PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

31 October 2000

(extract from Book 5)

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By authority of the Victorian Government Printer

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TUESDAY, 31 OCTOBER 2000

Tuesday, 31 October 2000

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to Local Government (Restoration of Local Democracy to Melton) Act.

QUESTIONS WITHOUT NOTICE

Snowy River

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Energy and Resources to the Premier's statement on the Snowy River, as reported at page 34 of the Legislative Assembly *Daily Hansard* of 26 October:

> In achieving the 21 per cent flow in the next 10 years the government does not anticipate, nor does it have plans to examine, the purchase of water.

Is that a factual statement about government policy, or is it completely wrong?

Hon. C. C. BROAD (Minister for Energy and Resources) — I welcome the opportunity the opposition has provided me to again refer to the historic agreement between the New South Wales and Victorian Labor governments in achieving the restoration of environmental flows to the Snowy River in line with the commitment the government took to the last election.

As I previously indicated to the house, the federal government is completing an environmental impact statement into the corporatisation of Snowy Hydro and determining its own position on the matter of restoring environmental flows to the Snowy River. Until the commonwealth has completed its deliberations and until the New South Wales Parliament has had the opportunity to examine the water licence to implement the agreement, which must be laid before the New South Wales Parliament, the corporate enterprise to be established to implement the agreement cannot commence its work on the funding of the water savings project or the acquisition of water.

Hon. M. A. Birrell — On a point of order, Mr President, my question is a simple one, particularly for a minister who is part of the cabinet system. I asked whether the Premier's statement was an accurate reflection of government policy. It is quite simple — whether the Premier's statement is accurate. The minister has not addressed the Premier's statement or its accuracy. I can only take it that the minister must think the Premier did not tell the truth. Otherwise, I would be happy for the minister to respond to the question and to deal with the Premier's statement and whether it is accurate.

The PRESIDENT — Order! I have not detected anything in the answer that responds to the question. Certainly the minister has quite appropriately given the house a background to the agreement that has been reached. I believe the question was specific about a statement made in another place by the Premier that the government does not intend to buy water; is that correct?

Hon. M. A. Birrell — Purchase water.

The PRESIDENT — Purchase water. That is the question that was put and I have not detected an answer to that yet. Perhaps the minister might like to address that question.

Hon. C. C. BROAD — Thank you, Mr President. I believe I was being responsive to the question. I will continue my answer if the member opposite wants to hear it, rather than his raising under the guise of so-called points of order other — —

Hon. M. A. Birrell — Get on with your answer!

Hon. C. C. BROAD — I was trying to before I was interrupted. As I indicated earlier, until such time as the corporate enterprise is established it is not possible to provide funds for water savings projects or for the purchase of water, which in any event is only to be a very limited part of the enterprise's business. Therefore, no water savings projects or purchases of water are occurring at this time, and they will not occur until the enterprise is put in place and provided with the funding necessary for it to conduct the task.

Industrial relations: outworkers

Hon. S. M. NGUYEN (Melbourne West) — I ask the Minister for Industrial Relations: what action is the Bracks government taking through its Fair Employment Bill to assist exploited outworkers?

Hon. M. M. GOULD (Minister for Industrial Relations) — I thank Mr Nguyen for his question. He is always concerned about the exploitation of outworkers. A significant plank of the Bracks government's pre-election policy was to legislate to end the exploitation of clothing outworkers. The independent industrial relations task force, through its consultations around the state, was presented with stark, first-hand

evidence of the plight of Victorian outworkers. They are Victorians who are often working women and their children who come from non-English-speaking backgrounds and have come to Australia to seek a new start and decent wages and working conditions.

The task force was told stories by people such as Mai — I ask honourable members to listen to the story of Mai — who worked with her daughter Vivien for 12 hours a day, seven days a week for $2.20 an hour.

Honourable members interjecting.

Hon. M. M. GOULD — That happens regularly in this state. Mr Smith may dismiss it as not being the case, but it occurs regularly.

Mai went to the company to get her wages and, guess what, the company had disappeared. It had shut down and she did not get her wages. The Fair Employment Bill the government proposes to introduce will give urgent support to those vulnerable, disadvantaged workers.

The bill will be the first step in bringing Victoria into line with legislative protections that already exist in Queensland, New South Wales and South Australia. Conservative governments in South Australia have recognised the plight of those workers.

Hon. R. M. Hallam — Mr President, my point of order goes to the issue of anticipation. As I understand it the minister is reflecting on legislation that is currently before Parliament. I ask you to rule on that precise matter.

The PRESIDENT — Order! The legislation is not before this house. There has been public comment, including in newspapers, that such legislation is around, but that does not preclude members of this house from making reference to it as the minister has done.

Hon. R. M. Hallam — It is actually before Parliament. Be very careful!

Hon. M. M. GOULD — Thank you for your ruling, Mr President, on an issue on which I sought guidance from you and others.

The government is concerned that over the past decade or so there have been numerous reports about the exploitation of outworkers. Neither the previous government in this state nor the commonwealth government responded to those reports. They did nothing to assist exploited outworkers. It is anticipated that the Fair Employment Bill will result in outworkers employed in the clothing industry for the first time being deemed employees, as clerical workers are.

The only real difference between a clothing outworker and a person using a sewing machine in a factory is that the outworker works at home in a garage or spare room, yet the outworkers do not receive minimum wages and conditions. They are paid only between $2.20 and $3.20 an hour. The government maintains that the conditions that apply to people in factories should apply to people who work from home. It is important that they be entitled to minimum conditions.

The legislation will also assist people like Mai, who went to her immediate contractor to obtain unpaid wages. It will also ensure that appropriate protection is built in for the principal contractor and the subcontractors. It is proposed, firstly, that no claim will be able to be made against the principal contractor where the subcontractor has provided a guarantee in the form of a correct written statement that the wages have been paid and, secondly, that where the wages have not been paid, the principal contractor may be — —

Hon. K. M. Smith — On a point of order, Mr President, the minister is debating the question.

Honourable members interjecting.

Hon. K. M. Smith — I ask you to require that the minister conclude.

The PRESIDENT — Order! As I said, the house is not precluded from having a dissertation from the minister on the matter because the bill is not on the Legislative Council notice paper. The point of order concerned whether, in giving her explanation, the minister was debating the question. The minister was starting along that trail. The minister will have plenty of opportunity to speak on the bill when it comes before the house. If the minister moves towards the end of her answer, we will all be happy.

Hon. M. M. GOULD — To wind up, I want to ensure — —

Hon. M. A. Birrell — Keep this for the committee stage. You'll have plenty of time!

Hon. M. M. GOULD — I look forward to it. I assure the house that the legislation seeks to protect the principal contractors. It will be done in a balanced way, in line with what has existed for some time in New South Wales and Queensland. The bill takes a balanced approach and will ensure that there is a catch-up, which is what Victoria requires to complement what exists in other states.

I assure the house that this government is committed to protecting outworkers. The previous government did nothing, but this government intends to do something through the Fair Employment Bill.

Snowy River

Hon. BILL FORWOOD (Templestowe) — I ask the Minister for Energy and Resources whether, in respect of the government's Snowy River policy, it anticipates purchasing water in the next 10 years.

Hon. C. C. BROAD (Minister for Energy and Resources) — It is quite apparent that the disappointment of members of the opposition that the government has actually honoured its election commitment on the Snowy River means they are unable and unwilling to welcome, let alone embrace, the agreement in the way their federal colleagues, including the Prime Minister, have shown they are willing to do.

The enterprise, which I have previously talked about in this place, is to be charged with the responsibility over the next 10 years of acquiring 21 per cent of annual flows for the Snowy River, acquiring that water within a budget to be provided by the New South Wales and Victorian governments under this agreement and acquiring that water at least cost. It is envisaged that the great bulk of that water will be acquired through funding water savings projects.

It is already on the record that the enterprise will have within its charter a capacity to do so from within its budget and within that time frame at least cost to acquire water if it is opportune to do so. However, as has already been indicated, it is not envisaged that that will be a significant part of its operations. As the opposition has been very keen to point out, it would be entirely counterproductive for significant quantities of water to be acquired in that way because of the effect it would have on the water market, which would mean that that would have an adverse effect on the government's stated objective. The government is determined to achieve its objective and believes this enterprise will do so.

The comments of the honourable member for Mildura in another place have not been particularly complimentary about the misinformation that has been put around the place by the opposition.

Small business: showcasing strategy

Hon. G. D. ROMANES (Melbourne) — I ask the Minister for Small Business how the Showcasing Small Business strategy will promote small business in Victoria.

Hon. M. R. THOMSON (Minister for Small Business) — One of the most important aspects of the Showcasing Small Business strategy is its recognition of the contribution small business makes to both local economies and the Victorian economy. The government wants to encourage small business to gain access to local expos. It will also be making available access to trade delegations and visits overseas to ensure that small business has access to world markets. Previously small business may not have had the opportunity to expand into world markets.

It is also important that the government recognise small business through awards. It is happy to continue its association with the Telstra and Victorian government small business awards, the Australian Retail Association's Victoria Young Retailer of the Year, local government awards and, for the first time, the Australian businesswomen network awards. Recently I participated in the Leader Newspaper business awards, which recognise small businesses from the customer perspective. Customers vote for them and it directly links the customer bases to small businesses. It is important that the government recognises the crucial element that small business provides in customer relationships that goes beyond one-to-one transactions.

The government is very pleased to be able to assist small business by opening up its options and expanding its marketplace and market share, but it is also important that the whole of the Victorian community recognises the contribution of small business to the economy.

The government also showcased a number of businesses in the 'Showcasing small business' supplement, which it had inserted into the newspapers and which honourable members opposite have mentioned. Those businesses comprised 4 of the 600 small businesses with which I have now met in the Listening to Small Business program.

Snowy River

Hon. W. R. BAXTER (North Eastern) — I refer the Minister for Energy and Resources to her answer to my question last Thursday regarding the public release of the agreement she so proudly designates 'historic' regarding the Snowy River. Bearing in mind there is no statutory provision contained in the Snowy hydro-electric corporatisation legislation to which she referred last week preventing release of the document, is the house to believe the only reason she is not

releasing this secret document is simply that she is not required by law to do so?

Hon. C. C. BROAD (Minister for Energy and Resources) — I indicated to the house that on completion and finalisation of agreements, including that with the commonwealth government, all the documents that will become public in due course, including the water licence, will be published.

Nagambie: canoe championships

Hon. D. G. HADDEN (Ballarat) — I refer my question to the Minister for Sport and Recreation. In light of the government's commitment to major sporting events for rural and regional Victoria, will the minister advise the house of any developments in relation to the 2001 national canoe sprint championships at Nagambie?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I received a letter recently from the Shire of Strathbogie seeking financial assistance to reconfigure its rowing course at Nagambie to secure and retain the rights to stage the 2001 national canoe sprint championships.

I am pleased to advise the house that I have made a special grant to the Shire of Strathbogie for $32 000, which will enable the ninth lane of buoys to be installed on the existing watercourse.

Honourable members may be aware that the current course is configured in an arrangement of eight 13.5 metre rowing lanes, but the conduct of the national canoeing titles requires nine lanes on the course. The rowing course will be reconfigured to enable them to hold the titles. I understand the Nagambie Lakes Authority will provide funds so the starting pontoons can be adjusted for the event and the title rights retained. That is another example of the Bracks government's commitment to major events, particularly in rural and regional Victoria.

Electricity: Yallourn dispute

Hon. PHILIP DAVIS (Gippsland) — Last week I asked the Minister for Industrial Relations what she was doing to settle the protracted dispute threatening power supplies this summer. The minister advised she was waiting for the outcome of Australian Industrial Relations Commission deliberations. This week Latrobe Valley power unions have threatened to shut down brown coal generation in an escalation of a dispute that will lead to blackouts. Will the minister advise whether she will now do more than sit and wait?

Hon. M. M. GOULD (Minister for Industrial Relations) — As I advised the house last week, officers of my department have been in touch with Yallourn Energy daily — and more often than once a day — and with the relevant unions. Commissioner Lewin has reserved his decision, and my advice is that he is expected to hand it down on Thursday this week, when he will rule on the application to terminate or suspend the bargaining period. I have been in touch with the company and the unions to assist in a smooth transition of that decision once the commission hands it down.

There is concern about the Latrobe Valley action proposed to take place on Thursday based on issues that have arisen in the past few days and dependent on the outcome of the commission's decision. The federal Workplace Relations Act allows both the company and the unions to take protective action. That issue has been substantially debated before the commission. As I said, the commission has reserved its decision and the parties await the outcome. We are assisting the parties in working through and identifying issues on which agreement can be reached. Meetings to identify areas where agreements can be reached versus areas that are likely to require arbitration have taken place regularly.

The ongoing concern is contracts and contracting out, an issue that began under the former government. Agreement has not been reached on the issue during the past 18 months. We will continue to work with the company and unions and will encourage and assist them to resolve this protracted dispute.

Hon. Philip Davis — You're doing nothing.

Hon. M. M. GOULD — Rubbish!

Schools: energy efficiency

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Energy and Resources advise the house what steps the government is taking to fulfil the ALP's election commitment to reduce energy use in government buildings, especially schools?

Hon. C. C. BROAD (Minister for Energy and Resources) — I thank the honourable member for her question and interest in the issue. The election policy of the ALP prior to the last election included a target to reduce energy use in all government buildings by 15 per cent by 2005. Schools were to be included in the facilities that must implement that policy commitment.

Every year Victorian schools spend about $25 million on energy requirements and are responsible for the emission of about 240 000 tonnes of carbon monoxide. The introduction of the 15 per cent target is one of the

key initiatives of the government and is designed to reduce the reliance on fossil fuels and the demand on the existing power generation system. The additional benefit is a reduction in greenhouse gas emissions. That commitment demonstrates the government's leadership in reducing greenhouse gases.

Honourable members interjecting.

The PRESIDENT — Order! Mr Hallam and Mr Theophanous will cease their conversation across the chamber and allow the minister to continue.

Hon. C. C. BROAD — I am pleased to advise the house that some 550 government schools and 167 independent schools have joined the Energy Smart schools program, which provides practical advice and support to schools in implementing energy management programs. Assistance will be provided by the Sustainable Energy Authority (SEA) to support schools in reducing their energy consumption. The support includes training seminars offered throughout the metropolitan area and in regional Victoria.

During school term 2 some 30 Energy Smart schools were funded for casual relief teachers to free up regular staff members to establish school Energy Smart programs. That overcame one of the major barriers for schools in implementing energy efficiency measures. More grants will be offered to other schools during the remainder of the financial year.

The Sustainable Energy Authority provides energy efficiency advice to the Department of Education, Employment and Training regarding new government school building designs and other major works in addition to the assistance I have already referred to.

There are still many opportunities to save energy in Victorian schools through the uptake of plant and equipment. The government is committed to ensuring that government schools have energy systems that are economical and efficient while providing excellent conditions for students and staff. The department and the SEA are working together to ensure schools can meet their part of the government's energy reduction targets and be centres where energy conservation is not only demonstrated but also learnt.

Industrial relations: small business

Hon. M. T. LUCKINS (Waverley) — I refer the Minister for Industrial Relations to her statement on Labor's proposed industrial relations changes that a centrepiece of the changes would be better and improved information and advisory services for small businesses and employees in metropolitan, regional and rural Victoria. Officers from Industrial Relations Victoria will now be located in major metropolitan and regional centres. What is the anticipated annual cost of those new services?

Hon. M. M. GOULD (Minister for Industrial Relations) — To elaborate, it is proposed to locate people from Victorian business centres in outlets across Victoria. At present they are operating only in Geelong, Ballarat and the Melbourne CBD. A large proportion of those people would be across the areas that are most affected — that is, in regional and rural Victoria.

