mr WALSH** — Thank you, Minister, but we are not just talking about dairy. This legislation provides that non-compliance with a nationally endorsed code or

standard will be an offence. The first standard to be introduced under this legislation is for the land transport of livestock. The next two national standards that will be introduced after that relate to sheep and cattle production. The recently developed model code of practice for the welfare of pigs, which contains standards, is also going to be able to be integrated into this piece of legislation. As I understand it, something like 22 codes of practice will eventually be turned into national standards and inserted into this legislation in the future.

Biosecurity will be one of the key areas of those standards. The explanatory memorandum sets out quite well what this bill will do. It talks about the issue of industry standards, and it also refers to biosecurity and the traceability of livestock production right through the food chain from paddock to plate.

I would like to put on the record that when you read this legislation it is almost as if nothing has been done about some of these issues over time. Because it is new legislation and we are talking about national standards, let us give some credit to some very good work that has been done by quite a few of the different industry groups in their management of these issues in the past. I agree this is another step, but it is not the first step. A lot of work has been done on traceability, and a lot of work has been done by industry on QA (quality assurance) programs, so let us not think this is the start of the process.

**Mr Helper** — A bill cannot be a history book, you know.

**Mr WALSH** — The minister at the table, the Minister for Agriculture, shakes his head but — —

**The ACTING SPEAKER (Dr Sykes)** — Order! The member should address his remarks through the Chair.

**Mr WALSH** — What we need to do is give credit where credit is due for the very good work that — —

**Mr Helper** interjected.

**Mr WALSH** — Even in the second-reading speech there could have been a bit of acknowledgement of the very good work that has gone on in industry in the past and on which this bill will build into the future. Some of the current QA programs are very good for those people who have become involved in them. If you look at some of the issues, particularly with cattle, with tags — —

**Mr Helper** interjected.

**Mr WALSH** — And with boluses — I am going to come to that, Minister. Some very good work has been done on traceability in the past with boluses and those sorts of things. I want to put on the record that this side of politics — and I assume the other side of the house — is very appreciative of the good work that industry has done in the past. In Australia we have an industry that stands above most other countries as far as the quality of our food is concerned, the existing traceability and how quickly we can deal with a biosecurity issue, if there is one. Existing industry compliance arrangements, including quality assurance programs which successfully operate and demonstrate effective controls and ongoing compliance with relevant standards, will be able to be inserted into the legislation.

We do not want to see excessive red tape. As I understand it, if someone is a member of a registered QA program, to which the minister has the power to give accreditation under this bill, if they are compliant with that code or with that QA program and if there is an auditable process for that QA program that the minister is happy with or someone who the minister has delegated power to is happy with, then that can be taken as being compliant with this legislation.

Having said that, I would like to suggest caution on an issue which has developed in the horticultural industry with its QA programs concerning supermarkets in particular. If there is a particular QA program that everyone is in and everyone knows what it is, then the costs can be kept manageable because there is a large pool of people in that audit process and there is enough work for the auditors to make it economic. I suggest the Minister for Agriculture be cautious in his consideration of QA programs, and I would be interested in his comments when he sums up, because we do not want to find particular abattoirs or supermarkets using the legislation so that they have a QA program that is specific to their clients, because then their clients will be tied to that particular group to the exclusion of others. If you suddenly wanted to become a supplier to — and I only use this as an example — a Coles supermarket, you might then have to go and do the Coles QA program.

With the insertion of these standards and codes into the legislation we do not want processes set up which result in too much differentiation between codes. If, for argument's sake, you are in the beef cattle industry, I would like to think there is a limited number of QA programs that you could be part of in order to comply with this legislation. In the horticultural industry now nearly all supermarkets or major retailers have their own little niche in QA programs, which is increasing

costs and causing a lot of hassles for those in the industry, particularly if they supply multiple people. That is a word of caution to the minister in the implementation of these kinds of programs.

The enforcement components of this legislation are interesting. In part 5 of the bill the word 'reasonable' is mentioned 18 times. Clause 31 says, in part:

If an inspector reasonably believes that any provision of this Act ...

Clause 32 says:

This section applies if an inspector believes on reasonable grounds ...

Further on clause 32 says:

... there are reasonable grounds ...

... it is reasonably necessary ...

The words 'reasonably' or 'reasonable' come up 18 times in this enforcement part of the bill, but there is no definition of 'reasonable' in the definitions at the front of the bill. I know it is very hard to define 'reasonable'. I suppose, particularly with animal welfare issues, 'reasonable' can mean a lot of different things to different people. What could be reasonable to the PETA organisation — People for the Ethical Treatment of Animals — may not be so for the 'People Eating Tasty Animals' followers; it depends whether you are to the left or the right. But I am intrigued that we have this issue of 'reasonableness' in the enforcement programs, because what is reasonable for one particular group is not necessarily reasonable for another.

The drafting of the bill leaves the meaning of 'reasonableness' open to interpretation. This could set up the problem of a very well-intended piece of legislation causing potential conflict between different groups. As an example of this one can look to the Ralph Hahnheuser case. Five or six years ago he was charged with putting ham in sheep feed down at Portland. I assume he thought he was acting reasonably in what he did but many other people believed he was acting very unreasonably. One of the issues at the time was that under the law he was not doing anything wrong because he believed he was doing the right thing. Subsequent amendments to the legislation mean he could now be charged. Again that might be something the minister wants to touch on in his summing up — this issue of how one interprets reasonableness in the enforcement of this bill.

Part 4 of the bill deals with notices published in the *Government Gazette*. The minister has power to

approve, through notice published in the *Government Gazette*, the forms and paperwork relevant to this particular piece of legislation. Again I reinforce to the minister that in approving the forms necessary for compliance with this particular piece of legislation we should keep it as simple as possible. We want an effective piece of legislation and we want effective standards and compliance with those standards. We do not want excessive paperwork for our farmers out there because we know most farmers are very good at being farmers but are not necessarily all that good at doing paperwork, and as the member for Rodney says, a lot of people get very frustrated with the paperwork they have to do.

**Mr Helper** — You're stereotyping!

**Mr WALSH** — I am not stereotyping. People who are involved in agriculture generally want to get on with doing agricultural work because that is what they do best. They do not want to be sitting and filling in what they consider to be rather useless forms to do things for the government. It is just a note of caution for the minister.

**Mr Helper** interjected.

**Mr WALSH** — The minister interjects that it is for the industry. It may be for the industry in some ways but it is government legislation and if it does not work, it will be the government of the day that will be blamed, not the industry at the time, so it is in everyone's interests to ensure it is done correctly.

One of the other things about the legislation is the fact that, as I understand it, if you are complying with one of the standards or quality assurance (QA) programs in this particular piece of legislation, it can be used as a defence for any charges or problems that may arise under the Prevention of Cruelty to Animals Act 1986. If you are carrying out your business in compliance with these particular standards or with your QA program and you have all your affairs in order and you get a frivolous claim from PETA (People for the Ethical Treatment of Animals) or any other particular animal rights liberation group or whatever, this can be used as a defence against those measures. That is a quite useful aspect of this piece of legislation.

One of the other things I would ask the minister to cover in his summing up of the debate is that most of the things in this particular legislation will be done by being published in the *Government Gazette*. I have given someone in my office the task of monitoring the *Government Gazette* for anything to do with agriculture and with water. You would have to be an absolute

insomniac to want to read the *Government Gazette* very often. The majority of people will never, ever read the *Government Gazette*; so although these standards will be published in the *Government Gazette* as will the forms that will be needed to comply with these standards, I think we need to ensure that there is a process in place whereby people are aware of what is put in the *Government Gazette*. I am sure that farmers out there who, as the member for Rodney said, are very good at farming, but are frustrated with paperwork, will not be reading the *Government Gazette* at night on the internet. They will find better things to do, like watching Geelong beat Collingwood at football or something like that.

**Mr Helper** — That's the secret plot!

**Mr WALSH** — Yes, that is the secret plot. Just a word of caution: I do not by any stretch of the imagination, want to see an excessive government advertising program but let us ensure that there is some process in place whereby people can be informed of what is in the *Government Gazette*.

Finally I come to the amendment that I have circulated on behalf of the coalition. This is brand-new legislation. It is the vehicle in Victoria whereby national standards, which are developed nationally by the Primary Industries Ministerial Council and peak industry bodies and particular industry groups, will be sent to Victoria to be inserted in Victorian legislation.

I am of the view, as is the coalition, that to have good government the Parliament of Victoria needs to have a say on what is prescribed in legislation here in Victoria. I see no reason that these regulations cannot be made disallowable instruments under the Subordinate Legislation Act. It is part of good government that those particular standards and regulations lie before both houses here in Victoria for the process described in that act. From memory, they must be before both houses for 18 sitting days in which period either house can give notice to disallow all or part of those particular regulations. Whichever house gives that notice then has a further 12 sitting days to deal with that issue. I think it is good governance and good government to do those things.

One of the things we have seen in my time in this place is an increase in the type of legislation by which regulations are brought in — enabling legislation to the regulations — but they never come back to this place to be checked. I know the minister's office has explained that there is a process whereby the Scrutiny of Acts and Regulations Committee can examine these particular regulations, but I believe the process SARC will go

through to look at these regulations is too nuclear. I think it is much better if the government lays them before each house and there is the opportunity for them to be disallowed, because it is important that that process is followed. We do not want to see peak national bodies with no relationship to the Victorian Parliament or the laws of Victoria making standards that become regulations here in Victoria without the Victorian Parliament having any say in those regulations or standards.

I urge the minister to seriously consider supporting the amendment that I have circulated and to talk to his government colleagues about doing that as well. I do not think it detracts from the legislation at all; I think it complements the legislation. It is an opportunity to have good governance and good government here in Victoria.

There is some level of concern in some areas of the livestock industries about moving into this particular area. Some people would like to see absolutely no regulation at all. They believe people should be able to carry out their business as they see fit and not have any of this. I do not think we live in a world where that is possible, so this is a step in the right direction, but the caution I give is that whatever we do needs to be simple, it needs to be communicated well, and it needs to not be exploited by those in the QA (quality assurance) provision industry or those buyers of farm products. We need to ensure that they do not use QA programs as a marketing tool to limit the people who can supply to them. Finally, we need these regulations to be disallowable.

With that contribution I urge the minister to think very carefully about supporting the coalition's amendment to get this legislation in place so that that first code, that land transport standard, can be implemented and the work can be done on the sheep and cattle industry standards into the future.

**Mr HARDMAN** (Seymour) — I rise to contribute to the debate on and to support the Livestock Management Bill 2009. The bill provides a framework to underpin the agreed Australian and Victorian standards relating to aspects of livestock management, including standards for animal welfare, biosecurity, animal health and traceability. The legislation currently in place cannot actually resolve the issues or complaints about livestock management that come through to the Department of Primary Industries. This legislation will improve the regime for enforcing best practice in livestock management. That goes to welfare and also to the consumer demand for some knowledge that the food people eat has been well treated, is of high quality

and has been produced in line with the highest ethical standards.

Across Australia, industries, whether livestock or any other businesses, want uniformity in regulation between the states. The reason is that they want some certainty when they operate across borders. That will enable them to be much more efficient as businesses and understand more easily the environment they are operating in when they are practising between different states. I know that farmers in my electorate operate in different states. Some have farms around Yea and also in places in New South Wales. If we have legislation in regard to livestock management that is consistent, they will be better able to undertake their business activity.

