

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

31 August 2000

(extract from Book 2)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

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The Hon. D. V. NAPHTHINE

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Mr P. J. RYAN

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Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
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Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
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Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar ²	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb ¹	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 3 November 1999

² Elected 11 December 1999

³ Resigned 12 April 2000

⁴ Elected 13 May 2000

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Thursday, 31 August 2000

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

PETITIONS

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

Preschools: funding

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

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

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

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

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

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

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

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

By Dr NAPHTHINE (Leader of the Opposition)
(100 signatures),
Mr ASHLEY (Bayswater) (523 signatures),
Mr VINEY (Frankston East) (545 signatures),
Ms DAVIES (Gippsland West) (247 signatures)

Laid on table.

Ordered that petitions be considered next day on motion of Ms DAVIES (Gippsland West).

PAPERS

Laid on table by Clerk:

Statutory Rules under the following Acts:

Gas Safety Act 1997 — SR No 83

Melbourne City Link Act 1995 — SR No 84

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 84.

MEMBERS STATEMENTS

Professor Trang Thomas

Mrs SHARDEY (Caulfield) — I condemn the sacking of Professor Trang Thomas from the board of the Victorian Casino and Gaming Authority and the Bracks government's failure to appoint another representative of Victoria's multicultural community in her place.

Professor Thomas, who is a professor of psychology and has a Vietnamese background, provided a much-needed multicultural perspective on the VCGA, especially given the authority's own report which indicated its view is that some Victorian multicultural communities face significant issues with problem gambling.

The sacking of Professor Thomas was a disgraceful political step backwards, made worse by the fact that no-one from a multicultural background was appointed to replace her.

A board member from a non-English-speaking background who understands the sensitivities involved with multicultural problem gambling would deliver a better outcome for the board. Now one can only surmise that the Bracks government is simply not interested in multicultural Victoria's concerns about problem gambling.

Melbourne Football Club

Mr RYAN (Leader of the National Party) — On behalf of all those whose hearts beat true for the red and the blue, I wish the mighty Melbourne Football Club all the best for the grand final at the Melbourne Cricket Ground this Saturday. Since 1964 the mighty Demons have been in the quest of the Holy Grail — and I believe this week they will get it!

This year the team has made great strides under the great stewardship of Neale Daniher, and has been inspired of course by the wonderful Brownlow Medal win this week by Shane Woewodin, a source of great inspiration for all young people who aspire to greatness. Although they will have to beat one of the greatest sides to have graced the MCG — the Essendon Football Club — I am certain Melbourne will win on the day.

Honourable members interjecting.

Mrs Maddigan — On a point of order, Mr Speaker, as the member for Essendon I would like to say that the Leader of the National Party's comments are totally out

of order, have nothing to do with business, and should be removed from the record!

Honourable members interjecting.

The SPEAKER — Order! There is no point of order, and I remind the house that this is not the MCG.

Siena College

Mr STENSHOLT (Burwood) — I rise to commend Siena College in Camberwell in my electorate. It is a Catholic school with a proud record, run in the Dominican traditions of scholarship, spirituality and community care.

Last week I visited the school in response to the initiative of two year 9 girls, Bridget Sheehan and Celeste Mollison. They are two proud members of my Burwood electorate who are very happy to have me represent their area — I got that from an email I received from them.

The two students sought to interview me as part of a civics program, and I subsequently talked to their class and answered questions. I congratulate their teacher, Mrs Sadauskas, and the school on their excellent program which teaches the girls about our political institutions.

The week after next I will again visit Siena College, as part of a program for its year 8 students of finding out what their local, state and federal representatives are doing. I commend the school on its programs, and note my disappointment at the opposition's reaction to my talking about schools.

Office of Multicultural Affairs: furniture

Mr KOTSIRAS (Bulleen) — Melbourne already has a business called Treasury Deli. Now, compliments of the Victorian taxpayer, it has Treasury Bar in the Department of Premier and Cabinet. The Victorian Office of Multicultural Affairs has shouted itself — on the taxpayer — a fashionable and stylish cocktail cabinet and entertainment centre so its employees can have their happy hour at any hour of any day.

The money should have been directed to interpreting and translating services, where there is a shortage. The Premier as Minister for Multicultural Affairs has failed to show any leadership in the area where the government has given no commitments. The Department of Premier and Cabinet has spent \$10 300 on furniture, including \$1399 on a cocktail cabinet and \$1199 on a boardroom table — although the department already had one. In addition, \$1449 was

spent on a television cabinet. The money could have been spent on 300 hours of general interpreting or 189 hours of specialised interpreting in health services, or to train 32 nurses to meet the cultural needs of their patients.

The Premier and Minister for Multicultural Affairs is assisted by another minister and a parliamentary secretary, and the money used as I have described could have been better spent.

Keilor: Maltese community

Mr SEITZ (Keilor) — I place on the public record my appreciation and respect for the Maltese community in my electorate and the City of Brimbank, who have made a significant contribution to the development of Brimbank. The community has set up numerous clubs and organisations and provides services including self-help and support for its members. My electorate has a number of councillors, and the current mayor of Brimbank is of Maltese origin.

In particular I recognise George Aquilina, the president of a Maltese folk singing group. Maltese folk singing is an ancient art form that provides a way of promoting the Maltese culture. The song begins with the first singer, who is followed by another responding with an unwritten poem. The group responds all evening but nothing is prepared in advance. Every Friday night a large number of Maltese people attend such a function.

The work done by George Aquilina in helping the group to build its clubroom in St Albans, so promoting the Maltese community, should be recognised.

Preschools: funding

Mr SAVAGE (Mildura) — Yesterday on behalf of the Kathleen Kelly kindergarten I tabled a petition that covered some of the issues concerning kindergartens in my electorate and across the state.

The previous government underfunded kindergartens, and preschool funding in Victoria is 35 per cent below the national average. Parents on some preschool management committees need administrative and financial support to run their kindergartens. Preschool teachers' salaries are set at 30 per cent below those of schoolteachers. The Bracks government will spend an extra \$8 million this financial year on kindergartens, but the issue is still bubbling away and needs addressing.

Minister Campbell, the Minister for Community Services, is aware of the concerns and I impress on the Bracks government that kindergartens are in need of more help.

Workcover: premiums

Mr WILSON (Bennettswood) — I bring to the attention of the house the damage being caused to businesses in my electorate of Bennettswood and nearby by increased Workcover premiums.

Since the announcement of Workcover premium increases my office has been contacted by a number of local businesses dismayed at the additional cost to running their businesses. Workcover premium increases of up to 47 per cent are seriously hurting local small businesses. A restaurateur in Bennettswood, who for obvious reasons does not wish to be named, has told me that he will have to consider cutting back staff because of the new costs.

The owner of the restaurant currently employs three full-time and four casual staff, but the Workcover increases mean he will probably reduce the number of staff rather than giving someone else the opportunity of a job. However, the saddest example I am aware of relates to the disability employment organisation, Nadrasca, just outside my electorate. This organisation, a non-profit employer of 250 people, is facing an unexpected hike in its premium of more than \$10 000. This jump in costs will affect its vital programs for people with disabilities.

Parliamentary Services: workplace practices

Ms GILLETT (Werribee) — I raise a serious issue that relates to this Parliament. The matter has come to my attention because I have received a document that I understand has been widely circulated to parliamentary staff. The document alleges that harassment, discrimination and bullying are taking place within the Department of Parliamentary Services.

I express my deep concern about this matter. Harassment, discrimination or bullying taking place in any workplace is disgraceful. If there is one scintilla of evidence or proof that these allegations are correct, they must be addressed without further delay. I understand there have been simmering tensions in this place of work. If there is any credence in the allegations, the Parliament needs to act quickly to ensure these matters are resolved.

Preschools: volunteers

Mr McINTOSH (Kew) — Last week the honourable member for Mooroolbark and I were invited to attend a meeting of parents and teachers from five kindergartens in my electorate. Numerous matters were discussed, including issues that have received wide media publicity — teacher salaries, the level of

government support and the fact that a kindergarten teachers strike was held in Victoria for the first time in 10 years.

The groups presented a petition with 196 signatures, which was tabled in Parliament yesterday under my name. I thank all the parents, teachers and members of the voluntary committees of management who attended that meeting. The honourable member for Mooroolbark and I had a very informative and illuminating discussion with parents and teachers.

The voluntary committees of management undertake a tremendous amount of work. They effectively conduct a small business by paying salaries, rents, superannuation and taxes. The work is greatly appreciated and they should be publicly recognised. On behalf of my community I thank them all.

I also thank the honourable member for Mooroolbark for her attendance, understanding, knowledge and wisdom, which was greatly appreciated.

Uruguay Independence Day

Mr LANGUILLER (Sunshine) — It is with great honour that I inform the house that 25 August was Uruguay's Independence Day. It is a privilege for me, as the first Uruguayan-born person to become a parliamentarian outside Uruguay, to place on record the fact that many community events have been held to celebrate the day Spanish and Portuguese colonialists were expelled from that land. I pay tribute to the indigenous peoples, in particular the Charruas, who fought foreign intervention and paid the price of total and irreversible extermination. Indigenous peoples, together with the then slaves and Uruguayans of European backgrounds, led by the founding father of the nation, General José Gervasio Artigas, were instrumental in gaining independence in 1825.

Most Uruguayans came to Australia during the 1970s when the military dictatorship incarcerated 1 in every 50 people, tortured 1 in 500 and exiled more than 500 000. The Uruguayan pro-democracy movement, with the support of the international community — including Australians of all persuasions — brought to an end that oppressive regime in 1995, and today Uruguay enjoys a vibrant democracy. The resolution of the issue of the disappeared Uruguayans remains an obstacle to the accomplishment of a full democracy. I commend the now President, Dr Batlle, for his positive undertakings in respect to this matter.

On behalf of the Uruguayan community in Australia, its ambassador, Pablo Sader, and the Consul-General, Ana Maria Estevez, I put on the public record our sincere

expression of gratitude to the Australian people who have so warmly welcomed us to this generous land.

Matthew Flinders Girls Secondary College

Mr TREZISE (Geelong) — I take this opportunity to recognise the recent achievements of six teachers at the Matthew Flinders Secondary College in Geelong.

Matthew Flinders Girls Secondary College is a great state school because, among other things, it has great teachers. At the recent Victorian teacher of the year awards function the college's physical education teacher, Amanda Mead, was selected as the graduate teacher of the year. I congratulate Amanda on that achievement.

Five other teachers from the college, Rick McLean, Ross Lipson, Mark Pullin, Fay Smith and Sandy Thompson, also received awards. Those teachers are behind the success of the school's band, Sweethearts of Swing. As the Minister for Education will confirm, it is a terrific band and an education success story in Geelong.

I have visited the school on numerous occasions over the past year and have always left there much impressed. The school has plans to expand in the future, and I look forward to working with it in progressing those plans.

I congratulate those teachers who received awards, Matthew Flinders Girls Secondary College principal, Helen Fraser, and her team on their ongoing dedicated contribution to education in Geelong.

The SPEAKER — Order! The honourable member for Evelyn has 20 seconds.

Workcover: premiums

Mrs FYFFE (Evelyn) — I am concerned for the constituents in my electorate whose businesses are being greatly damaged by the increases to Workcover premiums imposed by the government.

The Workcover premium for one business, which is a two-person office and has had no claims in its history, has increased by 50 per cent. The Workcover premium for a timber business that has had only one claim in 10 years has increased by \$20 000 — —

The SPEAKER — Order! The honourable member's time has expired. The time set down for members statements has also expired.

WHISTLEBLOWERS PROTECTION BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill implements a key commitment of the Bracks Labor government to introduce legislation to protect persons disclosing information about serious misconduct or maladministration in the public sector. The Whistleblowers Protection Bill (the bill) demonstrates that this government is serious about ending the Kennett government's legacy of secrecy and lack of transparency, and instead supports the principles of open, honest and accountable government.

Whistleblowers are persons (often employees) who make an allegation or divulge information about wrongdoing on the part of another person or organisation. Whistleblowers generally come forward out of a highly developed sense of public duty and personal ethical standards.

They can play an important role in protecting the public interest by exposing serious public sector wrongdoing. Ensuring the accountability of public organisations and officials for their actions leads to higher standards and performance, and increases public confidence in the public sector. These are all aims that this bill seeks to promote.

In order to encourage people with information about public sector wrongdoing to come forward, the bill will protect genuine whistleblowers from recrimination or other adverse consequences as a result of disclosing the information. It will also establish a robust framework for investigating such complaints and ensuring that where allegations are found to have substance, rectifying action is identified and taken.

The government wishes to acknowledge at the outset the overall professionalism, skills and dedication of its public servants, public statutory bodies and those in public life generally. The introduction of this bill should in no way be seen to adversely reflect upon the generally high ethical standards that are daily upheld by the vast majority of those in the public sector.

However, that is not to say that vigilance in the protection and maintenance of high standards is not also warranted. As the sorry history of the Bjelke-Petersen era in Queensland starkly demonstrates, no one can afford to be complacent about the potential for corruption. Mechanisms which ensure

scrutiny and accountability of the public sector are vital aspects of a healthy democracy.

Development of the bill was informed by an exceptionally thorough consultation process, which saw the release of two exposure drafts for broad circulation. Given the sensitive policy objectives of whistleblower legislation, consultation was especially important to determine whether the bill was striking the right balance. It is pleasing to note that submissions revealed widespread support for the aims and objectives of the legislation as well as for the framework adopted in the bill. The government wishes to acknowledge the contribution of the many persons and organisations who went to the trouble to make submissions on the bill and thanks them for their valuable input.

This complex bill aims to balance competing public policy considerations. Strong protection provisions for whistleblowers are balanced by provisions recognising the need for there to be an objective justification for conferring such significant statutory protections and for triggering intrusive investigations. The bill equally acknowledges that the person or body against whom the allegations have been made has a right to be accorded natural justice in the investigatory process and contains safeguards to ensure that these rights are upheld.

Main features of the bill

I will now briefly outline the bill's main features.

1. Public interest disclosures

Disclosures which qualify for protection under the bill are termed 'public interest disclosures' and 'protected disclosures'.

The bill allows disclosures to be made by any member of the community who believes on reasonable grounds that a public body or public officer has engaged in or is about to engage in:

improper conduct in their public capacity; or

detrimental action against any person in reprisal for a protected disclosure. Clause 3 defines 'detrimental action' to include action causing injury, loss or damage; intimidation or harassment; and discrimination, disadvantage or adverse treatment in a person's employment.

The legislation makes it clear that public interest disclosures are about serious wrongdoing. 'Improper conduct' is defined in clause 3 as:

corrupt conduct; or

a substantial mismanagement of public resources; or

conduct involving substantial risk to public health or safety; or

conduct involving substantial risk to the environment.

The bill also requires that the above conduct would if proved constitute:

a criminal offence; or

reasonable grounds for terminating the services of the relevant public officer.

Clause 3 of the bill defines 'corrupt conduct' to clearly spell out an otherwise extremely broad and vague term. Again, the behaviour will need to be of sufficient seriousness to either constitute a criminal offence or reasonable grounds for terminating the employment of the relevant public officer.

The consequences of a public interest disclosure investigation are serious for all those concerned. The bill therefore contains filtering mechanisms over and above the requirements of the definition of 'improper conduct' to ensure that the significant protections it offers will only attach to appropriate disclosures and that investigations will be undertaken only where warranted.

To deter the making of false allegations, clause 106 makes it an offence to knowingly provide false information intending that it be acted on as a public interest disclosure, punishable by a maximum penalty of two years imprisonment or a \$24 000 fine.

In addition, clause 40 gives the Ombudsman discretion not to investigate disclosed matters which he or she considers to be trivial, frivolous or vexatious or where the person making the disclosure had had knowledge of the matter for more than 12 months and fails to give a satisfactory explanation for the delay in making the disclosure.

These provisions will operate to exclude inappropriate disclosures from the scheme.

2. Public officers and public bodies

Clause 3 comprehensively defines 'public officers' and 'public bodies' under the bill. As indicated earlier, public interest disclosures must be about improper conduct on the part of public officers and/or bodies.

Public bodies include: government departments; bodies established under an act for a public purpose; state-owned enterprises; universities; hospitals and correctional service providers.

The category of public officer spans an even broader range of persons, including: members of Parliament; councillors; members, officers and employees of most public bodies (for example, public servants; councils' employees; university staff; teachers; police and others).

Some categories of persons or bodies who would otherwise be covered by the proposals are excluded by clause 4 for public policy reasons, such as, their independence and accountability to the Parliament. In many cases the exclusions are consistent with the exclusion of persons from the operation of the Ombudsman Act 1973 complaints regime.

Courts, boards, tribunals and commissions will not be public bodies under the legislation. Public officers who are excluded from the scheme include:

judges, magistrates, masters and Victorian Civil and Administrative Tribunal members;

the Director of Public Prosecutions;

the Auditor-General;

the Ombudsman;

the Electoral Commissioner;

certain defined judicial and parliamentary employees.

3. *How may a protected disclosure be made?*

In order to facilitate the making of disclosures, a potential whistleblower often has a choice under the bill about who to make their disclosure to. With one exception, disclosures may always be made to the Ombudsman. Often, disclosures can also be made to a relevant public body. The only exception to the Ombudsman's general jurisdiction to receive disclosures relates to disclosures about members of Parliament, which must be made to either the President of the Legislative Council or the Speaker of the Legislative Assembly.

Clause 6 confirms that to qualify for ongoing protection, a disclosure must not only be about conduct meeting the definition of 'improper conduct', but must also be made to the appropriate person and in accordance with the prescribed procedure. For example, the bill will not shelter a whistleblower who chooses to

go outside the confidentiality framework of the legislation and reveal the information to a newspaper or at a public meeting of the relevant public body.

Disclosures may be made anonymously and can be made about conduct that occurred prior to the commencement of the act.

4. *The Ombudsman will determine whether disclosures meet the criteria for protection under the bill*

As foreshadowed earlier, the bill confers on the Ombudsman a special role in overseeing and investigating public interest disclosures and making recommendations at the outcome of an investigation as he or she thinks fit. This bill is unique in conferring an additional function on the Ombudsman designed to provide up-front certainty to potential whistleblowers about their eligibility for the protections in the bill.

Clause 24 requires the Ombudsman to determine within a reasonable time whether or not a disclosure meets the criteria of being a public interest disclosure and therefore gains ongoing protection. In making his decision, he must be satisfied that the disclosure shows or tends to show that the public officer or body:

has engaged in, or proposes to engage in improper conduct in their public capacity; or

has taken, is taking or proposes to take detrimental action in breach of section 18 of the bill.

Where the disclosure has not been made at first instance to the Ombudsman, but to some other authorised person or body, the bill sets out a referral process to ensure that the Ombudsman is apprised of potential public interest disclosures and can rule on their status. The bill provides time limits within which eligible disclosures must be referred to the Ombudsman for a determination.

If whistleblowers are to be encouraged to come forward and not hold back due to concern about the consequences for them, it is vital that interim protection is provided to all those who believe they have a public interest disclosure to make. Otherwise, there is a real danger that genuine whistleblowers will be deterred from coming forward by the risk that the Ombudsman will rule that their disclosure is not protected.

Therefore, even where the Ombudsman decides that the information provided does not amount to a public interest disclosure, the whistleblower's initial disclosure will still be protected. However, protection will cease for any further disclosure of the information. This

intention is reflected in parts 2 and 3 of the bill, especially clause 23.

If the Ombudsman decides that a given matter is not a public interest disclosure, the person who made the disclosure may still opt to have it investigated under, for example, the Ombudsman Act 1973 if it constitutes a complaint about administrative action. The critical difference will be that the person will have no further access to the protections in the legislation.

5. *The role and powers of the Ombudsman*

The Ombudsman is given similar investigative powers to those set out in the Ombudsman Act 1973, and when investigating members of the police force, the Ombudsman's powers mirror those in the Police Regulation Act 1958. Investigations are private, and while there is no requirement to hold a hearing during the investigation, the Ombudsman may choose to do so. If a hearing is held, the Ombudsman has full discretion to determine whether any person may be represented by a legal practitioner.

The Ombudsman has the powers of a royal commissioner under the Evidence Act to send for witnesses and documents, examine witnesses under oath and summons witnesses to appear. The Ombudsman or his authorised officers may also enter and inspect premises of public bodies and public officers for the purposes of conducting his investigations at any reasonable time.

Given the potentially intrusive nature of public interest disclosure investigations, the bill provides for a safeguard by restricting the use that may be made of information obtained in such investigations. Under clause 108 information is not admissible as evidence if it is obtained or received by a party from the Ombudsman, Deputy Ombudsman, Chief Commissioner of Police or a public body in the course of or as a result of a public interest disclosure or its investigation.

Clause 108(2) provides certain limited exceptions to this rule. For example, the use restriction does not apply to a criminal or disciplinary proceeding taken against a member of the police as a result of an investigation by the chief commissioner under part 7 of the bill.

At the conclusion of his or her investigation, the Ombudsman may make recommendations about the action that should be taken including a recommendation that:

the disclosed matter be referred to an appropriate authority for further consideration (for example, as to whether criminal charges should be laid);

action be taken to remedy any harm or loss arising from the conduct that was the subject of the investigation, or that action be taken to prevent the particular conduct recurring.

The Ombudsman can follow up on the action taken to implement his or her recommendations and must report to Parliament about disclosures and investigations under the scheme.

6. *How does the bill protect whistleblowers?*

Part 3 of the bill sets out a broad range of protections for whistleblowers. Clause 14 provides that a person who makes a public interest disclosure is not subject to any civil or criminal liability or disciplinary action for making that protected disclosure.

Whistleblowers who disclose information from within an organisation will often be in breach of a statutory duty to maintain confidentiality in relation to the matter, or in breach of a confidentiality clause in, for example, an employment contract. Clause 15 provides that such confidentiality provisions do not apply to the making of protected disclosures. Therefore, no adverse consequence will flow to the whistleblower for having breached the obligation.

Clause 16 provides protection from defamation actions by conferring a statutory defence of absolute privilege for the making of the protected disclosure.

A whistleblower may themselves have taken part in the objectionable conduct that they are coming forward about. It is important that the legislation does not inadvertently provide a person with total immunity for their actions when granting them protection for blowing the whistle, or it will be open to abuse. The bill therefore provides in clause 17 that a person's liability for their own conduct is not affected by their disclosure of that conduct under the bill.

Clause 18 creates a criminal offence, punishable by 2 years imprisonment, of taking detrimental action against any person in reprisal for a protected disclosure.

In addition to the criminal offence, clause 19 creates a statutory right of action in tort for the whistleblower to sue for damages for reprisals and clause 20 enables the whistleblower to apply to the Supreme Court for an injunction or an order requiring the person who has taken the detrimental action to remedy that action. These forms of relief will be extremely useful for the

whistleblower who, despite the criminal offences created by the legislation, suffers reprisals for coming forward.

Maintaining confidentiality about the identity of the whistleblower is critical if people are to be encouraged to speak out about improper conduct. Clause 22 makes it an offence to reveal information received in the course of an investigation into a protected disclosure except for the legitimate exercise of functions under the bill and for the purposes of a limited range of proceedings. The maximum penalty for this offence is six months imprisonment.

Additionally, neither the Ombudsman nor a public body may disclose the identity of the whistleblower, or of the person against whom the disclosure was made, in any report or recommendations under the Act.

7. Public bodies and investigations

It is important to briefly canvass the provisions in part 6 which set out the role of public bodies under the bill.

Clause 68 requires public bodies to establish procedures:

to facilitate the making of disclosures under part 2;

for investigations of matters disclosed in public interest disclosures; and

for the protection of persons from reprisals.

These procedures must comply with the bill and with guidelines to be issued by the Ombudsman under clause 69. Public bodies must make their procedures available to all their members, officers and employees and must make a copy available to members of the public for inspection. The Ombudsman is authorised to review the procedures and their implementation at any time.

Division 2 of part 6 sets out the duties of public bodies in respect of investigations. Clause 72 confirms that the duty to investigate a protected disclosure arises upon the Ombudsman's referral. Procedural provisions cover the obligation on the public body to return a matter to the Ombudsman if its own investigation is being obstructed. Further, the person who made the disclosure may request the Ombudsman to take over the matter where, for example, he or she is dissatisfied with the manner in which that public body is carrying out the investigation. The powers of the Ombudsman in these circumstances are also set out.

Divisions 3 and 4 cover investigations by public bodies. Clause 79 requires the investigation to be in accordance with the procedures established for the public body. Clause 80 requires reasonable information about the investigation to be given to the whistleblower upon request. Clause 81 sets out the action which the public body must take at the conclusion of the investigation where it is found that the conduct the subject of the investigation has occurred, including furnishing a written report to the Ombudsman and the relevant minister. The public body is also required to take all reasonable steps to prevent the conduct from continuing or recurring and must take action to remedy any harm or loss arising from the conduct. Clause 83 obliges the public body to notify the person who made the disclosure of the findings of the investigation and any rectifying steps taken.

Under clause 104 of the bill information about public interest disclosures must be included in the public body's annual report.

8. Miscellaneous

The bill covers public interest disclosures about police members, whether they originate from members of the public or other police members themselves. A detailed complaints regime for allegations of police misconduct (spanning a much broader range of inappropriate behaviour) already exists under part IVA of the Police Regulation Act 1958. However, the remedies for persons making complaints under that act are narrower than the broad range of protections available under this bill. As public interest disclosures about police will cover the most serious forms of police misconduct, it is appropriate that the broadest range of protective devices apply to shelter a whistleblower.

Clause 6 provides that disclosures about police members may be made to the Ombudsman, Deputy Ombudsman and the Chief Commissioner of Police. The bill also spells out their powers when investigating police matters. In order to minimise procedural duplication, the bill as far as possible provides for the same procedures to apply in police matters as would apply under the Police Regulation Act 1958. This includes granting the Ombudsman, Deputy Ombudsman and the chief commissioner the special investigative powers provided for under the Police Regulation Act 1958 when investigating a public interest disclosure under the bill.

The bill also contains amendments to the Police Regulation Act 1958 designed to ensure that potential public interest disclosures received under that act are

referred to the Ombudsman for a determination about their status.

Tailored provisions applying to local government which allow public interest disclosures to be made about councillors and council employees have also been included.

As foreshadowed earlier, the bill contains special procedures for disclosures about members of Parliament which recognise the doctrine of the separation of powers and the fact that MPs are ultimately accountable to the Parliament and the electorate. MPs are public officers and protection will be given to a whistleblower making a public interest disclosure about them. However, part 8 of the bill provides for a different reporting and investigative scheme which involves the President of the Legislative Council or the Speaker of the Legislative Assembly having a discretion to refer a protected disclosure to the Ombudsman for further investigation.

Section 85 statements

I make the following two statements under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of the bill to alter or vary section 85 of that act.

Clause 110 of the bill states that it is the intention of clause 107 of the bill to alter or vary section 85 of the Constitution Act 1975. Clause 107 is modelled on section 29 of the Ombudsman Act 1973 which has protected the Ombudsman in the exercise of general jurisdiction under the act for over 25 years.

Clause 107 protects the Ombudsman, Deputy Ombudsman and officers of the Ombudsman from legal liability for actions taken in good faith under the bill. Where it is alleged that an act was done in bad faith, civil or criminal proceedings may be brought against those persons only with leave of the Supreme Court, which must be satisfied that there is substantial ground to believe that the person to be proceeded against has acted in bad faith. Clause 107(4) prohibits the bringing or granting of restraining orders against the Ombudsman or Deputy Ombudsman in relation to the carrying out of responsibilities under the bill.

These provisions are required to ensure that the Ombudsman and Deputy Ombudsman are not frustrated in fulfilling their important functions under the bill by constant applications to the courts. They operate to appropriately protect the Ombudsman, Deputy Ombudsman and staff of the office in the exercise of their powers under the bill, so long as those powers are exercised in good faith. The protection is

vital to promote the conducting of fearless investigations.

Clause 107(5) provides that neither the Ombudsman, Deputy Ombudsman nor any of the officers of the Ombudsman may be called to give evidence in relation to matters which have come to their knowledge in the exercise of functions under the bill. This provision reaffirms the confidential nature of public interest disclosure investigations which is critical to balance the broad investigative powers that the Ombudsman, Deputy Ombudsman and staff members enjoy.

Clause 115 of the bill inserts a new section 30A into the Ombudsman Act 1973. Proposed section 30A provides that it is the intention of section 29(3) of the Ombudsman Act 1973, as substituted by clause 113 of this bill, to alter or vary section 85 of the Constitution Act 1975. Proposed section 29(3) re-enacts the existing section 29(3) to make similar provision to clause 107(4) of the bill. Section 29(3) prohibits the bringing or granting of restraining orders against the Ombudsman in relation to the carrying out of responsibilities under the Ombudsman Act 1973. Again, this provision is required to ensure that the Ombudsman is not frustrated in fulfilling his or her functions by constant applications to the courts.

Conclusion

I am confident that this bill will become an important cornerstone of open and accountable government in this state. It offers up-front, comprehensive protection to encourage people with information about public sector wrongdoing to come forward in the public interest. It also provides for fair and thorough processes to ensure that investigations get to the bottom of allegations. All Victorians will benefit from the greater scrutiny of the public sector which this bill facilitates.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 14 September.

LAND (ST KILDA SEA BATHS) BILL

Second reading

Ms GARBUTT (Minister for Environment and Conservation) — I move:

That this bill be now read a second time.

The bill provides for the City of Port Phillip (acting as the committee of management) to enter into a lease for

a term not exceeding 45 years for the reserved Crown land adjacent to the St Kilda sea baths complex at Jacka Boulevard, St Kilda. That lease cannot be granted without the written approval of the minister responsible for the Crown Land (Reserves) Act 1978.