The government is committed to ensuring that there is sufficient staff in those areas to assist business and that there are appropriate funding arrangements to cover the staff and ensure resources are sufficient to enable information for those areas to be produced. It also aims to ensure there is sufficient information available to produce pamphlets and so on.

Hon. Bill Forwood — Pamphlets?

Hon. M. M. GOULD — That is the sort of information employers have been asking for. We acknowledge that need. They need to know about the appropriate rates of pay and conditions applying to their staff.

It is a matter of ensuring they receive access to telephone information. Currently when they telephone it is a federal work relations number, and they cannot answer questions referring to state issues, only federal awards. We wish to ensure that services for employers and staff and accommodation and information are appropriately funded.

Hon. M. T. Luckins — On a point of order, Mr President, my question was specific: what is the anticipated annual cost of the services?

The PRESIDENT — Order! As the minister is embarking on a new venture she cannot quantify those costs at the moment, but she said that adequate funding will be provided. I suggest the honourable member follow up her question in the future to ascertain that information. I believe the minister's answer was responsive to the question.

Job Watch

Hon. T. C. THEOPHANOUS (Jika Jika) — Will the Minister for Industrial Relations advise the house of action the government is taking to ensure the financial future of the state's only community-based employment rights watchdog, Job Watch?

Hon. M. M. GOULD (Minister for Industrial Relations) — I am pleased to inform the house that the Bracks government has substantially increased funding of the community-run employment rights advocacy service, Job Watch.

The previous government froze the funding in 1992–93 at $337 000 a year in an attempt to diminish the role of the watchdog, Job Watch. Taking into consideration that freeze, it basically reduced the funding arrangements each year over the past seven years. The inspection service that was in place was disbanded. Job Watch was the only community-based organisation that allowed workers to receive advice on their entitlements. The independent industrial relations task force was highly critical of the fact that the former government had diminished the operation of the state's industrial relations regulatory inspection service and that no proper facilities were available for workers to receive the appropriate information.

I am pleased to inform the house that the government has increased funding by more than 130 per cent from $337 000 to $777 000 a year. This additional funding will expand Job Watch's capacity to provide an increase in the number of telephone inquiries from 12 000 to 20 000 a year. It has developed a new rural outreach program and there will be a minimum of eight visits to rural and regional areas a year. I am sure country members would welcome that initiative. There will be an increase in Job Watch's assistance to clients wishing to undertake their own legal representation and the number of clients who are directly represented by Job Watch, an increase in Job Watch's staff, the employment of additional solicitors and new telephone inquiries staff.

This is an important funding arrangement the government has entered into with Job Watch. Recently Job Watch celebrated its 20th anniversary, and in doing so a poster was developed which I have undertaken to send to all members of Parliament, with the telephone number, so that honourable members can pass it on to their constituents. The telephone number is 1800 331 617. I urge all honourable members to make that available to their constituents who have issues about employment. The government is proud that it has been able to assist Job Watch in its ongoing support for working people in Victoria who have not had the ability to raise issues with employers and Job Watch. The additional funding will assist in the taking of telephone calls and the offering of advice.

QUESTIONS ON NOTICE

Answers

Hon. M. M. GOULD (Minister for Industrial Relations) — By leave, I move:

> That so much of the standing orders as require answers to questions on notice to be delivered verbally in the house be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in *Hansard*.

The question numbers are: 869–70, 872–4, 883–94, 896–914, 949–51, 961–3, 965–8, 971, 977–8, 980, 981–5, 994–1000, 1030–39, 1041, 1044–5, 1047, 1056–8, 1077, 1090–93, 1095–9, 1101, 1103, 1105–7.

Motion agreed to.

COMMONWEALTH TREATY DOCUMENTS

Hon. M. M. GOULD (Minister for Industrial Relations), by leave, presented the following treaty documents:

(a) bilateral agreement tabled in the commonwealth Parliament on 6 June 2000, together with national interest analysis, dealing with:

> **remunerated employment for dependants of diplomatic, consular, administrative and technical personnel of diplomatic and consular missions, between Australia and the Kingdom of Spain.**

(b) multilateral agreement tabled in the commonwealth Parliament on 6 June 2000, together with national interest analysis, dealing with:

> **international trade in endangered species of wild fauna and flora.**

(c) bilateral agreements tabled in the commonwealth Parliament on 15 August 2000, together with national interest analysis, dealing with:

> **treaty on extradition, between Australia and the Republic of Latvia.**
>
> **cooperation in the peaceful uses of nuclear energy, between Australia and Japan.**
>
> **space vehicle tracking and communication facilities, between Australia and the United States of America.**

Laid on table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Ovine Johne's disease

Hon. E. G. STONEY (Central Highlands) presented report, together with appendices, extracts from proceedings of committee, minority report, minutes of evidence and research investigation reports.

Hon. E. G. STONEY (Central Highlands) (*By leave*) — Ovine Johne's disease is a wasting disease in sheep, and there is no cure. In 1996 a program of quarantine and compensation was introduced. However, implementation of the program caused grave financial and emotional hardship for many farmers.

The report arrives at a series of recommendations that are a logical conclusion to the evidence that was given. The minority report, signed by four committee members, also includes three recommendations that were arrived at after the logical assessment of the evidence. They are not in the main report because they were voted out.

The eight-member committee travelled extensively throughout rural Victoria last winter, when it heard evidence and submissions from hundreds of people. Much of the evidence was of a highly personal nature. It was about how farmers were traumatised by the implementation of the program.

What we were told in evidence had a profound effect on everybody concerned — the committee, the staff, Hansard reporters and the people from the country and from Melbourne who came in large numbers to hear every bit of evidence that was submitted to us.

I pay a special tribute to Hansard staff, who had a very difficult time. They worked under great difficulty, often for 3 hours at a stretch in cold country halls with very poor acoustics. They also had to deal with the nature of what was said. In fact, one person who gave evidence and later received a copy for correction said that he changed only one minor word and could not believe how accurate the *Hansard* report was in such difficult circumstances.

I wish to say a special thankyou to the staff — Brad Miles, Andrea Lindsay, Katherine Karlevski and Gina Arpea. But the most special thanks must go to the farmers. They were prepared to tell it as it was. They were prepared to give evidence with their neighbours, families and friends present. They were the ones who were affected, and it was their cooperation that made it all possible.

Laid on table.

Ordered that the report, appendices, extracts from proceedings and minority report be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 10

Hon. M. T. LUCKINS (Waverley) presented *Alert Digest* No. 10 of 2000, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Deputy Clerk:

Adult, Community and Further Education Board — Report, 1999–2000.

Agriculture Victoria Services Pty Ltd — Report, 1999–2000.

Albury–Wodonga Development (Victoria) Corporation — Report, 1999–2000.

Architects Registration Board — Report, 1999–2000.

Australian Grand Prix Corporation — Report, 1999–2000.

Board of Studies — Report, 1999–2000.

Building Control Commission — Report, 1999–2000.

Casino and Gaming Authority — Report, 1999–2000.

Channels Authority — Report, 1999–2000.

Children's Court of Victoria — Report, 1999–2000.

Cinemedia Corporation — Report, 1999–2000.

Docklands Authority — Report, 1999–2000.

Education, Training and Employment Department — Report, 1999–2000.

Emerald Tourist Railway Board — Report, 1999–2000.

First Mildura Irrigation Trust — Report, 1999–2000.

Gambling Research Panel — Report, for the period 10 May 2000 to 30 June 2000.

Gascor Pty Ltd — Report, 1999–2000.

Geelong Performing Arts Centre Trust — Report, 1999–2000.

Gippsland and Southern Rural Water Authority — Report, 1999–2000.

Goulburn–Murray Rural Water Authority — Report, 1999–2000.

Grants Commission — Report, 1999–2000.

Greyhound Racing Control Board — Report, 1999–2000.

Heritage Council — Report, 1999–2000.

Human Services Department — Report, 1999–2000.

Infertility Treatment Authority — Report, 1999–2000.

Legal Practice Board — Report, 1999–2000.

Legal Practitioners' Liability Committee — Report, 1999–2000 (two papers).

Library Board — Report, 1999–2000.

Marine Board — Report, 1999–2000.

Melbourne 2006 Commonwealth Games Pty Ltd — Report, for the period 15 July 1999 to 30 June 2000.

Melbourne and Olympic Parks Trust — Report, 1999–2000.

Melbourne Convention and Exhibition Trust — Report, 1999–2000

Melbourne Market Authority — Report, 1999–2000.

Melbourne Port Corporation — Report, 1999–2000.

Melbourne Water Corporation — Report, 1999–2000.

Met Train 1 — Report, for the period 1 July 1999 to 23 December 1999.

Met Train 2 — Report, for the period 1 July 1999 to 23 December 1999.

Met Tram 1 — Report, for the period 1 July 1999 to 23 December 1999.

Met Tram 2 — Report, for the period 1 July 1999 to 23 December 1999.

National Gallery Council — Report, 1999–2000.

Overseas Projects Corporation Limited — Report, 1999–2000.

Parks Victoria — Report, 1999–2000.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's Report upon Reforms for Scrutinising the Budget Estimates.

Parliamentary Contributory Superannuation Fund — Report, 1999–2000.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme — Amendment C11.

Boroondara Planning Scheme — Amendment C4.

Buloke Planning Scheme — Amendment C1.

Cardinia Planning Scheme — Amendment C3.

Darebin Planning Scheme — Amendment C14.

Hobsons Bay Planning Scheme — Amendments C3 and C13.

Maroondah Planning Scheme — Amendment C9 Part 1.

Mitchell Planning Scheme — Amendments C2, C4 and C5.

Wangaratta Planning Scheme — Amendment C6.

Plumbing Industry Commission — Report, 1999–2000.

Premier and Cabinet Department — Report, 1999–2000.

Public Record Office — Report, 1999–2000.

Public Transport Corporation — Report, 1999–2000.

Regulator General's Office — Report, 1999–2000.

Roads Corporation — Report, 1999–2000.

Royal Botanic Gardens Board — Report, 1999–2000.

State and Regional Development Department — Report, 1999–2000.

State Sport Centres Trust — Report, 1999–2000.

State Superannuation Fund — Report, 1999–2000.

State Training Board — Report, 1999–2000.

State Trustees Limited — Report, 1999–2000 (including financial statements of the Common Funds No. 1) (two papers).

Sunraysia Rural Water Authority — Report, 1999–2000.

Tourism Victoria — Report, 1999–2000.

Transport Accident Commission — Report, 1999–2000.

Treasury and Finance Department — Report, 1999–2000.

Tricontinental Holdings Limited — Report, 1999.

Urban Land Corporation — Report, 1999–2000.

VicFleet Pty Ltd — Minister's report of failure to submit, 1999–2000 report to her within the prescribed period and the reasons therefor.

Victims of Crime Assistance Tribunal — Report, 1999–2000.

Victorian Coastal Council — Report, 1999–2000.

Victorian Energy Networks Corporation — Report, 1999–2000.

Victorian Government Purchasing Board — Report, 1999–2000.

Victorian Institute of Sport — Report, 1999–2000 (two papers).

Victorian Meat Authority — Report, 1999–2000.

Victorian Medical Consortium Pty Ltd — Report, 1999–2000.

V/Line Passenger Corporation — Report, 1999–2000.

Wimmera–Mallee Rural Water Authority — Report, 1999–2000.

Workcover Authority — Report, 1999–2000.

Young Farmers' Finance Council — Report, 1999–2000.

Zoological Parks and Gardens Board — Report, 1999–2000.

Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act pursuant to an Order of the Council on 4 November 1999:

Dairy Act 2000 — Section 65 — 27 October 2000 — Remaining provisions — 31 October 2000 *(Gazette No. G43, 26 October 2000).*

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

TRANSPORT ACCIDENT (AMENDMENT) BILL

Second reading

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend aspects of the Transport Accident Act that:

are out of step with the Transport Accident Commission's current policies or community expectations;

contain anomalies that need to be rectified; or

require changes to realign the operation of the act with its original intentions.

This bill follows a comprehensive review of the act undertaken by the TAC. It will ensure that the provisions of the act remain consistent with the continued success of the transport accident scheme.

The bill contains a number of measures that will provide additional benefits to TAC claimants:

TAC claimants who receive loss-of-earning-capacity benefits will not have the purchasing power of their benefits eroded by the introduction of the GST. The government will alleviate the effects of GST on TAC claimants who are entitled to long-term income support by increasing the benefits payable by 4 per cent, backdated to 1 July this year. This increase is consistent with those provided to pensioners and other commonwealth social welfare recipients.

the bill provides for the payment of a lump sum benefit to a surviving spouse following the death of a spouse who was responsible for the care of children. This will ensure that the same compensation will be payable for the loss of a father or a mother regardless of their earnings. The loss of a partner is difficult enough to bear without the addition of financial strain in adequately caring for the children alone, and the government is concerned to ensure that the act no longer discriminates against full-time homemakers.

the bill also extends access to TAC benefits to a cyclist who is injured in a collision with a parked vehicle while riding to or from work. Honourable members will be aware that a cyclist, such as a bicycle courier, who collides with a parked motor vehicle during the course of his or her work is eligible for Workcover benefits. However, as their respective acts currently stand, neither Workcover nor the TAC provide access to benefits for cyclists injured in a collision with a parked vehicle while on their way to or from work. That anomaly is now corrected.

the bill provides additional access to counselling by a claimant's family. In 1994 counselling for family members was introduced in the event of a death in a transport accident. This is now extended to the family of a severely injured claimant to help them to cope at a very difficult time.

provision is made for the first time for the reimbursement of expenses totalling up to $5000 incurred by a spouse and dependent children of a claimant in visiting their partner or parent who is a hospital patient more than 100 kilometres from their home. This benefit will be particularly helpful to the families of rural and regional claimants whose extensive injuries require specialist hospitalisation in Melbourne.

The act currently contains an anomaly that results in a claimant injured in more than one accident receiving a different level of impairment benefit depending on the order in which the accidents occur. For example, a claimant who has an accident resulting in 5 per cent impairment followed by an accident resulting in 15 per cent impairment will receive more than $11 000. If the person was impaired in similar accidents in the reverse order, he or she would receive less than $4000. The bill corrects this anomalous position.

Seriously injured TAC claimants and their families have often expressed confusion about the provisions of the act relating to home and vehicle modifications. Coverage of the costs of home and vehicle modifications is currently included in two separate areas of the act: firstly, as part of the definition of a rehabilitation service, and secondly, as part of the specific provisions of section 60. The TAC has received legal advice that section 60 only covers the modification of an existing home or vehicle of a claimant, which in many cases does not meet the needs of claimants.

The bill therefore includes a significantly expanded provision specifically covering the TAC's obligations to provide appropriate modifications of a home or vehicle. This provides for the first time that the TAC will contribute to the purchase of a vehicle where the claimant's current vehicle cannot readily be modified, and will assist a claimant to obtain modifiable accommodation where his or her current residence is unsuitable.

The bill also clarifies current requirements for modifications with a value in excess of $5000 to be subject to an agreement between the claimant and the TAC covering issues such as ownership, maintenance, insurance and subsequent modifications.

The bill requires the TAC to preserve the entitlement to loss of earning capacity benefits of a claimant who participates in a return-to-work program but is unsuccessful in achieving a lasting return to employment. This will overcome a disincentive for seriously injured claimants to attempt a return to work that may exist under the current provisions of the act.

Two important amendments are included in the bill for the benefit of minors. First, the act will allow a minor who did not have a claim for compensation lodged on his or her behalf at the time of the accident an opportunity to lodge a claim in their own right upon reaching 18.

Secondly, the act changes the calculation of the entitlement of a minor to loss of earning capacity benefits by using a figure of 80 per cent of average weekly earnings instead of 60 per cent. This will increase the amount of this benefit payable for a minor after they turn 18.

I will now turn to some of the provisions of the bill that are designed to improve the efficiency of the scheme and maintain its viability.