The member for Swan Hill was arguing a very similar approach to standards and guidelines. I did not pick up any disagreement on that from the opposition. Opposition members know that consumers and markets are becoming more and more aware and educated and are more demanding with respect to standards of production of food and fibre. Consumers expect that, and industry, as we know, has developed many quality assurance programs. Our state has accepted those standards in the legislation to help guide the approach we are going to take. I believe our state stands up against some of the other states in doing that. I hope that will give some confidence to members opposite that the government of Victoria and the Department of Primary Industries take very seriously the expectations of all industry, including the livestock industry, in Victoria.

I suppose I should come to the amendment, in case I become too engrossed in some of the other issues. In regard to the amendment, this bill does not contain a disallowance provision for either house of the Parliament on its own, but it does provide that under the Subordinate Legislation Act 1994 regulations made under the proposed Livestock Management Act can be disallowed following the recommendation to disallow them by the all-party Scrutiny of Acts and Regulations Committee. So there is a mechanism for disallowance after the legislation or the regulations have been through a very thorough and rigorous process.

I will outline that process; it is robust. Initially a business plan will be developed between industry and government to write national standards, then a business plan will be endorsed by the Primary Industries Ministerial Council and a national industry group will be put together to come up with the best regulations possible. The national industry group will be made up of industry, government and welfare agencies, so all the science and knowledge from industry, welfare,

scientists and regulators will be brought together in a national writing group. When that is done a draft will go to the Primary Industries Ministerial Council and be sent out for public consultation so that members of the public will be able to have a say about the regulations. Then a regulatory impact statement will be done at a national level. If that were not to be done, Victoria would be doing it at a state level. A regulatory impact statement is obviously very important to ensure that the industry has a say. Then the regulations will be endorsed by industry and government and are then referred to the Primary Industries Ministerial Council for endorsement.

Once that occurs and the regulations have gone through that rigorous, robust process, it will come to state legislation. What will happen from there will be that the minister, through his department and his industry contacts, will obviously ensure that there is a robust case put to cabinet, the executive government. Then members of Parliament will be informed through the Scrutiny of Acts and Regulations Committee, and they will be able to have some say if they deem it necessary. The Scrutiny of Acts and Regulations Committee is also made up of elected members of Parliament.

*Honourable members interjecting.*

**The ACTING SPEAKER (Dr Sykes)** — Order! There is one speaker at a time, and it is the member for Seymour at the moment.

**Dr Napthine** interjected.

**The ACTING SPEAKER (Dr Sykes)** — Order! The member for South-West Coast will have his turn in a moment, if I give him the call.

**Mr HARDMAN** — It is interesting to note that the member for South-West Coast refuses to listen to a reasoned argument. He comes to the house with a preformed view, perhaps based upon prejudices from his previous career, and then he tries to tell everybody else what to think based on his knowledge from 20 or 30 years ago, when he was involved in that industry.

The process from there on is robust. The bill is about ensuring that the industry has the best possible environment in which to operate. In regard to exports, people from overseas are informed and educated. They want to know that the best possible processes are followed to make sure that the food they eat and the fibre they consume, is produced in the most ethical way.

It is a long bow to draw to say that what elected members of Parliament from the Legislative Council —

and we do not know what its make-up will be in the future — or the Legislative Assembly can come up with would be smarter or better than what a host of scientists, industry representatives, regulators and people who work in the industry recommend. The government rejects the opposition's proposed amendment. I support the bill and wish it a speedy passage.

**Dr NAPHTHINE** (South-West Coast) — I rise to speak on the Livestock Management Bill. With much regret I have to say this is bad legislation. I confidently predict that Victorian farmers, the Victorian Parliament and all other Victorians will live to regret the day this bill passes the Parliament, if in fact it does pass. This legislation abdicates responsibility and moves power away from the democratically elected members of Parliament. It is a retrograde step, both in the specifics of the legislation as it affects Victorian agriculture and Victorian farmers and in how it affects the Victorian Parliament and parliamentary democracy.

The purpose of the legislation, as outlined in the bill, is to 'regulate livestock management in Victoria'. I will quote from the second-reading speech, because in one paragraph it summarises some of the issues of real importance. It says:

This bill is enabling legislation that will allow agreed standards to be prescribed, which will then trigger the bill's operation. As each set of standards is prescribed, the bill will require the mandatory implementation of those agreed standards of livestock management across all categories of livestock to which the particular standards apply, from ... birth to slaughter.

The government will administer these standards by assessing, verifying and ensuring their application across Victoria. Those responsible for meeting the standards include all individuals and enterprises involved in the husbandry, handling, management, ownership, transportation and/or slaughter of livestock.

It says standards will be set that will apply to all managers or handlers of livestock, from birth to slaughter. The question is how will these standards be set and what is the role of the democratically elected Victorian Parliament in setting the standards? That is where I have real problems with the legislation.

Clause 6 says:

A livestock operator must comply with all applicable prescribed livestock management standards when engaging in a regulated livestock management activity.

To be frank, that is all livestock management activity. Anybody who is involved in managing livestock must comply with these standards.

Clauses 7 and 8 make sure the livestock manager carries out a systematic risk assessment of livestock management activity or, as set out by clause 10, must comply with an agreed compliance arrangement. That is what clauses 6, 7 and 10 do.

Where this legislation is fundamentally flawed is in its shifting of the responsibility for establishing laws, rules and regulations for animal welfare and animal management from the Parliament of Victoria — from the democratically elected members of Parliament — to an unelected body of faceless, unaccountable men and women who do not have any responsibility to the people of Victoria, the democracy. There is no oversight, no say and no accountability by or for the democratically elected members of Parliament. It is fundamentally wrong. It is against all the tenets of the Westminster system of Parliament. It does not matter whether it is about animal welfare, animal management, road rules or law and order, ultimately the people responsible for laws in Victoria are the people who are elected to this Parliament. They are ultimately responsible and accountable to the people who elect them.

What this legislation does — and what this minister is doing — is say that the minister and the Parliament are not responsible. Responsibility will lie with a faceless, unaccountable, undemocratic group of people, who will set the standards across 22 types of livestock activity. They will set the standards. The standards will not be codes of practice or guidelines; they will actually become, through this legislation, laws in Victoria — black-letter law. If you breach those laws, you will be able to be taken to court and prosecuted for breach of those laws, yet they will be written by faceless, unaccountable people. That is fundamentally wrong.

What is worse is that we are writing those people a blank cheque, because we have not seen those 22 standards. One or two of those standards have had some draft documents circulated, but the vast majority of the standards have not even been conceptualised, let alone drafted or circulated, and through this legislation we are saying that when they are written they will automatically become law in Victoria whether we agree with them or not. I say the farmers and the people of Victoria will reject that hypothesis and that approach to imposing laws on Victorians. What we need is a system where the democratically elected representatives of the people of Victoria have some say in what will apply.

The member for Seymour talked about my previous experience. One of my previous experiences was as a veterinarian with the then Department of Agriculture at the time it took over animal welfare legislation. I

implemented the laws that were passed by this Parliament having been debated and considered in this Parliament by the democratically elected representatives of the people of this state, not by unelected and unaccountable people in Canberra, Sydney or Brisbane writing laws to be automatically implemented by legislation.

The Department of Agriculture getting involved in animal welfare legislation was a very positive move that improved conditions for the welfare of farm animals, and it did it in a positive and productive way. I congratulate all the people involved in that process, but we have to be careful about these sorts of processes. This legislation talks about biosecurity laws, but let us not forget that the Australian government, through its advisers and bureaucrats, was in the last few weeks keen, willing and enthusiastic about bringing in beef from bovine spongiform encephalopathy-infected countries — an absolutely stupid risk for this state and this country.

Similarly the faceless bureaucrats and advisers in Canberra wanted to bring in apples and pears from fire blight-affected countries, but the community quite rightly said no to that risk. This minister, abdicating all sense of what is right in terms of Westminster democracy and all sense of responsibility as a minister of the Crown looking after the interests of agriculture and agricultural production in Victoria, which is a multibillion-dollar industry, a major employer and a significant exporter for this state, wants to put that at risk by allowing faceless, unelected people to develop 22 sets of standards which will become law and regulation in this state through this legislation.

I challenge the minister to say anything different than that he has not even seen the vast majority of those 22 standards. He does not even know what is in them. He does not know what the laws are that he is implementing through this legislation. There is something fundamentally wrong in Victoria when a minister introduces legislation that he has not seen or approved. That is what this bill does and that is why it is fundamentally wrong. That is why the protection afforded by our circulated amendment ought to be supported by both sides.

**Mr HOWARD** (Ballarat East) — I am pleased to support the Livestock Management Bill before the house. As we know, the Victorian livestock industry is a very significant industry. In the previous speaker's words, it is a multibillion-dollar industry. It is something that we as a government want to ensure we protect, and that depends on the markets we sell to

being satisfied that we are maintaining quality standards in a whole range of areas.

This bill attempts to go a step further than we have in the past to put a national standard framework in place whereby Victorian and Australian standards on livestock management will apply to a range of animal welfare issues but also to biosecurity and animal health and traceability issues. We want a national approach. It is pleasing to see that this approach has come through the national meeting of the primary industries ministers across this country. It is not done just by those ministers but very much in consultation with the industry around the country and working according to what the industry tells us it needs to ensure that we adopt clear standards around the country and support the industry. We want to ensure that we have national consistency —

**Dr Napthine** interjected.

**Mr HOWARD** — The member for South-West Coast has had his turn. We want to ensure that we have national consistency in relation to enforcement of livestock management standards and that we have the opportunity for a co-regulatory mechanism where government and industry can work together to support industry standards. If the industries have quality assurance standards in place, the government can support them. We can support quality assurance processes already in place that do not require new processes and ensure that they are consistent across the industry. It is a matter of this government working with industry to ensure that standards are maintained by all operators.

We will ensure that if complaints are received, they are addressed by the industry. We want to ensure that the markets we sell to, whether they be domestic or international, know that the standards of welfare within the Victorian and Australian sectors are sound and well protected. The government will administer these standards of verification or, if the industry can demonstrate that it has verification means in place, will accept those standards. We have to ensure that we satisfy consumers both domestically and internationally with these standards.

**Dr Napthine** interjected.

**Mr HOWARD** — The member for South-West Coast has had his time, he does not need to keep going on and on; he can let other people speak. As I have said, this is about establishing national standards that can be regulated and supported across the industry, and operators who are not carrying out the agreed, quality

approved processes can be followed up and their welfare issues addressed.

This legislation will clearly protect the livestock industry. We have recognised that within the existing legislation, whether that be the Livestock Disease Control Act or the Prevention of Cruelty to Animals Act, there are limitations in the way those acts operate to enable us to work in a co-regulatory way with the industry. In bringing forward this bill we can streamline the regulation and ensure that the opportunity is there to work well with industry. This legislation has been driven by the industry saying, 'This is what we need: we want to have national standards and we want to see that government supports those national standards'. We can work together to ensure that we apply those standards as the market demands of us.

There has been considerable stakeholder consultation to date. We intend to continue to consult with the industry and work through these processes. It is not a matter of adding new levels of bureaucracy on top of what already exists; it is a matter of recognising where industries have quality standards in place and ensuring that those standards are practised across the industry. We can work to ensure that there are consistent standards so we do not have different buyers wanting to set up their own quality assurance processes, as the member for Swan Hill was talking about. We do not want Coles requiring one set of quality assurance processes in place and other buyers wanting other quality assurance processes. If we can show we have a standard process that meets those needs, we do not need to have farmers facing a whole range of different hurdles.

This is aimed at streamlining that quality assurance process, providing security for the industry and providing a national approach. As I have said, it is not aimed at being heavy handed. I think this legislation can work very well. I am confident that it will work well to ensure that the industry will have a very sound future.

