

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**QUESTIONS ON NOTICE**

**15 and 17 April 2008**

**(Extract from book 5)**

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## WEDNESDAY, 16 APRIL 2008

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**WRITTEN ADJOURNMENT RESPONSES**

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers*

**Tuesday, 15 April 2008**

**Ovarian cancer: awareness**

**Raised with: Health**

**Raised by: Ms Hartland**

**Raised on: 5 February 2008**

**REPLY:**

I am aware of the devastating impact that ovarian cancer can have on women, and the need for better screening and treatment to improve the outcomes for women with this condition.

As you may be aware, our Government has a significant commitment to improving cancer services for all Victorians, and has embarked on a wide-ranging statewide reform program to improve access to treatment, expand and upgrade services and support research into cancer.

This includes:

- Development of patient management frameworks which delineate the optimal treatment pathways for each of the ten major tumour streams, including gynaecological cancer which covers ovarian cancer. These are available at [www.health.vic.gov.au/cancer](http://www.health.vic.gov.au/cancer)
- Funding of \$630,000 to support the Victorian Cancer Outcomes Network trial at the Royal Women's Hospital, with the aim of collecting a nationally agreed dataset on Victorian gynaecological cancer patients, including patients with ovarian cancer. This project will significantly extend the capacity of the Cancer Council Victoria to link diagnosis with treatment and outcomes, providing a much more detailed picture of how patients are treated across the state and what their outcomes are.
- Funding of \$500,000 per annum to support the BreaCan program. BreaCan is a state-wide service providing information and support to people with breast cancer and their families. Since August 2006 BreaCan has also been required to meet the support and information needs of people affected by all gynaecological cancers.
- Activities undertaken by BreaCan include provision of information and support for people affected by breast and gynaecological cancers statewide, development and conduct of a range of group activities, supporting and training volunteers. These activities have previously involved OvCa, and it is expected OvCa will have an ongoing role in facilitating the development of appropriate programs for patients with ovarian cancer through BreaCan.
- I recently announced \$5.8 million in grant funding through the Victorian Cancer Agency for research into cancer. A number of projects have been funded around ovarian cancer, including a project to look at the effect of chemotherapy on immune cells in patients with ovarian cancer, and a project to assess ovarian reserve in premenopausal women with breast cancer following chemotherapy.

Prevention, treatment and research into cancer are priorities for this Government. The Government acknowledges the excellent work that groups such as OvCa are doing to support cancer patients, and will continue to work with them to ensure that treatment and outcomes continue to improve.

**Police: St Kilda triangle development**

**Raised with: Police and Emergency Services**

**Raised by:** Mrs Coote

**Raised on:** 5 February 2008

**REPLY:**

The Brumby Government is committed to providing safe streets and homes for Victorians by ensuring Victoria Police is highly professional and well resourced.

Since coming to office, the State Government has increased the number of police by over 1,400. Further we have increased funding to Victoria Police to a record budget of more than \$1.6 billion in 2007-08 and funded the construction and refurbishment of 149 police stations across the state.

The Government's additional support to Victoria Police is showing good results. Victoria's crime rate has fallen 23.5 per cent since 2000-01 with Victoria now having the lowest crime rate in Australia.

However, the fight against crime is ongoing. That is why at the last election the Government committed to a further increase of 350 sworn police by 2010, as well as an additional 50 forensic and specialist investigators. In addition to this, the Government committed to providing additional resources and equipment to assist police in their work, including an extra 100 police cars.

Decisions on the placement of police throughout the state are operational matters and are made by police command on the basis of assessed need. It is important that this process is not subject to political interference. I am assured by the Chief Commissioner of Police that the level of policing across Victoria is continuously monitored by the respective Regional Command Officers, with a view to maintaining optimum policing effectiveness.

Victoria Police deploys first response police across its 56 Police Service Areas using a sophisticated resource allocation model incorporating 12 characteristics of the local community that are used to predict levels of crime and road trauma; the population of an area is just one of these. Victoria Police uses this model to ensure that police resources are distributed equitably and according to demonstrated operational need. It should be noted that, since 1999, the number of first response officers has increased in all police regions across Victoria.