The package also contains a number of measures that are designed to improve the speed and accuracy of the TAC's decision making and to minimise the need for formal appeal processes. These measures include:

reducing the time in which the TAC must accept or reject a claim for compensation from 28 to 21 days.

removing the requirement for a claim for compensation to be accompanied by a statutory declaration. This will enable claims to be lodged electronically rather than by completing and forwarding a written form to the commission.

The bill contains some amendments that are designed to improve dispute resolution and ensure that, as much as possible, disputes can be resolved without the need for formal review by the Victorian Civil and Administrative Tribunal.

The act currently requires the TAC to conduct an informal review of a decision within 28 days after an application for review by VCAT is lodged. It can be difficult for a claimant or their representative to provide TAC with appropriate evidence within 28 days so that the commission can review its decision effectively. This results in the TAC being obliged routinely to sustain its original decision, shifting the onus for the disclosure of information associated with a review to VCAT and so increasing costs and prolonging disputes.

The bill enables TAC to use a more extensive process to conduct an informal review of decisions by allowing a longer period for the claimant to provide information. It also provides for a conference to try to resolve disputes before drawing on the resources of VCAT. If a dispute cannot be resolved informally, claimants can still proceed with a claim before VCAT.

The bill also contains measures designed to improve the determination of entitlements to impairment benefits under the act. The determination of impairment is required to take place after 18 months or upon stabilisation of the injuries, whichever occurs later. Impairment decisions represent nearly two-thirds of disputed TAC decisions, and on average take more than

two years to conclude. Delays occur through extended disputation and through applications for impairment assessments being received much later after an accident than the time allowed by law for assessment.

Impairment disputes are increasingly expensive to resolve, and tend to rely on obtaining excessive numbers of medico–legal reports, with the claimant submitting to multiple examinations to determine their degree of impairment. The increasing cost of these procedures and the delays in delivering impairment benefits reduce the value of the benefit to the claimant and can hamper a claimant's recovery effort.

The number of medico–legal reports obtained in connection with impairment disputes has been growing steadily over the last three years, notwithstanding a reduction in appeals over the same period by more than half, from 1425 in 1996–97 to 696 in 1999–2000. By contrast, the number of reports obtained to determine impairment has grown from around 9400 in 1996 to 13 350 in 1999–2000.

The effect of this growth has been to drive up the cost of delivering impairment benefits to a point where it now costs more than half the total benefit — $11 million out of $20.5 million — to deliver impairment benefits to claimants. The measures contained in the bill that are designed to improve the impairment process are:

imposing a restriction on the funding of medico–legal reports, unless the reports are authorised to be obtained by the TAC. This replicates provisions in the Accident Compensation Act 1985 to ensure that the number of reports is limited to no more than a second opinion from a relevant specialist and reports from treating practitioners.

imposing a six-year time limit after an accident to make an application for an impairment determination from the commission.

making it mandatory for TAC to pay the full amount of the entitlement to impairment benefits to the claimant without a set-off of legal costs.

introducing a broader discretion to determine impairment earlier than 18 months after an accident, provided the claimant's injuries have substantially stabilised. This will enable claims for compensation for seriously injured claimants to be fast-tracked through statutory and common-law processes.

These measures will assist TAC to reduce the time taken to make an impairment decision, reduce the costs of disputes, and deliver benefits more quickly. Together with the improvements to the informal review process they will improve the speed and reduce the cost of disputation surrounding impairment reviews.

The amendments also make it clear that provisions of VCAT legislation that relate to the making of offers of compromise apply to reviews under the Transport Accident Act.

This will mean that if TAC makes an offer of compromise in relation to a review of impairment, then the applicant for the review will have to exceed the offer made or be required to meet the costs incurred by TAC after making the offer.

The VCAT legislation sought to apply these provisions when it was enacted, but it was not clear that the provisions applied in all cases as they were inconsistent with the provisions of section 79 of the Transport Accident Act, which enable VCAT to award costs at its absolute discretion. This provision will be subject to the VCAT act, in line with the original intention.

The bill contains other measures to address anomalies, and restore the original intent of the legislation. Most notable among these provisions are:

ensuring that a plaintiff's right to common-law damages is not affected if the defendant dies before the plaintiff is granted a serious injury certificate. This overcomes an observation made by the Court of Appeal in its decision in *Swanell v. Farmer*.

amending the definition of serious injury to clarify that the reference in paragraph (a) to physical injuries is confined to consideration of those injuries and not the impact of the injury on the claimant. Psychological effects and physical injuries are to be considered separately under paragraph (c), which deals explicitly with long-term mental and behavioural disturbances. This will reflect the existing understanding of the treatment of functional overlay in the determination of serious injury, as outlined in the recent decision of Wylie and Richards. This does not change the basis of the definition in the act, which remains founded upon the longstanding interpretation of the term set out in the decision Humphries and Poljak.

enabling blood alcohol and breathalyser readings lawfully taken after an accident to be used in common-law proceedings under the act. This will enable the court to be made aware of any such readings, but will retain the court's discretion in relation to the weight given to evidence of alcohol consumption.

clarifying the intent of the legislation that common-law actions in relation to motor sport accidents are not indemnified under the act.

The bill also revokes the order in council gazetted on 6 May 1993 that established the TAC as a 'reorganising body' under the State Owned Enterprises Act. This was apparently done in preparation for possible significant change to the structure of the commission in conjunction with the previous government's consideration of options for the privatisation of TAC.

In the event, the structure of the TAC was not changed. However, under the SOE Act, the Treasurer is able to determine dividend payments and capital repayments to be made to the state by a reorganising body, after consultation with the body and the relevant minister. It is considered that the dividend-setting and capital-repayment arrangements under the SOE Act are formulated more clearly than those under the Transport Accident Act.

Ending the status of the TAC as a reorganising body under the SOE Act could on one interpretation preclude the payment of dividends and repayment of capital by the TAC. The bill therefore inserts into the Transport Accident Act 1986 specific powers to enable these payments to continue. This does not involve any change to the current dividend determination policy and administrative processes.

In conclusion to these amendments to the Transport Accident Act I make the following statements in respect of section 85 of the Constitution Act 1975 concerning the reasons why clauses 31 and 32 of the bill, which respectively alter or amend section 93 of the Transport Accident Act 1986 and insert new sections 93A, 93B and 93C into that act, alter or vary section 85 of the Constitution Act 1975.

Clause 31 of the bill inserts new subsections in section 93 of the act to impose limited conditions on the determination of serious injury by a court, including the Supreme Court. These new subsections require that a determination of serious injury must be made on the balance of probabilities, and that the monetary thresholds and statutory maximum amounts of damages must be disregarded when making a serious injury determination.

These conditions, which have the effect of limiting the jurisdiction of the Supreme Court, are necessary to clarify the standard of proof required and the issues to be considered by the court in determining serious injury. The amendments are consistent with the requirements made of the court in respect of Workcover cases. The government believes that a consistent approach to these issues is highly desirable.

Clause 32 of the bill inserts new sections in the act that mirror provisions in the legislation covering the Workcover scheme in relation to appeals concerning serious injury.

New section 93A has the effect of permitting an appeal as of right to the Court of Appeal from a decision granting or refusing leave made on an application under section 93 of the act. Without this amendment, an appeal to the Court of Appeal from such a decision could only be made by leave of the Court of Appeal.

New section 93B requires that, on the hearing of an appeal from a decision on an application under section 93, the Court of Appeal shall decide for itself whether the injury is a serious injury on the evidence and other material before the judge who heard the application and on any other evidence which the Court of Appeal may receive under any other act or rules of court.

New section 93C requires that the reasons given by the court — which could be the Supreme Court — in deciding an application under section 93 shall not be summary reasons but shall be detailed reasons which are as extensive and complete as the court would give on the trial of an action.

The bill also contains some amendments to other acts relating to dangerous goods and to Workcover.

The first of these is a technical amendment to the Dangerous Goods Act 1985. The definition of 'dangerous goods' in section 3(1) of that act relies largely on the contents of a document described in the act as the transport code. The transport code has now been superseded by the Australian code for the transport of dangerous goods by road and rail, known as the ADG code.

The ADG code is the successor to the transport code, but it has been updated and was created in a different administrative environment by different bodies from those specifically referred to in the Dangerous Goods Act 1985. There does not appear to be any explicit provision, in either the Dangerous Goods Act or the ADG code, for succession from the old transport code.

To put the application of the ADG code beyond doubt, the bill removes the definition of 'transport code' from the Dangerous Goods Act and replaces it with a definition of the ADG code. The bill also implements other consequential amendments flowing from the adoption of the new definition.

The bill also amends the Accident Compensation Act 1985 to extend the time limit within which the Victorian Workcover Authority must determine the eligibility of certain applications for access to common law under the serious injury criteria. These applications relate to injuries occurring before 12 November 1997 — that is, so-called old common-law actions. They have nothing whatever to do with new common-law actions that utilise the access to common law reinstated by the Bracks government earlier this year.

The Accident Compensation Act set a cut-off date of 31 August 2000 for these old common-law applications to be lodged. In the six months or so leading up to that cut-off date, applications were being received at the rate of 50 or so a week. While the authority expected an increase in the rate of applications being lodged as the cut-off date drew near, possibly to the rate of 100 or so a week, there was no general indication that application lodgments would go far beyond that level.

In the event, over 2000 new applications were lodged during the last few weeks of August. The increase was not predictable given the information available to Workcover and its actuaries. This influx of pre-1997 claims applications will impose severe strains on the ability of Workcover, legal firms, medical practitioners and employers to complete all inquiries and assessments within the 120-day time period required by the act. This strain is compounded by the fact that for these additional 2000 applications, the final two weeks of that 120-day period will cover the Christmas holidays, when many employers, solicitors and medical practitioners are unavailable.

The act makes no provision for extension of the time period within which the Victorian Workcover Authority must make determinations of eligibility. The authority and the government have rigorously examined the possibility of administrative actions that would enable proper determinations to be made in respect of all these applications. It is clear that, given the demands on administrative, medical, legal and employer resources, there is no possibility of completing the process to the required standards within the time available.

The bill therefore provides for the time period for determinations in respect of applications received after 10 August and before 1 September 2000 to be extended from 120 days to 210 days. This additional time will ensure that every application is properly scrutinised so that the interests of potential claimants, employers and of the state are fully protected.

This amendment has been included in this bill as it is the only available vehicle for passage of the amendment within the necessary time.

All honourable members have an interest in supporting the financial viability and fairness of the Workcover scheme. This minor amendment will ensure that legitimate claims get the attention and support they deserve, while expedient claims are rejected.

I also make the following statement under section 85 of the Constitution Act 1975 concerning the reasons why section 19 of the Accident Compensation (Common Law and Benefits) Act 2000, as amended by this bill, alters or varies section 85 of the Constitution Act 1975.

Section 19 of the Accident Compensation (Common Law and Benefits) Act 2000 was enacted earlier this year but has yet to come into effect. It inserts a new section 134AG into the Accident Compensation Act 1985 that, as originally enacted, empowers the Governor in Council to issue orders in council, known as legal costs orders, specifying the legal costs that may be recovered by a legal practitioner acting on behalf of a worker in respect of any claim, application or proceedings under new section 134AB and prescribing or specifying any matter or thing required to give effect to the legal costs order.

Clause 43 of this bill amends section 19 of the Accident Compensation (Common Law and Benefits) Act 2000 by extending it to cover claims, applications or proceedings under section 135, 135A or 135B of the Accident Compensation Act 1985. The government believes that it is highly desirable that there is a consistent approach to the recovery of legal costs by practitioners across all common-law claims, applications and proceedings, regardless of the particular sections of the Accident Compensation Act under which those proceedings have been brought.

New section 134AG and any legal costs order made under that section will have full force and effect notwithstanding anything to the contrary in the Legal Practice Act 1996, the Supreme Court Act 1986 or the County Court Act 1958 or in any regulation, rules, order or other document made under any of those acts.

The reason for this limitation of the jurisdiction of the Supreme Court is that the government wishes to make provision for a more direct mechanism for regulating legal costs recoverable by a practitioner acting on behalf of workers in relation to the operation of the common-law provisions of the Accident Compensation Act.

With the support and assistance of the authority's board of management, the government has put in place programs to control the administrative costs of the Workcover scheme and to control, and hopefully reduce, the total costs of benefits payments by reducing the numbers and severity of workplace injuries. Control of legal costs within the Workcover scheme is another essential component of the government's overall program to minimise costs. Controlling all of Workcover's costs is the key to Victoria having a fully funded scheme that combines adequate compensation to injured workers with low employer premiums.

The core of this bill covering transport accident insurance represents a well-balanced and comprehensive range of measures that will improve the benefits available to Victorians injured in transport accidents and improve the efficiency of delivery of benefits to claimants. The bill represents further forward steps in the transport accident scheme to ensure that Victorians continue to receive increasing value from the most comprehensive transport accident insurance scheme in Australia.

I commend the bill to the house.

Debate adjourned on motion of Hon. D. McL. DAVIS (East Yarra).

Debate adjourned until next day.

PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL

Committed.

Committee

Clauses 1 to 4 agreed to.

Clause 5

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

1. Clause 5, line 13, omit all words and expressions on this line.

Amendment agreed to.

Hon. P. A. KATSAMBANIS (Monash) — I move:

1. Clause 5, line 14, after "owners" insert "(except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers".

This is an amendment to section 19(1)(c) of the principal act. It makes two changes to that section to ensure consistency with existing notice provisions under statutory and common law. The first change will mean that people who are entitled to be registered as owners of land but have not so registered for one reason or another will not have to be given notice of a procedure under the act to amend the scheme or remove or vary a covenant on the land they are benefited from.

Essentially this will affirm our Torrens system — that is, if people have a registrable interest in some land they should register it. It would be unreasonable to require councils and applicants to try to track down people who might have a registrable interest they have chosen not to register. The amendment is sensible and logical. It also picks up the wording of section 19 of the principal act and ensures it is consistent.

The second of the changes made by this amendment goes to the people who need to be given notice of the preparation of a planning scheme amendment that will affect restrictive covenants. It extends the notice provisions to cover occupiers of any land benefited by a covenant that is to be varied. This is an important amendment. It ensures that occupiers who have the legal benefit of a covenant are protected. In many cases the occupiers not only have the legal benefit running with their occupancy but also a strong practical interest in the protection of the covenant. The opposition submits that without the requirement to notify occupants there would a gulf of notice. Those people would not have the opportunity to have their interests defended and represented in any hearing or procedure. It should be relatively simple to identify occupiers because the notice could be delivered to the relevant address and addressed to 'The Occupier'. It would not be an extremely difficult exercise.

It should also be pointed out that under the existing practice of the Supreme Court — as highlighted by Jacobs in *Proceedings in the Masters Office*, a book published in 1969 — the procedures require people who are called 'rateable occupiers' to be given notice of any action to amend or vary a covenant that attaches or runs with the land they are occupying. This amendment ensures consistency with that common-law protection in the Supreme Court. I commend the amendment to the house.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government is prepared to accept the amendment.

Amendment agreed to.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

2. Clause 5, line 17, after "covenant" insert "; and".

Hon. BILL FORWOOD (Templestowe) — I wonder if the minister could give an explanation for his moving this amendment.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — Both the amendments are minor changes to the drafting of clause 5. They are made on the advice of parliamentary counsel and will ensure that proposed section 19(1)(ca) is effectively inserted into the principal act.

Amendment agreed to; amended clause agreed to.

Clause 6

Hon. P. A. KATSAMBANIS (Monash) — I move:

2. Clause 6, after line 8 insert —

"; and

(e) if the application is for a permit to allow the removal or variation of a registered restrictive covenant or if anything authorised by the permit would result in a breach of a registered restrictive covenant, be accompanied by —

(i) information clearly identifying each allotment or lot benefited by the registered restrictive covenant; and

(ii) any other information that is required by the regulations.".