The main purpose of the bill is to provide for a power to lease the land for the purposes of a car park to be constructed and operated by the Crown lessee of the St Kilda sea baths complex. The construction of the sea baths complex is nearing completion and is planned to open over the coming summer.

The redevelopment of the sea baths and the construction of the neighbouring car park in effect represent a single development proposal. However, as the underlying land status is different (the sea baths is unreserved Crown land and the car park is reserved Crown land) the land is administered under different acts.

The current developer, South Pacific St Kilda Pty Ltd, has been assigned the existing Crown lease for the St Kilda sea baths complex with a term of 50 years, with a residual of 45 years, issued under the Land Act 1958. The lessee also has a lease under the Crown Land (Reserves) Act 1978 for the construction of a two-storey underground car park on adjacent reserved Crown land. The provisions of the Crown Land (Reserves) Act 1978 limit the maximum term of a lease under the Act to 21 years.

The proposed bill provides South Pacific St Kilda Pty Ltd with a lease term for the adjacent underground car park consistent with the lease term for the sea baths complex.

The total cost of the sea baths development, including the car park, is in excess of \$42 million. The construction of the car park is a key element in ensuring the sea baths complex is accessible to the public and will ensure its success as a major coastal tourist and recreation facility. The car park will also assist in addressing a chronic shortage of car parking in the area.

The bill represents a significant milestone in the long history of the redevelopment of the former sea baths at St Kilda. The bill provides important security to South Pacific St Kilda Pty Ltd that there will be consistent lease terms for the sea baths complex and for the adjoining reserved Crown land on which it is constructing the car park, providing substantial improvements of benefit to the community.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 14 September.

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

Second reading

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

Mr DOYLE (Malvern) — This is a long-awaited debate. I say at the outset that I sincerely hope it will be a productive, respectful and considered debate appropriate to the seriousness of the issues and concerns before the house.

Honourable members are here to debate the bill because we are all looking for solutions to what is generally acknowledged on both sides of the house as our no. 1 social problem — the problem of drugs in the community.

The Liberal Party has decided to vote against the introduction of injecting rooms. In the course of this speech I will explain why that is so but also focus on a way forward.

Consideration of the proposal has been a long process for the house. The Liberal Party has come to the decision to vote against injecting rooms because it is not convinced that injecting rooms are part of the solution to the drug problem.

Some opposition members opposed the trial on principle — on religious, moral, humanist or other grounds — and therefore have said no from the outset. Many members of the community would also hold that view, and I respect that. For them the debate was over a long time ago because they had made up their minds.

For others the question was more generic. They asked, 'Will it work? As a strategy in the fight against drugs, will injecting rooms work?'. That question has exercised the minds of some opposition members, and I will come back to the consideration of that generic question during the course of this speech. It is fair to say that those people had an open mind but needed to know more about the proposal. During the course of the debate some of those people would have made up their minds that they did not believe the proposal was a strategy that could work, and therefore their decision would have been to vote against it.

For others there were still question marks, and for them there was a third order of consideration — the particular proposal before the house, the amendment to the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. For those people considerations focused on whether this specific proposal would work. I hope to tackle some of the questions raised by that part of the debate.

Often members of Parliament need to consider and bring before the public weighty and serious matters. I am reminded, for example, of the question of mental illness and the significant contribution of two former members of this house, Neil Cole from the Labor party and John McGrath from the National Party.

Because those former members were prepared to share their experiences, this house gained a greater insight into what mental illness means. From that conversation we all moved to an agreed understanding of some of the solutions to the problems associated with mental illness in our community.

I had hoped that this might be the same sort of debate and that the conversation was begun because we all recognised that the problem of drugs would lead us to a consideration of possible solutions. Intellectually that did not happen as early in the debate as it should have — that is, the conversation about the seriousness of the problem, which we all acknowledge, was confused with whether injecting facilities could be a solution to that problem. The debate should have moved quickly from an important recognition of the seriousness of the problem to whether injecting facilities might form part of the solution or become part of the problem. It did not.

In my contribution today I hope to range across four general areas: the problem as I have described it and some of the politics of it; the consultation and decision-making processes, of the Liberal Party in particular; the questions that are still unanswered and therefore some of the reasons why members of the opposition cannot support the proposed legislation — many honourable members on this side wish to speak on the bill and they will amplify their reasons; and finally, a way forward from here. I hope the last point will be most productive because although honourable members must deal with the bill — which, as I said, the opposition will vote against — the most important part of the debate is: where do we go from here? Although the opposition does not accept the proposal as part of the solution, that does not make the problem go away. Our energies should be now bent to addressing the problem.

I turn to the first topic, the problem before us and the politics of the debate. I say in good faith that a measure of the quality of the government will be how it proceeds with the debate from now. If it chooses to make it a divisive debate by using the opposition's decision on the bill to turn the debate about drugs into one that divides parliamentarians and the community, we will all be the poorer. Rather, I hope there will be a recognition that sometimes there is a philosophical and practical difference of opinion between the two sides of the house. I hope there is an understanding that it is possible for us to move forward in a coherent way on attacking the drug problem.

I am forced to make that statement at the outset because in the initial reports of the government's response to the decision of the Liberal Party, as it was reported a couple of weeks ago, there seemed to be a demand that members on our side of politics say why we do not support the proposals. There did not seem to be a concomitant understanding that it was always incumbent on the government to explain why the proposal in the bill should be proceeded with. In the end those difficult, unanswered questions made my personal decision, one I am comfortable living with.

It is the wrong way around to say that it is incumbent on an opposition to say why it will not support a proposed measure. The carriage of the argument should surely be with the government. Its role is to explain why a bill should be agreed to and to answer any questions about proposals contained in a bill. I do not say that to turn this into a divisive debate. It is true that the Liberal Party and the National Party will oppose the bill. I understand that two of the Independents will also oppose it. The conclusion to be drawn from that is that the government has not convinced members of the Liberal Party and other members of the house about the proposal. I do not say that with any joy but point out that that is the government's responsibility.

Over the coming days there will be arguments about just what the public believes, and I will make some comments about that. However, 80 per cent of the communications I have received voice disapproval of Labor's proposal. Looking at the letters, emails and transcripts of phone calls that I have received, I see that many have come from people in my electorate but others have come from all over Victoria — and I do not think they would be unrepresentative of what other honourable members have received. The point is that the government has simply not carried with it the community, the opposition, the National Party, the Independents, and a number of the commentators in the public arena. Rather than asking why those people do not support the proposal, the government had a duty to

explain why they should support it, and it has failed in that duty. We should now put that behind us.

I refer to the politics of the debate. It is unfortunate that much of the discussion has polarised the debate about drugs. At one end there are people with deeply held religious beliefs who would say not only that the proposal is anathema to them but also that large questions should be raised about the whole policy of harm minimisation. At the other end of the spectrum are people who will argue that use of serious drugs of addiction such as heroin should be decriminalised. Between the ends of the spectrum is a whole range of views. It is unfortunate that in raising the level of conversation about drugs, we have also to some extent polarised the debate about drugs. As I said, I hope the productive end of the debate is that we politicians can show the community not where the differences between us lie but where the agreement between us lies. That is something we should be working towards.

I mention that in passing because although there must be respect for the variety of views, it concerns me that as part of the debate questions have been raised about the policy of harm minimisation. I view that with regret because it is something on which we need to establish and continue to have bipartisan agreement. All honourable members want to reduce the entry of drugs to our country, their availability, the demand for them, the damage drugs cause to the individuals who become addicted to them and the damage drugs cause to our society. If we follow commonsense, at the practical end it becomes a policy of harm minimisation and harm reduction.

Into that spectrum the Labor Party has proposed to add one further policy — that is, the establishment of injecting facilities to help in harm reduction. The opposition will reject that part of the bill. Other parts need to be discussed and I will raise them. As I said, Parliament should be prepared to put its stamp on the policy of harm minimisation and harm reduction and proceed down that track.

During the debate we have also perhaps lost sight of the productive bipartisan agreement on drugs. That does not mean just that in this place we make speeches and agree each with the other about policies, whether it is Turning the Tide or whatever. Bipartisanship has its real expression in the real world, with the people who work with drugs. They need to be assured that whether there is a Labor, Liberal, coalition, or minority government of any kind, policy and the resourcing of that policy will have continuity. What is important to the people out in the field is not just that we agree but

that the work they do will continue to be supported by both sides of this place.

There is a great deal of general agreement on both sides of the house about the role of law enforcement, the prevention of use and abuse of drugs, treatment, and the reduction of harm. I will come to the role of Dr David Penington later. He puts it most eloquently when he argues that heroin is a product that has become more readily available to our public, that it has become more pure and that its price has gone down. That is astonishing. If someone in business was able to say about a product, 'Compared with 10 years ago my price has gone down; it is more readily available to my marketplace; and the quality is better', that would be a source of great pride and increased profit.

The real pity is that that is true for an illegal substance such as heroin. It is still true about the profit, of course, but unfortunately the implications of the damage done to our society are among the things we are dealing with here today.

During this debate it will be helpful occasionally to use as touchstones matters on which both sides of house have agreement. We have agreement on law enforcement. We have an understanding that there should be absolutely no mercy for drug traffickers. Any legislation that will help pursue and punish traffickers, strip them of their assets and use those assets to help the people they have harmed would have bipartisan agreement.

There would also be bipartisan support for any effort that can be made and any work that can be done with our commonwealth colleagues and agencies to seize narcotics and stop their entry into our country. Anything that can be done not just about correctional facilities but about what we do in those facilities should also have bipartisan support. Any steps that can be taken to improve public or personal safety — in our homes and on our streets — to protect citizens from drug-related crime will have bipartisan support.

We have recently seen a productive bipartisan agreement about further diversion programs between the Labor state government and the federal coalition government announced by Premier Bracks and the Prime Minister. Those programs, begun by the previous government and continued by the present government, are very productive ways of dealing with law enforcement.

I will talk later about some court and post-prison options the honourable member for Footscray and I saw

on our recent visit overseas. There is perhaps some room to improve the system in that area.

The honourable member for Footscray has taken a keen interest in this issue. He is aware of Operation Reform, which has been successful in his area. It is not just a matter of the wider issues, sometimes it is also a matter of local policing. An argument that has some validity is that a law-and-order solution such as Operation Reform really has a kind of waterbed displacement effect — that is, if you press down in one spot the problem may well bulge out somewhere else. I accept that argument. But what it means is that you also press down where the bulges come up. You do not stop doing that, and you never wave the white flag on law enforcement.

What you hope to achieve, bit by bit, is not some magic-bullet solution. Rather, by continually applying pressure, resourcing and supporting such operations, gradually these will be a cumulative effect on what you are dealing with. That is useful. It is not talked about often, but it can lead to community confidence in that we are seen to be prepared to tackle the most difficult, dangerous and hottest spots through law-and-order solutions. It is an area where there is a great deal of bipartisan support.

My further argument is that when we are suggesting any of these elements we should always have reasonably modest expectations of success and celebrate modest successes. We should not expect to fix the whole problem immediately, because we will not be able to do that. If we have modest and realistic expectations we can continue to move forward.

Again, we have bipartisan agreement on prevention. Each year in Australia there are about 25 000 drug-related deaths. Approximately 19 000 are due to tobacco, some 4500 are caused by alcohol and the rest are related to illicit drugs.

It is strange that there is a lot of activity in trying to prevent people from using tobacco — recently there has been legislation in this house to that effect — and we have had a strong focus on trying to reduce the harm caused by alcohol abuse. However, we have not refined the message sufficiently about trying to prevent drug abuse, despite the fact that both sides of the house agree that prevention is an important part of what we are going to do.

There is a need for greater understanding of the causes of drug use, abuse and addiction. Good work is already being done in that area. However, the best data should inform what we do about prevention, and whether we

are talking about people who are experimenting, regularly using or using drugs at a harmful level.

When talking about young people it is important that we do not get the message wrong. We do not know yet what that message should be, much less how it should be promulgated to the younger groups of potential users who are at the point of experimentation. The last thing we would want to do is demonise drug use and possibly encourage experimentation. The refinement of the message needs to be a careful process. I have confidence that that area of prevention will work.

Last year I listened to Michael Resnick at a Vichealth conference about adolescent health. He spoke about depression and suicide, but many of the lessons that he gave were applicable to drug use and abuse. He talked about connectedness and about the protective factors we can build in to people's lives. It was not rocket science; it was about having a bond with one's family, having a positive connection to school and the value of friendship groups and peers. It was also about having a set of moral values that provide a lodestone for one's life and about having skills, community connections, physical and support services for young people.

His thesis about protection factors heartened me about what might be done in the future about prevention of drug use. It is easy to see how we can build policies that will link up protection factors and help young people not to get involved with drugs.

He also spoke about the risks, which I have previously mentioned to the honourable member for Footscray, the Minister for Health and others, that are clearly identifiable. Chaotic home or social environment, poor attachments to schools and the roles of bullying — which is something we need to understand a lot more about — lack of affection in people's own families, social or economic disadvantage, the availability of drugs in the culture and the lifestyle in which they move and all sorts of discrimination, whether social, racial or cultural.

The question for us in prevention is going to be: how do we build on the knowledge we have about protection and risk factors so that we create a prevention strategy that will help to stop people getting on drugs in the first place? The best harm minimisation lies in our ability to prevent people getting on drugs.

There has been bipartisan support in the areas that present particular problems, such as mental illness. The so-called dual diagnosis, where someone has a mental illness as well as a drug abuse problem, is something that severely tests our system. It can be approached in a

bipartisan manner. We can also look at some of the schools, tertiary facilities and workplace environments to examine possible risks and the protective factors we can build in.

The area of treatment and rehabilitation is another area conducive to bipartisan support. The simple message that would be useful for us all as politicians to be carrying out there is that treatment works. Just as I said law and order works so long as we have reasonable expectations of it, so does treatment. It is not generally understood that treatment works, but we need to get serious about that by implementing a range of programs. Some are totally abstinence based and some are based on alternative pharmacotherapies — such as methadone, Brupenorphine, or Naltrexone in whatever form it is used. We need to get serious about this.

Our expectations need to be modest. I heard Rob Moodie, the chief executive officer of Vichealth, speak eloquently about how it is a normal expectation for people who are addicted to tobacco that it might take them four, five, six or seven attempts to give up using tobacco. Why then would we expect someone who is addicted to something like heroin to have any fewer attempts to give up? Why would they not be expected to take 12, 15 or 20 attempts to give up? When we look at treatment and rehabilitation, let us look at the variety of strategies available to us.

Treatment does work, but we need to get serious about it. There are some 219 treatment beds in Victoria. A comment to me from someone from Windana who is working in the field was that you could quadruple the number of facilities and there would still be waiting lists. I recognise that the government cannot quadruple that number overnight. I acknowledge that the government has made announcements about increasing the number of facilities, and the Liberal Party supports that.

As an alternative strategy the Liberal Party has proposed, in a bipartisan way, that the number should be increased. We should aim for a zero waiting list. We all understand that if someone is ready for rehabilitation treatment it should be available to them in that window of opportunity. That person should not have to wait two, three or six weeks. Let us not have an argument about whether the waiting period is one week, three weeks, six weeks or two months; let us agree about moving towards the appropriate number of beds so that people do not have to wait for treatment if that window opens.

I do not say this by way of criticism of this government or the former coalition government, but I believe we

need to bite the bullet harder. If New South Wales can announce that it will go to Naltrexone use immediately, why can't we do the same thing? If we have overseas experience with drugs such as Brupenorphine, let us start using it immediately.

I was invited down to the custody centre at the Magistrates Court. I know the Attorney-General and the Minister for Corrections have also visited the centre. I was impressed with the work it had done with very difficult clientele. I praise Dr Jack Acheson, who is carrying out that work. The centre has a three-day detoxification and withdrawal program involving some of the most difficult clients, and it runs that program using Valium and Brufen, not exactly the most sophisticated or alternative pharmacology, but the people at the centre believe it has worked for some of their clientele. There is good work going on in many areas of treatment and rehabilitation.

The honourable member for Footscray and I were in a particular injecting facility, I think in Bern, Switzerland, at which the manager opened a cupboard that had something like 20 drawers, each of which contained a different treatment regime. Some of them were only minimally different from the one before, but the point was the clinic had a range of different regimes it could apply to its clients depending on which was suitable. We need to be prepared to have a wider range of strategies than we presently have.

I have spoken before and will speak again about harm-reduction strategies, because we have done excellent work in a bipartisan way. We still have a lot of work to do in hepatitis C, but in HIV prevention we are close to the best in the world, and that is because of bipartisan agreement on harm-reduction strategies such as needle and syringe exchanges. The honourable member for Footscray and I had a number of discussions with people overseas about the differences between our programs and their programs, and there are some differences in best practice.

I do not believe we have paid enough attention to issues in this debate. First, because the debate is focusing on present problems, the Labor government's potential solution goes to the symptoms of drug abuse. It would also be useful if we talked about attacking the causes of drug abuse. I have referred to that when speaking about prevention and risk factors.

Neither have we discussed how basic services can prevent overdoses. Providing shelter, food, clothing, primary health care and the needle and syringe exchanges, counselling and support, and programs that integrate people into the community whether they are

work or education programs, will go a long way towards reducing harm. Implementing those programs in the wider community would add to the community's confidence, because although the answers may not be easy there are a range of answers that we can apply to this problem. Later I will refer to what we saw in Sweden. I would not recommend that we replicate Swedish society, but in terms of outreach Sweden has a gold-plated service that is probably the best I have seen.

I wanted to start this debate with what we agree on rather than on what we disagree on. The Labor government has proposed this legislation, which is to provide for five injecting facilities. As I said, the Liberal Party has examined the legislation and some people on this side of the house as well as in the community have said that on principle they cannot support that proposal. I respect that view, but for them at that point the argument is over. Another group want to know how strategies like this will work. A third group are prepared to put a question mark about the proposal. A further group have said, 'Will this specific proposal before us today work?'

I want to say something about the mechanisms set out in the bill, especially the framework for service agreements. At this point it is useful to mention the work of Dr David Penington. I praise him for the work he has done, not just for this government but for the previous government. I do not think I have heard of a forum, a group or a person with whom David Penington has not been prepared to meet. He has gone above and beyond the call of any government in providing expert help. I have been at forums where he has been treated with a lack of courtesy because of the heat, fire and passion generated by this debate. He has handled that with equanimity. Despite the fact that the Liberal Party cannot agree with his conclusions, he deserves the thanks of the community, as indeed do all of the members of his committee.

I now turn to the work of Dr Penington's committee, which is where we start to say why it is that the Liberal Party cannot support the legislation. In about April this year the committee produced its stage 1 report, which contains the framework for what we are debating today, the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. The second report of the Drugs Policy Expert Committee is due in a few months, and it will tackle all the things I have been talking about: early intervention, the work we do in schools, treatment and rehabilitation, getting tougher on trafficking, and so on. They are all the areas where I have already said there is bipartisan support.

The reports are in the wrong order. Surely what we should have first is the work Dr Penington and his committee will produce in two months time. We should look at all the strategies for prevention, all the strategies for treatment and rehabilitation, and all the strategies for law and order. We should look at the whole range of strategies surrounding the drugs question and, following that, we could move to the second report. The first error of the government was getting the reports the wrong way round. Generally that is acknowledged in the wider community. It is a constant problem. It is generally agreed the reports are in the wrong order. That is regrettable, but it is not something over which we have had any control. If you are going to do anything you implement measures relating to the causes, cures and criminals before you move to the area of whether injecting rooms are necessary.

One of the cities the honourable member for Footscray and I looked at overseas was Frankfurt, which has a system in place that is often said should be replicated here. In Frankfurt all the things I have spoken about were tried first. The most significant decline in heroin deaths in Frankfurt, which is often quoted as an example of why we should have injecting facilities in Melbourne, Victoria and Australia, occurred in the two-year period following the application of a law-and-order solution — the closing of the open drugs scene. It is true that they continued to decline with the introduction of injecting facilities. I will come later to why I think Frankfurt and other places are different from Melbourne. The majority of lives were saved as a result of the law-and-order intervention. The trend was set at that point, and it has continued since.

Mr Thwaites interjected.

Mr DOYLE — The Minister for Health makes the point that they were applied at the same time. That is not true from the information I have.

What they told me is that the open drug scene was closed in the middle of 1992 and the first injecting rooms opened at the end of 1994.

Mr Thwaites interjected.

Mr DOYLE — That is not what we were told in Frankfurt. I am happy to clear that up, but I assure you that what I just said is exactly what we were told in Frankfurt. That is the time line, as we understand it. I do not want to enter into a side argument about that. I will return to the situation in Frankfurt, Germany and in Switzerland later.

Mr Thwaites interjected.

Mr DOYLE — That is not true, either, but I will come to that. When one talks about the closing of the drug scene in Frankfurt and Switzerland it is an astonishing social picture to look at a park or other public location and imagine that at any time of the day or night 1000 intravenous drug users and dealers were there and perhaps a further 1000 or 2000 passing through the area every day. What the European authorities did to close down those drug scenes was draconian, but they had to clean them out. The honourable member for Footscray and I visited Eastside, which is one of the first sites where people were bussed out of one of those parks and taken to the Eastside an industrial complex some kilometres away.

To close down that open drug scene was their first desire and, thank God, Australia has never had anything like the horror of having 1000 drug users in a single public space day in, day out. I do not know how that point was reached in the first place, but it is a different starting point from where Victoria is.

I turn now to the second-reading speech. I will not go through it in detail, but I wish to pick up a couple of things in explaining why the opposition cannot support the legislation. In the second-reading speech the Minister for Health states:

Last year there were 359 heroin-related deaths in this state. Many more non-fatal overdoses were dealt with by ambulance officers ... The number of overdoses is disturbing, but even more disturbing is the probability that this number will continue to grow. The Drug Policy Expert Committee has made one projection of increased deaths over the next five years. The Victorian State Coroner, Mr Graeme Johnstone, has made an even more dramatic prediction.

That is sad. All honourable members would agree that one death is one death too many. But it is interesting that one of the arguments put forward for introducing injecting facilities was an exponential growth in drug deaths in Victoria. The opposition does not want to minimise the importance of any death, but at page 6 of the Drug Policy Expert Committee's report figure 4 shows a trend line of heroin-related deaths in Victoria between 1991 and 1999 and projected deaths to 2005. It is an ever-increasing and frightening gradient graph, but those are the projections of deaths in this state — an almost exponential growth year by year.

It is a macabre and grisly figure, but the *Herald Sun* publishes the heroin toll daily. On this day last year the figure was 208 people. On this day this year it is 206 people. The opposition does not suggest that the statistics for one year can be an argument against a trend. One needs to be careful in extrapolating conclusions from incomplete figures. The opposition understands that the coroner may well determine that

some deaths not now attributed to heroin use will be so attributed in the future; it also understands that the figures lag.

However, figure 5 on page 6 of the expert committee's report shows that last year the spikes in the number of fatal heroin overdoses occurred in January–February and again in June–July. In other words, if one looks at those aberrations in figures and when they occur in a year — and although it is less distinct in the year before, the same spikes are there — one sees they show that those spikes had already occurred by this time last year. Whether they are seasonal aberrations or whether further deaths will later be attributed to heroin, even by the drug policy's figures — and I do not want to draw too much of a conclusion from a single year — I repeat that those spikes have already occurred by this time of the year.

The opposition is not trying to decry the work done, and it is optimistic, but if there were 208 deaths at this time last year and two spikes of aberration of the figures had already passed, that frighteningly exponential growth shown in figure 4 may not be true. The opposition hopes that is so.

Mr Thwaites interjected.

Mr DOYLE — That is good. I hope that is so. If that is because of actions taken by the government or the former government, great credit to them for that. However, the point remains that one of the arguments is that growth in the number of heroin-related deaths will continue at an exponential rate. It is early days, and perhaps I am being overly optimistic, but the figures for this year do not bear that out. They are the first optimistic signs Victoria has seen for a long time. If it is the result of the actions of the government, let's quickly identify them, keep doing them and doing more of them!

Mr Thwaites interjected.

Mr DOYLE — Yes, one death is too many, but the exponential growth of the number of heroin deaths as postulated by the report, and as referred to in the second-reading speech as being the reason for injecting facilities, may not be there. That is all the opposition is suggesting.

The conclusion in the issues paper also produced by the expert policy committee, 'Heroin — facing the issues', is that the trend is set to continue. Let us hope that the figures show it is wrong.

I turn now to the process involved, which is the second part of the second-reading speech I wish to pick up and

which has not been explained so far. In the second-reading speech the Minister for Health states:

Injecting facilities have been proposed as a way forward for some communities in New South Wales and the Australian Capital Territory. Both of these jurisdictions have chosen to establish a single injecting facility and have legislated accordingly. While the processes and legislative frameworks differ, each jurisdiction has undertaken a consultative process and has defined the legislative and administrative arrangements to support the trial. The legislative process in Victoria is designed to achieve the same outcomes but is necessarily different as we are proposing a multi-site trial.

I am not sure why a multi-site trial is the only reason given in the second-reading speech and the following discussion as to why Victoria would have a four-stage process — that is, enabling legislation, a framework document, a process with local government and then protocols to be brought back to Parliament for possible veto by either house.

The government's proposal of a multi-site trial does not seem to be a logical reason why Victoria's process should be different from that of New South Wales. As I said, that was important in the decision making. I will return to that when I deal with what we thought about the power of veto in either house.

As I said, the New South Wales model is better because following extensive public debate the single piece of legislation encompassing those four elements was put forward in the New South Wales Parliament and passed earlier this year. The New South Wales process has an operator selected and a site nominated, so that has all been done. Months down the track the site is still not operating. They think they might be able to have it operating by the middle or end of November.

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member not to turn his back on the Chair. I would like to hear what he is saying.

Mr DOYLE — I beg your pardon, Mr Acting Speaker. It was more indolence than insult, I assure you — more a matter of leaning against the table than anything personal.

Mr Nardella interjected.

Mr DOYLE — Given the last interjection, I see the positive benefits of facing the Chair. I will certainly continue to do so.

Mrs Peulich — Otherwise you have to look at Don!

Mr DOYLE — That was the point I was making. I thank the honourable member for Bentleigh.

The New South Wales model is different from and perhaps preferable to ours. I recall reading that Dr Penington said he would have preferred our side of politics to have passed the proposed enabling legislation and then use the power of veto as provided for in the protocols. I will give the reasons why that is not a protection for the house.

The Minister for Health said in his second-reading speech that:

The bill also requires that a draft of the agreement between the minister and the operating agency must be tabled in both houses of Parliament. A draft agreement may be disallowed wholly or in part by either house of Parliament within two sitting weeks of it being tabled.

He then said that:

... the Parliament will have oversight and control over the detailed operating agreements of each trial site. An injecting facilities trial site can only be established after consideration of the service agreement by Parliament and upon an order being made by the Governor in Council.

The government included that provision in the bill in good faith. Although there is some precedent for such considerations regarding regulations, it is astonishing to reflect on what both houses of Parliament might be asked to disallow wholly or in part. It is proposed that members of Parliament be asked to adjudicate upon the matters outlined on pages 10 and 11 of the *Injecting Facilities Trial — Framework for Service Agreements* document which was tabled in the house when the Minister for Health began his second-reading speech.

Members of Parliament could be required to adjudicate on such matters as the definition of strategies necessary to ensure a facility is accessible to people from various cultural and linguistic backgrounds; opening hours; staffing models; skill requirements; ongoing training arrangements; disease transmission control methods; safety practices; management arrangements; ensuring that no-one interferes with someone in the process of injecting; exclusion of users; record-keeping arrangements; standardised disease control standards; agreements on funding and payment arrangements; specification of reporting and accountability; and reporting of incidents.

Mr Thwaites interjected.

Mr DOYLE — I understand that and will come to it.

Mr Thwaites — We need your support. It does not get through without your support.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Malvern should ignore interjections and the Minister for Health should understand that interjections across the table are disorderly.

Mr DOYLE — Certainly, Mr Acting Speaker. I will take up some of those points during the course of the debate, because they are reasonable points to make.

As I said, it is proposed that members of Parliament will have to decide on highly specific operational matters and that is not appropriate. I do not wish to insult my colleagues, but I am not sure I would want to have to decide whether to disallow something because of a funding or payment arrangement or a standardised disease control standard. Is that the expertise that every member of Parliament now has to develop for every trial site?

Another aspect of the proposal is that the matters listed could be disallowed but not amended or changed. The apparent basis of the measure is that members of Parliament are able to decide whether certain matters should be allowed but not to propose how they might be amended because members of Parliament do not have the expertise to do that.

Mr Thwaites — Then let the legislation through. You cannot have it both ways.

Mr DOYLE — We do not intend to have it both ways, but we also do not intend to let the legislation through. That is our answer.

Honourable members interjecting.

Mr DOYLE — Perhaps I can move on to a new point, Mr Acting Speaker.

The ACTING SPEAKER (Mr Kilgour) — Order! That would be a good idea.

Mr DOYLE — The Minister for Health says we should propose an alternative. He proposes an alternative in his second-reading speech. I do not envy the government its task of trying to determine at what age someone should be allowed into an injecting facility, because if all the arguments about a 19-year-old addict are true then they are also true of 17-year-old or 14-year-old addicts. I understand the difficulty of that decision.

The government dealt with the issue by saying, ‘We will draw the line at 18’, which is a worldwide standard. However, the government proposed an alternative in the second-reading speech:

The government has made a clear decision that children should not be allowed to use any injecting facility during the trial and provides in the legislation only for adults. We have done this for many reasons but largely because we do not believe that there would be community support or acceptance that this is appropriate.