### **Police: Wangaratta**

**Raised with:** Police and Emergency Services

**Raised by:** Ms Lovell

**Raised on:** 6 February 2008

**REPLY:**

The Brumby Government is committed to providing safe streets and homes for Victorians by ensuring Victoria Police is highly professional and well resourced.

Since coming to office, the State Government has increased the number of police by over 1,400. Further, we have increased funding to Victoria Police to a record budget of more than \$1.6 billion in 2007-08 and funded the construction and refurbishment of 149 police stations across the state.

The Government's additional support to Victoria Police is showing good results. Victoria's crime rate has fallen 23.5 per cent since 2000-01 and in Wangaratta the crime rate has fallen 7.9 per cent since 2000-01.

However, the fight against crime is ongoing. That is why at the last election the Government committed to a further increase of 350 sworn police by 2010, as well as an additional 50 forensic and specialist investigators. In addition to this, the Government committed to providing additional resources and equipment to assist police in their work, including an extra 100 police cars.

I note your suggestion that there has been a reduction in the number of police personnel working in regional communities. This is not true. Victoria Police deploys first response police across its 56 Police Service Areas using a sophisticated resource allocation model incorporating 12 characteristics of the local community that are used to predict levels of crime and road trauma; the population of an area is just one of these. Victoria Police uses this model to ensure that police resources are distributed equitably and according to demonstrated operational need. It should be noted that, since 1999, the number of first response officers has increased in all police regions within Victoria.

Decisions on the placement of police throughout the state are operational matters and are made by police command on the basis of assessed need. It is important that this process is not subject to political interference. I am assured by the Chief Commissioner of Police that the level of policing across Victoria is continuously monitored by the respective Regional Command Officers, with a view to maintaining optimum policing effectiveness.

The Chief Commissioner of Police has recently launched *The Way Ahead 2008-2013* as the Victoria Police strategic plan for the next five years. *The Way Ahead* acknowledges the future challenges for police in keeping the community safe and tackling crime. The strategy will focus on a 12 per cent reduction in crime by prioritising the response to high volume crimes including burglary, theft, drink-driving and assault. In addition, police will examine alternative methods of crime prevention in consultation with government, business and the community.

### **Equal Opportunity Act: review**

**Raised with:** Attorney-General

**Raised by:** Mr Tee

**Raised on:** 7 February 2008

#### **REPLY:**

I refer to your statement in Parliament on 7 February 2008 in relation to the review of the *Victorian Equal Opportunity Act 1995* (the Act).

In that statement you called for the Equal Opportunity Review to consider incorporating the best aspects of the equal opportunity regimes in other Australian and international jurisdictions. You also asked me to communicate with other States and Territories with a view to working towards national uniform standards for modern equal opportunity legislation, to the greatest possible extent.

I appointed Mr Julian Gardner in August 2007, to undertake an independent review of the Act. The Terms of Reference for the Review require any proposals for reform to take into consideration the different models for anti-discrimination legislation in Australian and relevant overseas jurisdictions. While there are many innovations in overseas jurisdictions, the Terms of Reference also require the Reviewer to bear in mind the Victorian context and government's aim to reduce the regulatory burden on business.

The Equal Opportunity Review Options Paper is due to be released in mid-March 2008. The Options Paper raises various options for reform to the *Equal Opportunity Act 1995* for public consultation. Several of the options draw upon innovations in equal opportunity legislation in other Australian and international jurisdictions.

It is desirable for business and citizens to have uniform standards to the greatest possible extent, to provide certainty and consistency and to reduce the regulatory burden upon business. Clearer and consistent laws also help to improve compliance with the law and make the law more accessible for victims of discrimination.

At the March 2008 Standing Committee of Attorneys-General (SCAG) meeting, Attorneys-General propose to discuss the possible harmonisation of anti-discrimination laws. The outcome of Mr Gardner's review, expected in June 2008, could inform any consideration of harmonisation of anti-discrimination laws by SCAG.