This amendment applies to applications for planning permits that allow the removal or variation of a covenant or authorise anything that breaches a covenant. In such cases the applicant must provide information identifying each allotment or lot — that wording comes from section 52(1)(a) of the principal act — benefited by the covenant and any other information the regulations require.

The amendment derives in part from the recommendation of the Montebello report and from the submission the Save Our Suburbs group made to the Montebello review. That recommendation proposed requiring the applicant to provide a long list of specified items. The amendment moved by the opposition does not include a long list of specified items, but it ensures that the additional information will be required only when any application actually affects the covenant under consideration. Proposed section 47(1)(d) would have that requirement apply to every application relating to land that is subject to a covenant.

We think the amendment is reasonable. The applicant will need to do the additional work of identifying the relevant allotments only where it is necessary to do so because the amendment will actually affect the rights specified by the covenant. The provision does not specify what documentation is to be provided. It also does not provide an open-ended power for councils to set separate specifications. It is important in these cases that rules and regulations be as uniform as possible to ensure that developers have a level playing field in which to place such applications, no matter what council the subject land is in. The amendment allows for the extra information to be specified by the regulations to ensure that there is flexibility in the system to provide for the information required and that that information is uniform across the state.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government is prepared to accept the amendment.

Amendment agreed to.

Hon. N. B. LUCAS (Eumemmerring) — I have a question about clause 6 as amended. It is my understanding that once the bill becomes law when an applicant wishes to make application to the responsible authority there will be a requirement for information regarding a covenant to be provided to the responsible authority.

I wonder what the situation will be if the applicant thinks, 'No, there is no covenant on this', and signs off an application, and does not indicate that there is a covenant when he or she should do so. What will happen when that becomes known to the responsible authority?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I have been advised that if that information has been withheld intentionally it is an offence, but the council could request an amendment to that permit if it has been withheld accidentally.

Hon. N. B. LUCAS (Eumemmerring) — In either case, whether it was intentional or not, is it possible that a permit could be seen to be invalid? What would the situation be in that case?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am advised that the permit stands until the council seeks to amend or cancel that permit at the tribunal.

Hon. N. B. LUCAS (Eumemmerring) — What would the mechanism be for the council or responsible authority seeking to amend the permit in the circumstance that it issued a permit that did not take

into account the existence of a covenant of which it was not aware?

Hon. J. M. Madden — Could the honourable member repeat the question?

Hon. N. B. LUCAS — What would the situation be where the council or responsible authority issued a permit, not being aware of the covenant? What would be the mechanism for the responsible authority to get the permit back in its court, so to speak, so it could amend it?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am advised that the council would make an application to the tribunal to notify it that the information under which the permit was granted was not at face value, and once that was cancelled the applicant would need to reapply through council in order to seek an approval.

Hon. N. B. LUCAS (Eumemmerring) — Would the minister envisage the taking on of legal action as a result of that situation? I am concerned that a person who has rights under a covenant could be placed in the position of incurring cost or worry as a result of a responsible authority issuing a permit without knowing a covenant was present. What is the government's view about people who feel aggrieved as a result of permits being issued without the knowledge of covenants existing?

Hon. J. M. Madden — That was a fairly lengthy question. Could the honourable member rephrase the question so that it is more concise?

Hon. N. B. LUCAS — Has the government contemplated the concept of aggrieved beneficiaries under covenants taking some action in the circumstances where permits have been issued by the responsible authority without the knowledge of a covenant being in existence by that authority?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am advised that an aggrieved owner, as well as the council, can also make an application to the tribunal to have the permit either amended or cancelled.

Amended clause agreed to.

Clause 7

Hon. P. A. KATSAMBANIS (Monash) — I move:

3. Clause 7, lines 13 to 16, omit all words and expressions on these lines and insert —

> "(ca) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if anything authorised by the permit would result in a breach of the covenant; and".

The amendment replaces proposed section 52(1)(ca) of the bill with a new clause that requires the giving of notice where a permit application may breach a covenant, and the variations to the proposed section in the bill simply add 'occupiers' to those who need to be notified in the same way as the opposition did in the first of its amendments. It limits the definition of owners to be notified consistent with the principal act and it replaces the words 'use or development' with the words 'anything authorised by the permit', which we believe slightly widens the ambit, because things other than those could be authorised. The opposition believes this tighter wording will ensure that all permits are covered and that anything authorised by a permit will be covered by the provision. The amendment will make the provision stronger and will improve the operation of the act.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government is prepared to accept the amendment.

Amendment agreed to.

Hon. P. A. KATSAMBANIS (Monash) — I move:

4. Clause 7, line 17, after "owners" insert "(except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers".

This amends proposed section 52(1)(cb) of the bill. Again it relates to the requirement to give notice, this time where a permit application is to remove a covenant. The amendment will add occupiers to those people who need to be notified and it also limits the definition of owners who are to be notified in the same way as has been done previously. The amendment will ensure consistency within the principal act.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government is prepared to accept the amendment.

Amendment agreed to.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

3. Clause 7, lines 21 to 25, omit all words and expressions on these lines and insert —

'(2) After section 52(1) of the Principal Act **insert** —

"(1AA) If an application is made for a permit to remove or vary a registered restrictive covenant or for a permit for a use or development which would result in a breach of a registered restrictive covenant, unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of the application in a prescribed form — ".'.

Hon. P. A. KATSAMBANIS (Monash) — The government's amendment 3 and the opposition's amendment 5 are similar except for the use of the words 'authorise anything' which were included in the opposition's amendment whereas the government uses 'for a use or development' in its amendment. The opposition submits that its proposed amendment will ensure consistency of terminology across all sections and subsections of the act as finally amended.

Hon. BILL FORWOOD (Templestowe) — It is the practice that when an amendment is moved the committee is given an explanation about why it is being moved. I note that the minister proposes moving six amendments. The committee will proceed more quickly if each time the minister moves an amendment he gives the committee the benefit of an explanation about its effect.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am happy to do so. The amendment amends clause 7(2). It primarily implements the government's new approach to notices for applications. A proposed section 52(1AA) is substituted for proposed section 52(1D). Proposed section 52(1AA) requires a sign on the land and a newspaper notice independent of the requirement to give notice to owners under proposed sections 52(1)(ca) and (cb) in clause 7(1). Section 145 of the principal act, which states the general requirement to give notices personally, then operates to ensure that notice under proposed sections 52(1)(ca) and (cb) is given personally.

Hon. P. A. KATSAMBANIS (Monash) — I am glad that while the bill was between here and the other place the government has decided to support the amendment originally proposed by the opposition because, as the minister points out, it ensures that beneficiaries of registered restrictive covenants will receive actual notice of any applications to remove, vary or otherwise deal with those covenants rather than simply relying on newspaper advertisements or signs that are placed on the land. The opposition maintains that beneficiaries of provisions of restrictive covenants have property rights and if any action is to taken to alter, vary, restrict or remove those property rights, they should be given personal notice. They should not have to rely on constructive notice by looking at newspaper advertisements or hoping to see signs on the land. This important amendment will ensure that the rights of those people are protected.

I point out that the opposition's amendment 5 is identical in almost every respect to the government's amendment, except for the use of the words 'which would authorise anything' in place of 'for a use or development'. That change was accepted by the government in my amendment 4. It would strengthen the bill to ensure consistency among the provisions of the bill once it is fully amended. I trust that the minister accepts that as a reasonable proposition.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government is prepared to waive its other proposed amendments and, on the basis that the amendments are so similar, is prepared to accept the opposition's amendments except for amendment 20.

The CHAIRMAN — Order! Will the minister withdraw his amendment 3 to allow Mr Katsambanis to move his amendment 5?

Hon. J. M. MADDEN — I withdraw amendment 3.

Amendment withdrawn by leave.

Hon. P. A. KATSAMBANIS (Monash) — I move:

5. Clause 7, lines 21 to 25, omit all words and expressions on these lines and insert —

'(2) After section 52(1) of the Principal Act **insert** —

"(1AA) If an application is made for a permit to remove or vary a registered restrictive covenant or for a permit which would authorise anything which would result in a breach of a registered restrictive covenant, then unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of the application in a prescribed form — ".'.

The application of the amendment has been discussed. I commend to it the committee.

Amendment agreed to.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

4. Clause 7, after line 30 insert —

'(3) In section 52(1A) of the Principal Act for "sub-section (1)" **substitute** "sub-sections (1) and (1AA)".'.

5. Clause 7, line 32 after "and (cb)" insert "and sub-section (1AA)".

6. Clause 7, page 4, after line 3 insert —

'(5) After section 53(1) of the Principal Act **insert** —

"(1A) The responsible authority may require the applicant to give the notice under section 52(1AA)."

(6) In section 53(4) of the Principal Act after "section 42(1)" **insert** "or 52(1AA)".

(7) In section 59 of the Principal Act —

(a) in sub-section (1)(a) after "section 52(1)" **insert** "or 52(1AA)";

(b) in sub-sections (2)(b) and (3)(b) for "section 52(1)" **substitute** "sections 52(1) and 52(1AA)".'.

Amendment 4 inserts new clause 7(3) and is consequential on amendment 3. Section 52(1A) of the principal act allows a responsible authority to refuse an application for a permit without notice being given of it under section 52(1). It is based on the principle that the community need not be bothered with having to object to or make submissions about an application if the authority has quickly determined it intends to refuse a permit. The amendment amends section 52(1A) so that a responsible authority may refuse an application and not have to give notice under section 52(1) or proposed section 52(1AA).

Amendment 5 affects clause 7(3) and is also consequential on amendment 3. It amends the proposed amendment to section 52(2B) of the principal act. Sections 52(2A) and 52(2B) of the principal act allow an application to get on and give notice of an application if a responsible authority is too slow in telling the applicant what notice needs to be given. Those sections allow an applicant to give a specified default notice if the authority has not told the applicant of the requirement after 10 working days.

Clause 7(3) extends the default notice in section 52(2B) so that an applicant needs to give notice to owners of benefited land by sign and newspaper, as provided for in proposed new section 52(1AA).

This amendment extends the default requirement so that an applicant would be required to place a sign or publish a notice. It would also be required to give personal notice to benefiting owners, which is the result of earlier amendments.

Amendment 6 inserts subclauses (5), (6) and (7) in clause 7 and is consequential on earlier amendments. Subclause (5) inserts proposed subsection (1A) in section 53 of the principal act. Section 53(1) also allows the responsible authority to require an applicant to give the section 52(1) notices. The new subsection allows the responsible authority to also require the applicant to place the sign and publish the notice required under proposed section 52(1AA). This ensures that authorities can require an applicant to arrange all notices.

Clause 7(6) will amend section 53(4) of the principal act, which requires the applicant to pay the responsible authority's cost of giving notice if the responsible authority decides to give notice. The amendment ensures that the applicant pays for notices given under either section 52(1) or section 52(1AA).

Clause 7(7) will amend section 59 of the principal act. Section 59 states that a responsible authority may decide an application. Section 59(1) allows a decision without delay if notice is not required under section 52(1) or if referral of the application to a referral authority is not required under section 55.
Clause 7(7)(a) will amend section 59(1) so that the responsible authority can decide without delay an application for which notice is not required under either section 52(1) or section 52(1AA). This ensures applications not affecting covenants may be decided promptly.

Section 59(2) provides that the responsible authority must wait until the end of prescribed periods for replies from referral authorities and must wait 14 days after the giving of the last notice under section 52(1) deciding an application. Clause 7(7)(b) will amend section 59(2)(b) so that the responsible authority must wait for 14 days after the giving of the last notice under either section 52(1) or section 52(1AA) before deciding an application.

Section 59(3) provides that the responsible authority must wait until the end of periods extended by the minister if the application has been referred to a referral authority and must wait 14 days after the giving of the last notice under section 52(1) before deciding an application.

Clause 7(7)(b) will also amend section 59(3)(b) so that the responsible authority must wait for 14 days after the giving of the last notice under section 52(1) or section 52(1AA) before deciding the application.

Hon. P. A. KATSAMBANIS (Monash) — On the basis that the government has moved its amendments 4, 5 and 6, I will not move amendments 6, 7 and 8

standing in my name, which are identical and are consequential on the substantive changes made by amendment 5 standing in my name, which was agreed to.

Amendments agreed to.

Hon. N. B. LUCAS (Eumemmerring) — I have a question on this clause. What is the minister's advice in situations where owners of property who under this clause are entitled to notice of an application because they have the benefit of a covenant, because of a mistake in title searching, do not receive the notice they are required to be given?

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I am advised that they or the council have the ability to have the tribunal review the application so that it might be cancelled or amended and that the application can be reheard.

Hon. E. J. POWELL (North Eastern) — I move:

1. Clause 7, page 4, after line 3 insert —

'( ) After section 53(1) of the Principal Act **insert** —

"(1A) A requirement of the responsible authority to the applicant under sub-section (1) must be given in writing.".'.

The amendment makes changes to section 53 of the principal act, which provides that the responsible authority may require the applicant to give the notice under section 52(1) to the person specified by the responsible authority. The amendment the National Party wishes to make is that the requirement imposed by the responsible authority on the applicant under subsection (1) must be given in writing.

The amendment is necessary because when an applicant goes before a council the requirements could be given verbally, and sometimes an applicant can phone in and ask what the requirements are and can be told over the phone. The National Party thinks having the requirement in writing removes the possibility of confusion and puts on record exactly what the applicant needs to do.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — We are prepared to accept that amendment. There is just the matter of the numbering and the way it comes together.

The CHAIRMAN — Order! I think it will be possible to deal with the numbering.

Amendment agreed to; amended clause agreed to.

Clause 8

Hon. P. A. KATSAMBANIS (Monash) — I move:

9. Clause 8, lines 7 to 12, omit all words and expressions on these lines and insert —

"(1A) If the permit would allow the removal or variation of a registered restrictive covenant or if anything authorised by the permit would result in a breach of a registered restrictive covenant, an owner or occupier of any land benefited by the covenant is deemed to be a person affected by the grant of the permit".

The amendment broadens proposed section 57(1A) by ensuring that it covers permits to remove or vary a covenant as well as permits that would breach the covenant. The clause is strengthened to ensure it covers all applications that deal with a change in the status of an existing restrictive covenant. It includes 'anything authorised' to cover a broader range of permits than those in the bill which simply talk about those permits for use or development. As argued previously and accepted through my moving of earlier amendments, the amendment strengthens the clause and makes it applicable to all such applications. It extends coverage of notice in such circumstances to cover occupiers of land as well as owners of the land that is benefited by a restrictive covenant to ensure full coverage and compliance. I commend the amendment to the committee.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government accepts the amendment.

Amendment agreed to; amended clause agreed to.

Clause 9

Hon. P. A. KATSAMBANIS (Monash) — I move:

10. Clause 9, lines 15 and 16 omit "allow a use or development" and insert "authorise anything".

The amendment strengthens the bill.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government accepts the amendment.

Amendment agreed to; amended clause agreed to.

Clause 10

Hon. P. A. KATSAMBANIS (Monash) — I move:

11. Clause 10, lines 25 and 26, omit "allow a use or development" and insert "authorise anything".

For the reasons previously outlined, argued and accepted, the opposition commends the amendment to the committee.

Amendment agreed to; amended clause agreed to.

Clause 11

Hon. P. A. KATSAMBANIS (Monash) — I move:

12. Clause 11, lines 11 and 12, omit "allow a use or development" and insert "authorise anything".

13. Clause 11, line 19, omit "allow a use or development" and insert "authorise anything".

The amendments enshrine a consistency of terms used throughout the bill and the act.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government agrees with the amendments.

Amendments agreed to; amended clause agreed to.

Clause 12

Hon. P. A. KATSAMBANIS (Monash) — I move:

14. Clause 12, page 6, line 3, omit "allow a use or development" and insert "authorise anything".

I commend the amendment to the committee.