We are aware, however, that, regrettably, there are drug users who are under 18 years of age. Injecting facilities will be required to have specific arrangements to refer young people who seek to use services to the Youth Substance Abuse Service or another qualified and appropriate service.

The government is not saying that the problem of drug addicts under 18 years of age is any less pressing than the problem of those aged over 18 — or that they would be any less dead if they suffered an overdose! It is saying there is an alternative strategy for those people, which is referral to services such as the Youth Substance Abuse Service. I cannot praise highly enough the YSAS for the work it does. However, if that is an appropriate model for dealing with people under 18, then should we not be looking at extending that model to the adult community? If the strategy works for someone who is 17 years old, then should we not apply the lessons learnt from that to an adult?

There will be a philosophical divide over that view, and the government will say, ‘No, this is what we are doing for adults’.

A government member interjected.

Mr DOYLE — I was asked if the opposition would provide an alternative. I suggest that the second-reading speech provides an alternative. I will move on to consultation.

A government member interjected.

Mr DOYLE — Interjections may be disorderly, but they may also be offensive, as was that one. I will certainly take it up later. It is easy to sit there with all the answers and point the finger at the other side.

Mr Thwaites — You have no policies.

Mr DOYLE — That is fantastic. Are you enjoying being the Minister for Health? You are the government, for goodness sake!

Mr Thwaites — It is our policy — let it through. Pass it!

Opposition members interjecting.

Mr DOYLE — I thank my colleagues for their help, but ask them to allow me to continue. It is interesting to consider why the government decided to draw the line for people allowed to use injecting facilities at 18 years

of age. The reason is set out in the second-reading speech:

We have done this for many reasons but largely because we do not believe that there would be community support or acceptance that this is appropriate.

What if, as I believe is the case, there is not community support or acceptance that injecting facilities are appropriate for users of any age?

I turn to consultation. When the opposition announced its decision I read with regret the statement made by the Premier, as reported in the *Age* of 12 August, that the opposition's consultation was a sham.

Mr Nardella — It is.

Mr DOYLE — I will demonstrate to the honourable member why it was not.

Mr Nardella interjected.

Mr DOYLE — It would be interesting to hear about the people you talk to. Let me tell you about some of the people I talk to.

Mr Thwaites — They told you to be quiet.

Mr DOYLE — What an inelegant and unutterably stupid interjection! If you are going to talk about consultation, I will describe the process followed in our party and we will see if it was the same in your party. Did you even talk to your own people? Let us discuss that as well.

We talked to officers from the Department of Human Services, and we thank them for their cooperation and for sharing their knowledge. I particularly thank Ray Judd and John Catford for the work they did and for their availability. I greatly appreciated their expertise.

We spoke with the Victoria Police, with a number of government members, with the Visy Cares Centre, with Vichealth and with a number of the municipalities where injecting facilities were proposed, including the cities of Port Phillip, Yarra, Greater Dandenong and Maribyrnong. I thank those cities and their mayors, including Julian Hill and Dick Gross at Port Phillip, John Phillips at Yarra, and Angela Long and Warwick Heine, the chief executive officer, at Greater Dandenong. I also thank the mayor and councillors of the City of Maribyrnong, who talked with us.

A range of individuals, some of whom were very vocal in the debate, gave of their time freely, including Joe Santamaria, Tony Trimmingham, Peter Farris and Brian Watters. I particularly want to mention John Fitzgerald

of the University of Melbourne for the time he gave; the Community Coalition for a Drug Free Society; the Salvation Army; the people at Odyssey House; the Drug Advisory Council of Australia; retailer associations such as the one in Springvale; a number of schools — and many students were concerned to communicate their views as well; people at the University of Melbourne; the Institute of Engineers; Windana; YSAS, the Youth Substance Abuse Service; and a range of people at public meetings.

I attended a number of meetings at Springvale, Geelong, Footscray, Dandenong, Richmond and Collingwood. I also praise the honourable member for Footscray. I mentioned earlier that David Penington went above and beyond the call of duty on this issue — it is no easy thing to face 800, 900 or 1000 angry people, but he did so. To his great credit the honourable member for Footscray was also prepared to stand up and defend his government's policy at meetings, and that is an important thing to do. It is regrettable that in a number of those situations the government did not provide a speaker. Such meetings should have left the honourable member for Footscray in no doubt as to the views of the people.

Mr Viney interjected.

Mr DOYLE — The turn-up at a meeting is not bad if a couple of thousand attend. Do you ignore a couple of thousand people — for instance, a couple of thousand people at two meetings in Footscray — because they are not the whole municipality?

I turn now to what happened inside the Liberal party room. It would be interesting to know if the same thing happened inside the Labor party room. I have spoken to a number of individual Liberal Party branches, and a variety of views covering the whole gamut has been expressed at those branches. I have spoken also at a forum organised for Liberal Party members, which Dr Penington was invited to address, and did so, with Dr Santamaria.

I also pay tribute to the Honourable John Ross in another place, who is, of all parliamentarians, the most knowledgeable in this area. A forum of Liberals produced a useful document. It did not argue one way or the other but rather canvassed all the issues. That document was made available to every member of the parliamentary party as part of our internal party process. As a result of that Dr Penington, Rob Moodie from Vichealth and Major Brian Watters addressed our party room and talked members through the issues in a way that was open and frank. The questions asked of those people were instructive and productive.

Dr Dean interjected.

Mr DOYLE — The honourable member for Berwick says it was a packed meeting, and that is true. Every member turned up to listen, to take part, to be better informed about the issue. I also provided to Liberal members of Parliament a list of people who have expertise beyond that of a member of Parliament. Among those were officers from the Department of Human Services, people such as Dr John Fitzgerald from the University of Melbourne, Paul McDonald from YSAS and Dave Glazebrook from the Visy Cares Centre. All of those people freely agreed to speak to any member of Parliament on this side to give a view on a specific area of this policy. To say the Liberal Party's consultation — whether it was conducted at internal party policy groups or at meetings — was a sham when it put anything that the government did in the shade is just plain wrong.

I have not even mentioned the public. The party also advertised throughout Victoria and people, not just in their hundreds but in their thousands, wrote to us, telephoned us and emailed us about this issue. There was great concern in the community, and the Liberal Party invited the people of Victoria to write or contact it directly. I am sure our leader, Dr Napthine, will mention that point when he speaks in the debate. I received a substantial amount of correspondence in my own office from members of the public not only from within my electorate but from all over Victoria, and somewhere between 75 per cent and 80 per cent of those respondents were opposed to injecting facilities.

I am not suggesting that any one person's opinion is more weighty than any other. I am suggesting only that when I am told that my party's consultation was a sham I can point to the meetings people and organisations I have talked to and say that clearly it was not.

Mr Thwaites — They'd already made up their minds!

Mr DOYLE — As opposed to you!

I also talked to a group in Western Australia known as Next Step and to people and organisations in New South Wales, including attending the Prime Minister's Australian Drug Summit. I listened to people such as Dr George O'Neill from Perth, the Honourable John Della Bosca from New South Wales, Malou Lindholm from Sweden, Frans Koopman from Holland and Dr Jack Gilligan from the United States of America — a range of people. I met with Jillian Skinner, the shadow Minister for Health in New South Wales, and John Day, the Minister for Health in Western Australia.

Mr Thwaites interjected.

Mr DOYLE — At least I was prepared to listen!

Mr Thwaites — No-one listens to you!

Mr DOYLE — The difficulty in this debate, and it is something one has to understand, is that there seems to be a reaction on the other side of the house that the opposition could have done whatever it liked and the government would have criticised it for that — but that in the end if the opposition did not agree with the government it would be wrong because the government supposedly has all the answers!

All I am trying to do is point out to government members that the opposition looked at all of these things. I support wholeheartedly the decision we made and will go on explaining why. The pertinent part is that through all of these considerations the opposition has consulted widely.

I turn to talk, as I hope the honourable member for Footscray will do, about the visit he and I made overseas with Vichealth, because it was very productive. I will be interested to hear his views on it — we have not formally discussed our ideas on it — to see whether our interpretations of what we saw were the same. I suspect they will be the same in many cases, but in others they may not.

Earlier this year I also went to the Netherlands to talk to the Ministry of Health and the Rainbow organisation.

I went to the United States of America with the honourable member for Footscray, where we spoke with the Los Angeles Police Department, and we went to Sweden, Switzerland and Germany as guests of Vichealth. We sincerely thank Vichealth and Professor John Funder, its chairman, for the opportunity to make those visits in the company of Dr Rob Moodie, the organisation's chief executive officer. We were introduced to a number of programs that I doubt we would have seen otherwise. I came away much better informed for what I had seen overseas.

However, whatever the experience in other places — I have had discussions with members of Parliament with both interstate and overseas experience in an endeavour to be as fully informed as I could about this crucial issue — there is one thing we all need to ask ourselves: is the policy transferable to Melbourne? Can the things that are happening in Frankfurt, Bern or Zurich be translated to Melbourne, Victoria, Australia? And if not, which parts of those programs can be transferred here?

In the United States of America the honourable member for Footscray and I went to a special session of the Sentenced Offender Drug Court in the criminal courts of Los Angeles and spoke in particular with Judge Michael Tynan, who ran a drug court. Later I shall talk about one of the proposals the shadow Attorney-General has been instrumental in drafting.

The most important and impressive thing I saw about Michael Tynan as a judge was the way he dealt with individual drug offenders: it was Michael Tynan as judge who dealt with the drug offender all the way through. He had that drug offender back before him each time, knew the case and had the reports from the correctional officers. He knew the cases inside out and was therefore able to develop not a personal but a judicial and correctional relationship with the offenders. These were serious offenders in both a drug and a criminal sense. That gave me great heart about the way we could manage some of our courts and the way we could manage some of the people who are incarcerated because of drug crimes. Some of the measures he took, mostly with convicted, non-violent felony offenders, were measures we have not tried here.

We must think about how we can tie things together. I shall talk about coordination a little later. I was very impressed with that as I was touring Biscailuz, the sheriff's facility that provides in-custody treatment services to the drug court, and the Impact Drug Court Treatment Centre in Los Angeles. We spoke with a number of the judges and other people involved and we looked at what they did not only in the court but also in using community-based transitional housing in which offenders are held for six to nine months.

I do not know whether the honourable member for Footscray found this, but what I found interesting about Judge Tynan was that almost the first thing he said to me was that he was a rabid Democrat and proud to be so. He could not believe I came from the other side of politics, and said I was not a bad bloke anyway. I am not sure which bit I was surprised about. I am sure he did not mean to be offensive. It is always fascinating for Australians to talk to a judicial figure and to find that person so inextricably bound up in the political process. The honourable member for Footscray may correct me on that. Michael Tynan is an elected judge, an elected Democrat, but he is not a bad bloke. His wisdom must have been externally acquired, not as a result of his political beliefs.

I was impressed with the continuity in that judicial system for the drug offenders who were being treated for drug problems. In other words, the correctional and judicial systems were dealing directly with the drug

problem, not with the criminal. That was heartening. It was a small program — one part was post-sentencing and one pre-sentencing. We would do well to look at some of the lessons of the United States of America. Too often we are inclined to say, 'No, we can translate nothing of what they do to our situation', but this is an instance where we have given expression in our policy to many of the things we can learn from the United States of America.

We then went to Frankfurt. I put on record my thanks to Juergen Weimer, who was our host and one of the doyens of injecting facilities in that country. We visited what was called Drogennotdienst, a drug crisis centre, Eastside, La Strada and what was known as Druckraum, which was the largest injecting facility. We had discussions with the city councillor, Herr Burgraf, the police representative, Herr Weise, and Herr Lohrmann from the chamber of commerce.

Of great interest to me was visiting Eastside. When the open drug scene was closed, people were bussed to a facility outside the city, which was in effect an industrial complex. It provided a whole suite of services — food, shelter, support, work programs and alternative pharmacotherapies. It also had an injecting room.

I should be interested to hear the observations of the honourable member for Footscray about this, but the facility was not set up to open as a drug injecting facility. That happened much later. It is interesting that what they thought they needed to do first was provide that suite of services. We have made great strides on both sides, but we are not yet doing that. I dislike the term 'drug hotel'. That term has been coined in the media recently, but the idea behind it is a good one. It is a dedicated facility where people can be supported so that the causes of their drug addiction are dealt with.

I understand the government would have an injecting facility in such a place. We would not, because we cannot support the legislation. I do not think the central idea should be cast off. The idea of a single site, a primary health facility with shelter, work programs and a whole range of facilities in a positive environment is worth examining — not a therapeutic community, but a whole suite of services for the most chaotic drug users, who are sometimes the most desperate and vulnerable in the community.

What was interesting was that the drug users were in effect scooped up, shovelled into a bus and taken almost forcibly to the facility. From that they made something work. I was impressed with that. I do not wish to sensationalise this, but while we were there a

drug deal took place just outside the injecting room. It is not that I was caught by the fact that they are honey pots — they admit that overseas — but I was pleased to see that they had methods of dealing with it. They alerted the police to handle the people who were dealing in drugs. It was an interesting visit to Eastside and La Strada.

The visit to the Druckraum, the largest injecting facility, was also interesting to me. I do not suggest it is translatable to Victoria, because we have a different scenario, but I believe it could be a problem in New South Wales. I do not wish to teach New South Wales how to suck eggs, but I thought that facility illustrated some dangers for New South Wales. It is in a red light district and an area of high drug use, and the street next to the Druckraum was lost to the public because it simply became a gathering place for dealers. It was tolerated in a way, but I thought it was a pity. We do not have such streets in Victoria, but bearing in mind what is being set up in Darlinghurst Road, Sydney, it would be regrettable if New South Wales were also to go down that path. That is something it will have to guard against.

We also visited Stockholm. I thank Professor Robin Room from the Centre for Social Research on Alcohol and Drugs, Lief Lenke, the Narcotics Commission staff and Maria Renstrom from the Ministry of Social Affairs and Health. We visited BCN, an addictions treatment system for the North Stockholm county, where we met a number of people.

Sweden is often held up as a model. I am not convinced that the entire Swedish model can be translated to Australia, just as I am not convinced that the German and Swiss models can, but Sweden has the best outreach program I have ever seen. Its staff talked literally about identifying every drug addict, finding all of them and providing services for them. We went to treatment facilities where they had vacant places. The one the honourable member for Footscray and I visited had two spare beds and would fill them only later that week. That would be unheard of here.

Although I am not suggesting that the Swedish drug scene is translatable to ours, we can learn a lot about what Sweden does in outreach and support. It gold-plates its service, but that may be helped by a 50 per cent personal income tax rate and a 25 per cent GST. Their outreach services are world best practice. That is something we can learn from them.

We then went to Switzerland.

Mr Cameron — This sounds like a travelogue.

Mr DOYLE — It is a travelogue. A most impressive experience in Switzerland was meeting Thomas Zeltner, the Minister of State for Health, Mr Locher, the director of the drugs unit, and Bertino Somaini, who is the head of the equivalent of Vichealth, the Swiss Health Promotion Foundation, and one of the key developers of the national drugs program. We also visited Burgdorf injecting facility just outside the city of Bern. The most valuable thing I took away when talking with Thomas Zeltner, and also Juergen Weimer, was information about the needle and syringe exchange program.

Victoria faces the problem of needle and syringe litter. Our citizens find that sort of litter in our streets threatening and unacceptable. One of the reasons promulgated for an injecting facility is that it would help control public nuisance and cut down on needle and syringe litter on our streets. That is not what the people in Germany and Switzerland told us. They said, 'No, just do better with your exchange program'.

The honourable member for Footscray and I saw cultures that had been changed to a one-for-one exchange program for addicts and others who use syringes. I do not recall seeing needle or syringe litter in Germany or Switzerland, but the experts in those countries did not put that down to injecting facilities.

It was about the way the needle and syringe program was managed. That is one other point that can be taken from them — we can get fair dinkum about needle and syringe exchange programs so that needle and syringe litter is reduced. That might be an area where progress can be made on a bipartisan basis. The needle and syringe litter has led to regrettable debate in the community; because of the extent of it there is a strong public argument against the harm minimisation policy.

If members on both sides of Parliament are to continue with that policy, it is incumbent on them to ensure that it works. One way of doing that would be to separate the issue of needles and syringes from the debate on injecting facilities and say, 'We can do better in that program and we can make it a one-for-one program'. That is an area on which we could now work productively.

I will not go into our travelogue much further except to say that the one point I brought away from it — a message sent to us over and over again — was 'Coordinate your efforts'. Regrettably that is something not being done very well in Australia.

If one includes the Department of Premier and Cabinet, 10 or 11 ministries are involved in dealing with the

drug problem, and yet how often would those ministers or their officers meet to focus on drugs?

The narcotics commission in Sweden was reviewing its policy — it would not quite tell us what it was — and it was fairly plain that it was building a policy through local government based on starting at the local level and working up. Although the Minister for Local Government, who is at the table, would not necessarily be the minister immediately thought of as someone who should be sitting with the Minister for Health, the Minister for Police and Emergency Services, the Minister for Corrections, the Attorney-General or the range of other ministers that need to discuss the drug problem, in fact he should be intimately involved.

One method of moving forward is to coordinate the efforts. I will talk a little later — not too much later — about one of the opposition's alternatives to coordinate those efforts across the whole of government. That is not through lip service by saying, 'We will meet every now and then', but by having a commission whose task it is to focus on the issue and to range across the relevant portfolios. That could be done in much the same way as the government has done with the Emergency Services Commissioner — following the initiative of the previous government — in a way that brings together disparate but related departments so they can be coordinated in the most productive way.

I turn to the third of the four points I wish to make. I will not deal with it at great length because many members will speak on it, and I hope many individuals will talk about their unanswered questions regarding injecting facilities. At the outset of the debate on this issue, because of matters of principle — moral, religious or other reasons — many people said they could not countenance injecting facilities. I am not of that group. As I have said from the outset, I approached with an open mind the question of whether safe injecting facilities could work.

The debate between the government and the opposition has been unfortunate. The government keeps telling the opposition to offer a proposal. It keeps saying, 'You tell us what you would do'. That is not the role of opposition. The role of opposition is to ask the questions. It is then incumbent upon government to provide the answers which will give a degree of comfort so that a decision can be reached. I do not believe those questions have been answered.

I will touch on a couple of questions that for me have not been answered, and I know many of my colleagues will do the same. It is a responsibility of government to ensure that members of the community, and through

them their parliamentary representatives, are comfortable with the answers. Once again I remind the Labor Party that, although I am the Liberal Party representative in this part of the debate, the Independents and members of the National Party also have unanswered questions. Therefore, the government's responsibility in answering them has not been discharged.

The first issue I want to take up is the legal questions. I hope the shadow Attorney-General will pick this up later. We are aware of debates in other areas where federal law has been used to override, strike down or read down state law. There are three federal laws — the Customs Act of 1901, the Crimes Act of 1914 and the Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act of 1990 — which are problematic for this legislation and which have not been addressed in any debate so far. If there were to be a challenge to this legislation and those acts were invoked, what would the government's answer be? That is a difficulty for many of my colleagues.

At the first hurdle of 'Generically, will this work?', many of my colleagues have put this to me as a legal question: how can we have something that is illegal throughout the length and breadth of our country yet by legislation say that that illegal activity is legal in five highly defined places? There is an anomaly in that argument that needs to be resolved, not philosophically, because I am sure that argument could be made by the other side, but legally. In other words, how can the government draft legislation to do that when it is in direct conflict with those three commonwealth laws? That question was not answered.

Mr Cameron interjected.

Mr DOYLE — The minister mentioned that it happens with casinos, but I am not sure in what way they are illegal.

Mr Cameron interjected.

Mr DOYLE — I see the point the minister makes, but they are not in conflict with federal law; that is the difference. Yes, we can make what was previously illegal behaviour legal by an act of federal or state law, but the difficulty arises when those two jurisdictions are in conflict. That is my point about these injecting facilities. It is a different sort of argument, but I am happy if the minister wishes to take that up later.

The second issue I wish to raise needs very careful examination. I understand why, given the Penington report's arguments, the liability regime is different from that in New South Wales where a more blanket-type

liability or immunity is granted. However, the civil liability questions raised by this piece of legislation have not been answered. Is the government to act as the self-insurer? That seems to be the implication of the legislation as it is drafted. That is the problem I talked about; that is why it flows from the legal problem. If we do this and make what is illegal everywhere else legal in five places, we are holding out the government, through an operator, as providing a service. We are inviting a certain group of the public — that is, drug addicts — to participate in the use of that service and therefore the law would hold that the government has a duty of care to those people. I know the generic and fairly simplistic arguments that have been made, but that duty of care argument raises very difficult questions of civil liability, particularly of operators. That issue has not been worked out.

We were told that when the bill was passed the protocols would come later and the government would work it all out, but I point again to the New South Wales experience. They have legislation through, an operator chosen and a site identified, and they still cannot open the doors. Even if the Victorian government were as far advanced in the proposal as the New South Wales government — and it is not — it could not meet the guidelines laid down in its own framework document, particularly when we consider some of the difficult questions involved like the civil liability of operators.

I will not move far into another area that is connected to that matter, but there is also the question of the facility use. The bill is referred to as the injecting facilities trial bill but, given the amendments it makes to the Drugs, Poisons and Controlled Substances Act, questions have been raised with us about other drug use within the facility, whether that will be allowed legally and what effect it will have on civil liability. Those legal questions of validity, criminal and civil liability, and the operator's powers and duties were not answered to our satisfaction.

I turn now to my decision-making process on those unanswered questions. As I said before, I believe it was the government's role to engage the community; I do not believe that was done. I believe it was the government's role to engage the opposition in debate and to provide the answers to some of those questions. The Minister for Health said before by way of interjection that we should tell the government what we want and it will do it. I will give the house three examples of where we asked those questions and did not get answers. Some of them are quite straightforward.

It was argued to us that this is a scientific trial of injecting facilities with quite strict parameters about its time periods and what that means. On the face of it that argument seems persuasive; if it is a trial, why not give it a go? Then we looked at the implications of what the government is suggesting by a trial. If it is a trial, surely the government should be able to spell out the parameters that would constitute success or failure well before we commence that trial. That was not done. I understand work had not progressed terribly far down that track. I may be wrong there, but we were not engaged in any conversations whatsoever about what would constitute success or failure and how at the end of such a period we could judge whether to continue such a trial.

If the government tells us to tell it what we want from it and we spell that out and say it is one of the central things we require and that is not done, members opposite can understand our cynicism about whether it is a trial in the first place and whether the government was fair dinkum about engaging in conversation with us to answer those questions. That became a very important issue for me.

I talked before about the community role. I will take up a point which I think is vital. It is a vexed point and one that involves local government, the opposition and the government. I talked before about the letters that members of the opposition received from the public, and I am sure members of the National Party and the government also got those sorts of protests from the community. I am also aware that the government commissioned a survey to determine whether there was community acceptance of injecting facilities. As I recall, the government published the fact that, I think, 63 or 64 per cent of respondents to that survey were in favour of injecting facilities in their municipality.

Mr Mildenhall — It was 63.4 per cent.

Mr DOYLE — I will take that percentage as precise. I hope the member for Footscray will give me equal precision on this next point. As I recall, the question that was asked to elicit that response was, 'If an appropriate site can be identified, would you support injecting facilities in your municipality?'. I believe that was the import of the question that was asked.

Mr Mildenhall — A trial.

Mr DOYLE — A trial, I am sorry. It was, 'If an appropriate site can be identified, would you agree to a trial of injecting facilities in your municipality?'. I believe that was the import of the question that was asked.

Mr Mildenhall — In your area.

Mr DOYLE — I will trust Hansard to get my wording correct through that useful exchange. My point about that survey is that the government cannot on one hand say it has 64 per cent approval because that is what its survey tells it and then ignore the parameter on which that answer was predicated. The government told those people, ‘If we can put a tick beside the site and you are happy with that, would you agree to this?’ and they said yes. If the government is going to rely on that survey as an indicator of community support, surely it must identify the site. Until the government has done that, until it has identified the site, it cannot use an expression of support predicated on acceptance of the site. That is where I believe the argument about community support falls backwards. That can be debated.

I had discussions with people from local government and I understand the difficulties in identifying a site. I will not repeat what were confidential discussions between us, but they were productive discussions about how one would go about identifying such a site and whether one would do so before this debate took place. All I will say about that is that for many people the question of site has become one of those unanswered questions that has tipped the balance and led them to say that even if they were to agree generally with this proposal, the way the government has gone about it means they cannot support it because they need to know where the sites would be.

I am not in any way suggesting that the process was cynically manipulated. All I am saying is that if the government was relying on a survey predicated on acceptance of site, it would have done better to identify the site for those people, because their answer might well have been ‘no’ if they did not accept the site.

The third point I want to raise is one I mentioned earlier. Again, some of the media language is not useful — I refer to the idea of the honey pot. The question is: will these sites be something that attracts drug dealers and crime? In discussions overseas the answer to that question was yes. They do not shy away from that, but they say it is a matter of how the site is managed — the policing and management of the facility. Of course these sites attract the criminal element.

One of the things about this trial is that it does nothing to break the nexus between crime and drugs, which means that in the end I cannot support it. Even if one accepts that one can take something that is illegal everywhere else and make it legal in this place, the people who use the facility will still find it necessary to steal from others and prostitute themselves — or sell

drugs — in order to get the money to buy the illegal substance so that they can take it there to use it.

I do not think the bill addresses the nexus between crime and drugs.

Honourable members interjecting.

Mr DOYLE — We all have different views on that.

An honourable member interjected.

Mr DOYLE — I understand the objection, but we need to have some respect for each other’s views on this because there is no clear answer. If we ignore that and go ahead or we say, ‘No, we are not prepared to do that because for us that crosses the line in harm minimisation and harm reduction’ — —

An Honourable Member — Trial it.

Mr DOYLE — I have talked about the trial. Let me deal with the parameters first. For that argument to be made it is reasonable for one side to say, ‘We believe it is still on the right side of reduction’ and for the other side to say, ‘No, we believe this will do more harm’. I understand there may well be a philosophical divide between the opposing sides of the house, but if I were on that side I would respect the views of opposition members who have come to the conclusion that the nexus between crime and drugs means that we cannot take this step because of what it does in that world of crime. Overseas we saw a street that was lost to the community. That causes problems in policing the area.

The New South Wales police commissioner said he would want the power to arrest people right up to the door of the facility. I know the government has said the police would have right of entry to such a facility, and that would be welcomed, but the difficulty for the police is whether they stand off from that injecting facility. If they stand off they create a no-go zone for police that becomes a go zone for dealers.

The Penington report says on a number of occasions that if the facility is too far from the drug hot spot — no-one says you didn’t pick the right five areas, because you did — drug users won’t use it. It would be unacceptable for the police to stand off from the facility and create a no-go zone for police and a go zone for dealing. If they police the area around the facility and therefore drive the dealers away, people will not use it.

I do not know the answer. I am just putting forward a question to which the police themselves do not have an answer. Australia is different from all those other countries because the culture, society and policing in

those countries work by protocols, not by legislation. Things work differently overseas from what the government is proposing here, so how matters are handled in those countries does not provide a solution for our police in the situation I have described.

Honourable members interjecting.

Mr DOYLE — The point was raised before. You didn't do it. You have forgotten my overall heading, which was 'Unanswered questions'. Your answer was, 'We were going to do it'. Maybe you were, but time eventually runs out. The government has had had months in which to do something. This bill was allowed to lie over. The difficulty is that the government didn't do anything. It didn't deliver on the parameters for success or failure; it didn't deliver on the protocols for policing. None of that was done, yet somehow we were expected to — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Frankston East will get his chance to speak later, as will the honourable member for Footscray.

Mr DOYLE — I will certainly not take up the interjections. The analogy used was, 'You slammed the door'. In fact the door was left ajar for an unbelievably generous period, and you would not walk through it. You would not provide the answers to those questions in good faith. Even when a matter of public importance was raised in this house in October last year the government did not provide any answers.

The cynical part of me asks, 'Was this the plan all along?'. You remained silent on it. You did not actually get out there into the community. Which of you actually went out and talked at the public meetings, talked to the objectors? Which of you actually went out — apart from the honourable member for Footscray, who was at one of the meetings and sold the government's message — and tried to provide answers to all the questions legitimately being asked? You just abrogated responsibility on it, and now you are — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member to address his remarks through the Chair.

Mr DOYLE — Madam Acting Speaker, we are now being told that we slammed the door. If the Labor Party had gone through the process of evaluation, of consultation, of thinking, its members would have some

credibility on this issue. On all these issues we have been met by silence.

The opposition has approached the proposal in an honourable way and with an open mind. I put a number of matters forward as unanswered questions. I am sure a range of my colleagues will, from their own experiences and evaluations, put forward other questions. This is not the time for the answers to the questions to be put forward. That is why the legislation was brought in during the last sessional period and why the opposition raised these issues months ago for debate as a matter of public importance.

A moment ago the honourable member for Frankston East said, by way of interjection, 'That is why you asked for the delay'. I make one simple point: you never actually spoke to us about that. Don't you think that might have been the first thing you would have done if you were acting in good faith? There may well have been an agreement — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I again ask the honourable member to address his remarks through the Chair.

Mr DOYLE — It is an important debate. There may well have been an agreement between the Drug Policy Expert Committee and the government — that may well have been a formal agreement — but did anyone think as we came back into this place with this — —

A government member interjected.

Mr DOYLE — If you really want me to start on that, I will.

Honourable members interjecting.