**Mr MORRIS** (Mornington) — The electorate of Mornington has substantial non-urban areas, although I would have to say the associated production is more closely aligned with growing crops, in particular grapes, than it is with raising livestock. I am not a regular contributor to debates on agricultural matters in this place because this side of the house is served very well by a number of current practitioners. It is not my intention to break that habit, but I would like to speak with what I hope is some brevity, although it might take longer, on the principles that underlie this bill and some of the concerns I have with it.

This bill seeks to regulate livestock management in Victoria. It is enabling legislation but it is not enabling legislation in the normally understood sense of the term — that is, legislation that allows things to occur in a positive way. This legislation will in fact impose further regulation and sets of standards on the industry, without any reference to this Parliament, without any further public discussion and without any normal democratic process.

The minister commented in his second-reading speech that ‘there is a need to provide assurance to both domestic and international customers that Victorian livestock are well managed’. I would have said ‘is well managed’ but that aside, I think the general point he is making is, quite frankly, absolute nonsense. That comment suggests that by imposing a set of rules, by imposing a set of standards through this Parliament and, as has been said through others, we are going to be able to assure the world of the quality of our product. The quality of our product comes from the methods that have been developed by Victorian producers. It does not come from standards imposed by this Parliament or by others. Our primary producers have a hard-earned reputation. They have high standards, and the simple fact is that in many countries in the world when you buy Victorian beef, when you buy Victorian lamb or when you buy Victorian pork you are buying product branded in that way. It is branded in that way because the quality is known; the quality is recognised internationally. The quality does not come from legislation, it does not come from a set of standards; it comes from the practitioners and from the processes they have been following.

I find this process somewhat curious, because we have been going down the path of deregulation in so many areas for many years now. Even the Australian Labor Party belatedly recognised the beneficial aspects of loosening the regulatory yoke, of allowing the people who are actually doing the job, who understand what they are doing and who are damn good at it, to get on and to get it done without imposing rules and binding them up in red tape.

Where deregulation has worked best it has not been total deregulation; it has been deregulation with strong, underlying rules. The result we had in the Australian financial sector following the global financial crisis is a classic example. It had a good, strong, regulated framework with underlying rules put in place by former Prime Minister John Howard and former federal Treasurer Peter Costello in particular, and that worked very well. You only have to draw a comparison between the outcome in Australia and the result in the

United States and the ongoing challenges it is having with its economy.

In the management of livestock we have always had a fundamentally similar framework. We have let producers get on with it but we have set minimum, reasonable standards. Those are the standards identified in clause 4 of this bill relating to the Food Act, very importantly the Prevention of Cruelty to Animals Act, the Meat Industry Act, the Impounding of Livestock Act, the Livestock Disease Control, the Catchment and Land Protection Act, the Fisheries Act, the Dairy Act and so on. We let the producers get on with it and we set the minimum standards. That is the appropriate way to do it: to set a broad framework and set minimum standards. It is not to incorporate the detail, not to prescribe how things need to be done on a day-to-day basis. That is what is proposed in this bill. There can only be one outcome in terms of the impact on these industries.

This bill, if it becomes law, will bind up the process, and it will stifle innovation. Despite the protestations of the member for Ballarat East, it will add another layer of bureaucracy. It will add cost, and it will make our primary producers less competitive on international markets.

This bill introduces and sets — as pointed out by the member for South-West Coast and others — new standards in the lack of accountability. The bill is inherently antidemocratic in its measures. I do not want to get into the detail; my concerns essentially revolve around a series of definitions in the bill. They are the definitions of livestock management standard, the prescribed livestock management standard, the regulated livestock management activity and livestock itself. The definition of livestock itself is particularly broad. It is described as:

- (a) any animal kept for the purposes of primary production, including cattle, sheep, pigs —

et cetera, and —

- (b) horses, including where used for recreation; or
- (c) any animals prescribed as livestock

Once again we have regulations that give the ability to prescribe these things with no accountability to the Parliament. You could finish up with dogs being prescribed as livestock without any reference to the Parliament.

Without going into detail, it is about the principle. The government’s approach on this legislation is, in my

view, fundamentally wrong. The definition of livestock management standard in the bill is:

- (a) a standard published under section 9;

Clause 9 of the bill is reasonably straightforward and conventional. By a notice published in the *Government Gazette* the minister can give notice of intention to prescribe a standard. The notice must contain a copy of the standard. That is quite reasonable. The sting in this definition is contained in part (b) of the definition of livestock management standard, which reads:

any other published standard relating to the management of livestock;

Are we talking about a standard published in Victoria? Are we talking about a standard published nationally? Are we perhaps talking about a standard intended to apply to raising cattle in the Kimberley or the channel country in Queensland, or are we talking about a standard that is appropriate for Victorian conditions? Are we perhaps talking about a standard from the European Union or some other country that is even less relevant? It is simply a published standard without any limits set on it. We cannot even find a limitation on the term 'published'. Is it published on the internet? I could go out tomorrow and publish a standard. It would not be worth the screen it was shown on but it would be a standard and it would be a published standard.

This bill has no redeeming features at all. It imposes unnecessary legislation on industries that are already at the top end of international standards, it adds compliance costs, it reduces international competitiveness and it allows the minister or public servants acting under delegation to usurp the proper role of this Parliament and become a de facto legislature. This legislation will result in opaque rules, rules that cannot be easily understood, least of all by the practitioners.

**Mr Helper** — I seek leave of the house to table the land transport of livestock standard, described by the member for South-West Coast as not being available. It is freshly printed off the internet.

**The ACTING SPEAKER (Mr Ingram)** — Order! I think at the start of his request the minister should have said, 'On a point of order, I seek leave ...'.

**Mr Helper** — I apologise. On a point of order, Speaker, I seek leave to table a document — —

**The ACTING SPEAKER (Mr Ingram)** — Order! Is leave granted?

**Mr Walsh** — No.

**The ACTING SPEAKER (Mr Ingram)** — Order! Leave is not granted.

**Mr Helper** — You are not interested. Well, there you are!

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

**Ms BEATTIE (Yuroke)** — How extraordinary! It gives me great pleasure to speak on the Livestock Management Bill. The member for Mornington said several times that he did not want to go into any detail. I think this is all about detail because the bill will provide the framework to underpin agreed Australian and Victorian standards. The member for Mornington was talking about cattle in the Kimberley but not legislation for Victoria. I want to highlight that: the bill deals with Australian and Victorian standards relating to aspects of livestock management, including standards for animal welfare, biosecurity, animal health and traceability.

One thing we know is that consumers in our major markets are demanding more and more information about how their food is not only produced but transported and processed and how livestock is managed in the supply chain, as they used to say, from cradle to grave, but let us say from birth to slaughter.

As I said, I want to go into some of the detail that the member for Mornington did not want to touch on and to refute some of the things the member for South-West Coast said. I want to highlight a couple of extraordinary things. Extraordinarily, the opposition has been saying that it has not seen any of the regulations, and yet when the minister tries to table them by leave, leave is refused. The member for Swan Hill, the lead speaker in this debate, did not even take his full half an hour; he spoke for 20 minutes on the bill. He could have gone on for another 10 minutes giving us all the reasons for opposing the bill, but he did not. I find it extraordinary for The Nationals not to take the full time allocated to them on a matter of critical importance to farmers.

**Mr Morris** — Are you going to talk about the bill?

**Ms BEATTIE** — The member for Mornington now wants to go into some detail. How amusing!

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Yuroke should not take up interjections and members of the opposition should not interject.

**Ms BEATTIE** — I just want to refute some of the claims made by the member for South-West Coast. He seems to forget that we already have standards that

currently apply and codes of practice under the various livestock disease and cruelty acts. He does not realise that these acts, which are already across government, reference national standards as the Council of Australian Governments framework is developed and, again, in this house he tries to demean bureaucrats. I find that appalling because bureaucrats cannot answer for themselves. He describes them as faceless men and he screams about the primacy of Parliament. Does he really want to call the peak livestock industry leaders who have had input into this process faceless bureaucrats?

I think that is demeaning the contribution that industry leaders have made. They are the same industry leaders who are calling for a national approach. They have helped us develop these standards, some of which unfortunately could not be tabled here tonight. This bill is about bringing industry into the development of standards, not shutting it out and name calling. We do not want to shut the industry out; we want to bring it in to develop the standards.

I challenge the member for South-West Coast to find an industry leader or a welfare organisation that is not supportive of a national approach to standards. He asked the member for Ballarat East to name the standards and asked what they were. I refer him to the significant material and links to the standards being developed that are in emails supplied to the opposition by the minister's office following its briefing on the bill. The standards have been in the public domain for over 12 months and yet the member for Swan Hill could not spend half an hour on them.

We have had a total of 63 submissions, and they were made by industries, companies and individuals. I put it to you, Acting Speaker, and to the house that the member for South-West Coast was not really seeking information. What he was trying to do was get his grab for the *Portland Observer* or whatever it is. We know his habit of looking up for the television cameras; they were not there but I am sure he has his headline.

I talked about community expectations. They are now moving beyond just the prevention of animal cruelty and exotic disease and it is recognised that market forces alone cannot be expected to solve some of the problems. Intervention in the form of regulatory standards is needed, and those standards should be consistent across jurisdictions. Having those consistent standards is now an absolute priority. I think this government — and I commend the minister — will be viewed as a responsible government for implementing minimum standards of practice. I congratulate the minister on that.

Government intervention has had to increase substantially in the last decade to introduce direct controls as well as indirect controls such as codes of practice and standards. I am not quite sure if I understood the member for Mornington, but he seemed to be going back down the path of self-regulation. Self-regulation in this area is just not good enough. We need a set of national standards. We cannot just say to people, 'We have done a bit of self-examination and everything is hunky-dory'. We cannot say that, not when we are importing and exporting. I thought members on the opposite side of the chamber would take a more responsible approach than calling for self-regulation, knowing how vital those import and export markets are to us.

Private and industry control mechanisms have also developed substantially alongside this; they include industry and customer quality assurance programs to demonstrate due diligence in meeting standards. The new standards are being developed both nationally and by the states and are aimed at providing assurance to customers. That is really what it is all about: providing assurance to customers that the very highest of standards have been met and that the supply chain is absolutely intact, can be trusted and can maintain productivity and market export for livestock businesses.

Although there were a few protestations, everybody is in agreement that we need a national set of standards. There does not seem to be any dispute about that. I call on the opposition to give us fulsome support and not just say, 'We are not opposing the bill; we are half-heartedly supporting it'. If that were the case, the member for Swan Hill should have taken his full allocation of 30 minutes or explained to the house the exact reasons he could not speak for 30 minutes. It must be a dreadful disappointment to the farmers of this country to have a member who seems to be saying, 'I am leading the industry' but in fact cannot go into the detail.

This is a good bill. I commend it to the house and urge those opposite to give it their fulsome support too.

**Dr SYKES (Benalla)** — I seek leave to extend my contribution by 10 minutes to take up the time not used by the member for Swan Hill.

**The ACTING SPEAKER (Mr Ingram)** — Order! Is leave granted?

**Mr Holding** — No.

**The ACTING SPEAKER (Mr Ingram)** — Order! Leave is not granted.

**Dr SYKES** — There we have it. All huff and puff but when push comes to shove, you will not deliver it.

**The ACTING SPEAKER (Mr Ingram)** — Order! I guarantee to the member for Benalla that that is not the case when he is referring to the Speaker or the Acting Speaker. Through the Chair, please.

**Dr SYKES** — I wish to contribute to debate on the Livestock Management Bill 2009 and indicate, as my colleagues in the coalition have, that I strongly support the principle of a bill of national standards but have serious concerns about the implementation of those standards.

I have a background in the development and implementation of national standards in animal health over a period of 30 years. As a result of a national approach in animal health, we were able to achieve in Australia what other countries have not been able to achieve, which is the eradication of animal diseases such as brucellosis and tuberculosis. We have also put in place national standards with recognition of the need for regional variation for other diseases such as Johne's disease.