Amendment agreed to; amended clause agreed to.

Clause 13

Hon. P. A. KATSAMBANIS (Monash) — I move:

15. Clause 13, after line 30 insert —

"';and

(d) if the application is for a permit to allow the removal or variation of a registered restrictive covenant or if the grant of the permit would authorise anything which would result in a breach of a registered restrictive covenant, be accompanied by —

(i) information clearly identifying each allotment or lot benefited by the registered restrictive covenant; and

(ii) any other information that is required by the regulations.".

The amendment is identical to my amendment 2, which was passed by the committee earlier, except that it applies to cases where there is a combined application for a planning scheme amendment and a planning permit. For the same reasons outlined by me when I moved my amendment 2, I commend the amendment to the committee.

Amendment agreed to; amended clause agreed to.

Clause 14

Hon. P. A. KATSAMBANIS (Monash) — I move:

16. Clause 14, lines 5 to 8, omit all words and expressions on these lines and insert —

"(g) to the owners (except persons entitled to be registered under the **Transfer of Land Act 1958** as proprietor of an estate in fee simple) and occupiers of land benefited by a registered restrictive covenant, if —

(i) the amendment or the permit would allow the removal or variation or the covenant; or

(ii) anything authorised by the permit would result in a breach of the covenant.".

17. Clause 14, after line 28 insert —

'(5) In section 96M(4)(a) of the Principal Act for "section 96C(1)" **substitute** "section 96C".'.

Amendment 16 is similar to my amendments 3 and 4 in their combined effect. It applies to cases where there is combined application for a planning scheme amendment and a planning permit. The amendment inserts proposed paragraph (g) into section 96C(1). It adds occupiers to the list to be notified; it limits the definition of the owners who need to be notified to those owners who are registered; and it removes any requirement to notify those owners who have a registrable interest but who have not registered. It replaces the words 'use or development' with 'anything authorised by the permit'. It includes cases where the planning scheme amendment or permit would allow the removal or variation of a covenant rather than simply a breach of a covenant.

There appears to have been an oversight in the drafting of the bill that could be significant because owners or occupiers may not have received notice where a permit that breached the covenant was not sought or applied for, and was merely one that removed the covenant either by the scheme amendment or the planning permit. It is not a likely event and may never happen, but it is possible and the amendment closes a potential loophole or problem and ensures that the scheme being introduced by the bill will have full effect in all areas affecting dealings to alter, remove, vary or in some cases breach existing restrictive covenants. It ensures coverage is extended to all areas and that there are no slippages through the system to create loopholes.

Amendments agreed to; amended clause agreed to.

Clause 15

Hon. P. A. KATSAMBANIS (Monash) — I move:

18. Clause 15, lines 32 and 33, omit "allow a use or development" and insert "authorise anything".

The amendment simply omits the words, 'allow a use or development' and inserts the words 'authorise anything'. This has been done in many previous instances in amending bills.

Amendment agreed to.

Hon. P. A. KATSAMBANIS (Monash) — I move:

19. Clause 15, page 8, lines 10 and 11, omit "allow a use or development" and insert "authorise anything".

I commend the amendment to the committee.

Amendment agreed to; amended clause agreed to.

Clause 16

Hon. E. J. POWELL (North Eastern) — I move:

2. Clause 16, line 24 omit "lodged" and insert "made".

3. Clause 16, line 29, omit "lodged" and insert "made".

Clause 16 omits the word 'lodge' and inserts the word 'made'. Section 214(a) and (b) uses the word 'lodged' yet proposed section 214 (c) and (d) uses the word 'made'. The amendment improves the consistency of the terminology used in the principal act.

Amendments agreed to; amended clause agreed to.

Amended clause 7 recommitted.

The CHAIRMAN — Order! The committee must now tidy up Mrs Powell's amendment 1. It will treat the amendment of Mrs Powell as an amendment to the minister's amendment.

Hon. E. J. POWELL (North Eastern) — I move as an amendment to the minister's amendment 6:

After proposed section 53(1) (1A) of the Principal Act **insert** —

"(1B) A requirement of the responsible authority to the applicant under sub-section(1) must be given in writing.".'

Amendment on amendment agreed to; amended amendment agreed to; amended clause agreed to.

New clause

Hon. P. A. KATSAMBANIS (Monash) — I move:

20. Insert the following new clause to follow clause 5 —

'A. ***Adoption and approval of amendment***

(1) After section 29(2) of the Principal Act insert —

"(3) A planning authority must not adopt an amendment or part of an amendment that provides for the removal or variation of a registered restrictive covenant unless it is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation.".

(2) After section 35(4) of the Principal Act insert —

"(5) The Minister must not approve an amendment or part that provides for the removal or variation of a registered restrictive covenant unless the Minister is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation.".'.

The amendment inserts a new clause in the bill. It requires planning authorities — usually councils — and the minister to be satisfied that a removal or variation of a covenant is in the overriding public interest despite any detriment that may be suffered by an owner or occupier as a consequence of the removal or variation of that covenant.

The wording of the latter part of each part of the amendment, including the reference to the words, 'perceived detriment' in each case follows as closely as possible the wording of the existing section 60(5) of the act. That approach has been adopted because section 60(5), which was inserted into the act in 1993 by the former coalition government, has already been the subject of considerable interpretation by the Victorian Civil and Administrative Tribunal and others. The opposition deems it preferable to use the same form of words to avoid opening up new issues of interpretation about the operation and wording of the clause.

The Save Our Suburbs submission to the Montebello inquiry proposed that matters referred to in sections 60(2) and (5) of the act be taken into account. The opposition has not taken into consideration for the purposes of the amendment the provision of section 60(2) because the provision in section 60(5) of the principal act was intended to be broader than the

provision of section 60(2) and therefore covers all the items included in subsection (2).

Unlike the provision in section 60(5), the new clause does not impose an absolute prohibition on a planning scheme amendment if there is a detriment. It is not as narrow and as strict as the operation of section 60(5) of the act. The new clause simply provides that the planning authority and the minister must be satisfied that the public interest in each case overrides any detriment that may be suffered by the beneficiaries of a restrictive covenant. It ensures the interests of the relevant owners and occupiers are taken into account when making determinations whether to vary or remove restrictive covenants.

In the absence of such an amendment, decisions on planning scheme amendments could be made purely on planning grounds without having regard to the detriment the owners or occupiers suffer to their existing property rights. They could have their property rights removed solely for the purposes of good planning rather than the detriment it would cause to them.

At page 25 the Montebello report states that various panels that have been appointed by ministers over time have developed a test based on the concept of a net community benefit or substantial net community benefit. The amendment will establish a similar test in the statute. I make it clear that it is not simply a weighing exercise. When removing existing property rights and therefore creating detriment to the owners and occupiers of the land there must be an overriding public interest. It reflects that the legal existing property rights — they are often valuable property rights, as was discussed during the second-reading debate — are being removed without the necessity to pay compensation to the people whose rights are being varied or removed. It is important that where those people are not compensated for the removal of their rights their interests must be taken into account. It is not a weighing exercise of convenience or good planning laws; the opposition says the interests of the people should be taken into account.

If the covenants over the land are dead wood and of no genuine benefit to anybody they can be removed by planning permit under section 60(5) of the principal act without having to go down the path of a planning scheme amendment.

If the bill were passed in its current state it would be axiomatic — as night follows day — that an owner or occupier of land who would benefit from the restrictive covenant that is proposed to be varied or removed would suffer some detriment. The opposition asks the committee to consider the public interest of this matter and the rights of those people who would benefit by the covenant, particularly if those rights are being overridden by the proposed planning scheme amendment.

The opposition strongly submits that the amendment will ensure the bill and the scheme that it introduces will strike a fair balance between developers, planning laws and those people who hold existing property rights in the form of restrictive covenants. It does not believe it will be an onerous burden, but it will impose a discipline on councils and ministers. It will certainly be an objective test for those people seeking to amend, remove, or vary restrictive covenants to provide the benefits that will derive relating to the property rights of others.

The opposition's amendment has drawn strong support from Save our Suburbs. In a media release of 20 October the president of Save our Suburbs, Mr Jack Hammond, QC, states:

> We particularly welcome the proposed amendment which requires that overriding public interest is established before a restrictive covenant can be removed, or varied, by a planning scheme amendment.
>
> … That amendment also requires that any detrimental impact which an owner or an occupier who benefits from a covenant may suffer as a consequence of the removal or variation of that covenant must be taken into account.
>
> Without such an amendment, covenants can be removed by a council and a minister without any law requiring them to have regard to the fact that people might be having a highly valued property right taken away from them without any compensation".

That is evidence that there is significant community support for the opposition's amendment. The opposition believes that people whose legal rights are being removed should have not only a right to be heard but also a right to a fair hearing, and that where councils and ministers consider removing or varying existing property rights, which are the fundamental basis of the entire property law system, the interests of those people and the detriment that they might suffer should be taken into consideration.

The opposition does not believe that is an onerous burden. As I have pointed out, it picks up as closely as possible the wording of existing provisions in section 60(5) of the principal act to ensure that there is no need for protracted, judicial discussion by lawyers to argue what the words mean. The amendment will strengthen the legislation and will ensure that there is a fair and equitable system in which the rights of the

beneficiaries of covenants as well as those of developers are taken into account.

The opposition calls on the government to support the amendment. If the government is not prepared to support the amendment, I seek from the minister an explanation as to why it would not want to accept this logical and sensible amendment which has significant community support. I commend the amendment to the committee.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government does not accept the amendment. The clause proposed by the opposition introduces a test similar to what now applies under section 60 of the act. The effect of the clause will be to defeat the intent of the bill — which is, to provide a coordinated process for considering the removal or variation of non-deadwood — that is, valued — covenants which does not involve the expense and delay of applications to the court.

The application and amendment methods of covenant removal must have different tests so that they are distinct and real alternatives. The amendment will force applications for removal or variation of covenants to go to the Supreme Court and cause residents and developers alike to incur additional costs. The opposition should not be concerned about opening the floodgates to covenant removal or variation via the amendment method in the bill. Since 1993 the amendment method has existed for valued covenants. Only 37 amendments have been prepared, and of them only 27 were finally approved.

The amendment process has sufficient checks, including agreement by a planning authority to prepare an amendment, independent assessment by a panel, and approval by the minister to ensure that there are no floodgates. Industry is likely to be concerned about the perceived entrenchment of covenants, and with the cost and delay associated with the resulting need to approach the court in nearly all cases. The Property Council has described this amendment as anti-development, anti-investment and anti-growth.

Municipal councils are likely to be concerned about a new and uncertain barrier to their adoption of amendments and possible consequential litigation. Therefore, the government does not accept the amendment.

Hon. P. A. KATSAMBANIS (Monash) — I take issue with the minister's comment that the amendment is likely to lead to protracted litigation and force people to use the method of application to the Supreme Court for variation or removal of restrictive covenants. The opposition has made it clear that it has picked up existing wording which has already been significantly defined so that there would not be a requirement for protracted debate about what the test is or what the words mean. The opposition has been very clear in its intent to strike a fair balance.

The opposition is also very clear about its wanting to ensure that those people making a decision have a framework in which to make that decision. If there is no framework, what guidance is there for council and for the minister to make such a decision?

As I have said, the bill will remove valuable property rights. I welcome the fact that the minister accepts that that will only be an issue where covenants are not deadwood. However, we are not arguing about deadwood covenants. We are not arguing about covenants that restrict quarrying, that restrict the colour of a side fence, or whatever — that could or could not be deadwood depending on the circumstances. We are arguing about covenants in which people see a real value, an existing property right. The fact that that right is to be removed without compensation should give rise to our ensuring that a fair and objective test should first be satisfied.

In considering the interests of the applicant as against the interests of the restrictive covenants, councils and ministers would like a subjective test and some guidance. The opposition does not believe that test exists at present.

I seek clarification from the minister on the test that is likely to be applied by councils or ministers in making determinations. Will it be an objective test, a test in statute law or a common-law test or will we go through a protracted period of significant litigation in developing a new test that will add further costs?

The opposition raised the issue of costs during the substantive debate and the effect they have on people who are forced to defend their property rights.

I refute the minister's claims that the opposition's amendment will force people to go to the Supreme Court for clarification. I refute the claim that it is anti-development. It is not. The proposed amendment will create a fair and equitable framework catering for the interests of the applicant for removal or variation of a covenant and people who seek to protect their existing covenant rights. The proposed amendment will create an objective framework under which applicants can be assessed. It will pick up the existing wording to ensure there is no need for long, protracted legal battles.

I ask the minister to explain what procedures and factors will be taken into account by a planning authority or a minister when making those determinations.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I repeat my earlier comment that the proposed amendment would introduce a similar test to that contained in section 60 of the principal act. The application and amendment methods of covenant removal must have different tests so it is possible to distinguish between the real alternatives rather than entrenching those alternatives. The amendment process already has sufficient checks, including an agreement by the planning authority to prepare an independent assessment by a panel. That is not unusual in planning matters, and the approval by the minister is to ensure that no floodgates are opened.

Hon. P. A. KATSAMBANIS (Monash) — The minister refers to an alternative mechanism or stream. I seek guidance and clarification on the alternative mechanism or stream. Is the minister saying that the test for varying or removing the restrictive covenant under the method proposed by the planning scheme amendment will necessarily be less strict or easier for the applicant to satisfy compared with the existing Supreme Court criteria?

Is the intention of the government to weaken the existing statutory and common-law position regarding the removal or variation of restrictive covenants and to bring in a new system that speeds up the process not just because that is what the rationale is — to bring in a new process that is less costly and more efficient — but to reduce the ability of people to protect their existing property rights? I seek clarification on that critical point.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I again reinforce what I said previously. The opposition's proposed amendment must seek to further the planning process rather than stall the process. Panels have developed their own test of substantial community benefit, which is often referred to in the controls under which the panels operate.

The figures on amendments reveal that it is not easy to get such amendments approved. The government wants to have a one-stop shop. The bill is not necessarily designed to make it easier; it is designed to provide a framework for a centralised system so that residents or applicants do not incur additional costs, as has previously been the case in most circumstances when applications have been referred to the Supreme Court. Property rights are being consolidated by panels separately from planning matters. That has often been the case.

I refer to my earlier comments regarding the independent assessment by panels. It is a standard process that has worked well when considering community benefit.

Hon. P. A. KATSAMBANIS (Monash) — In due course the public of Victoria, particularly those members of the public who are beneficiaries of rights conferred on them by restrictive covenants, will be thankful that the amendment proposed by the opposition is agreed to because from what the minister has said it sounds as though it is the intention that the one-stop shop will become a rubber stamp for the removal or variation of restrictive covenants.

The opposition will agree to differ with the government on that issue. The opposition is not anti-development or trying to create an environment where restrictive covenants cannot be removed under any circumstances. It wants to create a fair and equitable system under which the rights of various parties are given due consideration.

Having heard the minister's comments I reiterate that the proposed amendment will ensure that a fair and equitable balance is struck between the applicant and those wishing to protect their existing rights. The opposition will put the proposed amendment to the test.

I thank the minister and his advisers for their cooperation. The committee has worked through a number of amendments and the government has accepted 19 out of the 20 opposition amendments. The opposition believes its amendments will strengthen the bill and make it fairer and more workable.

The opposition will insist on its proposed amendment 20 because it is crucial to the bill. It will strike a balance between the interests of developers and those of people seeking to protect their existing property rights.

I thank the individuals and groups who have contacted my office and spoken to me about the bill. I particularly thank Save Our Suburbs and its president, Mr Jack Hammond, who has been instrumental in ensuring that the bill protects all parties in what is often a heated area and that any assessment of the removal or variation of restrictive covenants is done objectively so that a good outcome can be achieved in what is, as I have said, often a divisive process.