Mr DOYLE — Let me take up one point of interjection. I do not blame the officers for this. At the point when the second-reading speech was made, and indeed at the first-reading stage, I asked, with great latitude from the Chair at the time, whether we could have open and unfettered access to public servants, by which to be perfectly honest I meant, 'Can I ring up public servants along the way over the next month and ask them questions?'.
I may have misunderstood what open and unfettered access meant to me or to the minister, but that is not what we got. Officers were twice made available to us for briefings — I thank them for that — and they were most helpful and knowledgeable. But the access was not as I had envisaged it at the time. I had thought that I or

any of my fellow members would be able to contact those officers and speak to them directly about issues that concerned us — not the whole issue but sometimes a small point in passing. I simply cannot accept that from the honourable member for Frankston East.

I hope my colleagues do raise those unanswered questions, because it is incumbent upon the government to answer them. The government has been, with one or two notable exceptions, silent. It has been more concerned to criticise us for the questions we have raised. My argument is that that is our proper task.

Let me come to a conclusion. If members of the government want to be petulant about this, if they want to stamp their feet and turn nasty, because in good faith and after an exhaustive process we have decided to vote against injecting rooms, this debate will go nowhere.

If instead the government chooses to use the debate for potential cohesion, not division, we may be able to move forward — and there is a way forward. If government members are pinning all their hopes on an injecting facility being a magic bullet, they are mistaken. Many places in the world — —

An honourable member interjected.

Mr DOYLE — No, I understand that; I am not suggesting that.

I will inform the house of another reason why the opposition will say no to injecting rooms. Earlier I referred to the order that the Penington report is in. Can people in this state put their hands on their hearts and say, 'We have done everything we can in prevention, detoxification and rehabilitation, and strategies and availability.'? Have we done everything we can in law and order, diversion, and corrections — in the myriad of portfolios that touch the problem? Can we put our hands on our hearts and say, 'We have done everything we can and we are still failing.'? The answer is no.

I am not trying to point the finger; all I am saying is that if we wish to take this debate forward and be productive, we must work on those things. We must do better than having 219 detox and rehab beds in the state and waiting lists of up to eight weeks for a place in one of them.

Before proceeding with such a social experiment the government would do well to acknowledge that those other options have not yet been fully explored. As I said, the productive way forward is to look at how law and order, treatment and rehabilitation can work for us. We must not head down the proposed path unless we have done everything we can in prevention, education,

counselling, detox, rehab, policing and corrections. I agree that no-one has suggested the proposal in the bill is a magic bullet, and it is not.

I reiterate my disappointment at the Premier's response a couple of weeks ago to the decision of the Liberal Party to vote against the proposed legislation. He regrettably said that the decision panders to the lowest common denominator and has no backbone and no foresight. I point out that Liberal Party members were asked to have an open mind on the matter, and we did. Members of the Liberal Party went through a proper process and informed ourselves on the issues and came to a legitimate decision. That that decision is not respected by our opponents is regrettable because their response politicises the debate.

In effect what has been said to us is, 'Sure, you can keep an open mind, you can consult, you can go out and talk to people, and you can inform yourselves on the debate' — as we have, unlike Labor Party members — 'but unless you agree with us and do it our way, you show you have no backbone'. That is intellectual arrogance; it demonstrates a belief that somehow all the social solutions, the only social conscience, and the mortgage on compassion rest with the Labor Party and that any diversion from that is somehow contemptible.

I can say with great pride that in arriving at our decision members on our side of politics have been through a process that was exhaustive, comprehensive and rigorous in the extreme. As a result of that we have come to the decision that we cannot support the measure. The Labor Party may well take stock when acknowledging that not just members of the Liberal Party but also members of the National Party, and indeed some Independents, have not been convinced by its arguments and that that is also true of the public.

The Liberal Party did not simply say no to the proposal to trial injecting rooms. It was disappointing to read that the Local Government Association, chaired by Mike Hill, believes that that is what it has done. Rather, because members of the Liberal Party consider it an important issue, a comprehensive policy document was produced. That positive action is in many particulars similar to what the Labor Party may do. The Liberal Party's document states, 'We will say no to injecting rooms, but here are other issues on which we can perhaps agree and move forward'. It refers to many of the matters I have raised today, including a best-start program to support people early in their lives and prevent them from becoming addicted to drugs in the first place, and it goes to the causes of drug addiction

and drug use. I recommend honourable members look at that document.

If the Labor Party wishes to take up that recommendation and work with it, it should be done in a bipartisan way rather than having people butting their heads together about the matter. The best form of harm reduction is preventing people from becoming addicted to drugs in the first place.

I can remember when I was in Sydney listening to John Della Bosca, a luminary of the Labor Party — I am not sure that that is a compliment. One of the things he said about the data on drugs — I am not sure I have got it exactly right — is that it is embarrassingly inconclusive. Therefore the data for Victoria needs to be looked at. I know the Centre for Adolescent Health is already doing great work in the area, but there is a vehicle in Vichealth for looking at the risk and protective factors and at data for Melbourne and rural and regional Victoria — that is, for Victoria as a whole. I agree with John Della Bosca that the data is embarrassingly inconclusive. In many cases it is also not directly comparable country to country, experience to experience, year to year or even issue to issue. Let the work be done so we can proceed from a base with which we are comfortable and that provides good data for the state.

We also need to do work in schools. We need to be cautious about the message we send and not demonise drug use but look at how we can work with teachers, schools, counsellors and individual school drug education strategies to ensure that we are building prevention strategies into our schools programs.

Tertiary, adult and community education can be looked at in two ways. One of the things we have not talked about is looking at not just providing people with facilities for detox and rehabilitation from drug abuse but also building in work and education programs to help people reconnect with their own lives and with society. Let us also consider establishing drug prevention strategies on campuses in TAFE colleges, universities and other tertiary institutions everywhere.

I will briefly refer to the mental health problem. I would really like Parliament to focus on the difficult problem of dual diagnosis of a person who has both a mental illness and a drug abuse problem. Let us not worry about which comes first or which is the cart or the horse. We should look at the real problems such people face and what we can do to deliver special services to that unfortunate group. I am not talking just about people who are on drugs. I am sure some honourable members know people who have had mental illnesses,

including depression, triggered by withdrawal and abstinence from drugs, and people who have had their psychoses triggered because of a predisposition to the use of drugs.

We have not talked about the multicultural issues. I will not go into them other than to say that we need to be very alive to our multicultural communities. I hope a number of other honourable members can make contributions on that point. We know we have particular problems in some of our communities, and we need to work with them very closely but not on things imposed on them from outside. I have high praise for our local government organisations that are working closely with their multicultural communities in looking for solutions which work locally — sometimes on a very small scale — but which have not been imposed from above because they are less likely to work.

I referred earlier to better coordination. The one message I want to deliver in this debate is: let us coordinate our efforts and ensure that we bring together the different areas of government involved. The opposition has proposed that a commissioner be appointed to coordinate drug education and enforcement in all areas of government. The model is the same as that by which the government has appointed the Emergency Services Commissioner. Let us get serious about our coordination efforts in the areas of local government, housing, health, community services, corrections, police and the responsibilities of the Attorney-General. All those ministries should be brought together to focus on the problem.

The constant message the honourable member for Footscray and I got overseas was: focus on coordination, bring people together, and make them work together. We should work with our commonwealth colleagues and the agencies they control, whether they be the federal police, the National Crime Authority, customs, or any other.

Sometimes members of the community experience a deep sense of loss and bewilderment. The opposition has suggested that a generic 24-hour help line be established — not a seven-day-a-week first point of call from which people are shuffled off to the right sort of rehabilitation detox and which is just for those affected or wanting information. Let us have a bipartisan agreement that we will continue that sort of resource into the future.

Good things can be done with detox and rehab programs. I recognise the work the government is doing, but 219 beds is not enough. I know that number

is being increased, and I support and congratulate the government on that, but the opposition has proposed that there be 500 extra beds.

It may sound ambitious, but we should work towards the provision of a range of beds in detox and rehabilitation so that people do not have to wait for services. A range of services needs to be provided.

The Liberal Party has made a contentious suggestion. I hope other honourable members have had the chance to go out with the excellent ambulance service, as I have, to deal with drug overdoses in the streets. It has always struck me as odd that a dose of Narcan is given to people who have taken a drug overdose and they are then sent off into the night. If a problem arose for someone with a mental illness and a crisis assessment team was called, there would be the capacity to take the person into care because of the danger presented to the person or to other people. Pharmacotherapies or even electroconvulsive shock therapy could be administered, if necessary, to an involuntary patient.

I am not suggesting exactly the same model can be promulgated, but surely something can be done to connect overdose victims to primary health services to begin the process. People should not be discouraged from ringing the ambulance service or the community police, but someone who has taken an overdose and whose life may be in danger must be connected to the primary health system. That person is surely a danger to himself or herself or to others, and some treatment should be mandatory.

I went out with a MICA ambulance one night and saw a young fellow being revived. The ambulance officers were outraged because they had been called to the same three young blokes on the previous two nights. The young men had obviously scored three nights previously with a higher purity of drug than they were used to. They kept injecting and it knocked them over night after night. Night after night the ambulance officers had to attend to them, administer Narcan and send the young men off into the night. With all humanity and being careful of the civil liberties arguments Parliament, in a bipartisan way, should begin to talk about offering mandatory treatment or connection to our primary health services for people who are overdosing.

I have previously praised services such as the Youth Substance Abuse Service, Windana drug detoxification and rehabilitation centre, Odyssey House and Hanover House. They do a first-rate job. In a bipartisan way honourable members should agree to expand and resource their services, supporting their work as well as

possible. If we are serious about this being the no. 1 social problem — and we all agree it is — we should put our money where our mouth is, both in government and opposition, to support such services.

The needle exchange program should be returned to the one-for-one exchange, or as close as possible to it, through developing a culture of exchange. It has been done in Germany and Switzerland where the system was not reliant on injecting facilities. It would be excellent if the government could move forward on this issue.

Finally, everyone agrees that drug addiction and use is a health problem and trafficking is a law and order problem. The two should be separated. We should be humane towards the people caught up in the web of drug abuse, but on traffickers and people who sell death in that way we must be as tough as we possibly can and not shy away from that.

The Liberal Party has proposed some remarkable and contentious things in its alternative policy, including minimum sentences. Such things would send a clear message to the community, the judiciary and a range of people in the criminal world that says government is serious about traffickers. The Liberal Party proposes post-custodial penalties ensuring people cannot go back to drug dealing. There should be a definition of a 'commercial quantity' and there should be confiscation of assets.

The government's drug court proposal, which is modelled on the one operating in New South Wales, may not be a great idea. The alternative might be to train individual members of the judiciary so the drug court is not a physical place but one where the trained judiciary sit. It is not much good if there is a drug case in Geelong and one can only attend court in the city or Dandenong.

Dealing in drugs should be looked on as a separate crime and dealt with appropriately, not just through diversion but inside the system itself. Perhaps another custodial facility is needed, dedicated to a drug rehabilitation and treatment centre. I will stop giving alternatives because both sides of the house agree on many of the issues.

Speaking personally, this has been a difficult and long intellectual journey for me. I have tried to approach it with an open mind. I am comfortable with and wholly supportive of the decision made by the Liberal Party because in the end the questions about a drug injecting facility have not been answered. It is not possible to

proceed down that track until those questions are answered.

I leave the house with the message that as a result of this debate, the Parliament has a real opportunity to do something about the drug problem if all sides work together. If the government decides that because the Liberal Party has said no to the legislation it will turn it into warfare about the issue, then the Parliament, the community and the people it is trying to help will be the losers.

Respect and not just lip-service should be shown in the debate for a view that is different, focusing on the things that can be agreed on and moving forward from there. It would be great to say at the end of the debate that together we actually did something about the drug problem in a way that will benefit future Australians.

Mr RYAN (Leader of the National Party) — I congratulate the government on the debate. Victoria is facing a dreadful problem of statewide proportions. Although the general focus tends to be in the city, illegal drug use is an issue that is all-pervading and relates also to the country areas represented by the National Party. The concern is not only in the Melbourne metropolitan zones but in regional areas as well.

Honourable members have heard plenty of facts and will hear plenty more over the days of the debate. Last year 359 people died as a result of heroin-related overdoses. The National Party is very much aware of the significance of the terrible drug problem facing Victoria and has examined all aspects to resolve the issue and provide meaningful solutions. It appreciates that any solution will come from an amalgam of approaches that will be the best joint effort to attack the issue. It is important to highlight the bipartisan concern about the issue. All honourable members have approached the issue honestly and in a bipartisan way in an endeavour to reach the best solution.

The reality is that the National Party opposes the bill and will vote against it. It has made its position clear. However, it does share the bipartisan concern of the Parliament. It hopes that following debate, if the legislation is voted down, and current indications are that it will be, the house can move on to develop initiatives to address the community's significant concern.

Although I congratulate the government on facilitating debate about the issue and genuinely welcome the fact that the problem has been discussed in the way it has been, I believe one of the unfortunate features of the

general discussion is that it has been focused on and has polarised this single issue. That is unfortunate.

It could be said that the nature of the legislation makes that an inevitable conclusion. Nevertheless I believe it is unfortunate that this element of the injecting facilities debate has tended to become the central core of all discussions concerning an issue that has so many facets. The National Party is interested in exploring solutions it believes are meaningful and will offer the best opportunity to get the outcomes we all so desperately seek.

The bill has been born out of a process that is very much concerned with the report by Dr Penington. I have the greatest regard and respect for Dr Penington, and I respect the work undertaken by him and his committee. Some weeks ago, at the request of the National Party, Dr Penington came to our party room and spoke to us about the content of the report and his recommendations. We had an exchange for approximately one and a half hours and discussed these issues. It was a constructive discussion.

However, as matters have transpired the National Party has reached a conclusion that is against the recommendations made by Dr Penington. That does not diminish my personal regard or that of other National Party members for him and the work of his committee. With the greatest respect to him and the committee members and the excellent work they did as reflected in the report with regard to the basic approach to finding solutions to this issue, I believe it was gone about in a flawed manner. The Labor government set the committee on a course that would inevitably bring about the legislation now before the house.

That is to be distinguished from the notion of the committee simply being asked to go out and investigate drug issues and look at whatever prospective solutions might be available. That was not what occurred. The committee was sent out to do something that would inevitably bring forth the present bill. That process began with the pre-election policy of the Labor Party, now in government. In its policy headed 'No more excuses on crime — Labor community protection action plan', there appear within the document, under the heading 'Drugs and Crime', a number of proposed initiatives. At page 13 the report refers to police numbers and a variety of other issues. The fourth dot point states that one of the initiatives is to establish five safe injecting rooms in Melbourne. That was the stated policy of the Labor Party leading into the last election.

When the committee was commissioned by the government to undertake its task, that Labor Party

policy was translated into the following terms of reference of the committee, which appear in appendix 1 of the report:

In the context of the government's licit and illicit drug policy, the Drug Policy Expert Committee will, following consultation with local councils, community, businesses and other stakeholders, provide reports on:

Stage one

- A. The implementation of a local drug strategy, targeted at municipalities with high levels of illicit drug use. The strategy to be capable of integration with an overall local health plan.
- B. The implementation of a trial of safe injecting facilities, in consultation with local government and communities, and with linkages to relevant services and an appropriate evaluation design.

The first stage of the report is required by the end of March 2000.

The terms of reference then refer to a stage 2, and that is the report that is due in the next few weeks. That, too, contains a term of reference consistent with the policy of the present government.

I believe the approach the government took in seeking the advice and assistance of the Penington committee was always going to be flawed because the committee had been sent out to do the government's bidding. In the context of this debate and discussion it is one of the unfortunate features that underpins the diversity of views held in the community. If the committee had been asked under the terms of reference to have general regard to the issues relating to the problems associated with drugs and their use in Victoria and to bring back a report, it might have found more favour. However, the committee was sent out to do what the government wanted it to do, and it reported accordingly.

That assertion is reflected in the commentary I hear from people as I crisscross country Victoria. There is misunderstanding about that point. There is a general belief that the committee came back and reported on the basis of its general examination of the issues as opposed to the relatively narrow terms of reference to which I have referred.

From the perspective of country Victorians one of the other issues of concern is that the process is seen as flawed because it relates only to five metropolitan municipalities. It carries with it a notion that somehow country Victoria should be excluded from the process. I have often been asked questions by media representatives indicating that there seems to be no reason why country Victorians should have a point of view on this issue. That is nonsense, because I

recognise that it is an issue that has no respect for postcodes. Members who represent country electorates, including yourself, Madam Acting Speaker, are aware that this is an issue for us not only on our home ground but also for our people, the young in particular, who are in a metropolitan environment and suffering the ravages of this problem, so the issue is very pertinent to country Victorians.

A further point arising from that is the general notion that somehow these actions should be able to be taken only if a community within one of the five specified municipalities approves of them. I disagree with that as a concept as well. I believe the fundamental nature of the change proposed to be wrought by this legislation ensures that all Victorians should properly have a point of view about it. I do not believe it is something that rests in the hands of the people within those five municipalities, whatever their point of view about these issues. It is important for all Victorians. I believe that very strongly, and the point has been brought home to me as I travel across country Victoria.

Because the committee was sent out under the narrow terms of reference I have mentioned, to a degree the outcomes were also narrow. That is necessarily so because had the committee come back and reported on a breadth of experience beyond the areas to which its attention had been specifically directed, it could well have been said that it was reporting outside its terms of reference. That is one of the reasons for the relatively narrow scope within the report dealing with international experience. The report deals with eight jurisdictions: Australia, America and six with a European base. I realise that this is an issue of global proportions. Nations around the world are trying to grapple with this issue and are approaching it in different ways. It would have been more helpful to have the benefit of a report with a broader scope rather than the one produced by the committee because of the way it was directed by the terms of reference.

I am concerned that that fundamental flaw of the narrowness of the terms of reference may well rear its head again in the second stage of the report, and it may not be as broadly accepted when it materialises.

The trial cannot be undertaken on the limited basis proposed. The issues do not concern just the five municipalities where trials are proposed. The decision must be made by the whole Victorian community. Not just those five relatively small locations must be considered, although I appreciate that in a harsh, hard, practical sense they are among those at the sharp end of contending with the issue.

Going down the proposed path is a huge step. I refute the suggestion that the proposal is just another evolutionary stage in the attack on drugs. Going down the proposed path is not a natural progression from where we have been and are now. Rather, it is a huge step in the opposite direction because the very nature of the legislation contemplates that a drug that is patently illegal will be able to be used legally simply because it is used in an area defined by the legislation. As I said, that is a huge step, not just another natural progression.

The suggestion is that the proposal be trialled for 18 months and then be stepped away from, with a return to what was there previously. That is not the way it ought to be done.

An honourable member interjected.

Mr RYAN — I have been resisting the temptation to respond to interjections, because I would hate anyone to be accused of being disorderly — —

The ACTING SPEAKER (Ms Davies) — Order! The honourable member would never be accused of being disorderly.

Mr RYAN — Indeed, Madam Acting Speaker. The comment being tossed across the chamber is that it is proposed to have a trial. That goes to the heart of the whole issue. It is said that the proposed process will save lives but that has not been clearly demonstrated. Unless it can be demonstrated, it is another reason why we should not go down the proposed path. It is a huge step in a different direction from what has been the historical situation. Part of the reason why that assertion cannot be made in the manner that it is so confidently flung around is the very nature of what has just been put to me across the chamber — that is, the proposal is for a trial.

If there is certainty that the proposal can achieve the sort of outcome that is put as a basis for it, why would it be a trial? If it is said that international experience shows — without qualification — that the proposal will achieve what its proponents claim — that is, save lives, it should not be necessary to term it a trial. Why should it be termed a trial? If there is certainty and we are confident about introducing the proposal, there is no need to have a trial.

I address another point on the same issue. Given that some favour that approach and want to have a trial, we should wait and see what happens in Sydney. Why would we not let Sydney see its way through the process so that we can assess what occurs in an Australian environment? I put that suggestion to Ben Knight during the course of a radio broadcast some

weeks ago. The following day, the gentleman who is to be in charge of the Sydney trial was interviewed on the same program. He said, amongst other comments, that that suggestion would be unfair to the Sydney trial because — to use his expression — it would place too much pressure on it. He said that if members of other jurisdictions around Australia stand back, look at what happens in the Sydney environment and then make an assessment on whether the proposal is worth persisting with, it would put too much pressure on what they were endeavouring to achieve in Sydney. That is also an absolute nonsense.

If the proponents of the process are intent upon having a trial, we should wait and see what happens in the Sydney environment. As the honourable member for Malvern said during his excellent contribution, one can see the difficulties that are being encountered in Sydney where the legislation being implemented is of a different design from the bill being debated today. Everyone must be concerned about whether the Sydney process will even get off the ground, let alone whether it will be able to be evaluated in a meaningful way. I suggest to the proponents of the same course in Victoria that we should see what happens in Sydney first, rather than rushing headlong into the proposed trial in Victoria.

Honourable members interjecting.

Mr RYAN — In the end, the basic aim should be to do everything we feasibly can in a bipartisan way to get people off drugs.

An honourable member interjected.

Mr RYAN — Yes, we should do everything we possibly can to get people off drugs. However, we will perpetuate drug use by introducing the proposed facilities. There will be other places where people can go for another injection.

An honourable member interjected.

Mr RYAN — That is said to be outrageous, but it is not. Of course people use drugs, but the reality is that the proposed facilities will provide other places where people can go for the purpose of having another injection during the course of the day.

Among the many additional problems is the potential difficulty that the police effort may be compromised. One prospect is that the police will be in a difficult situation. The consultations I have had include some with senior police officers. They have said they are prepared to develop protocols to accommodate the government's proposed legislation, but in the end the

police will inevitably be compromised. That will happen because by definition a facility cannot operate unless those who sell the material used inside it can make the sale within a very limited distance from where the facility is located. That is common ground — nobody disagrees with that.

If the sale is conducted 5 or 10 minutes away from wherever the facility is established, inevitably those who trade in the material will gather for the purposes of being able to sell it to the people who are using it. That must be so as a matter of logic because unless that occurs the facility simply cannot operate — it will not be able to function. The police will be caught in the very difficult position of deciding how to deal with the people who will have to be trading within that radius to enable the facility to operate.

The proposal would send a dreadful message to young people. We are forever trying to demonstrate to young people that it is appropriate to take a particular stance on not only community standards but also life at large. On the one hand currently we are saying to young people, 'Don't touch this curse; keep away from it; don't use it'. On the other hand, if they make their way into a proposed facility using drugs will be legal.

I believe it sends a dreadful message out to young people.

An honourable member interjected.

Mr RYAN — The interjection is, 'What about alcohol and cigarettes?'

The ACTING SPEAKER (Ms Davies) — Order! We could do with fewer interjections.

Mr RYAN — The fact is that this product by its nature will kill. Further, it differs from the other products mentioned because there is the capacity to put down those products and walk away from them. The very nature of heroin is such that once people start using it they have great difficulty getting off it — far greater difficulty than in the cases of any of the other products that have been mentioned.

I dealt with such people when I was in the law, and I know of other honourable members who have dealt with them. I dealt with them as users and I dealt with them as pushers. I had the misfortune on occasions to represent people who trafficked. I have dealt with the families on both sides of the fence who have been victims. I have had plenty to do with them over the past 20-odd years. The inescapable reality is that once people take up heroin they will more likely than not be caught by it. Indeed, it was said to me on several

occasions over the years by users, 'The best shot I ever had was the first one and I have spent the rest of my days chasing it'. Heroin is a product in a category of its own and I do not believe it can be compared with other products in the way the government members have suggested by shouting to me across the chamber. It is not a similar situation at all.

The next point to mention is that on the basis of the legislation before the house terrible problems with planning issues are likely to arise. The realisation of that can be seen in the Sydney environment, where although the legislation has gone through there are shocking problems getting it implemented because the location nominated is objected to by so many. Indeed recent experiences in communities around Melbourne where the public meetings have been held reflect the dreadful concerns people have about the prospect of having such a facility located in their environments. The government has not properly contended with the issue at all.

In my notes I have a further point about what is colloquially termed the honey pot effect — a most unfortunate expression. However, I have already addressed that point so I will not go over it again.

There is a tendency to look on the proposed introduction of facilities as representing a means of saving the lives of the 359 persons, or the equivalent, who tragically died last year, and of trying to achieve an outcome that would see a similar number and more saved in time to come. Just of itself that issue is often incorrectly put. Of the 359 persons who tragically died last year, something of the order of 70 per cent died in an environment which, however you might term it, was not on the street.

I hesitate to use the term 'home environment' because many of the people caught up in this dreadful business do not have a home environment in the sense that is usually understood. Nevertheless, when that position was put to Dr Penington in the course of discussions I recall he was more comfortable with talking of 60 per cent of people who were not subject to the process on the street. Therefore, if it is put the other way around, something in the order of 30 per cent to 40 per cent of the 359 who tragically died last year could have potentially accessed that facility had it been established. I make the point in the sense that it is to be distinguished from the general notion that such a facility would reach the 359 people to whom reference is often made. That is not the case. As I have already said, it would encourage the heroin market and enable the perpetuation of an appalling existing problem.

For the various reasons I have recited I do not believe Victoria ought go down the path that is advocated by the government, reflected in Dr Penington's report and encompassed in the legislation. If the National Party says no to the proposals contained in the legislation the question then becomes, 'What is the National Party proposing by way of options?'. Before I run through some of the options I wish to correct the honourable member for Melton, who interjected as I started that the National Party has had nothing to say about the matter. That is not the case. On Tuesday, 1 August, I issued a comprehensive media release that dealt with the subject, and was subsequently interviewed about it by the media at large.

The starting point is that the National Party recognises — I will say it again — that the problem is multifaceted. There is no single solution to it. A variety of approaches will have to be adopted. The National Party does not accept injecting rooms as being one element of it, but in all other respects there is probably bipartisan support for the many other approaches I am about to advocate.

National Party members start with the notion that prevention in all its forms is bound up with education to make sure that students, particularly in their early years of formative thinking, are instructed about drug usage not by scaremongering but by putting the facts to them in a practical and balanced way to enable them when they reach the stage of being able to form opinions to do so in an informed way. We strongly advocate doing much more in that regard.

The former government made a start by implementing the Turning the Tide program, which to its credit the current government has continued and in some instances has expanded. National Party members strongly endorse that approach and the government is to be commended for it. We have supported the government throughout on that and will continue to do so. The National Party also believes there is plenty of scope for the development of what I have termed saviour services for the purposes of my contribution today. By that I mean there is plenty of scope for more funding to be directed to emergency facilities that can appropriately be made available out in the community to provide the necessary remedial treatment in the event of overdoses. Funding for that should be lifted.

The National Party members support that. We urge the government to undertake initiatives and would strongly support it in doing so. We have not endeavoured to put a figure on the various initiatives, not because we think that cost underpins the inability of governments of all persuasions to come to grips with making a meaningful

endeavour toward addressing the terrible issue of drugs but because we believe it ought to be the subject of evaluation as we proceed. The National Party strongly supports the addition of what I have termed saviour services.

National Party members are strong supporters of detoxification programs. At the moment about 220 rehabilitation beds are available in Victoria. The honourable member for Malvern has suggested there should be 500. With due respect to him and to others who have a view about it, we do not believe the policy ought run on the basis of a specified number of beds but on the basis of a full evaluation, and adding to the resources as necessary in a balanced way. If we are fair dinkum we should not put numbers on it but should address the issue.

As I said in my media release in August on the use of Naltrexone and methadone programs, terrific work is being done in the United States of America using different forms of methadone programs. As we all know, one size does not fit all, and methadone is not necessarily a solution by any stretch of the imagination. However, tremendous work is being undertaken and the National Party strongly supports as a part of the process further investigation in relation to those initiatives. The National Party also strongly supports rehabilitation and detoxification programs. It supports counselling programs, and believes there is plenty of scope to make additional counselling available as part of the package of benefits for people who are caught up in the influence of the drug menace.

The National Party is particularly concerned to see an expansion of the available accommodation for people who are on the streets. The honourable member for Malvern referred to the three young men who were administered with Narcan and simply sent out into the night, as it were. When you stop to think about it, that is absolute nonsense. The National Party strongly supports the development of appropriate accommodation facilities where people who are caught in the web can be decently accommodated and can have around them the additional resources to which I have already referred.

A basket of proposals exists, some of which I appreciate are out there already, but we can do better. The National Party is particularly anxious to see existing resources improved and new initiatives explored with a view to developing a package that will take into account all the elements involved.

Policing exerts a positive influence on the matter. Figures abound in respect of experiences in Footscray

and Melbourne to show that policing initiatives have been successful, in part at least. Again I state that although policing is not the only component, funding is needed to provide police officers with sufficient resources to do their job properly.

Diversion programs have been a terrific success, and I congratulate the government for its participation with the federal government in the \$35 million program announced this week that is intended to direct people into diversion programs rather than into the courts. I understand the success rate for diversion programs in the northern suburbs of Melbourne has been relatively good at about 40 per cent.

Mr Nardella — After a trial.

Mr RYAN — Yes, it was good it was trialled, and because the trial was a success the diversion program should be pursued. However, it is false and ridiculous to find a nexus between the trial of a diversion program and the trial proposed in the legislation. Diversion programs have been a great success.

Mr Holding — Why?

Mr RYAN — The honourable member for Springvale asked, 'Why'? Perhaps he was not in the house earlier. Suffice it to say the legislation proposes a trial of something fundamentally different from anything that happens in a diversion program. They are like chalk and cheese. Whatever other initiatives need to be pursued, and I strongly support some of them, none needs to involve people injecting themselves with heroin in a place where it is legal to do so. That is the fundamental difference between the two forms of trial.