The purpose of this bill is to apply that principle more widely to include animal welfare and biosecurity. I should say that we are not starting from a blank page. As the member for Swan Hill indicated, a lot of work has been done by the industry in consultation with governments of all persuasions in each state and territory in the commonwealth over many decades. However, in the words of this government, more needs to be done.

My concern is how the standards are set, and that is why I support the amendment moved by the member for Swan Hill. We have seen stuff-ups — not to put too fine a point on it — in the past as a result of bureaucrats operating out of control at times or the government of the day, in the case of the ALP, going through sham consultative processes.

If we look at bureaucrats, one issue that I had firsthand experience with was the requirement to tail tag all cattle and buffalo in Australia to enable property of origin identification when those animals were slaughtered. We were required to put tags on down south, and that made sense because you put them on as you mustered the cattle and put them on the truck. But in the Northern Territory when we were mustering buffalo with helicopters and then using Toyota quarter horses to encourage the buffalo to be loaded onto the truck the requirement from Canberra was that to confirm their property of origin we had to tail tag those buffalo even

though they were going from Kakadu to an abattoir at Oenpelli, which was in Kakadu. It was a ludicrous requirement and it involved substantial trauma to the buffalo and substantial damage to the carcasses, but it was required by bureaucrats down in Canberra.

Similarly, when I came back from the UK in 2001 after being involved in the eradication of foot-and-mouth disease — and that was a very traumatic experience, being involved in the slaughter of hundreds and thousands of animals — I became involved in the development of standards in Australia. We had a situation where the bureaucrats initially involved in that process started from absolute scratch; they had zero knowledge of the industry, let alone the biosecurity issues we were dealing with. What was disappointing was that after about six months we had them up to scratch, they were across the issues and we were starting to get common sense but they moved on because they were career bureaucrats not career primary industry people.

In relation to the consultation process, we had the Brumby Labor government say, 'Trust us, we will consult'. This is in the context of the revelations about the Hotel Windsor planning issue, which is being debated in the upper house at the moment; it is in the context of the sham consultation in relation to Lake Mokoan — it will be interesting to see what the Auditor-General reports tomorrow; and it is in the context that federally we have had the Prime Minister say, 'I am coming out with a nationalised health program. I don't have much detail at the moment, but trust me'. And what is the Premier saying? He says, 'I wouldn't trust you!', because you cannot.

If we look at the standards being applied to animal welfare, I strongly support continued upward movement of standards. I am striving to achieve the so-called five freedoms for animals, which include the freedom from hunger and thirst, freedom from fear and freedom from pain. To a large extent the industry has achieved those freedoms now, but we can always do better. Interestingly in the United Kingdom there is a market-driven improvement of those standards through the Freedom Foods marketing initiative imitated by the Royal Society for the Protection of Cruelty to Animals.

As indicated by other speakers on this side of the house, there is always the risk that these standards can be hijacked by zealots, by people from organisations such as People for the Ethical Treatment of Animals, who come in under the guise that they are looking for incremental gain in the welfare standards for livestock but who are really driven by one agenda — that is, to stop the use of animals for food or fibre production.

They aim to even stop animals being used as pets: your pet dogs and cats. Given that extreme groups have the ability to unreasonably influence these standards, we must be very careful. That is why the democratically elected Parliament of the day is best situated to come up with a balanced outcome. Why else would we have a democracy?

In relation to the issue of national standards for biosecurity, again I support that for the reasons I touched on before: I have been at the blunt end of dealing with exotic disease and it is not a pretty sight. I want to be part of an organisation that ensures that we have the best and most practical standards available. I am concerned that unless adequate safeguards are put in place, unless we have these regulations being disallowable, we could have bureaucrats driving unreasonable propositions.

One proposition that the industry is concerned about at the moment is the possibility of the national livestock identification system and the electronic ear tagging of cattle being applied compulsorily to sheep, which would be a significant cost on the industry. While sheep happen to be worth a lot at the moment, some of us can remember when we dug pits and shot sheep because they were worth nothing! As we know, in agriculture what goes up comes down. To force a compulsory requirement like that on the industry, when there may well be other means of providing the reliability of trace-back required to ensure our biosecurity status is protected so we can compete internationally, shows that the industry is rightfully concerned that without the role of Parliament to check these regulations it could have something foisted upon it that is unreasonable.

In the last minute or so I have available to me, I turn to my concerns in relation to the implementation of this proposal. They are the practicality of what may come forth, its relevance and its complexity. We have quality assurance programs (QA) at the moment and supposedly compliance with THOSE QA programs will enable you to comply with the proposed regulations. I am involved in the Meat and Livestock Australia program and that is fine, but it is a relatively quality oriented program; it has little input into animal welfare. I am concerned that the cost of compliance will increase if auditing of animal welfare comes into that program, even though I strongly support continued pressure on increasing animal welfare standards. I am also concerned that the cost-recovery approach of this government will be seen as a fundraiser, as we have seen with the liquor licence grab for cash.

In conclusion, I remain concerned about the practicality of the implementation of this legislation. Whilst I

strongly support it in principle, we must have the ability for the regulations to be disallowed to ensure that common-sense regulations apply.

**Debate adjourned on motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).**

**Debate adjourned until later this day.**

## ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

**Debate resumed from 24 February.**

**Mr R. SMITH** (Warrandyte) — I rise to speak on the annual statement of government intentions, which is the third annual statement from our arrogant Premier, who so desperately craves the limelight in this house. The first statement obviously seemed like a good idea at the time. The second one was considered by the government itself to so lack importance that it did not even allow all members to speak over the course of debate last year. The third one was made last month and has sunk into obscurity in every place outside this chamber. The annual statement of government intentions has turned into something of not too much importance.

It is always instructive to look at the history of this government when it comes out with its grandiose plans. It is always interesting to look at what it has or has not achieved in the 10 years it has been in government. The first thing I would like to draw attention to is the issue of the violence we are seeing on the streets of Melbourne and around rural and regional centres across Victoria. This government has spent the last couple of years denying that violent assaults are on the rise and that knife crime and what seems like daily bashings are occurring throughout Victoria. That is something that I have raised in this house many times for the government to address.

In some small way the government has purported to be addressing this issue of violence on the streets. We can look back over the last 18 months or so and see the range of measures it has brought in to apparently tackle the issues at hand. We all remember the great photo opportunity when Hummers were sent out on the streets. We can recall the time-out zones, where drunks were supposed to go and chill out for a little while to stop them from being violent on the streets. We can talk about the flawed liquor licensing policy, which brought many thousands of people to the steps of Parliament House during the last sitting week. We can talk about

the failed 2.00 a.m. lockout, which was supposed to be trialled for a number of months. It was ditched after a month due to the public outcry. All these attempts to tackle violence on our streets have not stopped the continued reports of violence on the television and in the newspapers.

A couple of weeks ago, on 21 February, the *Age* featured an article with the headline 'Ten people stabbed over weekend'. That has been the net result of the government's attempts to tackle this violence. An article with the headline 'Stab tide swamps Alfred', which appeared in the *Herald Sun* of 23 February, reports:

The Alfred hospital director of emergency and trauma, Dr de Villiers Smit, said stabbing victim numbers had skyrocketed in the past year.

'We see about 170 patients with stabbings a year now, up from about 100 to 120 (in 2008)', he said. 'It's alarming what we've seen over the past couple of years.'

...

Dr Smit said the Alfred was struggling to keep up with the number of stab victims, whose treatment required considerable hospital resources.

That is the sort of outcome we have after the so-called attempts by the government to tackle this problem. It has only been because of the devastating swing in the recent Altona by-election that the Premier has looked up and said the government is going to tackle crime and violence more strongly than it has in the past. We can all see that this government is motivated only by its desire to be in power and not by a desire to achieve anything.

A lot of this violence happens at local train stations. On many occasions I have raised in the house the fact that in my own electorate of Warrandyte the Ringwood railway station is in desperate need of more security cameras. The coalition's plan to put Victoria Police protective services officers on railway stations will help ease commuter worries about violence at railway stations. We look forward to implementing that policy after the next election.

We also see continuing evidence of the lack of police numbers. We have read reports in the papers that Frankston City Council will be employing security guards to patrol the streets because of a lack of police resources. We have seen reports quoting Manningham City Council mayor, Charles Pick, saying that his council paid for an extra police car because the government could not support the police car in that area. It was also reported in the *Maroondah Journal* on 9 February that Ringwood police station, which is

another station in my electorate, was unable to provide sufficient patrols over a period of time due to a shortage of staff. That particular article went on to say:

The Police Association of Victoria said the Ringwood police station had been without six morning-shift van patrols and three afternoon-shift van patrols during the past two weeks —

prior to 9 February.

We can also point out many other failings of this government. Myki is one that jumps out as an issue that keeps showing the Victorian public that this government is not able to manage those sorts of programs. On 24 February the *Age* chronicled the whole saga of the myki system. It reported delays in getting cards out, faulty machines, non-existent machines at major railway stations such as Ringwood railway station and no myki machines on trams and buses. This government has no idea when this system will get going. Myki has entered the Victorian vernacular as a word to signify a massive failure and massive mismanagement. I had to laugh when I read that a number of people had suggested that the new baby elephant at Melbourne Zoo should be painted white and called myki. That is an example of how myki has entered the consciousness of Victorians.

Another thing the government likes to talk about but delivers in only a patchy way is the number of jobs being created, and we even heard the Premier talk about it today. That is great; I support an increase in jobs in this state, but the Premier refuses to acknowledge that in many rural and regional areas the unemployment rate is at record high levels. It is skyrocketing in Ballarat, where there is an unemployment rate of 8 per cent; at Corio it is 9.8 per cent; at Glenelg, 8.4 per cent; in parts of Greater Bendigo, 8.9 per cent; and in parts of the Yarra Ranges, 9 per cent. Those figures come from the Australian government's *Small Area Labour Markets* report, which shows the unemployment rate in different areas around Victoria.

However, this government takes no responsibility for those unemployment rates. It comes into this chamber and always talks about the jobs that have been created, but never at any time does it take responsibility for any of the jobs that have been lost. I have never seen the government take responsibility for the vast number of manufacturing jobs that have been lost in Geelong, which has topped more than 1400, and in Ballarat the number is more than 1000. The government has really shown no plan to tackle unemployment in those country areas.

We see cracks in almost every portfolio for which this government has responsibility. The way the health

portfolio has been handled by the Minister for Health reportedly led Neil Mitchell to say that the health minister should be sacked. He labelled him as one of the worst health ministers we have ever had. There have been continual failings by the Minister for Water, under whose watch we have an enormous desalination plant, a proposal which the government had previously described as a hoax. This desalination plant will devour energy and force water prices through the roof. He has also managed a pipeline which has been widely reported lately as being unnecessary.

The Minister for Consumer Affairs, who is also the Minister for Gaming, makes a mess of everything he touches. I am thinking of Intralot and the liquor licensing laws that have been introduced. The Premier would not let him touch the introduction of the extra gaming tables at Crown because he was worried about how the minister would handle that.

The Minister for Community Services has a list of failings that goes on and on. She must be the only one who is thrilled that the incompetence of the Minister for Police and Emergency Services has at last overshadowed hers. The Minister for Planning does not even know what is going on in his own electorate office, let alone his department, and the recent revelations from his department about his media plan show the sort of contempt he has for Victorians.