The amendments to the bill ensure that confidence can be maintained in the planning system but also, importantly, that confidence can be maintained in the system of existing legal property rights. That interface between the planning system and property law can sometimes be a difficult one to achieve. I know it is hard to strike a balance in this regard, but that interface is one that we as legislators must always strive to make as smooth as possible, because if it is not smooth it will lead to more disputation, angst and concern in the community. I have seen it in my own electorate over a number of years; and many honourable members from both sides of politics have seen it in their electorates. It is that angst and anxiety that we are seeking to overcome by introducing the new system.

The combination of the bill and the amendments — not only the opposition's but also the National Party's and the government's — in total, including my amendment 20 which inserts the new clause into the bill, will ensure the new system is as fair and equitable as possible to all the parties concerned.

Hon. C. A. STRONG (Higinbotham) — One point that the minister makes repeatedly in response to Mr Katsambanis is the necessity for a different test under the planning permit route and the planning scheme route. I point out to the minister that what is being proposed in the new clause is a different test under both routes. I refer the committee to the test under the planning permit route as provided for in section 60(5) of the act, which states:

> The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in sub-section (4) unless it is satisfied that —
>
> (a) the owner of any land benefited by the restriction … will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction …

That is clearly a very tough test; it provides that the only test is the test of the detriment, real or perceived, to the whole of the benefit under the covenant. It is a very tough test that in essence is probably almost impossible to get through.

The proposed new clause to follow clause 5 involves a significantly different test. It provides that a planning authority must not adopt an amendment or part of an amendment that provides for the removal or variation of a registered restrictive covenant unless it is satisfied that the overriding public interest requires the removal or variation despite any detriment, including any perceived detriment, by that process.

In other words, the test is different. The proposed new clause allows the planning scheme to override those rights in the case where there is a real public interest, regardless of whether the covenant holder has a real or perceived detriment. The test allows overriding public interest, where it exists, to interfere with the contractual rights between covenant holders, so it is a significantly different test. The test is still tough. I believe it needs to be tough because these are interests that have been contracted between parties — namely, the beneficiaries of the covenant — and they should not be lightly wiped out at the whim of some council or planning authority. Nevertheless, the test in the proposed new clause is significantly different because it allows them to be wiped out where there is an overriding public interest.

I submit to the minister that that is a significantly different test. It is still tough, as it should be, because these are important rights that individuals hold. Nevertheless the proposed new clause allows for those rights to be overridden where there is an important public interest to do so. My plea is that when the minister considers what to do next, he thinks about this matter because it is a different test.

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — The government believes the amendment would defeat the intent of the bill, which is to provide a coordinated process for considering removal or variation of non-deadwood or valued covenants, which does not involve expense and delay of applications to the court. I suspect we will have to agree to disagree and divide on this proposed new clause.

However, I thank opposition members — the Honourables Peter Katsambanis, Neil Lucas, Jeanette Powell and Chris Strong — for their contribution to the coordination of the amendment process. I thank the advisers from the planning minister's office, who have been very dedicated in using the various means of communication between opposition parties and the government. I also thank the Clerks for their contribution in coordinating this unusual arrangement of amendments, which is not necessarily seen in this chamber on a regular basis.

Committee divided on new clause:

Ayes, 26

Ashman, Mr	Furletti, Mr
Atkinson, Mr	Hallam, Mr
Baxter, Mr	Katsambanis, Mr
Best, Mr	Lucas, Mr
Boardman, Mr	Luckins, Mrs
Bowden, Mr	Olexander, Mr
Brideson, Mr	Powell, Mrs

Coote, Mrs
Cover, Mr
Craige, Mr (*Teller*)
Davis, Mr D. McL.
Davis, Mr P. R.
Forwood, Mr
Rich-Phillips, Mr
Ross, Dr
Smith, Mr K. M.
Smith, Ms (*Teller*)
Stoney, Mr
Strong, Mr

Noes, 12

Broad, Ms
Carbines, Mrs (*Teller*)
Gould, Ms
Hadden, Ms
Jennings, Mr
McQuilten, Mr
Madden, Mr
Mikakos, Ms
Nguyen, Mr (*Teller*)
Romanes, Ms
Theophanous, Mr
Thomson, Ms

Pairs

Birrell, Mr
Hall, Mr
Darveniza, Ms
Smith, Mr R. F.

New clause agreed to.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

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

Second reading

Debate resumed from 3 October; motion of Hon. M. M. GOULD (Minister for Industrial Relations).

Hon. R. A. BEST (North Western) — On behalf of the National Party it gives me pleasure to contribute to what I consider to be a most important debate. Many members of Parliament are involved with organisations that assist people suffering from drug abuse. I have been associated with the Bendigo regional alcohol and drug service, and I am currently a board member of Vichealth and work with another group in Bendigo called Future Connections Association, which examines the difficulties associated with the youth of Bendigo and the problems and social pressures confronting them.

The proposals that have been put forward in this legislation have caused an enormous amount of discussion and debate right across our community. All members of Parliament will have been contacted by various people from their communities who have preconceived ideas about drug use and abuse, what we should do about drug users, what we should with drug pushers, and whether we should have a no-tolerance approach or legislation that legalises certain types of drugs such as marijuana. There are a number of reasons for those views: they may be based on a person's experience or religious beliefs; the person may have worked in the field and had exposure to the work I spoke about; or the person might be exposed to the use of drugs through family members who are unfortunately caught in their grip.

However, it is unfortunate that many people are polarised in their views. Those people find it difficult to take the emotion out of the debate and get to the facts of the arguments.

Like all honourable members, I have been approached by various religious groups and organisations as well as chemists or pharmacists, HIV sufferers, youth groups and legal services. Unquestionably honourable members have received floods of correspondence giving particular views or urging them to reject or support particular legislation.

It is unfortunate that the proposal has been introduced into Parliament and put before the community in such a way as to force people to take sides instead of more appropriately creating informed debate on the destruction that drugs cause to society.

No members of Parliament want to walk away from their responsibilities to tackle this difficult issue. We are all aware of the problems caused across the community by the unfortunate people who find themselves caught in the grip of drug dependence. However, when considering any proposal it is also important to be sure that the information being presented is accurate. I find it difficult at times to accept some of the emotive language that is circulated through both the media and particular interest groups to try to gain support for particular approaches. It is important to consider overseas research and experience. It is important that information is not manipulated to get the outcome that particular groups want.

It is also important to state that members of the National Party are committed to ensuring that we consider all the options that will assist those poor unfortunate people to find their way out of the grip of drugs of dependence.

Many social safety nets need to be provided to the families of those people who are on drugs of dependence or who find themselves dependent on illicit drugs. However, National Party members believe it is necessary to take a strategic and coordinated approach. We need a multifaceted program that takes into account harm minimisation. We need to provide a range of programs right across the educational and health spectrums, to concentrate on solutions that reduce the

demand and supply and to concentrate on harm reduction strategies that assist those unfortunate people.

Unquestionably members of the National Party reject the introduction of injecting rooms as the first step in that strategic approach. We believe it is inappropriate and sends totally the wrong message to the young people of today that illegal drugs will be tolerated and that we are prepared to turn a blind eye and accept the types of drugs that can be used in those facilities.

It is interesting to look at the 'Youth voice of Victoria, 2000', which lists a number of key recommendations that were adopted by more than 2250 young Victorians from 160 schools and organisations who attended Youth Week held at Parliament recently.

When they were asked about injecting rooms and what they would like to tell parents or the government they stated that were against injecting rooms as they encourage drug use. I was heartened by the evaluation those young people made, obviously having taken on board the information that was provided to them from across the educational system and the media on this difficult issue.

They also had some things to say about substance abuse. Although I may not agree with everything they say, I believe it is important for us to listen to the young people. They suggested that marijuana should be legalised because it is safer than alcohol and in that way the black market would be abolished and hemp would be available for clothes et cetera. They also suggested that it would be appropriate to send counsellors into drug areas to talk to young people instead of sending in the police to drive them out. They said there should be tougher laws in pubs and clubs, a crackdown on dealers and more rehabilitation centres.

Clearly young people are the most exposed to what goes on, what is available, and the normal practices at clubs, discos and hotels or wherever they may attend. They also probably take a more realistic approach to deciding what is acceptable and what is not acceptable. It is interesting that a group of nearly 2300 young Victorians can agree that it would be wrong to introduce injecting rooms as the first step in the campaign against heroin addiction. That sends a salient message to us as legislators. We should be reminded that in Australia there are about 25 000 drug-related deaths each year, 19 000 of which are related to tobacco use and about 4500 of which are caused by alcohol misuse.

I look around this Parliament and am delighted to see that honourable members are embarking on having a healthy Parliament. We are even looking at the food served in the dining rooms. I am pleased we are at least conscious of the need to be moderate. However, the some 1500 deaths a year are related to illicit drug use. Therefore, unquestionably something must be done.

As I said, most honourable members have been in contact with many of the groups and organisations in their communities that are associated with the issues. As a board member of Vichealth I have had the opportunity to see many prevention and education messages that have been financed and distributed as a mechanism to reduce the health risks associated with many activities in the community.

At this stage I put on record the very important role played by the Victorian Health Promotion Foundation and the very good work done by Rob Moodie, its chief executive. Since he has taken control of the foundation the issues are now being looked at in a very strategic way. The research-based funding model will be particularly important in creating a centre of excellence and expertise in health prevention issues.

It is also worth noting the role that the Transport Accident Commission has played, particularly with its hard-hitting advertising campaigns on road safety. Now honourable members have the responsibility of tackling the very difficult issues associated with illegal drug use.

I seek a response from members of the government to the question: why has the Labor Party decided that the introduction of supervised injecting rooms should be the first step in tackling this extremely difficult problem? The veracity of the evidence provided from overseas can undoubtedly be queried.

I refer to that evidence. I do not want to criticise Dr Penington in any way. All honourable members are aware of the role he played in helping to formulate the policy of the previous government in Turning the Tide and related issues and as chairman of the expert committee formed by the current government.

To see that Dr Penington was handed a poisoned chalice one need only consider the terms of reference, which appear as appendix 1 to the report. For the sake of accuracy I quote from page 54 of the report entitled *Drugs — Responding to the Issues — Engaging the Community*, where the committee's terms of reference are listed:

> In the context of the government's licit and illicit drug policy, the Drug Policy Expert Committee will, following consultation with local councils, community, business 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.

If one examines stage 2 of the terms of reference proposed by the government one is drawn to the conclusion that the government has put the cart before the horse. Stage 2 lists a range of other initiatives to be developed and provided to assist the government in meeting the objectives of its policies.

An article by John Ferguson, the state political reporter, in the *Herald Sun* of 16 October refers to Dr Penington in the following terms:

> The architect of the state's drug strategy has conceded defeat on heroin injecting rooms, urging Victorians to look towards other remedies to cut the death toll.
>
> …
>
> These initiatives will include more drug-assisted rehabilitation for users, greater family and community responsibility, more emphasis on prevention, a cohesive approach to treatment by all levels of government and greater help for groups at risk.
>
> Special attention will be given to cutting the death rate and restoring users' lives to normality.

As I said, I do not want to attack Dr Penington or the findings of his committee in any way. As I said also, I look forward to the response of members of the government to my question as to why they consider injecting rooms to be the appropriate first stage in tackling the unfortunate problem in our community.

Members of the National Party consulted widely with a range of people across the community. In particular we asked Dr Penington to address us. We also asked Andrew Bolt, a features writer from the *Herald Sun*, to discuss the matter. The interesting thing about the articles written by Mr Bolt is that he challenged the findings of the committee and proved conclusively that the information from overseas was being manipulated to get the outcome desired by the government.

I will not quote ad nauseam from the articles written by Mr Bolt, but I point out that he demonstrates that claims that the information from overseas shows that the introduction of injecting rooms has resulted in death rates having fallen five or tenfold are totally inaccurate. That is important because some people have used that evidence as the basis of their support for the introduction of supervised injecting rooms.

I am particularly concerned about claims that the Frankfurt model cut deaths by 90 per cent to 1994, when injecting rooms were not introduced in Frankfurt until October 1994. The very basis of that claim is inaccurate and misleading. It is unfortunate that many of the issues associated with people's support for the bill are based on information that was not scrutinised to the degree that would allow them to conclude that the purported results of the research were accurate.

It is fair to say that there has been controversy over the evidence given, and certainly more rigour needs to be applied to the way in which that evidence has been used to provide the outcomes it has.

That led me to look at the 'Government of Victoria injecting facilities trial framework for service agreements' that the government and local councils were considering. That document raises an enormous number of questions about the responsibilities that would be given back to local government, particularly the policing issues. I refer the house to one section of the framework under the heading 'Policing' which states:

> The Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill 2000 provides a clear legal framework for the operation of the trial. The bill provides that adults who use the facility will not be guilty of possession and use offences within the approved premises and staff and others responsible for the service will not be guilty of aiding and abetting or conspiring by allowing injecting to take place within the facility.

It then qualifies it by saying:

> Victoria Police will:
>
> > maintain a high level of uniform patrols and other police activities in the vicinity;
> >
> > maintain vigorous targeting of drug traffickers;
> >
> > use discretion as to whether to charge persons found with small quantities of drugs near the facility and to assess the bona fides of potential users of the facility;
> >
> > require protocols with the operators to facilitate police entry to the facility as required; and
> >
> > be involved in decisions regarding the site selection and any relevant issues arising in the management of the facility.
>
> The provisions outlined here will be further developed by police command in the lead-up to the trial. These provisions will support the development of local protocols for inclusion in the local service agreement.

The provisions raise more questions than they resolve. They are asking police to be compromised in the conduct of their duty. Heroin use is illegal in our society, yet we are asking police to provide a subjective

opinion on where and when they should do their policing. It is unfortunate that in a whole range of the protocols that are put forward to support injecting rooms, when it comes to the issue of road safety there is no statement at all. One can legitimately ask the question: after a drug user has been in an injecting room and had his or her hit, what should the police do if that person then gets into a car, drives away and has a crash?

Hon. D. G. Hadden — It is a driving offence.

Hon. R. A. BEST — Ms Hadden says it is a driving offence.

An opposition member interjected.

Hon. R. A. BEST — I do not think that is a particularly helpful comment, particularly as a former Road Safety Committee conducted an inquiry into the effects of drugs other than alcohol on drivers and put forward a range of recommendations, including introducing a test that would measure the impairment of a driver. We do not have that legislative capability in place at the moment, but we have newspaper reports of people travelling across Melbourne to get their hits. I do not resile from the fact that we need to do something, but the provisions of this legislation do not provide us with enough security. It is not strategic or coordinated enough to provide solutions to the difficult issues being confronted, not only by the community but more particularly the police force.

It is also difficult to identify the appropriate action because much of the information that has been provided to us proposes a 'no tolerance' approach. It is disappointing that in the body of research is buried the fact that the United States 'no tolerance' model has been effective, yet there are other models operating in European cities that have been used in ways that do not necessarily reflect the advantage injecting rooms could provide.

National Party members are prepared to support measures that attack the drug problem. We believe injecting rooms as a first step is wrong. However, we strongly support prevention, education measures, improved rehabilitation, detoxification programs, diversion programs, effective policing policies and more programs in our jail system. We believe the government should consult more widely. We will embrace any opportunity to investigate issues that would assist those poor unfortunate people and their families who are caught in the hold of illegal drug use. We also believe a strategic approach should be adopted. We should concentrate on reducing demand, reducing supply and harm reduction strategies.

Although the National Party will oppose the bill, it welcomes the government's providing any initiative for consideration. I make this commitment: as the National Party spokesman on health I am committed to assisting in resolving this most debilitating and distressing issue for families, particularly those poor unfortunate people caught in the grip of drugs.

Hon. S. M. NGUYEN (Melbourne West) — I support the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. I have listened to a number of honourable members from this and the other place contribute to the lengthy debate.