Thank you for raising these important issues.

**Water: fluoridation**

**Raised with: Health**

**Raised by: Ms Pulford**

**Raised on: 28 February 2008**

**REPLY:**

I thank the Member for Western Victoria, Ms Jaala Pulford, for her adjournment debate on 28 February 2008, regarding the extension of water fluoridation to western Victoria.

Water fluoridation is the adjustment of the level of fluoride in drinking water to around 1 part per million, the level that helps to protect teeth against decay. This has been practised for more than 50 years in Australia and 60 years worldwide.

Water fluoridation is supported by well-recognised organisations including: WHO; Australia's National Health and Medical Research Council; the Australian Dental Association and Australian Medical Association; Cancer Council of Victoria; Kidney Health Australia; Australian Centre for Human Health Risk Assessment; Public Health Association of Australia; Osteoporosis Australia and Arthritis Australia; Dental Health Services Victoria; the Dental Therapists' Association; University of Melbourne School of Dental Science; Royal Children's Hospital Department of Dentistry and VicHealth.

Currently, approximately 77 per cent of Victorians have access to fluoridated drinking water supplies.

Ms Pulford mentioned the disparity in dental health between those living in fluoridated and non-fluoridated communities, and quite rightly pointed out that six year old children living in fluoridated areas of Victoria experience 36 per cent less tooth decay in their baby teeth than those in non-fluoridated areas.

Victorian School Dental Service data shows that children who live in fluoridated areas in Victoria experience considerably less tooth decay than those in non-fluoridated areas.

Additionally, twelve year old children living in fluoridated areas of Victoria experience 22 per cent less tooth decay in their adult teeth than those in non-fluoridated areas.

People in non-fluoridated areas of Victoria still suffer greater dental health problems than those in fluoridated areas: In 2004-05 across Victoria, there were almost 5,000 children under the age of 10, including 250 two-year olds, who required a general anaesthetic for treatment of their dental decay. In the same year, in non-fluoridated areas of Victoria, three times as many people per capita required a general anaesthetic in hospital for treatment of dental decay than in fluoridated areas.

It is for these reasons that the Government has a policy of extending water fluoridation to those areas of Victoria yet to receive the benefits of this important public health initiative. In the 2004-05 State Budget an extra \$97.2 million was allocated to dental health prevention and care initiatives, including \$3.8 million to extend water fluoridation throughout rural and regional Victoria. In the 2007-08 State Budget an additional \$1.5 million was allocated to fund further water fluoridation extension.

In the last two years, fluoridation of the drinking water supplies has commenced in the towns of Robinvale, Horsham, Moe, Sale, Warragul, Morwell, Traralgon, Wodonga and Wangaratta.

The Secretary of the Department of Human Services, under *Section 5 (1) of the Health (Fluoridation) Act, 1973*, requested Wannon Water to commence water fluoridation in Warrnambool, Allansford and Koroit in July 2007. This request was also made in February 2008 to North East Water for the towns of Yarrawonga, Devenish, Tungamah and St James. At the same time Wannon Water was requested to commence water fluoridation in the towns of Hamilton, Dunkeld and Tarrington. In March 2008 Central Highlands Water was requested to commence water fluoridation of Ballarat's drinking water system and Barwon Water was requested to commence water fluoridation in the Geelong drinking water system. When these fluoridation plants are commissioned, 87% of Victorians will be drinking fluoridated water.

The Department of Human Services is currently engaging with the western Victorian community of Colac about the health benefits of water fluoridation. The Department of Human Services also looks forward to engaging with other Victorian townships in 2008.

### **Planning: St Helena development**

**Raised with: Planning**

**Raised by: Mrs Kronberg**

**Raised on: 28 February 2008**

#### **REPLY:**

I am informed that:

The release of any reports supplied to the EPA falls within the portfolio of the Minister for Environment.