In the short time I have left I want to draw the attention of the house to the Engineers Australia 2010 infrastructure report cards, which show the failings of this government in many ways. Engineers Australia gave the roads of Victoria a C rating, which is defined as 'Major changes required to enable infrastructure to be fit for its current and anticipated future purposes'. Ports were also given the same rating. The electricity infrastructure grading fell from a C in 2005 to C-minus; there have been massive failures there. Rail was given a grading of D, which is defined as 'Critical changes required to enable infrastructure to be fit for its current and anticipated future purposes'.

This government is failing in a whole range of different portfolios. The only two measures that I recall this government taking so far this year are putting fairy lights on the West Gate Bridge and placing some new recycling bins around sporting grounds. This statement of government intentions, instead of showing what the government is capable of in the year to come, really just highlights the failings of this government over this term.

**Mr BATCHELOR** (Minister for the Arts) — It is with great pleasure that I rise to make a contribution to

debate on the 2010 annual statement of government intentions. I am pleased to do that as the Minister for the Arts. I am particularly excited about what will occur in 2010 in arts for the Victorian community. Part of this was set out in the statement of government intentions in chapter 7 entitled 'Building active communities' where a particular emphasis was placed on the fantastic new Wheeler Centre: Books, Writing and Ideas, but I will come back to that a bit later on.

It has been the Labor governments that have continued to support and drive arts in Victoria. The government does this because of its commitment that Victoria continue to be known right around the world as the arts and culture capital of Australia. This is in stark contrast to what those members opposite say: really they say nothing. They make snide interjections but have nothing of value to add to the debate and no contribution to make. They are just trying to score cheap political points.

The Labor government here in Victoria is working hard to make Victoria the best place to live, work and raise a family. Of course one of the underpinning principles of our actions has been Victoria's future framework, which is particularly important for the arts and cultural life of the state.

It is worth reflecting that in 2003 we launched the Creative Capacity + arts policy, and this government continues developing the arts and culture for the wellbeing of Victorians. It is worth reflecting on what we said at that time, and I would like to quote from the document *Creative Capacity + — Arts for All Victorians*. It says:

Nothing illustrates the creative strength of our society as clearly as our cultural life. Our dynamic arts sector imbues every aspect of our lives with imagination and a sense of connection. The arts make a vital contribution to our economy, stimulating creativity and attracting tourists. We are all enriched by our engagement with a creative community.

It goes on to say:

Creative Capacity + builds on our current strengths to create a cultural life for all Victorians which is vibrant and inclusive.

That was our 10-year plan, and in just over six years the Labor governments have already delivered some 85 per cent of this decade-long plan that is described in *Creative Capacity +*.

It is interesting to note that the recognition of Victoria as the cultural capital in Australia comes about because of the vibrant and dynamic arts and culture sector that exists here. It draws creative people to Victoria. But it is also worth pointing out that on a per capita basis

cultural expenditure in Victoria is the highest of any Australian state. It is the highest by a country mile. Our investment in the arts in Victoria is almost \$75 per person, and you can compare that with Queensland where it is \$59 per person or with New South Wales where it is only \$51 per person. No other state government in Australia values the arts as we do here in Victoria.

In Victoria we have delivered over \$1 billion in arts and cultural facilities. This has given Victoria the largest capital injection of this kind since the boom times that followed the gold rush in the 19th century. The arts portfolio has made a significant contribution to creating jobs across Victoria. It has stimulated the economy through the many major cultural infrastructure projects we have completed and those we are currently undertaking. We continue to stand by Victorian families by focusing on creating and maintaining jobs in the cultural sector.

These projects have included the establishment of the Australian Centre for Contemporary Art at Southbank; the completion of the Melbourne Museum at the Carlton Gardens; the redevelopment of the international gallery of the National Gallery of Victoria at St Kilda Road; the redevelopment of the State Library of Victoria; the establishment of the Australian Centre for the Moving Image; the Australian gallery of the National Gallery of Victoria, the Ian Potter Centre at Federation Square; and the refurbishment of the Sidney Myer Music Bowl.

This government has also initiated the \$128 million project at Southbank to build the 1000-seat Melbourne Recital Centre and the new theatre and home for the Melbourne Theatre Company. We have also created new venues and facilities at the Meat Market in North Melbourne, helped secure the ownership of the iconic La Mama Theatre in Carlton and built new and expanded public spaces at the Heide Museum of Modern Art.

Our plan goes further than metropolitan Melbourne because on this side of the house we are committed to supporting families in regional Victoria. This is evident in our investment in the arts venues in Wangaratta, Shepparton, Echuca, Sale and Benalla and upgrades to galleries and venues at Ballarat, Warragul, Morwell, Traralgon, Geelong, Mildura and Swan Hill.

We have also invested more than \$20 million in the literary sector, including submitting a successful bid to make Melbourne the world's second United Nations Educational, Scientific and Cultural Organisation City of Literature. Together with the Premier, I officially

opened a key component of this initiative, the Wheeler Centre for books, writing and ideas. This is an Australian first and has attracted further philanthropic support from Maureen and Tony Wheeler, the founders of the Lonely Planet publishing empire, and we thank them for that generous contribution.

Without a doubt Victoria now boasts the best cultural infrastructure in Australia. But the arts go further than building and upgrading infrastructure. This government understands that the arts play a major role in communities right across Victoria. That is why we have established the local partnerships program with some 26 suburban and regional councils to increase the frequency and the quality of arts experiences and the career opportunities for Victorians no matter where they live.

We have increased support for arts touring in suburban and regional areas across the state. We established the quick response grants for bushfire-affected areas immediately after the Black Saturday bushfires, with over 40 community arts projects already funded. We have launched the Test Drive the Arts program, introducing newcomers to the arts with free tickets to shows right across Victoria, and we have increased the accessibility of our arts agencies to record levels of more than 8.5 million people visiting them in 2008–09, and this is a truly remarkable achievement.

In particular I am looking forward to what lies ahead for the arts community in 2010. Not only will we see new and improved arts infrastructure built right across the state but we will again come alive when Victoria hosts renowned theatre, opera and stage productions touring the world's stages.

Victoria is home to the most state-of-the-art arts facilities. We understand that in order to continue to attract the best we need to offer the best facilities. That is why we have seen the development in the Southbank cultural precinct, which will provide improved acoustics and operation within Hamer Hall at the Victorian Arts Centre. The refurbishment will also enable greater accessibility for people with a disability through the construction of new public lifts, as well as works to improve the back-of-house facilities.

Recently I was pleased to join with the member for Geelong at the opening of stage 1 of the upgrade of the Geelong Performing Arts Centre. We have also provided \$3 million towards the construction of a 400-seat theatre at Healesville. This will provide a performing arts venue for the Dandenong Ranges community, and we hope to have that facility open in 2011.

We have also started a number of arts projects in regional Victoria, including upgrades at Warrnambool, and we will see the redevelopment of the Horsham town hall to create a new performing arts centre, as well as upgrades at Mildura. Most of our commitments bring arts to the people no matter where they are in the state of Victoria.

**Mr O'BRIEN** (Malvern) — I am pleased to speak on the 2010 annual statement of government intentions. It is extraordinary to see just how many failures can be contained within one document, because this document is a litany of examples of a government that has failed to deliver on its promises and has no idea how to get itself out of the mess it is currently in.

I am indebted to the honourable member for Warrandyte who has provided me with a particular quotation from a political leader of this nation which sums up so much of the failure of this government to deliver. It is from an article in the *Sunday Age* of 7 March 2010 which states:

In an escalating war of words, Mr Rudd said the Victorian government, which faces an election in November, had underinvested in critical state responsibilities.

Asked if the state had spent too little on areas such as public transport and law and order, he answered, 'Yes'.

That comment comes from a Prime Minister who is not renowned for simple, short one-word answers when a chapter will do, but when it came to the question 'Does this state government underinvest in critical infrastructure like law and order and public transport?', even Mr Rudd was moved to answer yes because it is obvious and it is true.

The promises contained in the February 2010 annual statement of government intentions are a demonstration of how little this government has done over the past 10 years and why it does not deserve to be given another term in office when it goes to the people in November this year.

Let us look at some of the portfolios I deal with, particularly exports. The government starts by saying under the term 'export strategy':

The government is proud of the state's strong record of export growth — simply put, exports create jobs.

We certainly agree with the second part of the statement — exports do create jobs, and that is why the government's appalling performance in exports is such an indictment of it. The release of the latest data from the Australian Bureau of Statistics reveals that Victoria's export performance worsened again in

January. The ABS figures show that Victoria's merchandise export performance in January 2010 was \$1115 million, compared with \$1235 million for January 2009. Victoria's January 2010 result was our worst January result in five years and the second worst in the decade that Labor has been in office in Victoria.

As the member for Warrandyte points out, the Premier was standing up here and going through all the statistics about how Victoria was the Garden of Eden when it came to economic growth, but did he mention business confidence in this state? No, he did not. Did he mention our export performance? No, he did not. He is a cherry picker. He tries to take tiny little glimmers of hope and ignores the disasters that are staring him in the face.

Why would a government that is presiding over an export performance that is 10 per cent down on January a year ago regard itself as having had a good export record? A year ago we saw this government and governments around the world in the midst of the global financial crisis. You might say the government had an excuse for why its export performance may have been down in January 2009. This government has managed to preside over a performance that has fallen by 10 per cent since the peak of the global financial crisis, yet its annual statement has the hide to say that the government is proud of the state's strong record of export growth. The figures do not stack up.

Let us go on to energy. Right at the very back of the annual statement of government intentions, in the last line on the last page, the government talks about delayed non-legislative initiatives and says:

The *Future Energy Statement* has been delayed and will be released during 2010.

We have a government so committed to dealing with this crucial area of infrastructure that it could not even deliver on its promise last year to release an energy statement. We are not talking about legislation, we are talking about a policy statement, but apparently the minister who was speaking just before I rose and his colleagues around the cabinet table are incapable of putting together an energy statement that can set the scene for Victoria in this absolutely crucial area of infrastructure.

Last week Engineers Australia issued a report card for Victoria on infrastructure called the *Infrastructure Report Card 2010*. In electricity infrastructure Victoria's rating, according to Engineers Australia, fell to a C-minus in 2010 compared with a C in 2005. We have gone backwards in five years under this government. Engineers Australia describes a C as 'barely adequate', so a C-minus is less than barely

adequate — we have gone backwards to a point where we are less than barely adequate in terms of electricity infrastructure.

The report card found that insufficient attention is being given to demand management as a way to reduce peak demand. What is the government's great demand management tool? Smart meters — the myki of metering! This government thought it would be fantastic to give every house a smart meter and it said to the industry, 'You can design the system, you can decide how the smart meters will work, you can control the rollout and the design, you can control the distribution, but you do not have to pay for it — no, consumers can pay for it, Victorian families can pay for it and Victorian small businesses can pay for the smart meters'.

But what happened? The cost blew out from \$800 million to \$2.25 billion. That is the scale of the financial scandal this government has presided over with these smart meters, and the government is now running around trying to blame everybody but itself. The minister even had the hide to have a letter in a local paper the other day claiming that the opposition supports smart meters — as though it is our fault that this government is incapable of controlling budgets and that we presided over this cost blow-out from \$800 million to \$2.25 billion.

We now know it will cost up to \$152 this year alone for the actual cost of the meters being rolled out and then once the meters are installed and the two-part tariff kicks in, according to St Vincent de Paul, customers will be paying up to 30 per cent more for their power bills. So where is the benefit?

#### **Business interrupted pursuant to standing orders.**

#### **Sitting continued on motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).**

**Mr O'BRIEN** (Malvern) — Thank you, Deputy Speaker. So we have these smart meters that have been comprehensively bungled by this government. They are going to cost consumers more, they are going to have limited functionality, they have been delayed by over 12 months, and consumers are being asked to pay for something they do not even have and in many cases do not even want. I should make the point that this is not just the opposition's criticism; we are talking about the Auditor-General. What did the Auditor-General say? The Auditor-General reported to this Parliament in November last year and said:

project governance has not been appropriate

...