Hon. C. A. Furletti — Your government guillotined debate in the other place. The bill was not debated as fully as it should have been.

Hon. S. M. NGUYEN — It has been debated, but I await your contribution, Mr Furletti. To be fair, many honourable members wish to speak on the bill, and the debate would go forever if it were not sensibly timed.

The Honourable Ron Best said the bill is the government's first step in tackling the problem. That is incorrect. The government has many policies and strategies to tackle the problem. The reason the government has introduced the bill is to try to avoid a recurrence of the deaths of the 359 people who died last year through drug overdoses or associated problems. It is not a small number. Every day the *Herald Sun* lists how many people have been killed through car accidents and drug overdoses. Community pressure is being applied to the government to do something to stop the curse. I am sure every honourable member will be concerned about the situation. Different political parties have different policies on how to handle it.

The government has one aim in tackling the drug problem, and it acknowledges that injecting facilities would be provided only after community consultation. The government has talked to the community; government members, both before and since the election, have consulted the community. I have been invited to and attended many public meetings to listen to what members of the community have to say about the drug problem. Some support the legislation and others oppose it.

In Australia drugs are a real problem. Whether it be in the cities or in regional or rural Victoria, drugs affect many families. People are concerned. Local communities and councils must become involved in tackling the problem. It is not the responsibility of only

one body or person, everybody has a responsibility. We must join together to fight the drug problem. Some people oppose the bill, but that is because they do not want people to get the wrong message about drugs. I understand their concern.

Some people are concerned that the facilities would be located near their businesses or residences. They would be happy to have the facilities, but they do not want the facilities to be near them. They do not want their children to pass a drug injecting facility on their way to school. The problem is spreading in the urban areas of Melbourne. The government wants to set up injecting rooms to tackle the problem where it is at its worst, not to have injecting facilities where they are of no use. The government wants to fix the problem.

Hon. B. C. Boardman — Do you say drug trafficking occurs only in certain areas?

Hon. S. M. NGUYEN — In some areas more than others. The message is that the cities of Springvale, St Kilda, Melbourne, Yarra and Maribyrnong have been identified in newspapers as the municipalities where the drug problem is most prevalent.

The government has received many submissions about the legislation from school, community and other interest groups. It has spent money in schools — for example, in June the Minister for Education in the other place launched a strategy to help schools cope with the problem of drugs. It refers to a kit known as 'Get wise: working on illicits in school education' to help schools and students learn how to prevent drug usage and help the families of students cope with the problem. Schools are encouraged to work to identify the problem before young people become involved.

Another government policy jointly launched by the Minister for Education and the Minister for Health in July was aimed at introducing nurses into schools. Many young people started to use drugs when they were younger than 13 because bad elements in our society approached the schools and encouraged children to use and peddle drugs. That occurred in many places around Melbourne. The government wants to stop that trend through having school programs to help children learn how to cope with the presence and usage of drugs in schools. Our children should be healthy; they should be able to attend school and learn, without the distraction of drugs.

Parents should know immediately if their children have a drug problem, but many parents have discovered too late that their children have become involved with drugs and cannot help the children get off drugs. The community needs welfare and nursing programs to assist young people to stay at school longer.

Another policy launched in August this year is a $1.2 million 24-hour hotline to be staffed by counsellors and parents who have lived through a child's drug addiction. Parents would like to know more about where to turn to help their children. It will be a counselling and parent support program that will help children. Many parents want to become involved and active.

The government will provide $654 000 to enhance the family counselling program throughout Victoria, which is targeted at families at risk of breakdown or who are already in crisis as a result of the drug addiction of a family member.

The government will also fund parent support programs run by Odyssey House that will be able to reach 1200 parents a year. The government is also funding the families drug information and support network, which will put parents and carers in touch with people in similar situations to their own, link families with drug treatment services and help them liaise with drug agencies and government. Funding will also be provided to establish a family drug information and support hotline. Such services are important to enable parents to become involved.

In July this year the Minister for Health launched a program that will provide residential detox facilities for young people in Ballarat and Geelong in regional Victoria so they will not have to travel to Melbourne. A specialist methadone program will be set up. The government also supports services that recently opened in Bendigo, Portland, Belmont, Morwell and Shepparton as well as metropolitan-based services at Hawthorn, Epping, St Kilda and Kensington.

The community believes self-injecting facilities may give the wrong message to young people, but the government is trying to minimise the drug problem. There is no easy answer because it takes a long time to give up drugs. Self-injecting facilities may not be the solution, but they get people off the streets. Those who go into the injecting rooms will be able to pick up information about where to turn for help, which will encourage them to give up and to go back to their families. It will also be a place of support where they can seek accommodation, health services and counselling from experienced staff.

A report tabled in Parliament details what self-injecting facilities are to undertake. It sets out their performance, the number of clients attending monthly, the incidence

of drug overdose among users, deaths and the number of people using referral services, social support and detox treatment. The standards will ensure that the injecting rooms are safe from hepatitis C or D. They will be supervised by staff who have experience in dealing with such problems.

When one goes to Springvale or Footscray one can see people shooting up on the footpaths, in laneways and in public toilets. It is not safe for children or adults to be in such places because there are needles everywhere.

Hon. B. C. Boardman — Are you saying Springvale is not safe?

Hon. S. M. NGUYEN — I think Mr Boardman has heard my comments.

There must be more police patrolling the streets, and the dealers must be moved out. We know that some drug users are also drug dealers because they cannot afford to pay for their habit. Drug users must be provided with information that will encourage them to stay away from drug dealers because at the end of the day they will be better off and become better people in the future.

Last week the Maribyrnong City Council decided it would support the proposal to provide a supervised injecting facility. The proposal was strongly supported — five were in support of it and two were against it.

Hon. B. C. Boardman — Where was this?

Hon. S. M. NGUYEN — At the Maribyrnong City Council. The council organised two consultations. The first was conducted in February this year, and the second was held in March. As part of the consultations public meetings were organised. It consulted a lot of people. I attended a few of those meetings. The council also consulted some of the ethnic groups that provide services in Footscray. Many interesting points were raised about these matters and much has been learnt from the people concerned — from those who are against the proposal as well as those who support it.

The council made the process open to the public and invited anyone who had the time to attend the meetings and write to the council expressing concerns. It sent newsletters to every single household in the municipality asking ratepayers to respond to the matters raised. Unfortunately I do not have time now to go through the many concerns that were expressed. I would like to congratulate the Maribyrnong City Council on doing such a good job and on voting to support the government proposal.

The trial will be of 18 months duration. In 18 months we can learn what works and what does not so that amendments can be made to improve the situation. If there is no trial there will be no opportunity to do anything to help save the 359 people each year who die from overdose. After the 18-month trial the community will be given feedback, after which the council and the government will conduct further public consultations on whether the proposal should proceed or be cancelled.

In conclusion I indicate that the government has been brave in proposing the legislation. It knows there is no easy answer. It knows this is not a bill on which it is easy to get support from the community and other political parties. But it also knows that it is a good step that will provide an open gateway to those people in the community who are out of touch with and do not use government services that may be able to help them. The government would like to control the issue rather than leaving people on the street. Once people are on the street it is very hard to help them turn into good citizens with important roles in the community.

These people need to be looked after and to be given access to a range of services. At the end of the day we hope they will give up drugs so that the community will become a safer and happier place. I support the bill before the house.

Hon. J. W. G. ROSS (Higinbotham) — It is with a great sense of responsibility that I speak on the bill and notify the house that the opposition will oppose it. The opposition believes the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill has every capacity to exacerbate the drug problem, and widespread consultation by the opposition has demonstrated that there is considerable community resistance to the proposal.

Once again the value of the upper house can be seen — it at least provides an opportunity to debate the bill. It was an absolute travesty that many of my colleagues in the lower house who have a keen interest in the issue and who have followed its debate over many years were confronted with the gag. The bill was rushed through with no opportunity for them to put their views on the record on behalf of their constituents. The opposition believes government had a cynical intent in the gagging of debate in the other place. It certainly gave Labor members of Parliament representing regional and rural areas the ability to avoid putting on the record why they support the bill. It also disenfranchised many Labor electorates where local members were unable to put their points of view.

I will briefly refer to correspondence that has been received on this side of the house from residents and ratepayer groups. A letter received from Footscray Matters dated 16 August 2000 states:

> The residents and ratepayers of the City of Maribyrnong have a view that heroin injecting facilities would be socially and economically disastrous in our municipality …

The letter is signed by Carole Demirdjian and Paul Moore of the Footscray Matters Committee. Of course they had no opportunity to have their views aired in the other place because the debate was gagged.

In a letter dated 18 August 2000, Residents 3000, a group representing the interests of residents living in the central business district, indicated that it had:

> … successfully campaigned against an injecting facility that was proposed, indeed unlawfully set up, by the Wesley Central Mission …

It also welcomed the announcement on 11 August by the Liberal Party leader, Dr Napthine, that his party would oppose any such legislation in the Parliament. There was no opportunity for such sentiments to be vented in the other place.

Isobel Gawler, the honorary secretary of the Drug Advisory Council of Australia, went to extraordinary lengths to impress on the government and her representatives the extent to which that group disapproves of supervised injecting facilities and collected many petitions to reinforce that point.

In my electorate my lower house colleague Mrs Inga Peulich and I have received significant information and community feedback resisting such legislation. I put on the record the efforts of people such as Mrs Meg Fennell, a Bentleigh resident who banded together with other residents to circulate in the area 50 reasons not to support injecting rooms.

Mrs Peulich conducted a community survey of some 3400 voters in the Bentleigh electorate; 67 per cent of those residents were vehemently opposed to heroin injecting rooms. I rebuke the attempt to stifle debate on this most important issue.

Worst of all, the history of a bipartisan approach to drug-related issues, dating back to the Gorton and McMahon federal governments — in particular, the period when Don Chipp was Minister for Customs in a Liberal government in the early 1970s — has been breached. In 1984 Prime Minister Hawke convened the drug summit and established the drug offensive. The conservative side of politics collaborated and cooperated with the then Labor government on this dreadful social scourge. That summit was the birthplace of the so-called harm-minimisation philosophy that has dominated the thinking in the drug field for almost 20 years.

It was simply a rebadging rather than a new philosophy. However, that philosophy was picked up by those who wish to liberalise or even legalise drugs as a vehicle on which to pursue that objective. The badging of the harm-minimisation policy by the Hawke government coincided with the idealisation of the softly-softly approach of many European countries such as Holland, Germany, Spain, Switzerland and Italy.

The truth was there had always been a harm-minimisation approach. People like Dr John Poolman and social worker Rod Patterson were associated with the founding of the Buoyancy Foundation in the early 1960s. They approached this issue from the point of view that the first thing to do with any client who presented with symptoms of intravenous drug use was to deal with their immediate health issues and explain to them that if they continued to use intravenous drugs they should be cognisant of dangers related to infection. They dealt with problems of dental caries and other hygiene issues. The badging of the harm-minimisation policies in 1984 was nothing new and is something that should not permeate our thinking today.

Around that time AIDS first started to become a real threat. Dr David Penington was appointed chairman of the National AIDS Task Force, which identified a number of key target groups in the community that would need to be approached for health promotion and education if AIDS was to be arrested. They were gay men's groups, prostitutes and intravenous drug users. Australia and Dr Penington in particular made a wonderful contribution to this issue by accessing the groups of people who hitherto had been marginalised and providing them with health education messages. Australia now is probably one of the most successful countries in the world in controlling AIDS.

At that stage needle exchanges were set up because of the association of AIDS with intravenous drug use. The problem was that the harm-minimisation philosophy and the softly, softly approach exacerbated the problem. I have no criticism of the people involved at that time and given our time over again I am sure we would do it again, but I do not think anyone recognised that part of the cost of controlling HIV/AIDS would be the escalating problem of intravenous drug abuse.

Drug use has been endemic to mankind since antiquity but it burst on to world prominence during the 1960s. I

remind honourable members that at the latter stages of the 19th century drugs such as morphine and opium were the aspirin of Europe:

> One must remember that opium was the aspirin of Europe. The English took it copiously: in 1840 the average intake was slightly over one quarter-ounce per person. Doctors prescribed it for hysteria, travel sickness, flu, ulcers, hay fever and insomnia. King George IV's doctors prescribed it as a hangover; Coleridge wrote Kubla Khan on it; Berlioz ate some, vomited for 2 hours, and emerged from his experience with the inspiration for the Symphonie Fantastique … Children were raised on it, and if an infant cried the Victorians dosed him with soothing tinctures: Bately's sedative solution, McMunn's elixir, Codfrey's cordial. These contained up to 1 milligram of opium per millilitre and often quieted the child for ever.

Likewise, across the Atlantic in North America the hypodermic needle had been invented along with the method of synthesis of morphine into heroin. Heroin was widely used as a pain-killer during the American Civil War and led to an explosion of addiction. Patented medicine wagons travelled around the Wild West selling soothing tinctures and medications for almost every ailment. The entire world was engulfed by drug abuse. At that stage international forces began to coalesce in order to introduce the traditional method of social control of rule under law. The early opium conferences led to the international convention on narcotic drugs in 1961.

The point I make is that there was a time when drugs were legal and there have been many instances since where people have attempted to legalise drugs.

In March 1996 the previous government under the leadership of Premier Jeff Kennett established the Premier's Drug Advisory Council to consider possible legislation to control illicit drug abuse and appointed Dr David Penington to lead it. Dr Penington provided invaluable advice that underpinned the previous government's Turning the Tide program. Once again it endorsed the so-called harm-minimisation approach but, indeed, it began to benchmark the new push toward the legalisation of all drugs and a regression to 19th century thinking.

On 11 January 1996 the Melbourne *Herald Sun* reported that the Federation of Community Legal Centres was urging the Victorian government to legalise all drugs within 10 years and then take over production and distribution to users. At that time the federation called on the government to legalise cannabis in non-trafficable quantities in the short term and urged the adoption of pilot programs for heroin addicts. The next stage of drug reform sought by the federation involved the legalisation of all drugs and their controlled manufacture under licence.

Those who would say that members of the opposition are resisting in some bloody-minded way the recommendations of Dr Penington simply for partisan political purposes should recall that, although we embraced much of what Dr Penington had to say, we rejected his proposal for the legalisation of marijuana. The report of the Premier's Drug Advisory Council, *Drugs and Our Community*, urged the then government to amend the Drugs, Poisons and Controlled Substances Act 1991 so that the use and possession of small amounts of marijuana should no longer be an offence, with 'small amounts' being defined as no more than 25 grams of the material. It recommended that cultivation of up to five plants per household for prescribed use should no longer be an offence and that 'household' should be defined to exclude everything other than private premises. That was very much a suggestion to legalise marijuana and cannabis. I emphasise that we have not learnt the lessons of history and that prior to the 20th century drugs were legal all around the world. It was the Geneva International Opium Convention ratified in The Hague in 1912 that was the first international agreement to control the use of addictive drugs.

The Drug Policy Expert Committee has placed great store on looking at the experiences of other countries around the world. Firstly it examined the American situation, where narcotic drugs were made illegal in 1914. By the 1920s their use was becoming established in ghettos. Then, as I have already indicated, there was the inexplicable explosion out of the black ghetto areas of the United States into what might be called mainstream multicultural society. Affluent white youths from the establishment began experimenting with heroin and a whole range of psychoactive drugs to the extent that in 1971 then President Richard Nixon declared war on drugs. As part of that initiative he attempted to enter into international agreements with Turkey and France to subdue the cultivation and trans-shipment of opium poppies and their products. However, the prospect of providing supervised injection rooms was never entertained. The extent to which the success of the United States is better or worse than other countries of the world is still open to debate.