The diversion programs are part of the overall policing provision for the treatment of people who have been caught in possession of relatively minor amounts of the drug. It is good that people have the opportunity to go into diversion programs, which have been demonstrably successful. The government is to be congratulated for its participation in the expanded program, in concert with the federal government.

The National Party considers the operation of the state's prison system to be another important element. However, not all people in the prison system are relevant to this debate. Approximately 60 per cent of the prison population in Victoria is made up of people who have been incarcerated because of drug-related crimes. It is those people I am talking about, not those who are using heroin on the streets. Certainly members of the second group often join the first, but for the purposes of this debate I am referring to people who are in prison because of drug-related crimes.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.07 p.m.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling for questions without notice, I welcome to the gallery a former Deputy Speaker, Mr John McGrath.

ABSENCE OF MINISTER

Mr BRACKS (Premier) — Mr Speaker, the Treasurer is absent through illness and will not be here for the start of question time. I will be handling his questions and also questions related to the Department of State and Regional Development.

QUESTIONS WITHOUT NOTICE

Minister for Education: conduct

Dr NAPHTHINE (Leader of the Opposition) — Without debating the issue, can the Premier advise the house in relation to his Minister for Education whether he believes that — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Transport!

Dr NAPHTHINE — Can the Premier advise the house in relation to his Minister for Education whether he believes that she has been honest and truthful and he has full confidence in her?

The SPEAKER — Order! I will allow the question. However, I remind the house of my ruling last evening that no member of the house shall canvass any issue that might infringe on my consideration of the question of privilege that has been lodged with me by the honourable member for Warrandyte.

Mr BRACKS (Premier) — Yes, I have absolute confidence in the Minister for Education, who has done an outstanding job.

The minister has a commitment to education that is equal to the government's commitment, which distinguishes it from the past seven years of the previous government. In the past seven years we saw a government that presided over school closures, a reduction in funding in education and a lack of commitment to public education.

Under the honourable member for Northcote the government has reviewed its investment in education in this state, put \$300 million more into the education system, reduced class sizes and returned pupil welfare coordinators to schools. More than that, the government has an unparalleled commitment to public education.

I commend the Minister for Education for her and the government's commitment to what is and will continue to be over the next three years an enormously high priority.

Drugs: Life Education program

Mr MAUGHAN (Rodney) — Can the Minister for Education advise the house whether the government intends to continue to provide funding for Life Education Victoria after 31 December this year?

Ms DELAHUNTY (Minister for Education) — The notion of supporting our schools to assist young people to deal with the menace of drugs is a serious matter.

The Life Education Victoria program is costing the education department around \$400 000. The program is valued by principals and teachers. There has been no decision to cut the program. In fact, the government is committed to investing an extra \$20 million in supporting the fight against drugs in this state. I would hope the government has bipartisan support for that commitment and that members on both sides of the house will say, 'Together we will invest to stop the drug menace'.

Ethnic communities: funding

Mr CARLI (Coburg) — I refer the Premier to the federal government's harsh and unjust plan to cut funding from the Italian, Greek and Turkish communities. Will the Premier inform the house of what action the government is taking to alleviate the impact of that decision on the communities affected?

Mr BRACKS (Premier) — During the suspension of the sitting I had the pleasure of being with the honourable member for Coburg, the shadow Minister for Multicultural Affairs and other members of Parliament at a rally, if you like a protest meeting, against the cuts made to peak welfare organisations in Victoria by the federal Liberal–National coalition government.

I refer in particular to Co.As.It. Italian Assistance Association, the Australian Greek Welfare Society and the Australian Turkish Association, which have had significant cuts to their funding base. Those organisations undertake welfare and advocacy work on

behalf of Victorian ethnic communities in a very significant way that is unparalleled in any community anywhere in Australia.

The federal government has justified its effort by saying it wished to redirect funds to smaller organisations for recent migrant communities. That is valid, sensible and applauded, but not at the expense of well-established peak welfare organisations in our key ethnic communities in Victoria.

Co.As.It. has had its funding cut in half, a cut it cannot sustain. In the case of the Australian Greek Welfare Society it means a cut in half over the next two years for its work. It has been worse for the Australian Turkish Association, because its federal funding has been eliminated altogether.

Recently I wrote to the federal Minister for Immigration and Multicultural Affairs, Mr Ruddock, asking him to reconsider his position, to reconsider the valuable work these organisations do on behalf of the 200 000 members of the Italian community, the 200 000 members of the Greek community and the 40 000 to 50 000 members of the Turkish community in Victoria. In order to provide extra assistance, incentives and support for the federal government to assist it in reconsidering its stance, today the state government has offered to restore half of the funding to those three organisations cut by the federal government.

That will be done under a one-off funding arrangement, not an ongoing funding arrangement, to enable the federal government to meet its responsibilities. The federal government is saying that it cannot meet its full responsibilities this financial year from September onwards, but at least with this offer it could meet half of its responsibilities and take up its commitment in the future.

The state government offer will mean \$100 000 to those three organisations, which will mean that they can have a contingency plan to keep their work going and seek alternative funding for the future. With the pressure exerted by the community, it is to be hoped the federal government reconsiders its funding commitment. No contingency plans were in place for this cut in funding by the federal government. It was a blunt cut. It was certainly unwelcome, and the government will assist those organisations in refocusing and re-establishing themselves.

The onus is on the Victorian Liberal and National parties to influence their federal colleagues not just to utter nice words but to restore the commonwealth

funding by matching the state government contribution and allocating ongoing funding in the future.

Ministers: disciplinary procedures

Dr NAPHTHINE (Leader of the Opposition) — I ask the Premier to inform the house what disciplinary procedures he has in place for any minister who deliberately conceals the truth. Do those measures apply to the Minister for Education?

Mr BRACKS (Premier) — I am happy to answer the question, but I accept your ruling, Mr Speaker, about not discussing the matter because it has been referred to the Privileges Committee. The Leader of the Opposition has referred to the Minister for Education and I understand the issues relating to her have been referred to the committee.

I indicate that the Labor government upholds the highest standards of public accountability. I will give a couple of examples of its commitment to public accountability. As the house would be aware, in our first period in office at the end of last year and early this year the government introduced a raft of legislation for accountability measures. They included restoring the power and independence of the Auditor-General in Victoria.

Dr Naphthine — On a point of order, Mr Speaker, with respect to relevance. The question I asked was specific and referred to the procedures the Premier has in place to deal with his ministers who do not tell the truth, who deliberately conceal the truth from the community. I asked what measures are in place to deal with those ministers. It was not about a general issue. I ask, Mr Speaker, that you bring the Premier back to the question.

The SPEAKER — Order! I am not prepared to uphold the point of order at this time. However, I ask the Premier to answer the question posed by the Leader of the Opposition, which was narrow in its terms and referred to the accountability of ministers.

Mr BRACKS — As well as our commitment to restoring the power and independence of the Auditor-General, we have moved to have a longer sitting period for Parliament, which should be welcomed by all sides of the house.

There can be no better accountability for members of Parliament than having to submit to the Parliament, which is now being done in a greater way. It is regrettable that opposition members do not take advantage of the opportunities available to them. The Parliament now has a longer question time, longer

sittings and more accountability mechanisms, not only under legislation but through parliamentary procedures. The government sets itself high standards, which it will continue to maintain.

Waverley Park

Mr LENDERS (Dandenong North) — I refer the Minister for Planning to the decision made this morning to list Waverley Park as a heritage listed property. Will the minister inform the house of the implications of that decision?

Mr THWAITES (Minister for Planning) — I thank the honourable member for Dandenong North, who is a good local member, for his question. Today the Victorian Heritage Council announced its decision to include Waverley Park on the state's heritage register. The council concluded that Waverley Park was of great historical and social significance to Victoria in the second half of the 20th century.

Waverley Park is like no other Victorian sporting ground, and the impact of the plan to build it, the use of the ground and the numerous controversies that have surrounded it have contributed to that significance. I am sure the Leader of the National Party will agree that not least of the controversies was the outrageous decision by the umpire in the 1987 preliminary final when he ordered a 15-metre penalty against Jimmy Stynes and thereby prevented Melbourne from taking its rightful place in the 1987 grand final. That grand final was notable for an incident where the then captain of Hawthorn, Michael Tuck, was reportedly ironed out by the current Minister for Sport and Recreation!

Other controversies at the ground include the night the sprinkler system turned on in the middle of the game, the night the lights went out during the St Kilda game, and the great controversy about the playing of the grand final through the 1980s.

An honourable member interjected.

Mr THWAITES — That has been solved. The five-and-half-day hearing was the longest ever before the Heritage Council. The parties, including the Australian Football League, had ample opportunity to put their cases. Numerous issues were determined, including evidence about rainfall. The council concluded that evidence on rainfall was indistinct, which makes me wonder how often its members went there!

The effect of the decision is that the AFL must seek a permit from the executive director of the council if it seeks to alter, subdivide or demolish Waverley Park in

the future. The listing does not mean that the park is to be put on ice or that there is to be no change. However, a permit must be obtained before any changes are made. As I said, the permit application must be determined by the executive director of the council, who must take into account how much the proposed redevelopment will affect the park's cultural heritage significance and the extent to which a refusal of the proposal would affect its reasonable or economic use. Appeals against the decision can be made to the Victorian Heritage Council.

It is important that in the future the AFL follow the proper processes for heritage listing. The AFL must accept the umpire's decision. The heritage listing of Waverley Park is merely a heritage decision; it does not force the AFL to play games there. However, the government, led by the Minister for Sport and Recreation, is continuing to press the AFL to play elite games at the park.

The Minister for Sport and Recreation had a great 19-year football career. The house might be interested to know that the minister designed the players' foyer entrance to Waverley Park.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. I ask the Minister for Planning to conclude his answer. He has been speaking for 6 minutes and he is not being succinct.

Mr THWAITES — The AFL will be required to follow the rules, and the government, through the Minister for Sport and Recreation, will continue to press for elite games to be played at Waverley Park.

GST: petrol excise

Mr INGRAM (Gippsland East) — I direct to the Premier a question relating to the one answered yesterday by the Treasurer concerning the GST petrol windfall to the federal government. Will the Premier inform the house about what the Victorian government is doing to compel the federal government to direct funds from the GST petrol windfall towards fixing the degraded road network in rural Victoria?

Mr BRACKS (Premier) — I share the concern of the honourable member for Gippsland East and of many members of Parliament about the escalating petrol prices in Victoria. The honourable member for Gippsland East used the word 'compel'. I inform him that the Victorian government does not have the constitutional power to compel the federal government to direct funds to Victoria. However, the Victorian and

Australian public can compel the federal government to take action on the matter.

I reiterate that there is a simple solution to the problem that can be adopted very quickly by the federal government — that is, adhering to the policy it announced during the introduction of the GST. I remind honourable members that the policy announced by the Prime Minister and the federal Treasurer included the commitment that the introduction of the GST would have a net zero influence on petrol prices in Australia and in Victoria.

When the Prime Minister and the federal Treasurer made that promise, it was factored into the forward estimates. The surplus, the outlays and all the federal government's economic assumptions are based on an estimate of no extra money being collected from petrol sales over and above what was collected before the imposition of the GST.

What has happened since then is that unexpectedly — the federal government did not account for this eventuality — because the Organisation of Petroleum Exporting Countries world price for oil has gone up to US\$32 a barrel, petrol prices have also gone up, which has escalated the GST windfall to the federal government. That means that on every litre of petrol sold in Australia — including Victoria — the federal government is getting an extra 2.4 cents above what it got before the imposition of the GST.

It is a simple matter for the federal Treasurer and the Prime Minister to keep their promise — they have to take 2.4 cents off the excise. The Prime Minister has said, 'But what would that mean for the surplus and the reduction of upward pressure on interest rates? What would it mean for reductions in funding for health and education?'. The reality is — the honourable member for Gippsland East appreciates this fact — that the situation was not budgeted for by the federal government. It is an unexpected windfall that was not included in the forward estimates. The surplus is calculated on no net gain on petrol sales after the introduction of the GST. Therefore, I advise the honourable member for Gippsland East that the simple solution is for the federal government to reduce excise by 2.4 cents. When petrol discounting comes back again the excise can return to the way it was, and the discounting can be returned to the Australian public and to Victorians.

The big issue is how you spread that discounting outside Melbourne to regional centres — and that is a very big issue. It will require enormous attention from

the federal and state governments in the future, and the government will play its part in that issue.

I support extra federal funding for roads. The government is part of a campaign, along with the Royal Automobile Club of Victoria and other groups, to lobby the federal government for a greater share of funding for Victoria. The government is also keen, along with many other organisations in the state, to ensure that the extra excise from petrol is returned, not so much in road funding because that is a separate issue, but to motorists in the form of lower petrol prices. That is the priority. The secondary issue is to push for a better federal share of road funding for Victoria.

Education: consultancies

Mr HONEYWOOD (Warrandyte) — Given the commitment of the Minister for Education to honesty and openness, why is she keeping secret the amount of public money she is spending to employ her friend and former Australian Broadcasting Corporation colleague, Paul Barber, in the department of education?

Ms DELAHUNTY (Minister for Education) — Thank you very much for that question. The honourable member will of course know that the appointment of Paul Barber was conducted according to the recruitment processes of the Department of Employment, Education and Training. The job was advertised and Mr Barber, along with several others, applied for the job. The normal recruitment and interview processes were followed, and as the honourable member knows, since we gave him the information about the appointment — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order to enable the minister to answer the question.

Ms DELAHUNTY — The honourable member for Warrandyte has all the details about a most excellent appointment.

Dr Napthine — On a point of order, Mr Speaker, with respect to honesty, accuracy and relevance, the minister has said all the information had been given to the honourable member for Warrandyte. What she has provided is information with the salary blacked out. That is all she has provided.

The SPEAKER — Order! There is no point of order, and I will not allow the Leader of the Opposition to misuse points of order in that way. If his point of order relates to the question of relevance I am prepared

to rule that the minister was being relevant in her answer.

Ms DELAHUNTY — So, of course, the question was about openness and accountability, and we notice that three members of the opposition in the other place — Mr Peter Katsambanis, Mr Ken Smith and Mr Graeme Stoney — have not filled out their declaration of — —

Honourable members interjecting.

The SPEAKER — Order! I will not allow question time to continue in that vein. The interjections, particularly from the honourable members for Mornington and Cranbourne, are unacceptable.

The minister is indicating that she has completed her answer.

Nursing homes: rural Victoria

Ms ALLEN (Benalla) — Will the Minister for Aged Care update the house on the work the government is doing to ensure public sector nursing homes in country Victoria meet commonwealth certification standards?

Ms PIKE (Minister for Aged Care) — The government is working productively with a number of rural communities on plans for Victorian public sector nursing homes that have been run down and do not meet certification standards set by the commonwealth in the longer term.

Today I am pleased to announce funding that will result in better services and help three more communities in country Victoria to retain their nursing homes and associated health services in their own communities.

Firstly, the Central Gippsland Health Service, the Evelyn Wilson Nursing Home and the Sale community will benefit from a new, \$5.5 million facility to replace its run-down nursing home, which currently does not meet commonwealth certification standards.

Secondly, the Natimuk Hospital and Nursing Home, which has also been neglected, will benefit from \$3.2 million in funding. The money will link a new facility to the existing hostels and will also redevelop and upgrade acute and primary health care facilities. That is great news, and it is welcomed by that community.

Lastly, the Lumeah Nursing Home, which is part of the Echuca regional health service, has also been run down and does not meet commonwealth standards. It needs to

be replaced. A new 45-bed facility will be built with funding in the order of \$6 million.

These developments form part of a \$47.5 million residential aged care strategy to enable the government to revive aged care facilities, most of which are in rural communities and had been ignored or were in the process of being privatised by the previous government.

The government's response to the problems left to it recognises that people in rural and regional Victoria want and deserve services which are close to them, which form and enhance community bonds, which are as good as those anywhere else in the state and which promote local planning, local development and security of employment.

Education: consultancies

Mr HONEYWOOD (Warrandyte) — I refer to my question of last Tuesday about consultancies in the Department of Education and a similar question yesterday, which the minister said she would take on notice. Given that the department has provided a full briefing to the minister about education consultancies entered into by the Bracks Labor government, will she now reveal those details to the house, and if not why not?

Ms DELAHUNTY (Minister for Education) — As I explained to the honourable member in the house yesterday, I have sought advice from the department. The material will be available at the close of business tomorrow.

Mr Honeywood — On a point of order, Mr Speaker, the minister has already informed the house that she has spent \$1 million less than the previous government on education consultancies. She knows —

The SPEAKER — Order! I will not allow the honourable member for Warrandyte to use a point of order to debate the issue. If he wants to raise another point of order he may do so, otherwise I will not hear him.

Community care: future directions

Mr HOLDING (Springvale) — Will the Minister for Community Services inform the house of the government's approach to future directions for community care?

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Springvale for his interest in this topic and his

cooperative approach with the City of Greater Dandenong in organising for me to meet with many community services organisations in his electorate.

I established the community care review late last year. Community care services comprise a wide spectrum of youth and family services and individual support for children, families and individuals. Services with which members of the house would be familiar include problem gambling, financial counselling, early childhood programs, neighbourhood houses and sexual assault centres, to name just a few. Professor Jan Carter from Deakin Human Services Australia undertook the review, and a paper entitled *New Partnerships in Community Care* will be available later today on the community care divisional web site. That paper highlights the significant community contribution to the process that was undertaken.

Community services are provided across rural and regional Victoria and in metropolitan Melbourne by a wide range of organisations. Hundreds of organisations and thousands of individuals provide direct care and volunteer support delivered by a very energetic team of both paid and unpaid staff. The community care review looked at the work undertaken by those services in the context of the previous government's reform agenda, which was very much ideologically driven. The Leader of the Opposition, who was the minister responsible at that time, said:

In the welfare sector the interests of taxpayers and service recipients are best served if agencies operate in a competitive environment.

He continued:

For that reason, in my portfolio I am introducing competitive tendering across a range of services.

The feedback on that policy was clear from the review — that is, without exception, every single person and organisation who commented to that review on competitive tendering said that ideologically driven market mechanisms are not an appropriate basis on which to fund welfare services.

The core of the new way forward is a determination to work in partnership with community users, local government and community service organisations. The paper proposes a new framework for service delivery based on a partnership approach with four key objectives: to strengthen communities; to encourage an equal start in life for all Victorians; to offer services as early as possible; and to improve our important statutory services for troubled or abused children and young people.

The framework recognises the key importance of strong universal and secondary services to provide support to families and individuals without an over-reliance on the tertiary child protection and juvenile justice services.

It will be underpinned by a determination to ensure that our culturally and linguistically diverse communities are well represented. The Premier's announcement in the luncheon break, and reinforced during question time, puts dollars into the government's commitment to improve services to the culturally and linguistically diverse communities.

Gone are the days of competitive tendering and its destructive culture. That will be replaced with a partnership model, one that the government is proud to acclaim. This partnership will strengthen communities by ensuring that we have strong individuals and strong families, and Victoria will be enriched as a result.

Mr Loney — On a point of order, Mr Speaker, I seek your clarification and guidance on the taking of spurious points of order, particularly by members of the opposition. I refer particularly to a point of order taken a few minutes ago by the honourable member for Warrandyte. During that point of order the honourable member misrepresented the statements and position of the Minister for Education on spending on consultancies.

Honourable members interjecting.

Mr Loney — This is an important point. I believe the honourable member for Warrandyte misrepresented that position in such a way as to continue a media campaign on the basis of the misrepresentations he has made in this house.

The SPEAKER — Order! Just as I ruled on the point of order raised by the honourable member for Warrandyte I will rule on the point raised by the honourable member for Geelong North. Although the member commenced his point of order by seeking guidance from the Chair about points of order, he proceeded to utilise the raising of a point of order to debate the issue.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order! The house is well aware that standing orders allow for points of order to be taken at any point of time. The Chair needs to hear sufficient to make a determination as to whether there is a point of order.

Members have increasingly been using the opportunity to take what are clearly spurious points of order to

make a point in debate. The Chair will not be tolerant of members continuing that practice. There is no point of order.

The time set down for questions without notice has expired. The minimum number of questions have been asked and answered.

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

Second reading

Debate resumed.

Mr RYAN (Leader of the National Party) — Before the suspension of the sitting I was moving to the position of discussing options which the National Party believes to be appropriate in that category of the basket of proposals we have before the community and which we ask the government to consider in relation to the drug problem. I had started to explain to the house the situation that members of the National Party think should apply to the 60 per cent of the prison population in Victoria that is incarcerated because of drug-related crime. We think that the time has come when this category of prisoner should be imprisoned in a facility that is designed, constructed and operated specifically to accommodate that type of individual. Given that such a high percentage of the prison population are in prison because of drug-related crime the time has come to deal with those prisoners in their own right.

There are prisons in our system that accommodate particular categories of prisoners. A prison at Ararat is devoted to prisoners who are incarcerated because of sex-related crimes. The National Party thinks the same concept ought to be adopted to deal with prisoners who are in the system because of drug-related crimes. We say it is timely that a specific facility should be built.

In public arenas I have drawn an analogy with the facility that was built at Fulham, which is not far from Sale. It is a 600-bed prison that deals with medium to low-risk prisoners. Something of that order could be built to accommodate the 600 prisoners who are imprisoned because of drug-related crime. That would be a start, and it would serve the dual purpose of assisting to alleviate another difficulty the government seems unable to resolve by relieving the pressure on police cells. Enabling that special category of prisoners to be placed in that sort of environment by taking them out of the mainstream system would have many benefits.

The National Party believes that having built the facility the next step would be to bring together the best programs available to provide rehabilitation to the prison population within the facility. That would contemplate taking the best of programs — not only from elsewhere in Australia but from around the world — and making them available to that particular class of prisoner.

We also believe it would be appropriate to make rehabilitation a mandatory aspect of the term of imprisonment. The time has passed when it should be optional for a prisoner to participate in any way, shape or form; rather, it should be a sentencing option for the court at the time of dealing with the prisoner. Also, the preparedness of a prisoner to participate meaningfully in a form of rehabilitation related to his or her drug treatment should be a factor taken into account by the parole board when determining whether parole ought to be granted.

From a practical point of view, unless the prisoner can satisfy the parole board that he or she has participated meaningfully in programs designed specifically for drug rehabilitation, parole would not even be available. Beyond that it would then be a matter for the board to determine the extent to which it does or does not allow the benefit of the prisoner's participation in the program.

A further important element is that more support needs to be provided for prisoners on their release from the prison system. I understand that to its credit the government has initiated some moves in that regard, but the National Party believes much more can be done. The basic plan would be that instead of this category of prisoner walking out of prison and straight back into the arms of the drug community a support structure would be built around him or her providing accommodation facilities and all the other readily accessible support mechanisms. It would be aimed at precluding their return to the habits that gave rise to the problems that led to the drug-related crime.

The National Party believes appropriate steps can be taken within the prison system, as a component of the total package, to ensure that the best possible means are employed to reduce the impact of drugs in our community.

I do not intend to go through a detailed analysis of the bill, because from the perspective of the National Party the fundamental issue is that we simply do not accept the proposal contained in the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill.

Without going through a complete analysis of all the issues that might otherwise have been the subject of comment, I will refer to one element that I am particularly concerned about. It is contained in clause 1, the purpose provision of the bill, which states:

1. Purpose

The main purpose of this Act is to provide for the trial of injecting facilities for drugs of dependence in up to five municipal districts to enable the evaluation of those facilities.

The definition of drugs of dependence does not appear in the bill but in the principal act, the Drugs, Poisons and Controlled Substances Act. Section 4 contains the definition of a drug of dependence and directs one to schedule 11, which sets out in column 1 of part 1 the various drugs of dependence, including various subcategories and subgroups, to which the legislation applies. I had anticipated that when I turned to column 1 I would find heroin — which is the subject of the basic thrust of the bill — and perhaps a few additional drugs. Instead I found almost six pages of drugs of dependence.

I have not counted them precisely, but something of the order of 150 different drugs of dependence are listed in the schedule. If that is extended to the bill, it would be feasible that not only heroin but some 150 different drugs of dependence could be used within a proposed facility. That is completely untenable. I would be interested in hearing comments about it from the government, because that would surely be an unintended consequence of what has been proposed.

In concluding my comments I reiterate that the National Party has approached the issue very responsibly. Members of the National Party have consulted widely and spoken to many people about it, have looked at a lot of the literature, and have had people make presentations to us right across country Victoria. Over the past weeks and months I have attended innumerable forums where the issue has been talked about. I must say that the absolutely compelling point of view that has been put to me by country Victorians in particular is that they oppose the notion of injecting facilities.

While no particular aspect of assessment is necessarily definitive, it is interesting to look at some of the published material that is representative of the public view. I heard reference to a survey undertaken in one of the five municipalities the subject of the legislation. A precis of what people were asked is, 'If an appropriate location could be found, would you support an injecting facility being established?'. As I understand it, 64.3 per cent of people were said to have agreed. As was pointed

out by the honourable member for Malvern, the flaw in that proposition is the very first word, 'if', because there has been a demonstrably immense difficulty in finding an appropriate location.

On the basis of that qualification being removed, the only public response I could find readily is in the result of the Voteline published in the *Sunday Herald Sun* of 21 April. The question put was: Would you support a heroin injecting house in your suburb? That is a perfectly legitimate question to ask.

I do not see a problem with putting the question up for consideration. It was answered by 7154 calls to the hotline when 90.2 per cent of callers said no and 9.8 per cent said yes. I accept that people can keep pressing the redial button to record their answer and the outcome can be made reflective of what one wants to achieve, but by any standards, 90 per cent to 10 per cent is an awful lot of redials that one cannot ascribe to that form of process.

An editorial in the *Herald Sun* on 4 March under the heading 'No safe haven' states:

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

The article continues by talking about traffickers and concludes:

People who inject dangerous drugs put their lives at risk. Injecting rooms are no safe havens.

A variety of articles contain commentary, and I will not go through them all. An editorial in the *Herald Sun* of 20 April under the heading 'The wrong message' states:

The Bracks government's decision to adopt the Penington committee recommendations for the trial of five state-sanctioned injecting rooms for heroin users is an unjustifiably risky venture into the unknown.

An article by Mr Graeme Rule, the executive director of Drug-Arm, was published in the *Herald Sun* of 20 April with the heading 'Education the first priority'. In part it states:

We are concerned about the fact that such rooms, which are costly to set up and maintain, have little impact on drug-related deaths. The prevalence of HIV infection in injecting drug users in the Netherlands is among the top 5 out of 15 nations.

It continues:

Despite comments that counselling will be provided, it is a waste of time and money to try to counsel someone who has scored and is high or is still hanging out for a hit.

The article concludes that injecting houses should not be introduced in Victoria.

The material I have touched on briefly is reflective of the public point of view. I appreciate that the government is disappointed by the response of the National and Liberal parties. Speaking for the National Party, I state that it strongly supports a range of initiatives for addressing the terrible problem in Victoria, but it considered all the options available and concluded as it did.

Honourable members need to move on now. The need to deal with the issue has bipartisan support, and it would be unfortunate if it stalls. We must not get stuck on the issue of injecting houses. We must move forward and introduce initiatives to address the curse in front of us.

I understand and accept the government's concern about the result of the deliberations by the conservative parties, but it does not have the patent on wisdom. Everybody is entitled to a point of view. I have put one today, and that is the way the parliamentary system works. Other parliamentarians will do likewise and in the end the Parliament will come to a conclusion.

Once that conclusion has been reached I hope we can move forward together to address this terrible problem in the best possible way and within the framework I have laid out for the consideration of the house today.

Mr VINEY (Frankston East) — I thank the Leader of the National Party and the honourable member for Malvern. I join the debate in the knowledge that the drug issue is one of the most serious issues that we as members of Parliament must consider. I take on board the considerable expressions of bipartisan support already made by the honourable member for Malvern and the Leader of the National Party about the range of services and responses required to deal with the terrible problem of drugs we face in this state and throughout Australia.

I will pick up immediately on the last point made by the Leader of the National Party, that the bill represents one part of one of the four themes of the government's response to the drug debate.

The bill is about the saving-lives component of a comprehensive and brave drug strategy that the Labor Party took to the last election. It is bewildering and disappointing to hear some of the comments from the honourable member for Malvern and the Leader of the National Party. It is particularly disappointing that the Leader of the National Party has cast aspersions on the Drug Policy Expert Committee headed by

Dr Penington by suggesting that it was merely going out and doing the government's bidding when in fact the committee has undertaken extensive work on behalf of the government. All members of the committee have expertise and an extensive commitment to try to assist the government and Victoria as a whole to start to deal with the problems faced in the community with drugs.

I regarded it as a disrespectful and gratuitous criticism of that committee to suggest that it was doing the government's bidding. I found it interesting that members opposite have been imploring the government not to make the debate political, then in their contributions suggesting that the policies the government is putting forward, and in particular the bill, will, to quote the Leader of the National Party, 'perpetuate the problem and/or send the wrong message'. All honourable members agree that no member of the house wants to send the wrong message to people about drugs. No-one on either side of the house wants to encourage people to use drugs.

For opposition members to suggest, as they have done on numerous occasions, not only in this debate but in the period leading up to it, that that is what the policy is doing is extremely unfair. It is not. It is what the Leader of the National Party said in his contribution and also what was said by the Leader of the Opposition when announcing the opposition's decision to reject the bill.

In his press release the Leader of the Opposition said that the bill would send the wrong message. In my view that was part of what has been an historic and continuous attempt to politicise the debate and use the issue for political purposes. That process started during the election campaign when the Honourable Neil Lucas in another place distributed a flyer that was described in the *Examiner* of 31 August last year as irresponsible scaremongering.