There is no risk management strategy...

...

The merits of the economic case for the project are quite uncertain

...

If the emerging risks delay the installation of smart meters it is likely that consumers will face further cost increases and gain fewer benefits

...

It is ... possible that there will be an inequitable ... transfer of economic benefits from consumers to industry.

This is an absolute debacle and it is all on the government's head. Engineers Australia picked this up in pointing out that this government's complete failure over electricity demand management is one of the reasons our infrastructure has been marked down to such an extent.

In the very brief time available to me I would like to quickly mention that the government proposes to sack the independent mining watchdog and abolish the mining wardens court. What hypocrisy from members opposite, who used to continually come in here and talk about how the previous coalition government would sack judges, which was a complete falsehood. These people are now coming in here and saying, 'But it is okay if we want to sack an incumbent, the mining warden, and we want to abolish the mining wardens court'. Apparently if the Labor Party is sacking judges, that is okay because it is the Labor Party that is doing it. Let us see the great defender of judicial freedom, the Attorney-General, come in here and try to defend that. Let us see the Minister for Energy and Resources come in here and defend his standing up for the interests of some of the big mining companies against the small land-holders. Why will the Labor Party not come in here and explain itself on that point?

I would like to conclude on the note of liquor licensing. This has been one of the greatest debacles this government has ever seen. There are 19 000 liquor licensees across Victoria and they are all being blamed and all have to pay because this government is incapable of cleaning up King Street. This government thinks that every single liquor licensee, be it an RSL, a sporting club, a florist, a chocolate shop or any sort of community sporting club with a liquor licence, is responsible for this government's failure to clean up King Street. They have to pay through the nose unfair non-risk-based liquor fees. This statement of

government intentions is testimony to this government's failure.

**Debate adjourned on motion of Mr HERBERT (Eltham).**

**Debate adjourned until later this day.**

**Remaining business postponed on motion of Mr HELPER (Minister for Agriculture).**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### Schools: Warrnambool

**Dr NAPHTHINE** (South-West Coast) — The issue I wish to raise is for the Minister for Education. The action I seek is for the minister to immediately instruct her department's south-west regional office to return nearly \$150 000 that it has inappropriately taken from the bank account of the Warrnambool schools network. This money belongs to local Warrnambool schools, their students and their school communities. It is fundamentally wrong that the regional office has forced the school network to hand over these funds to the region.

I wish to quote from a letter signed by all local Warrnambool network principals in February 2010. The letter I have is marked 'draft' but I can advise the house that it is a copy of the letter actually signed and sent by the Warrnambool school principals.

It says:

The principals of the Warrnambool network would like to formally register their disappointment and disapproval of the recent process to strip networks of previously held funds.

As you may be aware, \$120 000 held in the network account was reconciliation money from central office for replacement of Bill Meyer from 1999–2003.

Further it says:

When the network/district received the funds as reconciliation several years later the principals discussed dispersing these funds but decided to maintain the money for the purpose of student wellbeing.

Indeed the network has investigated and identified a program called Jigsaw that would support disengaged students, encourage them to re-engage with education and help them with their self-esteem and

self-development. This funding was earmarked for that Jigsaw program. The letter goes on to say:

To be told to send these funds to the region is morally wrong as the funds are neither the region's nor the network's, but rather the schools' ...

It says further:

Our concern for the fate of the \$120 000 is on top of our previous disapproval of the identification of another \$35 479 'to be returned'.

It concludes by saying:

The lack of meaningful consultation and transparency throughout this process has been disheartening.

So here we have the regional office of the Department of Education and Early Childhood Development taking money out of the schools network in Warrnambool, and I understand it has also taken money out of the Colac schools network and perhaps other school networks across south-west Victoria. We are not sure what is happening across the rest of the state. This money belongs to those school networks, belongs to those school communities and should be managed locally in the best interests of those school students and school communities. It should not be taken from the local schools by the bureaucrats in regional offices, which, as the letter says, is immoral. It is wrong, and I ask the minister to reverse it.

### Williamstown Hospital: ministerial visit

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Health. The action I seek from the minister is that he visit the Williamstown Hospital and meet the hardworking doctors, nurses and health professionals at Western Health.

Williamstown Hospital has a proud history of caring for the health of the people of Melbourne's inner west. Indeed it has done just that for almost 120 years now, making it the oldest metropolitan hospital in Melbourne. Completed in 1894, the original brick cottage building was comprised of six beds and had a staff of just two. The hospital was proudly built by members of the local community who were concerned about the increasing number of industrial accidents taking place at the nearby port, railway workshops and fast-growing industrial workplaces at Spotswood, Footscray and Newport.

From those humble beginnings Williamstown Hospital has grown to its current operation of more than 80 beds and now provides emergency, acute medical and surgical, aged care and rehabilitation services. In all that time Williamstown Hospital has maintained a strong

connection with the local community. The small band of people who established the hospital in 1894 has grown to thousands of friends and supporters who continue to assist as volunteers, fundraisers and donors.

My request to the minister follows the reckless allegations made recently by the state opposition that Western Health, which incorporates Williamstown Hospital is running some sort of secret waiting list of thousands of unreported patients who are stuck in a queue waiting for treatment. We know that this is not true: there is no such list. Those thousands of patients alluded to by the opposition have actually been treated and removed from Western Health's waiting list. Indeed last year Western Health treated around 14 000 elective surgery patients, not to mention many more emergency surgery patients. That its allegation was fallacious seems to be of little concern to the opposition. It is more than content to denigrate the hard work and care provided by our dedicated health professionals in order to score cheap political points.

Associate Professor Trevor Jones, director of clinical services at Western Health, was dismayed by the allegation. In a letter to the Minister for Health he said:

Western Health does not and has never had 'thousands ... on secret waiting lists'.

He continued:

My colleagues and I take immense pride in the care we provide to our community and are constantly striving to provide the best of care to the people of the west. We find the unwarranted attacks on ourselves, Western Health and indeed our community to be extremely distressing, demeaning and ... demoralising.

Labor has always stood up for Williamstown Hospital. I am sure that message will be echoed by the minister if he accedes my request to visit the hospital.

### **Bushfires: Boolarra emergency services communications**

**Mr NORTHE** (Morwell) — I raise a matter for the attention of the Minister for Police and Emergency Services. I ask the minister to resolve the poor emergency services communications that exist in the region of Boolarra and district. In particular I refer to Country Fire Authority communications.

The Boolarra and Yinnar region was severely impacted by the bushfires of January 2009. In the face of adversity the local Country Fire Authority (CFA) volunteers did a remarkable job in protecting these communities. However, a longstanding issue of inadequate communications revealed itself during these

fires and was further reinforced when the performance of emergency service assets was assessed in the aftermath of the bushfires.

The Boolarra and District community group (BDCG), the Boolarra-Yinnar Community Recovery Committee and the Boolarra CFA brigade have each identified improved communications and emergency services communications as an absolute priority. Subsequent to the January 2009 bushfires, various correspondence has been provided to the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) and the Brumby government from these organisations and me. However, to this point in time this critical issue remains unresolved. This is somewhat disappointing given that more than 12 months has passed since this disastrous event impacted upon these communities.

It is imperative that emergency service personnel and CFA volunteers can have faith and confidence in the communications system they are required to utilise. As pointed out by the BDCG in its correspondence to VBRRA, an improved communications system is essential to deal with such events should they occur in the future. Likewise the community should feel confident that these marvellous people have the best available communications system at their disposal. An improved communications system would no doubt enhance volunteer and community safety.

Recent testing by the Boolarra CFA brigade has identified a number of black spots in the CFA communications system in the Boolarra and Yinnar district, and the Brumby government must do all in its power to address this issue. Of course this was not a surprise to the local CFA brigade, as its operations were impacted during the 2009 fires, with communications lost at crucial periods. This has been a constant source of frustration from all concerned within the local CFA brigade. The importance of resolving these issues should not be understated. From my discussions with the local brigade, the establishment of a repeater tower to cover Boolarra and district might be the solution to this longstanding problem.

The issue of communications is not just confined to the CFA and emergency network. Phone, television and radio transmissions are quite poor in a number of areas within Boolarra and district. Many people are unable to access these vital communication services, which has created much anxiety for those who have had to endure the January 2009 and Black Saturday bushfires and other such disasters.

I therefore call upon the minister to improve the poor emergency services communications in the region of Boolarra and district.

### **Monash Freeway: safety**

**Ms LOBATO** (Gembrook) — I raise a matter for the Minister for Roads and Ports. The action I seek is for the minister to address safety issues on the Monash Freeway near the Pakenham bypass. This stretch of the freeway was the subject of 19 casualty crashes between July 2004 and December 2009, including 2 fatality crashes, 12 serious injury crashes and 5 other injury crashes. Clearly these accidents are unacceptable and must be prevented from happening again. I have been advised that the works needed to address these safety issues include some tree removals and the installation of more wire rope barriers. I urge the minister to provide the funding for these works.

The minister is no stranger to this part of the Monash Freeway and Pakenham bypass, as he recently turned the sod for the construction of the \$12 million sound walls, which are due for completion soon. Many residents have expressed their delight at the construction of these walls, which have alleviated the constant noise of trucks and cars intruding into their homes.

The minister has also recently acknowledged other safety concerns along the stretch of Beaconsfield-Emerald Road by allocating \$5.2 million for various road treatments and barrier installations, recognising that the road often experiences casualty crashes due to it being so windy and steep.

Many other road safety improvements have been made to roads throughout the Upper Yarra and Gembrook townships, such as a \$792 000 upgrade for Yarra Junction-Noojee Road, Powelltown; a \$711 000 upgrade for Warburton-Woods Point Road; \$2.6 million for lights at the intersection of Lysterfield and Wellington roads; and a \$440 000 upgrade for the Wellington-Berwick roads intersection.

These are just some examples of works throughout the Gembrook electorate that are contributing to the significant decrease in road accidents and trauma, with the road toll being reduced from 444 in 2001 to 290 in 2009. This reduction equates to 35 per cent decrease, saving an estimated 874 lives.

The government's new Arrive Alive strategy aims to drive the road toll down by a further 30 per cent by 2017 through an investment of \$650 million over 10 years for road safety improvement projects. This

government has proudly invested \$790 million on over 2200 road safety projects across the state.

I urge the minister to continue this proud record of road safety improvements in the electorate of Gembrook and throughout the state by funding this request.

### **Birmingham Primary School: parking**

**Mrs FYFFE** (Evelyn) — My request for action is directed to the Minister for Education. The action I request is for the minister to urgently provide funding to assist with car parking and improvements to the pick-up and drop-off zones at Birmingham Primary School to help alleviate congestion around the school and along Birmingham Road during school drop-off and pick-up times. Birmingham primary is an excellent school with terrific teachers and great parent involvement. The staff do an excellent job of coordinating traffic management at the school, with four staff members on duty voluntarily each morning and afternoon, but the actual access to the parking area, particularly the traffic entry and exit zones, needs upgrading urgently.

On 24 February parents of children at Birmingham Primary School were confronted by two parking officers from Yarra Ranges Shire Council. I am advised that one of the officers left many parents feeling harassed and distressed after photos were taken of their vehicles at school pick-up time with a view to issuing fines. The parents in question were double-parked in the 2-minute drop-off and pick-up zone at the front of the school. Parking restrictions imposed at the school give council the opportunity to keep issuing fines to the parents, who have no other parking available to them. I was contacted by a number of parents immediately following the incident, and many expressed their anger at the thought of having to park some distance away from the school — if they can find somewhere safe to park. In light of a couple of recent alleged abduction attempts in surrounding suburbs they do not feel comfortable and that their children are safe when their children are out of their supervision and line of sight, and I do not blame them.