### **Police: Port Phillip**

**Raised with: Police and Emergency Services**

**Raised by: Mrs Coote**

**Raised on: 28 February 2008**

#### **REPLY:**

The Brumby Government is committed to providing safe streets and homes for Victorians by ensuring Victoria Police is highly professional and well resourced.

Since coming to office, the State Government has increased the number of police by over 1,400. Further we have increased funding to Victoria Police to a record budget of more than \$1.6 billion in 2007-08, and funded the construction and refurbishment of 149 police stations across the state.

The Government's additional support to Victoria Police is showing good results. Victoria's crime rate has fallen 23.5 per cent since 2000-01, with Victoria now having the lowest crime rate in Australia.

However, the fight against crime is ongoing. That is why at the last election the Government committed to a further increase of 350 sworn police by 2010, as well as an additional 50 forensic and specialist investigators. In addition to this, the Government committed to providing additional resources and equipment to assist police in their work, including an extra 100 police cars.

Decisions on the placement of police throughout the state are operational matters and are made by police command on the basis of assessed need. It is important that this process is not subject to political interference. I am assured by the Chief Commissioner of Police that the level of policing across Victoria is continuously monitored by the respective Regional Command Officers, with a view to maintaining optimum policing effectiveness.

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**Police: Orbost**

**Raised with:** Police and Emergency Services

**Raised by:** Mr P. Davis

**Raised on:** 12 March 2008

**REPLY:**

The Brumby Government is committed to providing safe streets and homes for Victorians by ensuring Victoria Police is highly professional and well resourced.

Since coming to office, the State Government has increased the number of police by over 1,400. Further, we have increased funding to Victoria Police to a record budget of more than \$1.6 billion in 2007-08, and funded the construction and refurbishment of 149 police stations across the state.

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**Bushfires: prevention**

**Raised with:** Environment and Climate Change

**Raised by:** Mr P. Davis

**Raised on:** 13 March 2008

**REPLY:**

- Victoria has approximately 2,700 permanent staff (from DSE, Parks Victoria, DPI, DPCD, Melbourne Water and VicForests) who are available to undertake frontline firefighting, burning and support roles such as incident management team members.
- In addition to permanent staff, Project Fire Fighters (PFFs) are employed under contract for fire suppression and are retained to support the burning program. The length of their contract varies from three to six months.
- DSE continuously reviews and adjusts PFF numbers throughout the fire and burning season to match seasonal conditions and burning requirements. Decisions to review PFF numbers are made on a month by month basis to ensure that the Department maintains flexibility to increase and decrease numbers according to fire danger and planned burns.

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- In 2007/08, PFF numbers across the State peaked at 684 during the week of 31 December (205 were in Gippsland–30%) during the high fire danger period and are now at 496 (140 of these in Gippsland–28%).
  - Recent plans to downsize PFF numbers in Gippsland were reassessed on the basis of forecast extremely hot weather and the continuing dry conditions. All PFFs who were offered extensions will now continue into the burning period.
  - Resources for firefighting (PFF's, aircraft etc.) usually peak during January and February and decline as Autumn approaches. This coincides with the fact that a large number of PFFs are tertiary students and return to studies at this time of year.
  - DSE has significant capacity to deploy people around the state at very short notice ensuring a high level of preparedness for fire suppression and burning activity. The current PFF numbers supported by the large number of permanent staff provides a more than adequate resource pool across the state.
  - Last season, 97 planned burns were completed in Gippsland, treating 66,644ha. This was in excess of the planned area of 51,149ha and included large burns in far East Gippsland. This large program will continue, weather permitting, this autumn.



**WRITTEN ADJOURNMENT RESPONSES**

*Responses have been incorporated in the form supplied by the departments on behalf of the appropriate ministers*

**Wednesday, 16 April 2008**

**Australian Power and Gas: consumer contract**

**Raised with:** Energy and Resources

**Raised by:** Mr Atkinson

**Raised on:** 5 February 2008

**REPLY:**

Energy retailers (and their agents) are subject to general consumer laws such as the *Fair Trading Act 1999* (FTA) and the *Trade Practices Act 1974* (TPA). Additionally, retailers are required to comply with applicable codes of conduct such as the Code of Conduct for Marketing Retail Energy in Victoria and the Energy Retail Code.