The article states:

Mr Lucas drew criticism on Melbourne radio last Tuesday and Thursday mornings for circulating flyers with the words 'No drug injecting clinic in Dandenong — Labor must rule it out' emblazoned across the top, without identifying himself as an MP.

...

... Mr Lucas said Labor policy to set up at least five safe injecting facilities in Victoria was 'simply frightening' ...

Is that not politicising the debate? The article also quotes him as saying:

They must allay the fears of residents that any injecting room won't be built in a residential or business environment in Greater Dandenong.

So that is not politicising the debate! That comment was made during the election campaign.

The honourable member for Frankston said we do not need an injecting facility in Frankston. One has never been proposed for Frankston! An article in the *Frankston Hastings Independent* of 13 June states:

Ms McCall said the number of heroin deaths in Frankston and on the peninsula could see the area join the second-list round of areas chosen for heroin injecting rooms.

There has never been a proposal for a second-round list of injecting facilities. The legislation proposes that a one-round list of five facilities take part in a properly conducted clinical trial that will be evaluated. Further, the trial will take place only if the local community agrees to it.

It is a bit galling for opposition members, including the honourable member for Malvern, to come into this place and suggest that we need to have a non-political debate on the issue. Some members opposite, particularly the honourable member for Malvern, are trying to grab the high moral ground. One wonders why they are going to so much trouble to avoid a political debate. I wonder why are they saying they do not want a political discussion of the issue. Obviously, the Leader of the Opposition has taken the issue as an opportunity to exercise his control over the honourable member for Malvern in the leadership battle. An article by Damon Johnston in the *Herald Sun* of 27 July quotes Dr Napthine in his response to Mr Doyle as saying:

I think anything to do with heroin trials is a furphy, a red herring, heading off in a different direction.

The article states:

His response demonstrated that he felt compelled to take a swipe at Mr Doyle, a man who hasn't hidden his long-term leadership ambitions.

Yesterday — empowered by an error of judgment by Mr Doyle in the party room just hours earlier — Dr Napthine chose to crank up the pressure further, branding his potential leadership rival's comments inappropriate.

Why was that? When the honourable member for Malvern went on a tour of overseas facilities with the honourable member for Footscray he was telephoned by one of the radio stations. I do not know which radio station contacted him, but I will quote from a media monitor of what was said. It reports the honourable member for Malvern as saying in response to a question about whether he had visited a number of these injecting facilities during the day:

Yes I did. I looked at four injecting facilities during the day today, and met today with the senior people of the city whose responsibility is as full-time politicians whose responsibility it is to govern these facilities.

The interviewer then asked:

And have your eyes been opened?

Mr Doyle responded:

Well my view has certainly been changed.

I know that the honourable member for Malvern likes to portray himself on the other side as the leader of the wets, the small-l, progressive liberals. I know that the Leader of the Opposition is on 8 per cent, but I suspect that within the opposition the wets are somewhere on or below 8 per cent. I notice the honourable member for Doncaster is jumping up and down. I think he wants to claim leadership of the wets as well!

Mrs Peulich — On a point of order, Mr Acting Speaker I think we are all tolerant about digressions from the bill from time to time in order to take in the broader picture, but I suggest to you that the honourable member for Frankston East, being the lead speaker, has strayed far and wide and to date and focused very little of his attention, if any, on the parameters of the bill.

Mr Haermeyer — On the point of order, Mr Acting Speaker, I have to say the honourable member for Frankston East has been pertinent to the bill and to the remarks made by the honourable member for Malvern, as well as to those made by the Leader of the National Party, who expanded the terms of the debate widely. Some of the issues addressed by them are also valid issues for the honourable member for Frankston East to address.

Mr Perton — On the point of order, Mr Acting Speaker — —

The ACTING SPEAKER (Mr Phillips) — Order! I have heard enough on the point of order. I suggest to all honourable members that standing orders require members to debate in reference to the bill. A bit of leniency has been given by Speakers on all occasions, and until probably the last couple of minutes the honourable member for Frankston East was being relevant. However, he has had to suffer interjections from both sides of the house and strayed — it was passing but he did not move back to the correct lane quickly enough. I will not uphold the point of order at this time, but I ask the honourable member to come back to the bill.

Mr VINEY — I thank you for your advice, Mr Acting Speaker. It is a serious matter. I digressed

into those areas because of the appeal from the opposition not to turn the debate into a political debate. I am trying to demonstrate that it has been used as a political football for some time.

The argument of the honourable member for Malvern was not essentially against injection facilities. In fact, I do not recall hearing him mount any sort of case against such facilities. I give the honourable member for Malvern his due in that he did not raise the matters raised by the Leader of the National Party in his contribution about sending the wrong messages and so on. I appreciate that those matters were not brought up by the honourable member for Malvern because he has a more responsible view about what the government is attempting with the bill, but he suggested it was the responsibility of the government to argue the case and to not be divisive. He went on to say that the government has to convince the opposition of the need for the facility.

An Honourable Member — Not the opposition, the community.

Mr VINEY — No, he said we had to convince the opposition to gain its support. It seems to me that the honourable member for Malvern is ignoring some things. Are members of the opposition saying that 360 deaths do not convince them of the need for supervised injection facilities? Are they saying that they are not convinced by more than 200 deaths this year or predictions of 500 people dying of drug overdoses by 2005?

All honourable members agree that the other strategies are necessary, and that this is only one part of the strategy the government is trying to put in place. Members of the opposition are saying they are not convinced by 3554 non-fatal overdoses in the past 12 months! The deaths are one thing but non-fatal overdoses are often associated with acquired brain injury and a range of other significant and serious health problems. The measure is not just about saving the lives of people who will die as a result of overdoses, it is about dealing with the problem of overdoses generally and the extreme toll of the terrible scourge of drugs on users, their families, their friends, and on the community.

All honourable members agree on that. In fact, all have agreed about the rest of the wide range of programs and policies that are required. With the bill the government is trying to add one more string to its bow, but the opposition is telling the government it must continue its fight against drugs with one hand tied behind its back.

The bill is part of a broad strategy and a comprehensive attempt to deal with the problem of drugs.

The Labor Party's policy on drugs is one of the most comprehensive and brave ever taken to an election by any Australian political party. Contributions by honourable members on the other side suggesting that a whole range of other strategies are being ignored fly in the face of the 24-page drugs policy Labor took to the election. That document has four key themes: prevention, community safety, treatment and the saving of lives. The bill is only one part of the saving-lives component, albeit an important part and one to which the government is committed. It is false to suggest that the government's policy is somehow dependent on this one piece of legislation.

Mr Wynne — It is dishonest.

Mr VINEY — Yes, it completely misrepresents the government's attempt to take action against drugs on a broad front. It is intended that supervised injecting facilities will give people an opportunity to get into treatment and rehabilitation.

Another strategy for the saving of lives involves putting additional resources into ambulance services. In the current budget the government has allocated an additional \$20 million for ambulance services. That investment and others are all linked to the government's policy of saving lives.

The government took significant prevention policies to the election, including strategies on school leavers, transition to work, prevention of long-term unemployment, drug education in schools, the breaking of the link between marijuana and heroin, ethnic and Koori initiatives, and community education programs.

Policies on treatment include extending methadone programs and boosting rehabilitation and detoxification services. It is worth noting what happened with detoxification and rehabilitation under the previous government. In its recent announcement the opposition said it wanted 500 more detoxification beds, and the honourable member for Malvern repeated that request, yet of the 258 detoxification and rehabilitation beds the Liberal government inherited when it came into power in 1992 only 199 remained in 1998–99. Labor is re-establishing detoxification and rehabilitation beds, and by the end of this year the state will have more than 350 rehabilitation beds and a further 337 supported accommodation beds.

The opposition's policy includes putting on an extra 250 police officers, even though the former Liberal government cut 1000 police out of the system. The

Bracks government is putting 800 additional police officers into the program. The opposition has called for additional mobile intensive care (MICA) ambulances. All honourable members know what happened to MICA ambulances when members on the opposition benches were in government! The Labor government has put \$19.9 million into the state's ambulance system.

The decision by the opposition to reject supervised injecting facilities will deny local communities the right to add one extra string to their bows in the fight against drugs. Government legislation on drugs is all about giving local communities the chance to develop their own local drugs strategies, with injecting facilities being one option. However, the Liberal and National parties have decided they know better than local communities. No matter what happens within local consultations, members of those parties will still know better and will deny the people their right to choose injecting facilities as one aspect of the drugs strategy.

Mr LUPTON (Knox) — This serious matter is ripping apart families and communities throughout Victoria, and indeed Australia. I speak with the knowledge and experience gained from over five years of extensive involvement with the community on drug matters and from membership of the Drugs and Crime Prevention Committee since 1996. Over that period I have travelled overseas and to every state in Australia looking at the problem.

When the matter first came up more than six months ago it could have been said that Hurtle Lupton was going to vote in favour of the injecting facilities, and that would have been a fair comment. However, because of my concerns I continued to investigate the matter. An honourable member for Koonung Province in another place, the Honourable Gerald Ashman, and I had a number of meetings in relation to the use of drugs. Particular interest groups were represented at those meetings: parents who had lost children and parents whose children were still involved with drugs and trying to get off them. Discussions took place to find out how those people were affected and what they felt about the issue.

It is all right for me as a parent and a member of the committee to sit back and observe from the outside, but talking to people who have been affected by their children's use of drugs, including by their children dying or suffering brain damage, gives one a different perspective on the issue.

Early this year I had a phone call from some bloke named Adrian Rollins from the *Age*, who purports to be a journalist and who asked my thoughts on injecting

facilities. I said something along the lines that if he had spoken to me some months ago I would have said I was in favour of them but now I had grave concerns. I went on to explain some of those concerns, which included that the introduction of the facilities — I do not use the term ‘safe’ in relation to injecting facilities because it is not appropriate — would give the impression to the vast number of people in the community that it would be acceptable for a person to inject an illicit drug. I also expressed other concerns, which I will go into later.

The article subsequently published in the *Age* of 28 April carries the heading ‘Split in Liberal ranks over heroin trial’. It states in respect of me: ‘... he would be arguing in their favour at a party room meeting next week’. That is the greatest misrepresentation by a newspaper journalist I have ever encountered. I did not say that at all, yet that Richard Cranium went ahead and wrote that article. Mr Rollins is an absolute goose!

My concerns about injecting facilities are many and varied. I do not know how the facilities could be withdrawn once they are opened. If they were trialled for a period and people used them I do not believe any government in the country would be game enough to say that it had been a failure and they would be withdrawn. There would be hell to pay. All the bleeding hearts would come out and crucify the government. Once they are trialled they will be here to stay.

Another concern is that people who visit the facilities will take in their own drugs. An adulterated batch of drugs could be obtained, taken into the facility and injected under supervision. While statistics from overseas clearly indicate there have been no deaths in the injecting facilities set up in those countries, the fact is that the impression is given that the provision of those facilities will save lives. That is not the case.

If drugs were allowed to be distributed, sold or obtained in and around a facility — I am not saying that will happen — drugs are legalised to a degree. That is not what the Victorian community wants. It will put members of the Victoria Police in an invidious situation. They will be expected to continue to patrol the state and apprehend people who sell, distribute or traffic in drugs. The police would be in an invidious position if drugs were allowed to be sold around a facility in an attempt to give some degree of safeguard to maintaining the purity of a drug. A honey-pot effect will be created around a facility and it will become customary to purchase drugs there. I do not believe Victorians want that.

The different approaches of the conservative parties and the Labor Party to the appropriate penalties for those

who traffic in drugs was evident to the Drugs and Crime Prevention Committee. The conservative view was that if people apprehended or convicted for trafficking in drugs were drug addicts, they should be charged with trafficking. The alternative view from the other side was that those people were trying to feed their habits and should be treated differently. That is totally unrealistic, inappropriate and unacceptable.

Based on my experience of talking with drug addicts from various areas — mostly in my electorate, in Boronia, Ferntree Gully and Knox — it is obvious that when a drug addict requires a hit he or she wants it now and not in 20 minutes or half an hour. Drug addicts do not think that far ahead. If they acquire the drug at a particular place, they will not travel to a supervised injecting facility. Knox city has been reported by the Department of Human Services as having a real problem with illicit drug taking, alcohol, et cetera. If a person acquires drugs in Knox city, he or she will not travel in a vehicle to Springvale or anywhere else to have a hit.

The total hypocrisy is that it is proposed to establish a facility that will not be available for use by people under 18 years of age. Anybody who believes people under 18 are not taking heroin does not know what is going on — he or she does not have a clue! For example, what will a person under 18 who is at Knox city and cannot get to Springvale, or wherever the nearest facility is, do? He or she will shoot up in a back alley! The honourable member for Footscray mentioned by interjection that people are taking drugs in the streets. What will be happen to drug addicts under 18 who want to shoot up and cannot legally use the supervised injecting facility? How will they use drugs? They will have to take the drugs in and around where they are.

Mr Holding interjected.

Mr LUPTON — On the interjection, in the history of the Labor Party the person most experienced in the control of drugs was the former member for Springvale, Mr Eddie Micallef. Labor took away his preselection and gave it to that goose! Eddie Micallef had more knowledge about the fight against drugs than any 10 members of the Labor Party. He probably had more knowledge than any five members on this side of the house. At least he had some experience. If Mr Kennett had retained his position as Premier, I believe he would have offered Eddie Micallef a job after he lost preselection. That bloke, who knows absolutely nothing about it, is interjecting in a totally irrelevant way.

Nobody has discussed the operating hours of a facility. The Penington report shows that the hours in which people use drugs vary from municipality to municipality. In the City of Port Phillip area the use of drugs is greatest between 8.00 p.m. and midnight. Would a facility be open for 24 hours a day, between 9.00 a.m. and 5.00 p.m. or from 10.00 a.m. until 7.00 p.m.? It has not been explained.

My other concern about an injecting facility relates to the legal implications. Given the hypothetical situation of a person attending a facility, injecting a drug and suffering an overdose — and it will happen — being revived but suffering brain damage, who will be liable? Will it be the operator of the particular facility or the state government because it has given approval for the facility?

Consider also a person attending a facility, injecting him or herself, jumping into a motor vehicle, driving down the road and causing a fatal accident. Again, who is liable for that? The drug addict, the organisation that is looking after the facility or the state government? None of those points has been addressed.

Dr Penington's report says that the aim of having injecting facilities is to clean up the streets. I was always under the impression that injecting facilities were intended to save lives. However, Dr Penington's recommendation states:

The trial's goals should be to decrease public nuisance ...

That is the first point. I am quite certain that the man in the street is not so much concerned about public nuisance as he is about reducing the number of deaths.

After further investigations I have found that the number of people who would use the injecting facilities would diminish because they would not want to be put under a facility's controlled, supervised regime and be counselled. Although I do not like the thought of people going into back lanes and injecting, how do you get them to go to facilities? We are talking about establishing five facilities on a trial basis. Once they are established, albeit on a trial basis, how will they be removed?

Further, the people who would go to them would have to live or work or gather in the particular municipalities to use the facilities. It would create an unreal situation in the particular vicinities.

The idea of the Penington recommendations was to target adult street users. I have already indicated my concern about users who are under 18 years of age. There appears to be no facility intended for that group

of users, although there is a hint in one of the newspaper articles. I refer to Andrew Bolt's comments in the *Herald Sun* of 27 April. He said Dr Penington claimed children under 18 years of age cannot use injecting rooms. However, a closer examination of the Penington report indicates otherwise. It states:

In certain circumstances the young person [i.e., under 18] may be granted access to the facility as the least harmful way to manage their drug use.

Are we going permit access to people aged under 18 years or only when they are over 18 years? Would it be legal or illegal? I do not know.

The *Age* and the *Herald Sun* are having a fight about whether heroin injecting facilities should be established. I refer again to the article by Andrew Bolt in the *Herald Sun* of 27 April, which states:

The *Age* clearly cannot cope with this lack of evidence for its pet dream. So on Saturday it ran a huge — and hugely deceptive — graphic on page 2, purporting to show how Frankfurt's injecting rooms had slashed crime rates and overdoses in the years to 1994.

I will paraphrase the next sentence. Frankfurt did not have injecting rooms until December 1994, yet the figures used were up to 1994.

In the reports I have read and at the meetings I have attended a number of figures and graphs have been presented by various people to promote their particular views, and they vary greatly. Dr Penington presented one graph to further his cause and the representative from the Salvation Army used another graph containing the same set of figures for the same period which gave a totally different picture of the situation.

I respect Dr Penington for what he has done, but his views are well known. He wants heroin injecting rooms to be legalised. I respect what he has done, but I do not believe, if you are looking for a person to act as a consultant who will provide an unbiased recommendation, he is the right person. It is like putting Billy Bunter into the school tuckshop! His thoughts may not be unbiased, but his recommendations are based on his known thoughts. Regrettably, Dr Penington has the view that those who disagree with him are wrong.

Some six months ago I would have been in favour of establishing heroin injecting facilities, but I have continued to investigate, to examine and to talk to people. In talking to people, particularly the families of children who have overdosed — they vary in age from 14 to 23 years — I have learnt that they usually inject in a public toilet, often in a shopping centre. I have been

informed that approximately 60 to 65 per cent of fatal overdoses occur in private homes and about the same proportion of non-fatal overdoses occur in public facilities.

I spoke to representatives of the Metropolitan Ambulance Service, particularly ambulance officers who have attended young people who have overdosed, and they told me that the reason for the large percentage of non-fatal overdoses in public toilets is that the users are with their friends. It appears that usually a person who injects in his or her home — which I would have thought would have been safe — is on his or her own and is without assistance. Surely it would be better to have an education program telling people not to inject when they are on their own. I suppose that is in line with those who say we should have injecting facilities.

I say clearly that I do not believe once injecting facilities are established as a trial you can withdraw them. The figures are not clear. It depends on who you listen to. Some people argue there has been a large reduction in the number of deaths in cities or countries that have heroin injecting facilities, while others argue there is no significant reduction in deaths.

Some 206 people have died in Victoria this year as a result of drug overdoses. Parliament should be aware that alcohol and tobacco are the two largest killers of people, and both those drugs are legal. If injecting facilities are established will we be giving an indication that perhaps it is safe and okay to take heroin? That is not the answer.

Six month ago I may have come down in favour of injecting facilities, but after further investigation I cannot support the introduction of these facilities. It is sending the wrong message. The figures bandied about are tainted and do not give a true or accurate record of what is happening in the real world.

Mr MILDENHALL (Footscray) — Normally it would be a pleasure to join a debate such as this on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. However, it is one of the more depressing experiences I have had and expect to have in my parliamentary career. The lack of courage on the part of both the Liberal and National parties in the face of a growing crisis and a dreadful death toll is something that should warrant a fair assessment of the facts and the courage to examine new solutions in the face of others that have failed.

I have a particular interest in this issue. I am about to enter the 18th year of my public life — nine years as a local councillor and almost eight as a member of

Parliament. For 14 of those years the issue of heroin dealing and abuse has dominated the public life of the community I represent, and it takes a dreadful toll. The needle exchange centres service more than 1000 needles a day, and young people are shooting up in alleys, laneways, gutters, parks, the municipal pool — because people on the staff may be able to revive them when they go down — car parks, including my electorate office car park, and many other public and private places.

Last year in my electorate 29 people died from overdoses; so far this year the number is 16. It is a dreadful toll. What is particularly depressing is that there is ample evidence internationally that the provision of an injecting room to attract the chaotic, homeless street users would reduce the death toll. Yet in the face of that evidence, likelihood and experience, the Parliament will make a decision to turn its back on that strategy, the inevitable result of which will be that some people will die.

Honourable members should be aware of the potential consequence of their decision on this legislation. Both the issue and the responsibility are serious. I should have thought there is ample evidence to justify the Parliament having the courage to try strategies that are working overseas. The shadow Minister for Health pointed to the areas of common agreement, and I share the commitment to increase treatment services, prevention and law enforcement.

However, the issue today is injecting rooms. The shadow minister spent some time talking about our shared experiences overseas. The one glaring omission from his description of our travels was that the message and evidence clearly showed that injecting rooms are an important and effective part of drug strategies, including the suite of services and treatment strategies, that are seen to work.

The most dramatic difference between Victoria and the jurisdictions that we visited, particularly in Switzerland and Germany, was that the problem was under control in those countries, the number of deaths was reducing, and the number of addicts and people entering the drug scene was falling.

The difference is that in our jurisdiction the death toll is rising. Luminaries like Andrew Bolt have been quoted as saying that the death toll started falling in Switzerland before injecting rooms were established; therefore, they are ineffective. The honourable member for Malvern and I would agree that injecting rooms must be part of a suite of services in an effective and collaborative local strategy that brings together law

enforcement, prevention, and treatment to save lives. That combination brings down the death toll.

Those who argue that there is no evidence, particularly in Switzerland, of injecting rooms having any positive effect say that the death toll started to fall only as a result of law enforcement because the injecting rooms were not introduced until 1994. However, according to the Swiss figures, since injecting rooms were introduced in Switzerland in 1994 the death toll has been halved, and since 1992 it has been reduced by two-thirds. The most a critic could say about the injecting rooms is that they have halved the death toll instead of reducing it by two-thirds.

As the Drugs and Crime Prevention Committee stated last year in its discussion paper, to which a number of opposition members were party, there is ample evidence to warrant a trial of injecting rooms.

In Frankfurt, not only did the conservative parties strongly defend the injecting room policy but also the police said that injecting rooms were a vital part of the law enforcement strategy. They provided an outlet for the law enforcement pressure the police were able to put on addicts. The police were able to say to young addicts, 'Go around to the injecting centre and get access to treatment. Go around there and shoot up. Do not shoot up in the streets, do not shoot up in danger, and do not shoot up in front of kids. Go around to the injecting centre where you can be looked after and where there is not only a safe environment but a range of services to assist you to get out of the dreadful lifestyle you are courting'.

The police and the chamber of commerce were committed. I do not know what the chambers of commerce in the electorates of other members are like, but my local chamber of commerce does not throw money around. In Frankfurt, the business community was so convinced of the effectiveness of the injecting room strategy that its members were contributing 1 million deutschmarks a year to support it and to ensure that it continued.

The business community was after two outcomes: it wanted the problem removed from the business district; and, like the police, it wanted an outlet or a safe venue to which injecting users could be directed. It was also part of an effective local coalition to provide chaotic drug users — those involved in the street scene described by the honourable member for Malvern — with greater access to treatment.

The other main argument in favour of injecting rooms is that they provide a safe environment for potential

users. Some people have argued that users will not use the rooms. However, there is ample survey evidence available to suggest that injecting users are looking for such a supervised facility.

A fascinating survey was recently completed by the Centre for Harm Reduction in Footscray, which is part of the Macfarlane Burnet Centre for Medical Research. The survey was kindly funded by Dame Elisabeth Murdoch, who is another prominent advocate of the policy. Of the 200 users surveyed, more than 90 per cent were looking for the sort of facility provided by injecting rooms. A majority of the users felt discriminated against by mainstream users, did not feel welcome in institutionalised services, and felt rejected, discriminated against and poorly treated by pharmacists when they were looking for access to methadone.

A majority of those users conform to the chaotic stereotype that Dr Penington talks about. They are homeless, are often subject to mental illness, have incredibly low self-esteem, have failed at school, and exhibit a whole range of the risk factors that have manifested themselves into a destructive and depressed lifestyle. It is incumbent on the service providers, on Parliament and on the government to put a strategy together to reach out and get access to users who are in that destructive lifestyle.

The community cannot expect those users to wander into airconditioned and fluorescent-lit large public health institutions and say, 'I give up. I am an addict in a poor lifestyle and I would like some help'. Those are people who live on the streets, jump in your window and pinch your video. They are difficult, distressed, chaotic users, and an effective strategy to stop them dying and provide them with access to treatment requires the community to make a much greater effort — a special effort.

I have heard some appalling justifications for opposing the bill from members on the other side. The worst is that it sends the wrong message. The Leader of the National Party offered that up, as did the Leader of the Opposition. They would have us accept that a better message is sent by standing back and letting those people die in public places — in alleyways and parks. Intellectually they know the proposed strategy would work, but they do not have the courage to embrace it. They will stand back and say to young people, 'We have seen the evidence, we know something could work, we know something has worked in comparable jurisdictions around the world, but we are satisfied to stand back and watch young people die'. That is an atrocious message to send to young people and to the

general community, and the opposition ought to be ashamed of sending it.

Anyone who found an answer to a medical problem in the community, knew it worked and stood back and said, 'But I do not have the courage to do that', would be condemned. And the opposition should be condemned for the appalling stance it is taking.

Another issue that has been raised is that the proposal will concentrate the problem. The opposition has taken some heart from those in my community and other communities who say Victoria has a difficult drug problem and that by establishing injecting rooms the problem would be concentrated — entrenched and enhanced. That attitude avoids the obvious fact that the problem exists already. Victoria already has dealers and users. Although they have been temporarily and successfully chased out of the central business district in my community by a law enforcement effort, they are now operating in car parks, in houses, in parks and at the railway station instead of in the central business district.

So the problem exists — it has been there for at least the past 13 years — and to expect that if injecting rooms are not put in place that problem will magically disappear is a delusion of grand proportions. Victoria has the problem, and it will stay until people can be got off the drugs lifestyle.

Debate interrupted pursuant to sessional orders.

The SPEAKER — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

CONSTITUTION (AMENDMENT) BILL

Second reading

Debate resumed from 30 August; motion of Mr BRACKS (Premier).

The SPEAKER — Order! I am of the opinion that the second and third readings of the bill are required to be passed by an absolute majority. As there are not more than 45 members present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

House divided on motion:

Ayes, 45

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

Noes, 42

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

Motion agreed to by absolute majority.

Read second time.

Third reading

The SPEAKER — Order! As there are some voices for the noes I ask the honourable members who support the bill to stand in their places.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

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

Second reading

Debate resumed.

Mr MILDENHALL (Footscray) — Mr Speaker, I have concluded my remarks.

Debate adjourned on motion of Ms McCALL (Frankston).

Debate adjourned until next day.

**PARLIAMENTARY SERVICES:
WORKPLACE PRACTICES**

The SPEAKER — Order! Before the Leader of the House moves that remaining business be postponed I wish to make a statement to the house.

I wish to advise the house that I have arranged for a formal investigation into a number of issues pertaining to current workplace practices in the Department of Parliamentary Services. The need for this investigation arises from recent industrial concerns involving two staff members of the Department of Parliamentary Services and allegations by members of the Community and Public Sector Union of occurrences of bullying, harassment and discrimination.

The investigation is being conducted for the purpose of receiving independent advice as to whether there has been a breach by the Department of Parliamentary Services of any policies, code of conduct, internal rules and regulations, or commonwealth or state law relating to employment, occupational health and safety or discrimination.

I have arranged for Ms Susan Zeitz, a senior independent industrial relations expert, to inquire into, consider and report to me on allegations of unsatisfactory workplace practices in the Department of Parliamentary Services. Ms Zeitz will conduct the investigation in accordance with the principles of natural justice and the process will be impartial, independent and confidential.

Remaining business postponed on motion of **Mr BATCHELOR** (Minister for Transport).

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

That the house do now adjourn.

Electricity: south-west infrastructure

Mr MULDER (Polwarth) — I call on the Minister for State and Regional Development to honour the commitment he gave on two occasions in this house during this session. The minister stated his government would provide \$8 million for power upgrades for electricity infrastructure in the south-west of Victoria, so as to assist the dairy industry.

On 11 November 1999 in his second-reading speech on the Regional Infrastructure Development Bill the minister confirmed his commitment to provide \$8 million — not \$2 million, not \$3 million, not \$4 million, but \$8 million; no other figure but \$8 million — to upgrade power infrastructure for the south-west's dairy farmers.

Again during the adjournment debate on 25 November in answer to a matter raised by the honourable member for Geelong about Powercor closing its Malop Street office, the minister confirmed that \$8 million was being provided by the Labor government to upgrade electricity infrastructure in the south-west. It was to improve the efficiency of the industry in the south-west of Victoria, not the whole of the state.

In a newspaper article dated Friday, 8 January, Bernie Hassett from Powercor confirmed what the minister had said:

Powercor will give first priority to south-west rural areas when it begins a power supply upgrade project later this year ... Mr Hassett said upgrades would cost about \$20 million. He said Powercor would provide \$10.27 million and the state government had committed to providing a further \$8 million —

that is, \$8 million for south-west Victoria.

In light of the promises made by the minister and the understanding of the Victorian Farmers Federation, Powercor and the farmers in the south-west, Powercor and the VFF applied to the minister for the \$8 million funding commitment made by the minister. The application has fallen flat on its face.

Eight is a great number, because it represents what the dairy farmers in the Western District thought they were getting. However, the Department of State and Regional Development, in a letter to the VFF and Powercor, removed the words 'south-west' and inserted

the words 'regional Victoria' in describing the allocation of \$8 million.

The \$8 million is not to be given to south-west Victorian dairy farmers, as continuously stated by the minister; it is now to be spread over the entire state. South-west dairy farmers are now to receive just \$3.08 million, and they will have to increase their contributions to have the power upgrades. The \$3.08 million is less than half the amount committed by the minister.

The Minister for State and Regional Development may not fully understand the drastic situation facing dairy farmers in the south-west. Perhaps he should converse with the Minister for Agriculture, who has made about eight visits to the south-west to investigate the prolonged drought conditions and hardship being faced by farmers in the area. A commitment of \$8 million means \$8 million, not \$3.08 million: \$8 million is what they need and \$8 million is what they should get.

Local government: pensioner rebates

Mr DELAHUNTY (Wimmera) — On behalf of pensioners I raise for the attention of the Minister for Community Services the issue of pensioner rate rebates. My request is for the minister to review the level of government support in pensioner rebate remissions on municipal rates.