Birmingham primary has around 620 students, with future enrolments expected to remain stable. I am told by the principal that only a handful of parents walk to school to pick up their children. This is partly due to the location of the school, the lack of footpaths and the steep topography of the surrounding streets, many of which are unsealed and unsafe for young pedestrians. Concern about this issue has been growing for the last 15-plus years without resolution. Cr Heenan met with the parents around 18 months ago but was again unable

to resolve the problems that persist in part due to funding constraints. Residents of neighbouring properties in Francis Crescent are also requesting that the parking issues be resolved due to the problems they have accessing their homes at pick-up and drop-off times.

I am impressed by how well the parents and teachers at Birmingham primary coordinate themselves to ensure a steady flow of cars in and out of the drop-off and pick-up zones and to avoid accidents. However, the congestion is impacting on the traffic flow up Birmingham Road, which is a major thoroughfare through Mount Evelyn. The local council has informed me that it has earmarked \$148 000 in its budget for limited improvements to the parking area. I urge the Minister for Education to allocate urgently needed funding to assist Yarra Ranges council with these works by agreeing to fund the sealing of the lower car park and the provision of a second footpath in the same section.

The council's works alone will not resolve the parking issues. The functionality of the car park is a priority. Council is working with the school and will meet with it this week to try to resolve the issue, but it is becoming very serious. The congestion on Birmingham Road is very dangerous as cars queue to turn right and head into the school in Francis Crescent.

### **Electricity: smart meters**

**Mr HERBERT** (Eltham) — I wish to raise a matter for the Minister for Energy and Resources. I call on the minister to take urgent action to ensure constituents in my electorate of Eltham are provided with accurate and up-to-date information regarding the government's rollout of smart meters. Recently quite a large number of constituents have spoken with me regarding a letter they have received which contains misleading and inaccurate information about the new smart meters.

The letter outlines that the state opposition would immediately freeze the rollout of smart meters, that the Auditor-General has identified a risk that smart meters will benefit the electricity industry at the expense of consumers and that pensioners will face increases of \$150 a year once new time-of-use tariffs are implemented. Not only are the points outlined in this letter untrue, but they are creating unnecessary fear amongst local residents in my electorate, particularly the elderly.

I call on the minister to take urgent action to ensure that local residents in my electorate are provided with the correct information regarding the rollout of smart

meters. Unfortunately this incident reflects an emerging pattern of deceit by an upper house Liberal member for the local area. Late last year a document was distributed in the Eltham electorate by a member for Eastern Metropolitan Region in the Council, Mrs Kronberg. The document entitled 'Eltham train stabling information sheet' was designed purely to scare people by relating untruths and falsehoods — —

**Dr Napthine** — On a point of order, Deputy Speaker, the member is able to raise one issue with respect to an adjournment. The issue he is now speaking about is not related in any way, shape or form to his initial request to the Minister for Energy and Resources with respect to smart meters. It is not related to that issue at all and is therefore irrelevant.

**The DEPUTY SPEAKER** — Order! I have heard enough. I uphold the point of order. The member for Eltham needs to relate his remarks to the action that he sought.

**Mr HERBERT** — The action I seek is for the minister to clarify untruths to test the credibility of the people who are spreading those untruths. This statement about smart meters is one of a series of untruths being perpetrated by Mrs Kronberg to undermine important infrastructure rollouts. There is a lot of debate about rail issues and smart meters. The instance I was referring to was an attempt to undermine infrastructure upgrades in Eltham.

In conclusion, I believe it is certainly unparliamentary to be deceptive and to misuse information by the use of parliamentary allowances, and I would like the minister to provide local residents with the truth about smart meters.

### **Police: Neighbourhood Watch**

**Mr THOMPSON** (Sandringham) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to meet a deputation of Neighbourhood Watch group leaders in the city of Bayside and city of Kingston areas to review changes that are not in the interests of those two local municipalities. Neighbourhood Watch was pioneered in the local area in 1987 and has been an outstanding success throughout that time. A number of local residents have had a continuous association with Neighbourhood Watch over the last 23 years and have done an outstanding job working in collaboration with police to identify crime events on a street-by-street basis and then to work on plans for appropriate surveillance to minimise crime.

The house would be interested to learn that in the last year there has been an extraordinary 23 per cent increase in assaults in the municipality of Kingston. It is a matter of major concern that that is part of a trend across Victoria. It is important that communities work together with the police so there can be a galvanising of resources to achieve safer communities in Victoria. The proposed changes mean data will no longer be made available street by street, which is a matter of grave concern to these hardworking, community-minded citizens, numbers of whom have been involved in local government and numbers of whom have been citizens of the year and leading citizens in their local neighbourhoods where they have given their time voluntarily.

I seek that the minister meet with these groups so that rather than there being a centralised change that applies across the state, consideration be given to maintaining the system where the process is working well, where there are good numbers attending local Neighbourhood Watch meetings, where there is a feed-in of data to the police and, in return, a good return of that information back to the local communities. Every endeavour should be made to keep effective programs working wisely and well. Rather than winding back the system and centralising the process, much more can be done to enable the system which is operating well in the cities of Bayside and Kingston to keep working.

There are a number of wider police challenges in the local area. Cycling on Beach Road is an important issue which requires police time and resources. The police need all the support they can get to make the Bayside and Kingston areas safe places rather than there being the massive uplift in assaults — 23 per cent — that occurred over the last collection data period.

### **Hume Freeway–Donnybrook Road: access ramps**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to have VicRoads look at making an improvement to the design of the access ramps at the Donnybrook Road–Hume Freeway interchange. The opening of the new interchange has solved what was previously a very unsafe intersection where east and westbound traffic on Donnybrook Road had to negotiate four lanes of constantly flowing traffic, often heavy vehicle traffic travelling between Sydney and Melbourne.

Captain Ned Panuzzo of the Kalkallo fire brigade has on many occasions voiced his concerns to me, and to the members for Yuroke and Seymour, whose

electorates are alongside the Yan Yean electorate, about how many motor vehicle accidents the brigade has to attend at this intersection.

I want to congratulate the people of Donnybrook in particular who were very patient during the time of construction when access was restricted for local land-holders, small businesses and users of Donnybrook station. The member for Yuroke and I joined delighted community members, including Captain Panuzzo, when Senator David Feeney officially opened the new interchange on behalf of the Rudd government.

Since this much appreciated opening it has been raised with me that the eastern access from Donnybrook to the Shell service station and Coles Express on the western side of the Hume Freeway is problematic and confusing for locals. Therefore I seek the minister's support to have VicRoads review the current operation of the access ramps to address the access concerns of locals.

### **Electricity: smart meters**

**Mr BURGESS** (Hastings) — I wish to raise a matter for the Minister for Energy and Resources. The action I seek is for the minister to provide assurances that Victorians will not be disadvantaged by increased energy costs because of the government's smart meter program.

I have been approached by a very large number of constituents, including senior Victorians, who are concerned about the impact of the increased cost of electricity in this state. It is a situation that is being made considerably worse by the government's bungled smart meter program. One particular constituent, a pensioner, has informed me that she has already experienced a 40 per cent increase in the cost of electricity within a year. This sort of cost increase places enormous financial pressure on the most vulnerable in our community, and the state government must take action to ensure that such challenges are not further compounded by its bungled smart meter program.

The Auditor-General has already presented a damning report into the project after finding that the cost of the smart meter project has blown out from \$800 million to \$2.25 billion and that it has been impeded by delays and poor management. The Auditor-General has questioned the benefit of smart meters to consumers, stating that the benefits of smart meters 'may not accrue to consumers who then ultimately fund the implementation costs'.

A report from the University of Melbourne has highlighted the high cost to households, stating that this year families will be paying up to \$152 for smart meters that in the majority of cases have not yet been installed. A four-year rollout of 2.4 million smart meters is currently under way in Victoria, but a fee has already appeared on the accounts of tens of thousands of electricity customers. Power companies have already started passing on the costs through higher fixed charges before installing the meters at properties.

The Melbourne University report also warned of higher supply fees. A wave of new tariffs charging customers more for electricity in peak periods and less during off-peak times could leave some consumers \$300 a year worse off. Stay-at-home mothers, pensioners, carers, the sick and disabled will be worst hit under the new electricity system.

Around 30 per cent of households apparently fall into this category, and the increase represents a 30 per cent jump on their average annual electricity bills. Report co-author Dr Michael McGann stated that pensioners and stay-at-home mums are not able to shift energy use from the peak daytime periods. He said:

So the ability of the poor to be able to afford electricity use to meet needs like cooking, cleaning, showering ... is under threat.

It is clear that the confusion, lack of communication and the mismanagement of the smart meter program is producing increasingly bad outcomes for Victorians. I call on the minister to provide assurances that this will be addressed urgently.

I have already called on the Brumby government to immediately halt the rollout of the meters until a complete and independent cost-benefit analysis has been undertaken, and I repeat that call now. Victorians need to know whether this project is worthwhile or whether it is just another Brumby government mess that will cost them more money and provide zero benefit.

### **Geelong: asbestos disposal**

**Mr TREZISE** (Geelong) — I raise an issue for action tonight with the Minister for Environment and Climate Change. The issue I raise relates to the important environmental issue of asbestos removal, and more specifically the disposal of asbestos in the Geelong region. For the information of the house, currently in Geelong there is only one site where disposal of commercial asbestos can take place and that is in a private disposal site in Fyansford, which is slowly but surely being filled.

This issue is of concern to local people, and it has been specifically raised with me by building unions and the secretary of the Geelong and Region Trades and Labour Council, Mr Tim Gooden. Therefore the action I seek is for the minister to come to Geelong and meet with representatives of the trades and labour council and the union to discuss their concerns as they relate to future disposal sites for asbestos waste.

As I said, currently there is only one Environment Protection Authority-licensed disposal site for asbestos in Geelong, which is in Fyansford. The City of Greater Geelong caters for small amounts of domestic disposal but not for commercial-size asbestos waste. Given this issue, there is a need for the community of Geelong in partnership with the City of Greater Geelong and the Environment Protection Authority to devise a plan or develop a strategy for future disposal. Sooner or later, as I said, the Fyansford site will be filled.

With the ongoing rebuilding, for example, of schools and hospitals, industrial-size disposal of asbestos is becoming a major problem in the region. Last week I met with the Geelong and Region Trades and Labour Council and a number of its delegates and this issue was raised with me. I know the trades and labour council would appreciate the opportunity to meet with the responsible minister, the Minister for Environment and Climate Change, to discuss its concerns and ideas. Therefore I look forward to the minister taking this action, and coming to Geelong and meeting initially with the trades and labour council and building unions to discuss this important issue for the community of Geelong.

### **Responses**

**Mr BATCHELOR** (Minister for Energy and Resources) — The member for Eltham and the member for Hastings raised with me the issue of smart meters. They tackled it from very different perspectives. It is instructive to first of all deal with the issues raised by the member for Eltham, and then the member for Hastings may be able to understand why he is completely wrong, confused and off the planet with his assessment. I would first of all like to thank the member for Eltham for raising this matter. He is well known in his electorate for standing up for his constituents, particularly vulnerable members of his community. I am pleased to be able to provide the correct information about the rollout of smart meters. I ask the member for Hastings to listen to this.

To address the member for Eltham's first point, I would like to make it absolutely clear that the Liberal Party's proposal to freeze the rollout of smart meters is not a

practical way forward. Not only would it cut jobs but it would also place an unnecessary financial burden on Victorian families. I guess that typifies the attitude of the Liberal Party. It wants to increase unemployment and increase the burden on families, as opposed to the way the Labor Party and the member for Eltham have dealt with this.