Energy specific codes require the retailer to secure explicit informed consent from the customer and to take reasonable steps to conduct negotiations with a person who has the authority to enter into a contract for electricity to be supplied to that site.

Australian Power and Gas has advised that it is currently investigating the matters raised by Mr Atkinson and that marketing activity has been suspended in the relevant area until the matter has been fully investigated.

This matter has been brought to the attention of the independent regulator for electricity and gas services in Victoria, the Essential Services Commission, who monitors compliance with the energy-specific retail codes.

**Firearms: licensing**

**Raised with:** Police and Emergency Services

**Raised by:** Mr Vogels

**Raised on:** 26 February 2008

**REPLY:**

The Firearms Regulations 1997 will sunset on 21 April 2008. The Regulations provide an operational framework to give effect to key elements of the *Firearms Act 1996* (the Act), including the prescription of fees payable for an application for a licence, permit, approval or authority under the Act, and requirements that must be fulfilled before shooting can take place on certain types of land.

Notice of a Regulatory Impact Statement and Exposure Draft of the proposed Firearms Regulations 2008 was published in February 2008. The closing date for submissions was 17 March 2008. The Department received 221 public submissions, which were forwarded to me for consideration. After thorough consideration, I have decided to make the new regulations with the following amendments:

**Fees**

Fees in the Exposure Draft of the proposed regulations were set on a full cost recovery basis and reflected the total cost of administering each licence. This means that whereas under the previous (1997) regulations, the cost of

administering the more expensive licences was absorbed by the cost of the licences that were less costly to administer, any cross-subsidies between licences were removed.

Removing the cross-subsidies resulted in reductions for the majority of licensees, with substantial increases for a small group of others, for example, the dealer licensees. The firearms industry gave feedback that the cross-subsidies should be retained.

Under the new regulations, each fee under the Schedules will increase by 2.5 per cent, except where this would result in an increase of less than a dollar. This will achieve full recovery of the costs of processing licences, permits and approvals, but will distribute those costs more evenly across the firearms community.

**Proposed Regulation 6 - requirements for the suppression of pest animals**

The previous regulation imposed several restrictions, including prior notification to a police station where a farmer uses their firearms on another primary producer's property for the purposes of pest suppression.

Stakeholders gave feedback that these requirements were impracticable, and that compliance was low. The regulation now has been aligned with the requirements for the use of firearms in this context with some of the key requirements that apply to sport or target shooting activities on private property. The requirements to inform police of the place and date that the activity will occur were removed, and have been replaced with requirements that the activity does not occur within 250 metres of a dwelling or 100 metres of a public road.

**Proposed Regulation 14—cap on dealers' fees for acting as agents**

The previous regulations prescribe a maximum fee of \$10 that dealers can charge for this function. Stakeholders gave feedback that the fee was too low and should be increased. Based on advice from the Victorian Firearms Consultative Committee, the cap has been increased to a maximum of \$25. The regulation gives dealers the discretion to charge less than the maximum.

**Proposed Regulation 22—conduct of shooting activity on private property**

This regulation applies to sport or target shooting on private property, not approved ranges. However, stakeholders argued its application was unclear and that it purported to regulate the conduct of all shooting activity on private property. In order to clarify its scope, the heading of the regulation has been amended to include a reference to "sport and target shooting".

Regulation 22, of the Firearms Regulations 2008, replicates the former Regulation 18A. I note your concern that this provision will "impact on clubs operating ranges throughout the state", however, the regulation does not apply to approved ranges but to private property, which excludes all approved ranges and crown land.

Although the new regulations have been made, they will not come into operation until 20 April 2008. After this date, they will be available for download from the Victorian legislation and parliamentary documents website at [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au). Until then, the 1997 regulations and fees will apply.