The background to this issue is that the Victorian government currently provides a rebate on municipal rates of 50 per cent of the rates and charges, including garbage — there is a fair bit of that around today — up to a maximum of \$135 for eligible pensioners, being those in receipt of pensions provided by the commonwealth Department of Family and Community Services and Veterans Affairs, as well as war widows and totally and permanently incapacitated ex-servicemen and women. A concern has been raised with me by councils, pensioners and the general community that there has been no change to the rebate since 1981.

In June 1999, with the unanimous support of the Horsham Rural City Council — of which I was then a councillor — I wrote to the then Minister for Youth and Community Services requesting that the maximum pensioner rebate be raised from the \$135 set in 1981 to a level that more closely represents the intentions of the original pensioner rebate scheme. However, the election overtook the process and there was no outcome to the request.

Pensioner rebate remissions were initiated in the early 1970s. The rebate payable to eligible pensioners was

half the council rates for their principal places of residence. Subsequent to 1981 it has been \$135, but prior to 1981 it was \$120. That was about half the council rates that applied at that time in Horsham. Currently the average pensioner rebate is about one-third of the rates charged by the Horsham Rural City Council. There are about 1639 pensioners in Horsham, and only 8 of them do not claim the maximum rebate.

I ask that the Minister for Community Services and her department review the pensioner rebate remission and inform the pensioners of Victoria, particularly of the Wimmera, of the outcome.

Schools: Benalla electorate

Ms ALLEN (Benalla) — I raise a matter with the wonderful and inspirational Minister for Education. Yesterday during the debate on literacy I listened absolutely aghast to the honourable member for Shepparton's statement that when he became a member of Parliament the schools in his electorate were dilapidated and run down. He had obviously not been to the electorate of Benalla to see what was left behind by the previous Deputy Premier and honourable member for Benalla — schools that were run down, dilapidated and in absolutely disgusting and deplorable conditions.

Buildings at the Benalla Dunlop campus had holes in the walls and floors and paint was coming off the ceilings. It was absolutely disgusting, and the buildings should have been condemned.

The Bright Secondary College, a wonderful secondary college which attracts more and more students every year, was absolutely suffering from a lack of funds. Alexandra Secondary College, another college that has been doing extremely well, has been screaming out for extra funds for the past seven years — not the past eight years, but the past seven years. Wandiligong Primary School has one toilet for 32 little boys. That is absolutely disgusting. That is the condition the former honourable member for Benalla, Pat McNamara, left his electorate in. It was an absolute disgrace.

I ask the minister to advise the house of the government's ongoing commitment to ensuring that it will raise the standards of schools in country Victoria — —

Mrs Shardey — On a point of order, Mr Acting Speaker, in raising a matter on the adjournment, a member is required to ask for specific action.

Ms Kosky — On the point of order, Mr Acting Speaker, I distinctly heard the honourable member ask

the minister to take action. She was quite clear about that.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order because the noise level was such that it was difficult to hear what the honourable member was saying. But the honourable member must ask for some action and not ask a question.

Ms ALLEN — I ask the Minister for Education what action she and the Bracks government are taking to ensure the government's ongoing commitment to raise the standards of schools in country Victoria — something the previous government did not do.

Workcover: premiums

Mrs ELLIOTT (Mooroolbark) — I refer the Minister for Workcover to an organisation called Nadrasca, which is in the electorate of the honourable member for Mitcham.

Nadrasca provides services for people with an intellectual disability whose ages range from 1 to 65. It provides children's services, adult training and support services and residential services. On any given day 350 separate individuals access Nadrasca's services. Many of its clients have extremely challenging behaviours, and the dedication of the staff, voluntary committee and chief executive officer, Frank Harris, is exemplary.

A fax from Mr Harris dated 29 August provided me with the following information. It states:

The following is the information on Nadrasca's Workcover premium estimates that have been forwarded to us by our Workcover insurers:

1999–2000 estimated remuneration \$3 576 000 —
premium \$128 408

In 2000–01 the estimated remuneration had dropped slightly to \$3 561 000 but the premium had risen to \$165 300. All the figures are exclusive of GST.

Mr Harris further states:

The unexpected impost of this magnitude, and its effect on programs for our people with a disability is of huge concern to us.

When I phoned Mr Harris he told me that Nadrasca's treasurer had expected an increase of 4.6 per cent but that the organisation had received a premium rise of 29 per cent.

When will the Minister for Workcover realise and admit what he has done to disability services and take action to compensate those services for the huge increases in Workcover premiums?

Youth: round table program

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Youth Affairs in another place through the Minister for Post Compulsory Education, Employment and Training. I congratulate the Minister for Youth Affairs on holding round table talks with young Victorians. He is doing a tremendous job in getting their feedback to the government and members of Parliament. It is important to talk about educational development and understand the aims and aspirations of young people.

It is also important for their feedback to be properly recorded in the various government departments. The young people of today are the leaders of tomorrow, whether in commerce, state politics or education. Government must listen when they tell it what sort of state and world they want to live in.

I ask the minister to ensure that the reports and summaries of deliberations tabled in Parliament and given to government departments are also circulated to members of Parliament so they can acquaint themselves with the information. I know the information is on the Internet, but not all members of Parliament look at it. An executive synopsis would be appreciated, particularly of future round table discussions affecting youth.

I am especially concerned because the S11 group is trying to use, influence and misinterpret the young people. Members of state and federal Parliament need to find out what they should be doing to meet the needs of our society in the future.

Gippsland: mental health services

Ms DAVIES (Gippsland West) — I raise a matter for the attention of the Minister for Health relating to the lack of mental health services in Gippsland. The minister has received a submission from the Central West Gippsland Division of General Practice on the issue. I ask him to find a way to address this serious problem as a matter of great urgency.

Funding for public services for the treatment of seriously mentally ill people in Gippsland in particular is completely inadequate and in many areas non-existent. Unacceptable delays are occurring in access to treatment, and the lack of an appropriate initial response is causing great difficulty for ambulance

drivers and police. The lack of proper support for families and carers places a huge amount of pressure on the limited number of health workers capable of dealing with the issue.

There is a notable shortage of adequately trained staff, and an even greater shortage of beds available for patients in acute need. I am specifically concerned about the capacity of hospital facilities in south-west Gippsland to deal with patients who suffer from a combination of mental illness and drug abuse problems. I emphasise that these problems have never been addressed by any government of any description, and I ask the minister to give some hope to the people of south-west Gippsland, and Gippsland in general, that this time around there will be specific and notable improvements on this poor situation.

Workcover: premiums

Mr CLARK (Box Hill) — I raise a matter for the attention of the Minister for Workcover regarding premium increases and the package of measures announced by the minister and the Premier on 14 August. One element of that package was that the period within which employers could pay their annual premiums and receive a 5 per cent discount would be extended from 18 August to 25 August. As I say, that announcement was made on 14 August. Having regard to those dates it would seem obvious that some urgent action needed to be taken to notify employers that the extension had been granted because the deadline was only four days later and most employers would have been writing cheques a day or two before that time.

However, on 29 August I was provided by an employer with a letter the employer had received that day from the Victorian Workcover Authority. The letter notified the employer that, among other things, an extension of time had been granted. Not only was the letter received by the employer on 29 August, it was dated 25 August, the date of the extension. Further, the postmark on the envelope was dated 28 August — three days after the expiry of the deadline! By the time the employer was informed of the extension, it had already passed. I understand that many other employers were in the same position.

I ask the minister whether this situation arose simply because of incompetence or if there was a deliberate intention to deprive employers of the opportunity to take advantage of the discount. I call on the minister to explain exactly how this appalling treatment of employers occurred and to give an undertaking that it will never happen again. I also ask the minister to take further genuine action to provide real relief to

employers from the burden of the Workcover premium increases that have been imposed on them.

Greater Geelong: rates

Mr LONEY (Geelong North) — I raise a matter for the attention of the Minister for Local Government. I refer the minister to the recently announced rate rises in the City of Greater Geelong. The matter was raised on the adjournment debate last night by the honourable member for Bellarine.

In what is now becoming an entirely predictable coincidence, the words of a former mayor, Cr Ken Jarvis — whose major council activity nowadays seems to be fomenting division — appear in similar form in today's *Geelong Advertiser*. He must have become an ardent watcher of *Grass Roots*.

The article in this morning's *Geelong Advertiser* reports that:

City councillor Ken Jarvis yesterday said he felt council could have handled the rate revaluation issue a lot better.

The article quotes him as saying:

... council should have been asking the minister to change the rules to allow us to phase the increase in over two or three years.

...

I agree with the editorial in the paper today —

evidently he had an advance copy —

that said we could have done a lot more to prepare people for this.

My understanding is that the Valuer-General insisted that councils commence the rate revaluation process in early 1998 and Cr Jarvis became the mayor of Geelong in March 1998. As I understand it, the revaluation process that proceeded in Geelong was entirely concluded within 1998, when Cr Jarvis was mayor. I understand that he might have even signed the authority to proceed.

I ask the minister to report to the house on the accuracy of the comments made by former mayor Jarvis, what role he would have played in the rate revaluation process, and whether the minister ever received any correspondence from the former mayor relating to the revaluation process and the difficulties that he now sees with it, given that he probably signed it off when he was the mayor.

I hope the minister is able to inform the house and consequently the people of Geelong about that, because it raises the issue of the credibility of Cr Jarvis.

Central Goldfields: flood relief

Ms BURKE (Pahran) — I also raise a matter for the attention the Minister for Local Government, who seems to be the flavour of the month tonight. It relates to the Shire of Central Goldfields, which has had a very bad time since the floods on Boxing Day 1999.

The Shire of Central Goldfields has requested \$1 million of relief assistance from the government to help repair its roads and bridges, as well as other damage throughout the shire. The council lodged its claim more than six months ago, and this week — nearly eight months after areas of Maryborough and Carisbrook were absolutely destroyed — it was announced that portions 2 and 3 will be paid. The Department of Treasury and Finance said it would pay \$374 849 to repair bridges, the aerodrome, the bike path, the main drain and the main roads. That money will not go very far, as anyone who knows about bridges and drains will realise. The shire is still waiting on the other \$946 466 that is needed.

The council is acknowledging its acceptance of and delight in the funding it has already received. However, it is wondering what the local member, the honourable member for Ripon, is doing about the extra funds it needs.

An honourable member interjected.

Ms BURKE — He has a lot of work to do. At the moment they are saying, ‘Would the member for Ripon please stand up for Central Goldfields’, because the council is still waiting on those funds. The shire is not very large: it has only 12 400 people and a budget of some \$77 million.

I ask the Minister for Local Government to raise the matter with the Department of Treasury and Finance to find out why those funds are being held up and to ask that it assist the shire with the relief work needed as soon as possible.

Family Court: Dandenong registry

Mr LENDERS (Dandenong North) — I direct the attention of the Attorney-General to a problem that will affect a large number of my constituents. On 4 August the Family Court announced that the Dandenong registry will close this month for renovations. When the court reopens in December it will have lost three of its five courtrooms and will hear only minor interim

procedural matters. It will no longer hear defended disputes over custody, access and property.

Access to justice is a critical issue in the judicial system. I direct to your attention, Mr Acting Speaker, and to the attention of the Attorney-General an article in the *Law Institute Journal* that describes the creation of the new registry of the Dandenong court and states that it is expected to remove pressures from the Melbourne registry.

Mr McIntosh — On a point of order, Mr Acting Speaker, this is clearly a federal matter. It relates to the Family Court of Australia, which is governed by the Family Court of Australia Act, and is a commonwealth matter.

Mr Hulls — On the point of order, Mr Acting Speaker, while the honourable member has not finished his contribution, my understanding is that he was talking about access-to-justice issues in the Dandenong area and a diminution of court facilities in Dandenong. I think he is about to ask me to take some sort of action on those access-to-justice issues. The matter is therefore well within the realm of an adjournment debate.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. However, I ask the honourable member for Dandenong North to come to a point that is relevant to Victoria.

Mr LENDERS — The issue of access to justice is as relevant to the state Attorney-General as it is to all attorneys-general who attended the meeting of the Standing Committee of Attorneys-General in Melbourne two weeks ago, when such issues were dealt with.

The action I seek from the Attorney-General has to do with the fact that access to justice involves geographical as well as financial access to the courts. People in the greater Dandenong area, and in fact those in the south-eastern suburbs of Melbourne and the Gippsland and Mornington Peninsula regions, go to Dandenong for many of their legal services, including access to the Family Court. The cutting of such services raises an issue of access to justice, and poorer constituents of mine, in fact all my constituents, find that difficult.

People who live in Dandenong North will have to travel into the Melbourne city centre to have their contested matters heard — they will spend a long time travelling both ways — and there will be increased costs because legal representatives and professional witnesses will have to travel to town. However, the issue goes beyond my electorate and will affect people in Gippsland right up to the New South Wales border. None of that takes

into account the exacerbation of the emotional effects suffered by people involved in Family Court matters. The federal Attorney-General has engaged in a cost-cutting exercise that will affect rural and regional areas. I ask the Attorney to take urgent action to address the problem.

I hope members such as the honourable member for Kew share my passion for access to justice, because this is not a trite matter based on jurisdictions but one that affects all Victorians.

Housing: mental health services

Mrs PEULICH (Bentleigh) — I raise for the attention of the Minister for Housing concerns raised with me by constituents who work and are involved in the area of mental health.

My constituents are especially concerned given an article in the 'Weekend focus' section of the *Herald Sun* of 26 August entitled 'Fledgling minister's new view of power' from which it appears that the Minister for Housing is relishing the dizzy heights of power, and she is now being accused of sitting in her ivory tower and losing touch with the key issues of her portfolio.

The concerns relate particularly to the consultation paper issued by the minister's advisory committee on the Victorian homeless strategy. The people who have come to see me are absolutely incensed that the paper completely disregards a key factor in the area of homelessness. Although the paper deals with demographics, the private rental market and urban gentrification, the labour market, illicit drug use, welfare reform and mutual obligation, one of the key issues in relation to homelessness is missing — mental health.

I ask the minister to undertake the following: to make sure the consultation process is not a sham by taking urgent action to ensure her advisory committee does not overlook the important issue of mental health as a contributor to the social problem of homelessness; in view of the approach of Mental Health Week in October to take urgent action to see a vital area of social policy is not disregarded; to come out of her ivory tower and get down to doing her job; and to make sure the most vulnerable are represented and taken into consideration in the policy development activities of the government.

The ACTING SPEAKER (Mr Savage) — Order! The time for raising matters in the adjournment debate has expired.

Dr Napthine — On a point of order, Mr Acting Speaker, I seek your advice on the matter raised by the honourable member for Dandenong North. In his point of order the honourable member for Kew argued that the honourable member for Dandenong North was raising a federal issue — namely, a matter to do with a federal court. It is my understanding that in the adjournment debate matters may be raised that seek a specific action that is within the power and the ambit of a Victorian minister, in this case the Attorney-General. However, it is not within the power of the Victorian Attorney-General to make decisions about the operation of a federal court. I understand the importance of the issue raised, but as it is not within the power of the Attorney-General to respond I ask you, Mr Acting Speaker, to rule it out of order.

Mr Hulls — On the point of order, Mr Acting Speaker, I would have thought, with due respect, that the Leader of the Opposition would have understood how the legal system works and what access to justice issues are all about. The honourable member for Dandenong North raised a general issue about access to justice in the Dandenong area and was citing, as an example, the closure for renovation of the Family Court registry at the Dandenong court. The issue he raised was general, and he asked what action I could take as Attorney-General in relation to access to justice issues generally.

As the Leader of the Opposition would also know, a range of issues exist to do with federal and state funding for people appearing before all courts in Victoria. The matters raised for my attention by the honourable member for Dandenong North are general access to justice issues.

Mr McIntosh — On the point of order, Mr Acting Speaker, adjournment debates are an opportunity to make specific requests for action by a minister. If the request is a general, rambling statement it would be more appropriately raised during question time or as a ministerial statement. The matter raised specifically concerned the Family Court, which as the Attorney-General well understands is not within his purview and is dealt with by the commonwealth Attorney-General.

The ACTING SPEAKER (Mr Savage) — Order! I have heard enough on the point of order. The Victorian Attorney-General is responsible for a number of justice issues in Victoria. I do not believe he is so limited as to be unable to talk about the Family Court.

Responses

Mr HULLS (Attorney-General) — The honourable member for Dandenong North cited an instance of a Family Court registry closing down for renovations. I understand that until that court in his electorate is reopened his constituents, and particularly residents of Gippsland, which is outside his area, will have to travel an extra 1½ hours to have matters heard in the Melbourne court.

This is an important access-to-justice issue. It needs to be addressed, particularly when many of the people appearing before the courts require legal aid. As the honourable member would know, there have been cutbacks in legal aid. As a result not only are people in the Dandenong area being denied access to certain courts, they are also being denied access to legal aid.

I understand the former president of the Law Institute of Victoria, Mr Mark Woods, has made it clear that litigants living in the Gippsland and Latrobe Valley areas — statistically among the poorest in the state — will now face 1½ hours more travel for their day in court. That will seriously impact on the constituents of the honourable member for Dandenong North and on people in Gippsland.

As a community we have to come to terms with the fact that legal aid has been cut back. The federal government does not appear to have a commitment to access to justice. That is despite the fact that the Victorian County and Supreme courts are conducting regular circuits to areas such as Sale, Bairnsdale and Morwell.

Honourable members interjecting.

Mr HULLS — I hope the honourable member for Kew and other honourable members who purport to have an interest in access-to-justice issues will take up the battle with me and join me arm in arm to take the fight for more funds for legal aid up to the federal government as well as the fight against the closure of the Dandenong registry. On behalf of the people of Dandenong I will advise the federal Attorney-General of the hardship they will face as a result of the closure of the registry and ask him to reconsider that outrageous decision.

Ms CAMPBELL (Minister for Community Services) — The implementation of the government's commitments is the first priority in my portfolio. The honourable member for Wimmera said that the winter energy concessions have not changed for just on two decades. Unfortunately many initiatives in community services that should have been introduced during the

Kennett era were not introduced. However, the election commitments made by the Bracks government to the Victorian electorate are being honoured. The government's initiatives are being outlined to the electorate.

In the recent state budget over \$140 million of additional money went into the community services sector. In the 1999–2000 financial year more than \$246.4 million was spent on state concessions, and the government allows a rebate of 50 per cent up to a limit of \$135 off the full cost of municipal rates.

The government is honouring its election commitments. Municipal rate concessions were not one of those commitments, so I inform the honourable member for Wimmera that there is no change in the foreseeable future on that matter.

Ms DELAHUNTY (Minister for Education) — The marvellous member for Benalla raised a series of issues relating to the physical standards of schools in country Victoria, particularly in her electorate.

The honourable member charted in some detail the tragic legacy of the former Deputy Premier of Victoria, the previous member for Benalla — and it is a shameful legacy! The honourable member asked what the government is doing about repairing the damage. After seven years of neglect of schools in that electorate and schools across the state we cannot wave a magic wand.

Mrs Peulich interjected.

Ms DELAHUNTY — It is very rude to point. In its budget the Bracks government allocated \$24 million for rural schools.

Mrs Peulich interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bentleigh is crossing the line.

Ms DELAHUNTY — Thank you, Mr Acting Speaker. This month the government also announced \$51 million for planning in country schools to assist schools such as the Dunlop campus in Benalla. It was a shock to walk into that school. I visited the school to look at the legacy left it by the previous Deputy Premier and the previous government. It gives one a shock to walk into a room in a school and see a hole in the corner, holes in the walls, damaged windows and cracks running along the side of the wall.

As honourable members know, that school was starved of funds because the previous government wanted to

close it down. It closed down 380 schools, many of which were in regional Victoria. As the honourable member for Benalla knows, the strategy at the Dunlop campus was to starve it of maintenance money so that it had to close down. The community said, 'We value this school and we want it to stay open'. The Bracks government has supported it with maintenance money to ensure students are physically able to go to the school they choose.

The honourable member for Benalla also raised the tragic state of the toilets at the Wandiligong Primary School. I inform the honourable member and the house that the government is giving the school desperately needed funds to upgrade those toilets. Many honourable members on the other side would hang their heads in shame to see the conditions of some of those schools, that one in particular. Our kids deserve and will get better. The people of Benalla have spoken loudly. The government will be giving the Wandiligong Primary School \$100 000 to upgrade its toilets so that its students can go to a school with some degree of hygiene safety.

Mr CAMERON (Minister for Local Government) — The honourable member for Mooroolbark raised a matter concerning the Workcover premium of the Nadrasca disability service in Mitcham. There is no doubt that the honourable member for Mooroolbark is in a good position to explain how the system works. She is aware that the current experience rating system has been in place for six years and was put in place by the previous government. The honourable member would be able to explain that if in recent years there have been a number of accidents in a particular industry group, an assessment is done as to the risk and the premium reflects that risk.

The honourable member would also be able to explain that there has been a general increase of 15 per cent to ensure the scheme costs are covered as we go forward. That was flagged before the legislation was introduced earlier in the year. The honourable member would be able to tell the people involved with Nadrasca that she voted for that legislation. She would also be able to tell them that the total costs related to the GST are 12 per cent — and that she is a keen supporter of the goods and services tax.

The honourable member would also be able to explain that in the state budget the government put \$96 million additional funds into disability services, and that — —

Ms Kosky interjected.

Mr CAMERON — That is 12 times 8 — a dozen eights! That \$96 million has been well received. The honourable member would be able to tell them that \$46 million of that \$96 million went towards wages and other costs.

The honourable member for Prahran raised a matter concerning the Shire of Central Goldfields for the attention of the Department of Treasury and Finance. I thank the honourable member for the matter she raised in another minister's portfolio. I have no doubt she will follow it up.

It is a matter that is also being pursued by the honourable member for Ripon, who is doing an absolutely fantastic job. He went to the election saying that he stood up for country people. He said he would abolish the catchment management tax — and he did. He went to the election saying that he would put money into country sewerage schemes — and he did.

You would also be aware, Mr Acting Speaker, that in every region of country Victoria the rate of unemployment has been under 10 per cent for two months in a row — that is something that did not occur in the Kennett years. No doubt the people of Ripon are greatly appreciative of the honourable member for Ripon and his support for country Victoria.

Mr Nardella — So are we.

Mr CAMERON — And so are we! I note that the honourable member for Prahran has left the chamber. Evidently she was not so interested in my response.

The honourable member for Box Hill raised with me as Minister for Workcover a matter concerning a letter sent out by the Victorian Workcover Authority. The government and employer groups had discussions and the authority was prepared to come to various agreements about postponement and other arrangements concerning Workcover premiums. Subsequently some employer organisations thought it would be good if the information were sent to all employers. The Workcover authority did that.

The letter set out the changes in quarterly and annual payments and said that if there was a change in remuneration it could be corrected. It also said, very importantly, that if there was demonstrable hardship employers should contact their agents. In addition, just for completeness and for history, it said there had been an extension from 18 August to 25 August — —

An opposition member interjected.

Mr CAMERON — Yes, and that is why it was put in the past tense. I will read out the relevant section. It says that the due dates for those electing to pay annually in advance ‘had been extended’. It does not say ‘have been extended’ it says ‘had been extended’. The authority set that out for the sake of completeness, as one would expect.

The honourable member for Geelong North —

Mr Mulder interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Polwarth should know better than to use members’ first names in this house.

Mr Mulder interjected.

Mr CAMERON — I’m going home.

The ACTING SPEAKER (Mr Savage) — Order! The Minister will address his remarks through the Chair! Interjections are disorderly.

Mr CAMERON — The honourable member for Geelong North raised with me as Minister for Local Government a matter concerning rate increases in the Geelong area. The honourable member for Bellarine raised that issue last night, although he was left red faced when it was pointed out that the changes —

An honourable member interjected.

Mr CAMERON — Yes, again, the changes came about as a result of the former government’s legislation, which had been supported by the honourable member for Bellarine.

The honourable member for Geelong North also asked about Cr Ken Jarvis. As a result of the legislation so keenly supported by the honourable member for Bellarine, councils had to go down this path whether they wanted to or not.

I am advised that in April 1998 the Greater Geelong council sought expressions of interest from valuers. Tenders were put out and closed in June 1998. The tender was awarded in June 1998. At that time the mayor was Cr Jarvis, and I assume he would have instructed the chief executive officer to enter into that arrangement. The honourable member for Geelong North asked me whether Cr Jarvis has ever corresponded with me about this matter. I can inform the honourable member that since I have been minister Cr Jarvis has not corresponded with me either when he was mayor or at any time since. I trust that sets out the position.

It appears there has been some support for this change from the honourable member for Bellarine and Cr Jarvis. I trust my answer deals with the query of the honourable member for Geelong North.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Polwarth has asked me to direct to the Minister for State and Regional Development the matter of an \$8 million funding allocation for the dairy industry. I understand why he wants the minister to take action regarding dairy farms, because the previous government did nothing about the issue. I am happy to refer the matter to the minister, who is currently sick but who will respond in due course.

The honourable member for Keilor raised for the attention of the Minister for Youth Affairs in another place the recent report about young people in Victoria that is a result of extensive consultation. The honourable member wants the report to be circulated to members of Parliament. I will pass on that matter to the minister in another place.

The honourable member for Bentleigh raised for the attention of the Minister for Housing in another place action to ensure that the consultative process is open.

Mrs Peulich — On a point of order, Mr Acting Speaker, the matter I raised was that the critical area of mental health be included as part of the consultative process, and I ask that the minister not be a piker!

The ACTING SPEAKER (Mr Savage) — Order! That is not a point of order but a repeat of the question. *Hansard* will have an accurate report of the request.

Ms KOSKY — I made a note of the honourable member’s request, which was for urgent action to make sure the process is not a sham. I assure the honourable member for Bentleigh that that will not be the case. I am happy to refer the matter to the Minister for Housing, who will respond in the usual way.

Mr THWAITES (Minister for Health) — The honourable member for Gippsland West has raised the issue of mental health services, in Gippsland in particular and more generally. The honourable member has previously raised this matter with my office, and it is an issue of great concern.

There are a number of problems with the delivery of mental health services for people in the Gippsland region. One of the major problems is the lack of a private psychiatrist for the region. The situation has been complicated by the fact that the public mental

health services in Gippsland were privatised in 1997 and the private provider, Australian Hospital Care Group Pty Ltd, is currently in dispute with the government, in litigation.

Under that privatisation contract the private company was given a monopoly on services, so it is difficult for the government to step in now and provide them. The government is endeavouring to work through those issues and to seek a positive outcome of the litigation. In the meantime it is working to provide a better service, and there are several things that can be done.

Firstly, funding will be provided for alternative accommodation and support services to relieve pressure on and improve access to acute inpatient and case management services. The government is examining alternative care units and seeking to provide accommodation through them.

Secondly, the creative house psychiatric disability day program, which had been provided through the hospital, will now be provided through the Latrobe Valley Community Health Centre as an additional psychiatric disability day program.

Thirdly, and importantly, the government will be working with General Practice Divisions — Victoria, with whom I met yesterday to discuss the issue. My department will now visit Gippsland to speak to the GP divisions to see whether they can provide some mental health services. In the city several of those services will be provided by private psychiatrists but they are not available in Gippsland. Therefore if the government can provide support and assistance to GPs the services might be available to the Gippsland community.

Fourthly, the government is monitoring the 24-hour mental health services provided through the crisis assessment teams. Problems have occurred in those areas and the department is monitoring the situation in an endeavour to provide better service.

Finally, the government is implementing several initiatives. It is prioritising the Gippsland region, including the mental health court liaison officer. Those positions were based in the city and they are being extended into Gippsland. It is a big task and I will be working with my department and the honourable member for Gippsland West to try to provide better services.

Motion agreed to.

House adjourned 5.13 p.m.

QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 29 August 2000

Arts: funding submissions

9. **MR WILSON** — To ask the Honourable the Minister for Arts — (a) how many departmental officer hours will be provided in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 for localised administrative support to arts organisations in regional Victoria to assist with the drafting or writing of funding submissions; and (b) whether this assistance will be extended to metropolitan arts organisations or individuals; if not, why.

ANSWER:

I am informed that:

Funding to assist and improve administrative functions for regionally based artists, cultural groups and organisations is available under the Regional Arts Fund. In addition, Arts Victoria presents briefing sessions on funding policies and programs to the art and cultural sectors throughout Victoria on a regular basis.

By virtue of their proximity to Arts Victoria, and other peak arts organisations, metropolitan arts organisations already receive this type of assistance.

Arts: National Gallery touring exhibitions

10. **MR WILSON** — To ask the Honourable the Minister for Arts — (a) what additional funding will be provided to the National Gallery of Victoria in 1999–2000, 2000–2001, 2001–2002 and 2002–2003 to enable exhibitions to tour regional Victoria; and (b) what will be the benchmark or benchmarks used in determining whether or not a particular regional centre has access to a National Gallery of Victoria touring exhibition.

ANSWER:

I am informed that in response to Part A of your question that:

As part of its redevelopment, the National Gallery of Victoria has established an extensive program of loans to regional galleries in Victoria. Additional support of approximately \$100,000 has been provided to the Gallery by Arts Victoria for indemnification insurance for loans to 12 regional and metropolitan galleries.

The current program is a major success, and the Gallery is committed to regional loans and touring on an ongoing basis. Future budget planning will accommodate an ongoing program.