Industry experts have already estimated that a six-month delay in the rollout of the smart meter program would cost Victorian families \$150 million and would cut about 300 jobs. That is a slug of about an extra \$60 for every Victorian family, and it would leave about 300 people out of work. It is interesting to see a Liberal member of this house calling for Victorian families to be charged the equivalent of an extra \$60 and also for 300 people to be thrown out of work.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for South-West Coast will cease interjecting. The member for Hastings should cease interjecting and listen to the response.

**Mr BATCHELOR** — Labor is committed to supporting Victorian families. We are committed to creating jobs, not taking them away from the community.

Secondly, there has not been a cost blow-out and the Auditor-General did not say that the rollout of smart meters in Victoria would cost \$2.25 billion. The only smart meter cost blow-outs would come from the Liberals if they tried to freeze the rollout. Three major cost-benefit studies have already been conducted through — —

**Mr O'Brien** interjected.

**The DEPUTY SPEAKER** — Order! The member for Malvern is out of his place and out of order.

**Mr BATCHELOR** — These cost-benefit studies have already been conducted through the development of this project, and they have demonstrated significant and real benefits to Victorians in proceeding with the installation of this project. The costs of smart meters will be recovered in the same way as consumers pay for current metering and in the same way as we pay for electricity infrastructure such as electricity poles and wires. You need wires, you need poles and you need meters to be able to distribute and receive electricity, and Victorian families have been paying for that for many years on an average long-term basis. This means that when we upgrade the infrastructure the community will pay for those costs in a similar way. Over the next

two years the smart meter upgrade will on average add less than \$1.25 per week to a power bill, with an average charge of some \$56 in 2010.

While it is true that some of the benefits of the smart meter rollout will initially accrue to the energy companies, the national regulator, the Australian Energy Regulator, has already confirmed that it will be vigilant in ensuring that benefits accruing to energy companies are in effect passed back to energy customers in the form of lower network charges. The Labor government is committed to ensuring Victorian families access the full benefits of the smart meters, in contrast to the Liberal opposition that wants to impose an additional impost on them.

We will continue as a Labor government to work to ensure that the consumers of Victoria, the consumers of Eltham and even the consumers of Hastings are fully informed about the benefits of this new technology and about how individual households can take advantage of it. That is why I have announced that the Essential Services Commission will do a separate review of smart meter customer regulations in light of new electricity pricing structures. This will ensure that vulnerable Victorians are not disadvantaged and are properly notified of any electricity pricing changes that stem from the installation of smart meters or the introduction of network time-of-use pricing regimes.

Recently I chaired the first meeting of the new consumer working group which will look at the equity and consumer impacts of smart meters and subsequent changes to tariff structures. Smart meters will provide Victorian families with an important and valuable tool that will enable households to better understand their energy use and support them to make better decisions on how to save electricity and lower their power bills. Smart meters will provide other substantial benefits, including early notification if there is a blackout and helping to get the power back on more quickly in the event of storms like we had last weekend. They will mean a big reduction in the number of estimated bills for customers and they will also provide the ability to remotely connect and disconnect electricity supply, again reducing costs. The resultant savings will be passed back to electricity customers.

The smart meter rollout also enables the introduction of time-of-use pricing, a system whereby different prices can be charged at different times of the day: they will be higher during peak periods and lower during off-peak and shoulder periods. In reality this is a more sophisticated pricing structure than the current peak and off-peak price structure that is already on offer to many Victorian households, and it is a pricing structure that a

lot of people in Victoria are already taking advantage of. Recent media reports have stated that Victorian electricity bills could increase four-fold under time-of-use pricing. This is simply not true. It is not accurate. It is wrong!

Serious problems of accuracy have been identified in the source for these types of reports. A report published by the University of Melbourne was referred to in a letter from Mrs Kronberg, a Liberal member for Eastern Metropolitan Region in the other place, that the member for Eltham referred to. This University of Melbourne report appears to have had no peer review. This is most unusual for something published by an academic institution, particularly a university. When you have academics publishing reports that are not subject to peer review you have got to smell a rat. They do not want people who know the facts of the situation to do that peer report. This report that the Liberal MP, Mrs Kronberg, relies upon is flawed and therefore her analysis and letter are also flawed. It is a trifecta of flawedness.

**Mr Helper** — What is the collective noun for flawedness?

**Mr BATCHELOR** — The Liberal Party. One of the so-called findings of this flawed report is that people will pay up to \$152 a year more as a result of smart meters. The \$152 figure is reported to be taken from Origin Energy's standard tariff for the Jemena area, but the flawed report fails to take account of the offsetting decrease in supply charge for 2010 for those customers. The real overall charge is not \$152.00 but \$25.69.

Mrs Kronberg also quoted this flawed university report that claims customers will face increases of \$150 a year from time-of-use tariffs. The numbers behind this claim are as dodgy as the letter. A dodgy report equals a dodgy letter, and that is what has been circulated by the Liberal Party in the Eltham electorate. Time does not permit me to go into the full detail, but the authors of this dodgy report appear to have added together tariffs from two separate areas, made assumptions about peak use that are not realistic and assumed that a pensioner in Melbourne uses the same amount of electricity as a three-person household in Sydney.

The \$150 amount in the report that the opposition has used to create this fear campaign has no credibility whatever. In fact real-world trials already undertaken in Australia substantiate the fact that electricity customers can make substantial savings with time-of-use pricing and smart meters. Energy Australia in New South Wales has introduced smart meters with what it calls

PowerSmart, or time-of-use pricing, for some of its customers. It has found that the vast majority of its customers with smart meters are paying less in electricity costs when compared to traditional meter rates. It has also been established that most of its customers think the time-based pricing is a fairer system because it costs them less.

An example of how this can work is that families can save money by using appliances during the lower rate periods, such as of an evening. They can use their dishwasher in off-peak periods and save up to \$50 a year, and they can save a further \$40 a year by using their clothes dryer at off-peak times. Most importantly, the time-of-use tariffs will give customers the power to manage when they use energy and hence enable them to manage their power bills.

I encourage any electricity customer who is not satisfied with their current electricity supplier to shop around and get the best deal — and the deal that is right for them. The Victorian government is conscious of the pressures on family budgets, and to assist pensioners and low-income Victorians to keep their electricity costs as low as possible the government has a range of energy concessions which are available to eligible customers. As concessions are applied as a proportion of an electricity bill, the concession amount will rise if the electricity bill rises for any reason.

Rather than Liberal members spreading fear in the community, as the member for Hastings has done or as Mrs Kronberg is doing, they need to start telling Victorians the truth. They need to outline what the Liberal Party is going to do and how it is going to tackle growing peak energy demand in Victoria. I will take the action the member for Eltham has asked me to take. I will bring the truth not only to the attention of the citizens in the member for Eltham's electorate but also to the people in the Hastings electorate.

The member for Hastings should desist from quoting this flawed report and trying to frighten people. In his contribution he claimed that a pensioner has had her electricity bill increase by 40 per cent over the last year because of smart meters. I ask him to table the report that he quoted from and to provide me with the relevant information and a copy of the power bills. We will see if the price rise was caused by the installation of smart meters, and we will also check to see whether smart meters have actually been installed in this location.

We do not want Liberal members of Parliament coming in here making claims that are not true or sending out letters to the electorate that are not true. The challenge to the member for Hastings is to identify —

**Mr Burgess** — On a point of order, Deputy Speaker, the minister is misleading the house. He told the house that he has already told the Essential Services Commission that it is to conduct this inquiry. The CEO of the Essential Services Commission knew nothing about that today.

**The DEPUTY SPEAKER** — Order! That is not a point of order.

**Mr BATCHELOR** — What I have asked the Essential Services Commission to do is to have a full review of smart meter customer regulations in light of new electricity pricing structures, and I have particularly asked it to look at the impact on vulnerable Victorians so they are not disadvantaged by any changes that come about by pricing structures. We will have a look at that.

I am prepared to consider all options, and I am also prepared to consider a moratorium on new time-of-use network tariffs until the regulatory investigation by the Essential Services Commission is complete. This government will stand up for vulnerable communities. We will stand up for families. We will stand up to try to keep electricity prices controllable by households themselves. We will not tolerate deceptive scare campaigns being perpetrated in the electorate.

I repeat my challenge to the member for Hastings to provide the documentation that I referred to earlier. If he does not or will not, he will stand condemned.

**Mr HELPER** (Minister for Agriculture) — The member for South-West Coast raised a matter for the Minister for Education regarding the Warmambool schools network and the funding arrangement it finds itself in.

The member for Williamstown raised a matter for the Minister for Health, encouraging him to visit the historic Williamstown Hospital to help dispel the misinformation about fictitious waiting lists.

The member for Morwell raised a matter for the Minister for Police and Emergency Services, seeking the minister's assistance to resolve emergency services communications, particularly Country Fire Authority communications in the Boolarra district, and also referred to a repeater tower needed to do so.

The member for Gembrook raised a matter for the Minister for Roads and Ports, seeking funding to address safety issues on the Monash Freeway near the Pakenham bypass.

The member for Evelyn raised a matter for the Minister for Education regarding car parking and drop-off point treatment at Birmingham Primary School.

The member for Sandringham raised a matter for the Minister for Police and Emergency Services, seeking that he meet with Neighbourhood Watch groups in the cities of Bayside and Kingston regarding street-by-street data.

The member for Yan Yean raised a matter for the Minister for Roads and Ports seeking that he review treatment of the Donnybrook Road and Hume Freeway access ramps.

The member for Geelong raised a matter for the Minister for Environment and Climate Change and asked that he meet with the Geelong and Region Trades and Labour Council in particular but also other groups to discuss asbestos disposal in the Geelong region.

I will refer those matters to the relevant ministers.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.50 p.m.**

**Tuesday, 9 March 2010**

**JOINT SITTING OF PARLIAMENT**

**Legislative Council vacancy**

**Honourable members of both houses met in  
Assembly chamber at 6.17 p.m.**

**The Clerk** — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

**Mr BRUMBY** (Premier) — I move:

That the Honourable Jenny Lindell, Speaker of the Legislative Assembly, be appointed Chair of this joint sitting.

She is willing to accept the nomination.

**Mr BAILLIEU** (Leader of the Opposition) — I second the motion.

**The Clerk** — Are there any further proposals?

There being no other proposal, the Honourable Jenny Lindell, Speaker of the Legislative Assembly, will take the chair.

**The CHAIR** — Order! I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

**Mr BRUMBY** (Premier) — I desire to submit the rules of procedure which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

**Mr BAILLIEU** (Leader of the Opposition) — I second the motion.

**Motion agreed to.**

**The CHAIR** — Order! The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

**Mr BRUMBY** (Premier) — I propose:

That Mr Nathan Murphy be chosen to occupy the vacant seat in the Legislative Council.

He is willing to accept the appointment, if chosen. In order to satisfy the joint sitting as to the requirements of section 27(4) of the Constitution Act 1975, I also advise that Mr Murphy is the selection of the Australian Labor Party, the party previously represented in the Legislative Council by Mr Theophanous.

**Mr BAILLIEU** (Leader of the Opposition) — Whilst I have not met Mr Murphy, I do look forward to meeting him, as I am sure do other members of this house who do not know him. However, the forms of the house suggest that I should second the proposal, and therefore I do.

**The CHAIR** — Order! Are there any further proposals?

As there are no further nominations, I declare that nominations are closed.

**Motion agreed to.**

**The CHAIR** — Order! I declare that Mr Nathan Murphy has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

I now declare the joint sitting closed.

**Proceedings terminated 6.21 p.m.**