### **Electricity: regional and rural supply**

**Raised with:** Energy and Resources

**Raised by:** Mrs Petrovich

**Raised on:** 26 February 2008

#### **REPLY:**

The adjournment comments made on 26 February 2008 by Ms Petrovich upset the good people of Mount Beauty and this was reported in the Border Mail on 1 March 2008:

“But Mount Beauty Chamber of Commerce president Steve Gardiner said such a short loss of power throughout a whole year was hardly worth worrying about.

The Mount Beauty Holiday Centre and Caravan Park operator said the 2006 figure was misleading as several hours were lost when power was turned off in town for a major electrical job at the town’s supermarket.

“There was a major turnoff by the power company because the supermarket had to be put on three phase power,” Mr Gardiner said.

“And of course that would have affected a lot of people.”

Mr Gardiner said there had not been any concerns raised about power problems in the town.

“Most people are happy,” he said.

“Unfortunately we had one situation with the supermarket, but we worked around that and there wasn’t a problem.”

In her adjournment contribution on the Mount Beauty area, Ms Petrovich failed to mention that there was a significant planned electricity outage in 2006 as part of the upgrade of the local supermarket to three phase power. This upgrade was completed in consultation with those affected and contributed significantly to the total time the town was without power in 2006.

The Essential Services Commission (ESC) actively monitors and publicly reports on electricity distributors’ performance and the level of customer complaints. Interested stakeholders can find this information on the ESC’s website ([www.esc.vic.gov.au](http://www.esc.vic.gov.au)), and will be able to track distributors’ actual performance over time.

New investment to facilitate improvements in the distributors’ reliability of supply performance is encouraged through two mechanisms which ‘incentivise’ distributors. Firstly, a reliability incentive is built into the distribution price controls determined by the ESC. Distribution businesses that improve their reliability of supply are financially rewarded, but also can be penalised if reliability of supply deteriorates.

The second incentive is more directly applicable to consumers adversely affected by power supply problems. If individual consumers experience service disruptions beyond a certain threshold they are entitled to “Guaranteed Service Level” payments (GSLs). The GSLs differ in amount depending on the frequency and duration of the reliability problem. GSLs are set out in the ESC’s Electricity Distribution Code available on ESC’s website ([www.esc.vic.gov.au](http://www.esc.vic.gov.au)).

Further, to ensure Victorians receive a progressively more reliable supply into the future, a substantial enhancement was made in 2006 to the service level incentives and GSLs. It is anticipated these higher rewards, penalties and payments will encourage distributors to deliver a level of service that consumers are willing to pay for.

The distributor responsible for the electricity distribution network in the Marysville area is SP AusNet. SP AusNet has identified that upgrading the main high voltage line to the area will improve the reliability of supply. The company proposes to spend over \$40 million over the next two years to upgrade this particular transmission line. In the meantime, SP AusNet has advanced their tree cutting schedule to reduce the number of outages in this location.

### **Yarra Valley: mining and prospecting licence**

**Raised with:** Energy and Resources

**Raised by:** Mr O’Donohue

**Raised on:** 27 February 2008

#### **REPLY:**

I am advised as follows:

It is wrong for Mr O'Donohue, Member for Eastern Victoria, to claim that the area of exploration licence EL 5072 falls within the Maroondah phylloxera management zone.

The Department of Primary Industries (DPI) has reviewed the area of the licence and determined that the licence area does not cover the Maroondah phylloxera infected zone (PIZ).

When an exploration licence is first granted, the licensee is permitted to undertake non-intrusive activities (i.e. exploration using hand tools, computer modelling and review of data generated by previous explorers in the area). Once a work plan has been approved (typically in the second year of the licence) the licensee is permitted to undertake intrusive activities such as air-core drilling, costeaning, and other limited ground disturbing activities. Once the work plan is approved, DPI attaches stringent conditions addressing operational and environmental management to the approved work plan, which the licensee must adhere to. DPI inspectors regularly check a licensee's performance against the stringent conditions applied. During the life of an exploration licence, only minimal impacts will be felt by affected land owners and neighbours.

It is worth noting that an exploration licence does not allow mining.