In response to Part B of your question, I am informed that:

In choosing venues for exhibitions travelling to regional areas the National Gallery considered the following factors:

- requests by regional galleries to host exhibitions
- ability of regional galleries to meet costs, if any
- security of gallery spaces, and temperature and humidity controls where necessary
- if a sponsor is involved what are its requirements in terms of touring venues

- when did a regional gallery last receive a touring exhibition from the NGV
- capacity of a regional gallery to provide curatorial support, if necessary

The NGV has a firm policy of assisting regional galleries to the best of its ability.

Major Projects and Tourism: honorary tourism ambassadors

46. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism —

1. What funding will be provided in each of the financial years 1999–2000 to 2002–03 inclusive to ensure that overseas students who study in Victoria can be appointed ‘honorary tourism ambassadors’ upon returning to their homelands and what does this funding represent per student returning home in each of those years.
2. How many Victorian enrolled overseas students are expected to return to their homelands in each of the years 1999–2000 to 2002–03 inclusive.
3. Will the students receive any special recognition at their graduation ceremonies to recognise their potential new role, and will educational institutions receive any additional funding from the Minister to assist with this.

ANSWER:

Detailed implementation of the Government’s tourism policies is a matter the Government has under consideration and will be announced, progressively, in due course.

Major Projects and Tourism: non-stop international flights

49. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism —

1. How many international airlines flew non-stop into and out of Melbourne from or to an overseas destination on a scheduled basis at 30 June 1999; indicating — (a) what was the total passenger-carrying capacity of non-stop flights of each airline in each direction in the week ending 30 June 1999; (b) what was the name of each airline; and (c) how many flights each week did each airline provide in each direction at 30 June 1999.
2. How many — (a) non-stop international flights into and out of Melbourne is the Government’s aim per week by 30 June 2000, 2001, 2002 and 2003; and (b) what total passenger carrying capacity in each direction is aimed for per week at these dates.

ANSWER:

I am informed that on 30 June 1999, there were 20 international airlines that flew same plane services to Melbourne and the total seat capacity was estimated at 59,494 seats per week.

The attraction of direct flights is part of the State Government’s ongoing aviation strategy.

Major Projects and Tourism: Chinese migration tourism trail

50. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism — In relation to the development of a tourism trail focussed on Chinese migration into Victoria from South Australia into the Victorian Goldfields —

1. What funding has or will be provided in each of the financial years 1999–2000 to 2002–2003 inclusive.
2. What towns or localities will be included on the tourism trail.

3. How much will be provided in each of the years for — (a) road signage; (b) historical markers; (c) interpretive displays; (d) historical research; and (e) printing and publishing of booklets or brochures.
4. Will the establishment of such a trail conflict with existing sign-posted tourism routes in the Goldfields region of Victoria.

ANSWER:

Detailed implementation of the Government's tourism policies is a matter the Government has under consideration and will be announced, progressively, in due course.

Major Projects and Tourism: goldfields walking trail

51. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism — In relation to the development of a 'Goldfields Grand Walking Trails' route —

1. What funding has or will be provided in each of the financial years 1999–2000 to 2002–03 inclusive.
2. How many kilometres will be completed in each of these years and which sections of the trail will this represent.
3. What route will this trail take and which towns or localities will the route pass through.
4. What is the total anticipated cost and length of the trail.
5. What percentage of the proposed trail is on — (a) former railway reserves; (b) adjacent to public roads; (c) other Crown land; and (d) private land.
6. Were any affected private landholders consulted prior to the Government's commitment being made public.
7. When is the scheduled completion date of the trail.

ANSWER:

Detailed implementation of the Government's tourism policies is a matter the Government has under consideration and will be announced, progressively, in due course.

Major Projects and Tourism: adventure tourism

52. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism —

1. What funding has or will be provided in each of the financial years 1999–2000 to 2002–03 inclusive to develop areas for adventure tourism at — (a) Mansfield; (b) Bright; (c) Gippsland Lakes; (d) Grampians/Mt Arapiles; (e) Mildura; and (f) Great Ocean Road.
2. What proportion of the funding to each area in each of these years will be spent on — (a) advertising; (b) capital works for tourist-related facilities; and (c) recurrent funding for tourism organisations.

ANSWER:

An adventure tourism plan is currently being prepared as an integral part of Tourism Victoria's Nature-Based tourism strategy. Detailed implementation of this strategy is a matter the Government has under consideration and will be announced, progressively, in due course.

Environment and Conservation: PURIST purchases

78. MR WILSON — To ask the Honourable the Minister for Environment and Conservation —

1. What percentage of the Department’s purchases were from — (a) Melbourne; (b) regional Victorian; or (c) interstate vendors in 1998–99 and the period from 1 July to 30 November 1999.
2. What were the top twenty ‘PURIST’ [Purchasing Information System] products or services and the dollar value of each purchased by the Department in — (a) 1998–99; and (b) from 1 July to 30 November 1999 from — (i) Melbourne; and (ii) regional Victorian vendors.

ANSWER:

I am informed that:

The detail provided in this answer has been obtained from the Victorian Government Purchasing Board who manipulate raw departmental expenditure data into the Purchasing Information System (PURIST) classifications. PURIST is recognised Australia wide as the principal system for procurement analysis.

1. The figures provided are based on the postcode of the vendor’s billing address and to the extent that some rural suppliers may use metropolitan billing addresses, the Melbourne expenditure may be overstated at the extent of regional expenditure. For 1998/99, the percentage of expenditure on purchases for the Department of Natural Resources and Environment from (a) Melbourne was 56.06%, (b) Regional Victoria was 28.69% and interstate/overseas was 15.25%. For the period 1 July 1999 to 30 November 1999, the percentage of expenditure on purchases from (a) Melbourne was 58.89%, (b) Regional Victoria was 23.89% and interstate/overseas was 17.22%
2. I have been provided with two tables showing the amounts paid to metropolitan and regional suppliers against the top twenty PURIST classifications in each of the periods specified in the question.

1998/99

Ranking by Value of Expenditure	Purist Code	Description	Expenditure	
			Melbourne	Regional Victoria
1	8791	Business services of a non consulting nature (excluding advertising, marketing & promotion, meetings & conferences, placement and supply of personnel, security, building cleaning, printing and utilities costs)	\$18,334,058	\$19,806,231
2	A219	Unclassified tools, hardware & building supplies (excluding power & hand tools, plumbing, electrical & builders hardware supplies)	\$8,856,357	\$8,191,002
3	8691	Unclassified professional, engineering & technical services (excluding legal accounting, auditing services etc, and directly classified architectural, engineering and other technical services)	\$12,429,810	\$3,064,549
4	8814	Forestry & logging services	\$4,255,232	\$8,923,037
5	B619	Unclassified professional, scientific & technical consultancy services (excluding engineering, architectural & drafting services etc)	\$9,043,850	\$982,257
6	8912	Real estate property rental fees & charges	\$9,157,155	\$1,626,580
7	7122	Land freight transportation other than rail	\$3,347,250	\$6,650,521

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Ranking by Value of Expenditure	Purist Code	Description	Expenditure	
			Melbourne	Regional Victoria
8	8721	Placement and supply services of personnel	\$4,299,247	\$2,066,207
9	8911	Financial assets & liabilities (eg motor vehicle registration; tax; duties)	\$5,852,273	\$1,523,061
10	7391	Aviation services other than transportation of passengers	\$2,694,919	\$1,201,701
11	8312	Long term lease of motor vehicles	\$703,264	\$85
12	8319	Rental or leasing services of equipment without an operator except for leasing or renting of motor vehicles, telephone lines and computers	\$2,110,878	\$3,639,841
13	7523	General telecommunication services & call charges	\$5,029,094	\$295,431
14	4721	Radio & television transmitters	\$4,740,674	\$103,177
15	8434	Outsourced information technology services	\$3,056,031	\$136,515
16	A119	Office consumables, except printed forms & stationery, copying paper, computing consumables & general stationery & devices	\$2,556,296	\$628,799
17	3891	Unclassified manufactured articles excluding furniture, musical instruments, sports goods, games & toys & prefabricated buildings	\$1,275,408	\$54,790
18	6411	Accommodation & associated expenses (related to hotel & restaurant services)	\$1,585,736	\$1,749,121
19	8752	Printing, reprographic and bindery services	\$2,476,289	\$469,088
20	8921	Computer software & operating systems	\$2,366,783	\$8,988

1 July 1999–30 November 1999

Ranking by Value of Expenditure	Purist Code	Description	Expenditure	
			Melbourne	Regional Victoria
1	8791	Business services of a non consulting nature (excluding advertising, marketing & promotion, meetings & conferences, placement and supply of personnel, security, building cleaning, printing and utilities costs)	\$6,843,061	\$3,260,756
2	B619	Unclassified professional, scientific & technical consultancy services (excluding engineering, architectural & drafting services etc)	\$7,284,457	\$268,503
3	8691	Unclassified professional, engineering & technical services (excluding legal accounting, auditing services etc, and directly classified architectural, engineering and other technical services)	\$6,700,392	\$958,324
4	A219	Unclassified tools, hardware & building supplies (excluding power & hand tools, plumbing, electrical & builders hardware supplies)	\$2,145,565	\$2,614,914

Ranking by Value of Expenditure	Purist Code	Description	Expenditure	
			Melbourne	Regional Victoria
5	8721	Placement and supply services of personnel	\$2,175,659	\$1,013,375
6	8912	Real estate property rental fees & charges	\$2,064,890	\$805,832
7	8814	Forestry & logging services	\$1,094,011	\$3,398,369
8	7122	Land freight transportation other than rail	\$841,116	\$3,064,125
9	8911	Financial assets & liabilities (eg motor vehicle registration; tax duties)	\$2,120,416	\$270,824
10	8121	Insurance	\$2,566,424	\$3,439
11	8434	Outsourced information technology services	\$2,080,468	\$57,053
12	8312	Long term lease of motor vehicles	Nil	\$2,796
13	7523	General telecommunication services & call charges	\$2,107,133	65,735
14	3891	Unclassified manufactured articles excluding furniture, musical instruments, sports goods, games & toys & prefabricated buildings	\$593,539	\$23,803
15	3331	Motor vehicle fuel & lubricants	\$1,571,583	\$24,435
16	6411	Accommodation & associated expenses (related to hotel & restaurant services)	\$735,478	\$747,720
17	A119	Office consumables, except printed forms & stationery, copying paper, computing consumables & general stationery & devices	\$1,070,541	\$345,759
18	8224	Property valuations	\$1,021,602	\$424,615
19	8319	Rental or leasing services of equipment without an operator except for leasing or renting of motor vehicles, telephone lines and computers	\$829,592	\$400,910
20	4721	Radio & television transmitters	\$1,187,094	\$23,755

Police and Emergency Services: public transport offences

87. **MR WILSON** — To ask the Honourable the Minister for Police and Emergency Services —

1. How many assaults and other offences were reported on the Glen Waverley rail line — (a) each year for the period 1992 up to and including 8 December 1999; and (b) for the months of October 1998, November 1998, October 1999 and November 1999 respectively.
2. How many assaults and other offences occurred at each of the Jordanville, Mount Waverley and Syndal railway stations for these specified years and months.
3. How many assaults or other offences were reported on the Lilydale, Belgrave and Alamein lines, and at each rail station between Chatham and Ringwood inclusive, for — (a) the period 1998 up to and including 8 December 1999; and (b) for the months of October 1998, November 1998, October 1999 and November 1999 respectively.
4. What operational numbers of police did Victoria Police have in relation to officers patrolling public transport as at — (a) 30 June 1999; (b) 30 September 1999; and (c) 30 November 1999 and what was the breakdown at each date by rank.

5. For each month between June and November 1999 inclusive, how many hours did Victoria Police personnel patrol — (a) Hillside Trains; (b) Bayside Trains; (c) Swanston Trams; (d) Yarra Trams; and (e) V/Line Passenger Services.

ANSWER:

1. LEAP crime recording was introduced in 1993 and was recognised as the official statistical reporting source from July 1993. Statistics prior to May 1993 are not comparable. Figures are for trains and train stations only.

(a) Glen Waverley Rail Line – total offences 1993-1999:

	1993-1999
Total Offences	666

(b) Glen Waverley Rail Line – total offences for specified months:

Total Offences	34
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2. LEAP crime recording was introduced in 1993 and was recognised as the official statistical reporting source from July 1993. Statistics prior to May 1993 are not comparable. Figures are for trains and train stations only.

Total offences at specified railway stations:

	1993	1994	1995	1996	1997	1998	1999
Stations	15	18	25	13	20	37	14

Total offences for selected months at specified railway stations:

	October 1998	October 1999	November 1998	November 1999
Stations	1	4	2	0

3. Figures are for trains and train stations only.

Total offences on specified rail lines - 1 January 1998 to 8 December 1999:

	Lilydale Line	Belgrave Line	Alamein Line
Total Offences	895	320	202

Total offences on specified rail lines for selected months:

	October 1998	October 1999	November 1998	November 1999
Lilydale	60	40	78	37

Total offences at specified railway stations - 1 January 1998 to 8 December 1999:

	Total Offences
Station	670

Total offences for selected months at the specified railway stations:

	October 1998	October 1999	November 1998	November 1999
Stations	20	18	45	24

4. The Transit Safety Division assumes the responsibility of policing the public transport system. The Transit Police strength as at the dates requested was as follows:

	30 June 1999	30 September 1999	30 November 1999
Strength	203	213	211

5. Since privatisation on 29 August 1999, the companies referred to as Hillside Trains and Bayside Trains have assumed differing Line references to the Hillside and Bayside Sectors attached to the Transit Police Safety Division. Thus, the police sectors and train companies are not geographically identical, and reporting figures are based on police sectors. The patrol figures supplied for Hillside Sector include the City Loop Stations. Bayside Trains Company, however, has responsibility for Loop Stations. Conversely, Bayside Sector patrol figures will not include Loop patrols.

Information concerning patrol times on trams is not identified as Swanston Trams or Yarra Trams. It is attributed to either the Hillside or Bayside Police Sector. Patrol times on V/Line Trains are not recorded. These areas are targeted and patrolled on a needs basis. The times patrolled are attributed to either Hillside or Bayside Sectors. These patrol times cannot be refined further.

Public Transport patrol hours for selected months in Hillside and Bayside Sectors 1999:

Month	Hillside	Bayside
June	1518 (24 on trams)	1975 (13 on trams)
July	1421 (19)	1837 (22)
August	1822 (53)	1877 (15)
September	1903 (56)	2149 (26)
October	1827 (39)	2171 (18)
November	1787 (47)	2052 (12)

These hours are actual 'On System' time on patrol hours.

Treasurer: Bennettswood land tax

104. MR WILSON — To ask the Honourable the then Minister for Finance and Assistant Treasurer —

1. How many properties in each of the areas represented by the postcodes 3125, 3128, 3130, 3149 and 3151 are expected to have land tax levied on them in 1999–2000.
2. What is the total expected value of the land tax in each of these postcodes for 1999–2000.
3. How many properties in each of these postcodes are attracting land tax for the first time in 1999–2000 and what is the total expected value of the land tax.

ANSWER:

I am informed that:

For the 2000 Land Tax Assessment Year

1. Number of properties taxed is 8,983 for the listed postcodes.
2. Total value of properties taxed is \$38,810,330.88
3. It is not possible to extract the number of properties taxed for the first time from the Land Tax database maintained by the State Revenue Office

Major Projects and Tourism: designated union contacts

136. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism —

1. Does the Minister's Department employ either staff (whether casual, full or part time) or consultants whose duties or contracts have included, or currently include, acting as a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council or the Australian Council of Trade Unions.
2. If so, provide the name of each such employee or consultant and at what annual salary or annual contracted rate each is employed.
3. Which union(s) does each such employee or contractor have responsibility for.
4. As at 31 December 1999, how many staff were employed in the above capacity by — (a) the Minister's Department; and (b) all statutory authorities or Government business enterprises responsible to the Minister's Department.
5. Of those employees, how many were members of each specified union.

ANSWER:

The Department of State and Regional Development has an Industrial Liaison Officer. The officer is paid within the salary range for the position.

The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Sport and Recreation: designated union contacts

137. MR WILSON — To ask the Honourable the Minister for representing the Minister for Sport and Recreation —

1. Does the Minister's Department employ either staff (whether casual, full or part time) or consultants whose duties or contracts have included, or currently include, acting as a designated contact point on policy matters with individual unions, the Victorian Trades Hall Council or the Australian Council of Trade Unions.
2. If so, provide the name of each such employee or consultant and at what annual salary or annual contracted rate each is employed.
3. Which union(s) does each such employee or contractor have responsibility for.
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The duties of this position require the occupant to develop and promote effective consultative industrial relations practices across the Department and its portfolio agencies. The occupant participates in discussions and negotiations between unions, staff and managers, consistent with Departmental policies and directions. The occupant also provides advice on emerging industrial relations issues within the Department and its portfolio agencies.

Major Projects and Tourism: ministerial appointments

171. MR WILSON — To ask the Honourable the Minister for Major Projects and Tourism —

1. What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.
2. What expressions of interest and selection processes were used in each such case.
3. What date was each such person appointed and on what date does his or her office expire.
4. What daily or half day sitting fees and other remuneration is expected to be paid in 1999–2000 to each such appointee.
5. Have any changes been made to remuneration arrangements for any such appointees since their appointment; if so what are the details.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Sport and Recreation: ministerial appointments

172. MR WILSON — To ask the Honourable the Minister for representing the Minister for Sport and Recreation —

1. What was the name of each Ministerial appointment made to Boards, Commissions, Committees of Government Business Enterprises, Statutory Authorities or the Department between 18 September 1999 and 29 February 2000.
2. What expressions of interest and selection processes were used in each such case.
3. What date was each such person appointed and on what date does his or her office expire.
4. What daily or half day sitting fees and other remuneration is expected to be paid in 1999–2000 to each such appointee.
5. Have any changes been made to remuneration arrangements for any such appointees since their appointment; if so what are the details.

ANSWER:

The time and resources required to provide the Honourable Member with a response to this question would unreasonably divert the resources of the department.

Should the Honourable Member wish to ask a more specific question on this matter, I will endeavour to provide him with a response.

Transport: Revenue Clearing House Pty Ltd

- 177. MR WILSON** — To ask the Honourable the Minister for Transport with reference to Revenue Clearing House Pty Ltd in which the Department of Infrastructure has a 20 per cent shareholding —
1. How many staff did Revenue Clearing House Pty Ltd have at 30 June 1999 and 31 December 1999 and what was its operating budget in 1999–2000 and the anticipated operating budget for 2000–2001.
 2. What proportion of the salaries does the Department of Infrastructure pay.
 3. What is the relationship between One Link Transit Systems Pty Ltd, Revenue Clearing House Pty Ltd and the Department of Infrastructure.
 4. Within how many days after receipt from customers is revenue required to be remitted to either One Link Transit Systems Pty Ltd or Revenue Clearing House Pty Ltd by — (a) Hillside Trains; (b) Bayside Trains; (c) Swanston Trams; (d) Yarra Trams; (e) Melbourne metropolitan private bus operators; and (f) One Link Transit Systems Pty Ltd.
 5. Are credit card transactions originating from Bayside and Hillside Trains railway stations, using either a manual card imprinter or an EFTPOS credit linked keypad machine, and which are then processed by Revenue Clearing House Pty Ltd, taking weeks to appear on Visa, MasterCard, Diners Club or American Express statements; if so, why.
 6. What revenue split has been agreed to between the private bus operators and the four rail and tram metropolitan franchisees.
 7. Since 1 September 1999 have on-board public transport ridership surveys, where passengers are asked to complete trip diaries, been conducted for metropolitan Melbourne or rural Victoria, including V/Line interurban and V/Line intercity services, by — (a) Millward Brown (previously Yann Campbell Hoare Wheeler); and (b) any other companies.
 8. If so — (a) on what dates and time periods; (b) by whom; and (c) at what contracted costs to the Department of Infrastructure, Revenue Clearing House Pty Ltd or its constituent franchisees.
 9. How many of those trip diaries were returned for each survey period in total which included metropolitan rail, tram, bus, interurban rail or intercity rail journeys.
 10. How often since 1 September 1999 have public transport ridership surveys with contractors or staff stationed at railway stations, tram or bus stops or riding trains, trams or buses, and counting ‘on/offers’ at each stop, been conducted for metropolitan Melbourne or rural Victoria, including V/Line interurban and V/Line intercity services, by — (a) any companies, contractors or in house by or for the Department Infrastructure; and (b) Revenue Clearing House Pty Ltd or its constituent franchisees.
 11. What dates and time periods did each ‘counting’ survey cover and what was the contracted cost.
 12. When compared with the 12 months prior, what patronage per month/annum do the above ‘diary’ and ‘counting’ surveys indicate for — (a) metropolitan rail; (b) metropolitan tram; (c) metropolitan bus; and (d) V/Line intercity services.
 13. How many passenger journeys using the services of each rail and tram franchises are expected to be made in — (a) 1999–2000; and (b) 2000–2001.

ANSWER:

1. While the Revenue Clearing House was established on 31 May 1999, its main operating functions began when the private franchisees took over the operation of the public transport system on 29 August 1999.

Staff numbers as at 30 June 1999 was two, and as at 31 December 1999 staffing was 10.

Operating Budgeted Expenditure 1999/2000 - \$53,545,395 (including OLT Quarterly Contractual Payments).

The Revenue Clearing House Operating Budget for 2000-2001 has been established at \$54,622,000 (excluding GST).

2. All employee salaries are paid directly by the Revenue Clearing House.

The Department of Infrastructure currently contributes approximately 18% to the funding of Revenue Clearing House Pty Ltd operational expenditure. This share is in line with the percentage of OneLink system costs attributable to bus operators.

3. The Department of Infrastructure is one of five Shareholders of the Revenue Clearing House Pty Ltd, a private company.

The Public Transport Corporation is a party to an agreement with OneLink Transit Systems Pty Ltd for the provision of outsourced Automatic Ticketing for Melbourne's Public Transport System.

It is envisaged that this agreement will be assigned from the Public Transport Corporation to the Revenue Clearing House Pty Ltd. Negotiations are currently occurring in relation to the proposed assignment. The Public Transport Corporation and the Revenue Clearing House Pty Ltd have entered an interim arrangement whereby the parties have agreed to perform certain functions to enable them to comply with their respective obligations until the assignment occurs.

4. Each train and tram operator is required to pay all revenue received by it from the sale of MetCards to the Revenue Clearing House or OneLink, no later than two business days after it receives such revenue.

The Secretary of the Department of Infrastructure is required to ensure that bus operators pay to the Revenue Clearing House all monies from the sale of MetCards no later than 72 hours after the conclusion of the Bus Service on which it receives such revenue. Revenue from sales to MetCard Retail Agents is required to be remitted by OneLink Transit Systems Pty Ltd to Revenue Clearing House no later than 21 days after tickets are distributed.

5. In general, Diners Club and American Express credit card transactions for a month are received, collated, submitted and appear on statements within 4 weeks of month end, with manual Visa and MasterCard credit card transactions being credited within a business week.

EFTPOS linked keypad machines are credited directly to the Revenue Clearing House's Bank account on the day the sale is transacted with the customer being debited on the same day.

6. The revenue split agreed between the Department of Infrastructure in respect of bus operators and the four rail and tram metropolitan franchisees is currently 17.7% of the total. This share fluctuates from time to time depending on the outcome of passenger trip diary surveys.

7. (a) Millward Brown (formerly Yann Campbell Hoare Wheeler) have undertaken trip diaries surveys on metropolitan Train, Tram and Bus services. There have been no surveys conducted on V/Line interurban or intercity services.

(b) None.

8. (a) Every day except 24, 25 and 26 December; time periods 6.45 a.m. to 7.00 p.m.

(b) By Millward Brown (formerly Yann Campbell Hoare Wheeler).

- (c) To the end of February 2000, the Revenue Clearing House has made payment to Millward Brown / Yann Campbell Hoare Wheeler of \$847,740 of which the Department's allocation was approximately 18% of the total cost.
9. Around fifteen thousand (15,000) ticket trip diaries are taken per quarter. This excludes interurban and intercity rail journeys on which no surveys are conducted.
10. Neither the Revenue Clearing House nor the Department of Infrastructure has conducted any public transport ridership surveys of the nature described. Franchise Operators are able to conduct public transport ridership surveys on any of their respective services. These surveys are used internally by the franchise operators and it is not a requirement of the Franchisee to forward this detail to the Department of Infrastructure.
11. Refer to answer to Question 10.
12. The "diary" surveys that are undertaken by Revenue Clearing House's contractors are not patronage surveys, and hence are not readily comparable with patronage surveys.
13. (a) The forecast passenger journeys for 1999/2000 are:

Mode	1999/2000 (m)
Trains	120.0
Trams	122.8
Metropolitan Buses	91.7
Country Rail & Coach Services	8.0
Total	342.5

- (b) Forecasts for 2000/2001 are not yet available.

Multicultural Affairs: Victorian interpreter card

205. **MR KOTSIRAS** — To ask the Honourable the Minister for Multicultural Affairs with reference to the survey of the effectiveness of the Victorian interpreter card — (a) what was its total cost of the survey; (b) what were its findings; and (c) what were its recommendations.

ANSWER:

I am informed that:

The survey constituted part of the functions of the Office of Multicultural Affairs and costs were absorbed within the funds allocated for those purposes.

The findings indicate that most agencies consider the Interpreter Card to be useful for both agencies and clients. However, the findings also indicate the need for promotion of the Card.

Survey results are being considered and a strategy will be developed to explore options for greater use of the Card.

Multicultural Affairs: FYROM

207. **MR KOTSIRAS** — To ask the Honourable the Minister for Multicultural Affairs whether the Victorian Government has provided financial assistance or any other kind of support or advice to — (a) the Macedonian Teachers Association; (b) any person or group acting on behalf of the Macedonian Teachers Association; (c) any other organisation associated with the former Yugoslav Republic of Macedonia; or (d) any other person or group of people or organisations in relation to the appeal to the High Court of Australia of the decision of the Full Federal Court regarding the use of the term 'Macedonian (Slavonic)'.

ANSWER:

I am informed that:

No financial assistance, advice or support has been provided by the Victorian Government.

Environment and Conservation: weed management

211. MR THOMPSON — To ask the Honourable the Minister for Environment and Conservation —

1. How many of the 344 management notices and the 1119 directions to landowners in 1998–1999 were issued to land managers in the Port Phillip East conservation and land protection (CALP) region, in respect of weed infestation and control.
2. What action has the Minister taken or will be taking in relation to the control and eradication of weeds on railway land and reserves.
3. How many management notices and directions to landowners have been issued to the managers or occupiers of railway reserves in Victoria in the current financial year to date.
4. What action will the Minister be taking to consult with community groups, other organisations and individuals in relation to the development of regional weed action plans.
5. Whether contributors to the report of the Parliamentary Environment and Natural Resources Committee entitled *Report on Weeds in Victoria* of May 1998 will have the opportunity to contribute advice on the formation of regional weed action plans; and if so whether the Minister will be placing advertisements in metropolitan and regional newspapers calling for submissions.
6. What steps have been or will be taken by the Minister to limit the sale and distribution of plants such as *sollya hetrophulla* (bluebell creeper), *pittosporum undulatum* (sweet pittosporum), *genista linifolia* (flax-leaved broom) and *cortaderia sellona* (pampas grass), which threaten natural ecosystems and which are generally available for sale in many Victorian nurseries.
7. What plans does the Minister have to control ‘regionally controlled weeds’ such as the angled onion (*allium triquetrum*), blackberry (*rubus fruticosus*), flax-leaved broom (*genista linifolia*), gorse (*ulex europaeus*) and thistles (various species) growing on road reserves in the West and South Gippsland areas (Port Phillip East and West Gippsland CALP Regions) including the South Gippsland and Bass highways and other main roads in the regions.

ANSWER:

I am informed that:

1. In 1998/99 46 Land Management Notices and 191 Directions were served on landowners in the eastern half of the Port Phillip region. These were all for Ragwort control.
2. Discussions about weed control responsibilities have been undertaken at State and regional level with the Company that now has management responsibility for railway land. It is now aware of the mechanisms for determining priorities for action, and the expectation of all land managers.
3. No Notices or Directions have been served on managers of rail reserves. As with all land managers, the initial aim is to ensure an understanding of the measures that need to be taken for the management of priority weeds and to develop cooperative plans for action.
4. Regional Weed Action Plans have been developed over the last year or so by the Department of Natural Resources and Environment and the Catchment Management Authorities (CMAs). The CMAs released the draft plans at various times this year for community consultation and comment. The Mallee and Wimmera Plans have been finalised following consideration of the comments received during the consultation period.

5. The consultation processes have been determined by each of the CMAs and include advertising in the regional press the availability of the plans for comment and public meetings or other discussion opportunities. Key stakeholders and land managers in the region were deliberately contacted to consider the implications, express their views and participate in refining the document.
6. The sale and distribution of declared noxious weeds in Victoria is prohibited. Only one of those species mentioned (*Genista linifolia* – Flax Leaved Broom) is a declared plant in Victoria. Currently the Department undertakes limited surveillance of the market through nurseries, retail chain stores, markets and community fairs. Deliberate action is taken however on reports of priority species being promoted or sold. The Department mainly utilises an educative approach and generally receives a cooperative response. Through the Cooperative Research Centre, a joint approach with the Nursery Industry Association of Australia is identifying a large number of environmental weeds that will be removed from future sale.
7. The control of Regionally Controlled Weeds on roadsides falls to VicRoads (and Shires) for the main roads, and to landowners for local roads. The action to be taken on the South Gippsland and Bass Highways and other main roads in the area will be determined in accordance with the priorities expressed in the Port Phillip and West Gippsland Weed Action Plans. The VicRoads works program on weeds is negotiated annually with the Department.