I should like also to briefly recap the experience of the so-called British system, which evolved in response to the first dangerous drugs legislation in 1920 and established controls over the availability of narcotic drugs. The fact is that there never was such a thing as a British system. The only central policy on addictive drugs was to allow individual doctors relative freedom to prescribe drugs of addiction to their patients as they saw fit. In the post-1960s era the practice of misprescribing by doctors and instances of addicts

filling prescriptions at pharmacies and shooting up in nearby parks spread rapidly.

However, by the early 1960s it was clear that easy availability of drugs was contributing to the spread of the drug problem. In 1965 the second Brain report recommended a system of notification of drug addiction and restricted the ability of licensed doctors to prescribe drugs of addiction. So that was an early instance of where freedom to prescribe — in a sense fulfilling the requirements of a harm-minimisation approach — quickly got out of hand.

Much later, in the 1990s, in the Merseyside region in the United Kingdom, Dr John Marks was able to establish a rapport with the Merseyside police and cooperated with doctors in a so-called responsible demand strategy. It involved rigorous policing of dealers while a different policy applied to the users. Everybody who was arrested or detained — but not for drug offences — was provided with literature, informed about drug clinics and advised that help was available. At the height of the Merseyside experiment one clinic provided a fixing room in the basement where people could self-administer drugs such as morphine and heroin by intravenous injection. The necessity for that arose because people who lived with users — partners and parents — were often hostile to them injecting at home or in parks, public toilets or railway stations. In April 1995 the system finally collapsed under the weight of its own expenditure when the North Cheshire Health Authority moved to reduce drug users' dependence on controlled drugs, with the aim of achieving a drug-free state. That authority now recommends a predominantly oral methadone-based service, and a budget ceiling was placed on heroin prescriptions in Merseyside. There is no limit for legitimate and other forms of treatment such as methadone. The open-ended experiment of providing drugs and a fixing room was a dismal failure.

The expert committee also placed great store on experiences in Sweden. Today Sweden has one of the most restrictive drug policies in the world by international standards. In the 1950s estimates indicated there were about 100 drug users in Sweden. As one might have expected from a culture in that part of the world, it adopted a very liberal and softly-softly approach to drugs. However, within 10 years, by the mid-1960s, the number of drug users ran into thousands and the authorities found they were unable to stem the tide of drug abuse. A tough line was increasingly seen as an appropriate response to drugs. Sweden flirted with the idea of pilot legislation to enable legal prescription of drugs to assuage individual craving, and for a while doctors were free to practise what they termed liberal prescription. But by the mid-1970s it was clear that the Swedish policy was not working. Not only was heroin becoming popular with Swedish addicts but the mortality rate was rising.

By the end of the 1970s there had been a clear shift in community attitudes towards a more restrictive policy. The Prosecutor-General determined that drug possession charges would no longer be waived. In 1980 the Swedish government defined its drug policy goal as being a drug-free society. By 1988 it had enshrined in legislation the fact that it did not accept the integration of narcotics into society.

Nowadays drug prevention measures are a top priority of the national authorities and strict prevention measures are employed. In contrast with the current situation in Victoria, in Sweden the new attitude and change of mind cut across all boundaries of party politics and public opinion; there is a general view that the non-medical use of drugs is unacceptable.

The Netherlands is another example of where more liberal policies have progressively established the country as a favoured destination for drug users. Those drug users come from places such as Germany, Belgium and France and from as far away as Australia and New Zealand. One can get a packaged tour known as Can-A-Bus on which people go to the Netherlands to participate in drug taking. There has been a blatant commercialisation of the current Dutch drug policy, particularly in Amsterdam.

In 1995, 1500 French citizens, headed by eight mayors, travelled by bus to Rotterdam to protest against the Dutch drug laws. Later the French Minister of the Interior, Monsieur Pasqua, supported the protesters by saying that the Netherlands must change its drug policy and if that did not happen France would not abolish its border controls according to the Schengen agreement.

More and more the Dutch government is suffering from the resentment of its citizens and that of its neighbours. The number of methadone clients is increasing and drug abusers are making up a higher proportion of social welfare recipients. The emergence of criminal organisations is also a source of great concern.

I will briefly recap on the situation in Germany. Once again, there was an early tolerance of drug abuse, and that led to the development of an open drug scene in Frankfurt. The most famous example is Taunusanlage Park, where the amenity of the city was so impacted upon that the Frankfurt council decided that something had to be done to quell the open use of drugs. Taunusanlage Park is surrounded by banks and

Frankfurt is one of the key banking centres in Europe. At the time it was attempting to establish itself as the centre of banking for the new European currency in competition with cities such as Dublin.

The extent of drug abuse caused by the softly-softly policies was antipathetic to the city's objectives. There were negative commercial and business impacts at a time when Frankfurt needed to be seen as a responsible city. Tourism was negatively affected and the residential amenity was reduced in the inner city area and around the railway station. I well remember being accosted by drug users at the Frankfurt railway station. At the bottom of the list of negative impacts were the health implications of drug abuse.

The German government's first response was to crack down under the rule of law. That led to the expulsion of many of the drug users from the park to other parts of Germany. There was a phenomenon known as junkie jogging, whereby the police would come in and move people on. The number of drug deaths in Frankfurt began to fall, but one does not have to be too bright to understand why — if a regime becomes tight and oppressive, it is not beyond the wit of a drug abuser to catch a train from Frankfurt to Berlin. Five supervised injecting facilities were set up to deal with the residual group whose members were not willing to leave, and I have visited each of the facilities. The truth of the matter is that drug deaths began to fall in response to the law enforcement well before the advent of supervised injecting facilities.

In taking a global view of the situation in Germany I refer to a 1999 Reuters press report released in Bonn:

> The number of deaths from illegal drug use in Germany in 1998 rose nearly 12 per cent to 1674 people, a report from the government's narcotics agency said on Monday.
>
> The numbers of Germans using hard drugs increased last year, with the numbers of first-time users up 1.7 per cent at 20 943.

As another example of what I believe is a fairly naive response to a worsening situation with drugs I again source an Associated Press report of 28 July 1999, which states:

> Worried about a national rise in drug-related deaths, Chancellor Gerhard Schroeder's cabinet approved a bill Wednesday that would allow states to set up centres where heroin addicts could go for a safe fix.

The spokeswoman cited in the report noted that:

> … the number of deaths related to consumption of illegal drugs rose to 798 in the first half of 1999, compared to 735 in the same period last year.

To suggest that the situation in Germany is anything other than serious is to misrepresent it.

The situation in Switzerland is very much the same. In 1992 Switzerland allowed the drug scene to find its own level in the Spitzplatz needle park. Once again, when it got out of hand the government had to intervene to do something about it. The injecting rooms did not materially reduce deaths in Zurich from 1992 to 1999. A massive program of relocation and deportation meant the drug scene was shifted from Zurich to the Letten station, and there was no real impact until that open drug scene was cleaned up.

The emphasis the drug expert committee has given to the drug situation in Europe is very much a misrepresentation. By way of recap, a publication from the European Monitoring Centre for Drugs and Drug Addiction lists the number of acute drug-related deaths in various countries for 1998. In that year the number of deaths in Austria was 108; Denmark, 250; France, 143; Germany, 1674; Greece, 244; Ireland, 90; Italy, 1076; Luxembourg, 16; the Netherlands, 61; Portugal, 337; and Spain, 310.

Page 26 of a Report of the International Narcotics Control Board which refers to drug injecting rooms states that drug injecting rooms where addicts can inject themselves with illicit substances are being established in a number of developed countries, often with the approval of national and local authorities. The board believes any national, state or local authority that permits the establishment of drug injecting rooms or any outlet to facilitate the abuse of drugs by injection or any other route of administration also facilitates illicit drug trafficking. The report also states that by permitting drug injection rooms a government could be considered to be in contravention of the international drug control treaties by facilitating, aiding or abetting the commission of crimes involving illegal drug possession and use as well as other criminal offences including drug trafficking laws. As I mentioned in my opening remarks, the international drug trafficking control treaties were established many years ago precisely to eliminate places such as opium dens, where drugs could be abused with impunity.

I also refer the house to the extent to which certain members of the expert committee have a proclivity toward the legalisation of drugs. In a sense I have no argument with the sincerely held views of individuals on that committee. I simply disagree with them, and so does the opposition. An article by Victoria Button in the *Age* of 16 May 1998 headed 'Legalise drugs to curb abuse, says Penington' states:

> Australia must move to legalise all illicit drugs and regulate their supply to protect the community from the terrible scourge of abuse, Professor David Penington told a medical conference in Melbourne yesterday.
>
> …
>
> He advocated safe houses where intravenous drug users could shoot up in a controlled environment as a logical extension of Australia's needle exchange program.

I couple that with the earlier remarks by the Federation of Community Legal Centres.

In sworn evidence before the previous Drugs and Crime Prevention Committee, of which I had the pleasure of being a member — I acknowledge the outstanding contribution of the Honourable Andrew Brideson as chairman of that committee — the chairman asked Dr Penington:

> Can you envisage the day when a large manufacturer takes over production of bongs, for want of a better expression, and governments derive a fair amount of their income from taxation on such products?

Dr Penington replied:

> In due course we have to deal with this by regulated supply. I do not have a clear view of how that is best achieved because I think it is a process of evolution …

On 18 May 1998 I asked Professor Margaret Hamilton:

> Are you suggesting that marijuana should be legalised? I do not think you can have a bet each way. The government has to tell the community what it intends to do.

Professor Hamilton replied:

> If you had to choose between the current legal status and legalising it and if we had the right system of care and the appropriate information available I would chose legalising it.

So there certainly are proclivities within that group's membership towards the legislation of all drugs.

The outstanding feature of most of the supervised injecting facilities in Europe is that they are moved into essentially red-light districts to protect the amenity of the cities. In Victoria, starting with the Hamer government's legislation on massage parlours, government after government has constantly rejected the idea of establishing red-light districts but another member of the expert committee, Cr Dick Gross, has been advocating the establishment of red-light districts. I couple that suggestion with the Frankfurt model where supervised injection facilities are established in red-light districts.

I briefly address what I think has been an inadequate analysis of the situation in Sweden and to some extent, either purposefully or by naivety, a discrediting of the Swedish system. Page 14 of the stage one report of the Drug Policy Expert Committee states that:

> … there was a continued steady growth in drug-related deaths from around 40 per annum in the 1970s to 250 in 1996.

I will dwell on that figure of 250 later. Sweden has a population of nearly 9 million and to place those deaths in context, Melbourne has a population of 3.3 million individuals and the number of heroin-related deaths last year was 359. To suggest that that in any way is a reflection of failed policies in Sweden is bizarre.

After looking up the reference to find out where that figure of 250 came from I discovered that there are two sets of data on drug deaths in Sweden. The figure of 250, which is widely quoted, relates to 'drug abuse and/or poisoning', which includes suicides by old people through overdoses, accidents involving children and road traffic accidents where drugs are detected. So all those figures would be counted. Where drug addiction is the underlying cause, in 1995 the figure was around 100. I was so perplexed by that situation that I contacted the Swedish Commission on Narcotic Drugs. I received the following response:

> Thank you for calling and for your efforts to give correct facts about Sweden.
>
> I enclose two tables and parts of the summary from the latest official report on the drug situation in Sweden.

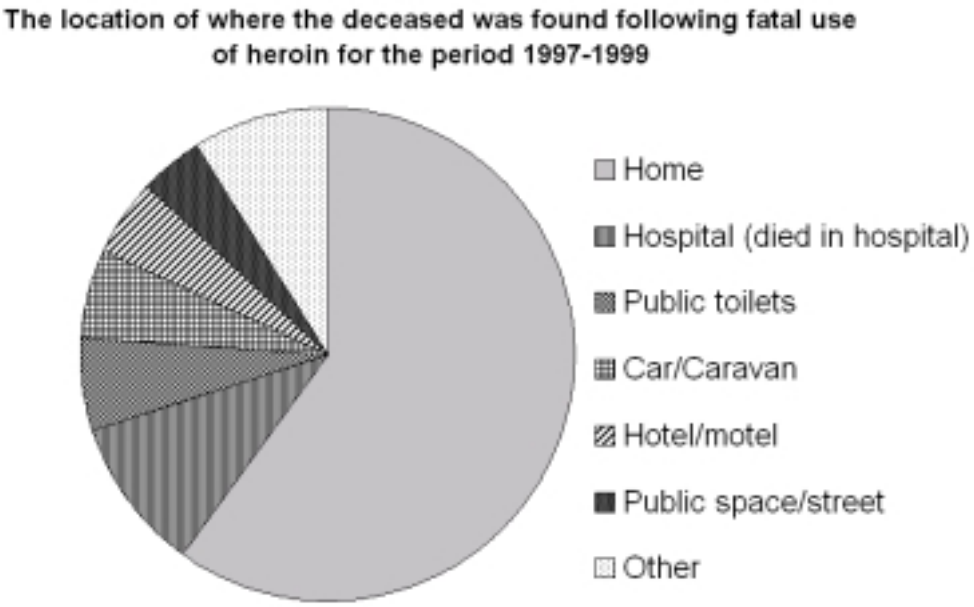
It confirms that in 1997 where drugs were the underlying cause of death the number was 73 in a population approaching 9 million. The later figure than the 250 quoted in the Penington report is 265. The literature is there to support my view that there has been a gross misrepresentation of the situation and the extent of mortality in Sweden.

I refer the house to the extent to which Victoria had information at its fingertips from the Victorian Institute of Forensic Medicine at Monash University, which studied heroin deaths between 1997 and 1999. The salient figure is the number of addicts who died. According to the report, the target group for supervised injection rooms accounted for only 15 per cent of those deaths. I seek leave of the house to table an associated pie chart.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Has the honourable member shown the chart to Mr President?

Hon. J. W. G. ROSS — I have shown it to Mr President and Hansard.

Leave granted; chart as follows:



Source: Victorian Institute of Forensic Medicine & Department of Forensic Medicine
Monash University Report No 3 – February 2000.

The chart shows that in the period under study, of the heroin-related deaths 60 per cent of individuals died at home; 10 per cent died in hospital; 6 per cent died in public toilets; 6 per cent died in cars or caravans; 5 per cent died in hotels or motels; 4 per cent in public spaces or streets; and 9 per cent are listed under 'other'.

I repeat the finding of the Victorian Institute of Forensic Medicine that 15 per cent of all deaths would represent the possible target group for supervised injecting rooms. The Australian Drug Foundation has estimated that each supervised injecting facility, of which five are proposed, would cost in the order of $300 000 to run. The report gives the footnote reference of Dolan and Wodak. Based on 15 per cent of 359 deaths, across Victoria the target group might be represented by 53 deaths, with each supervised interjecting facility catering for only 10 people at a cost of some $30 000 each. Although the opposition recognises the problem, those numbers simply do not stack up.

The Liberal Party has consulted extensively with the community and has not reached the position of rejecting the proposed legislation out of hand. The Liberal Party proposes a set of alternatives, which are: no injecting rooms — they send the wrong message; train an extra 250 detectives and police to pursue drug traffickers, together with a higher visibility of police presence in the drug hot spots; aim towards zero waiting time for drug treatment by establishing up to 500 more detoxification and rehabilitation beds and outreach contacts, particularly in rural and regional Victoria; dedicate a Justice facility within the prison system for drug rehabilitation; reduce the number of discarded syringes with one-to-one exchange; offer drug awareness seminars for all students and parents in government and non-government secondary schools; and expand alternative therapies such as Naltrexone. I suggest that enough is enough. Around the world, communities are saying: we want an alternative approach.

There is no lack of recognition by members on this side of the house of the horrors of drug dependency. We realise that those sad individuals who have lost their money to unscrupulous drug peddlers and dealers have lost a lot. All honourable members know that parents and friends of those who have died from the ravages of long-term drug abuse have lost more, but if they believe that nothing can be done and lose hope, it would mean that all of us have lost everything. Members of the opposition have not lost hope and have presented the community with a balanced set of alternatives. For that reason members of the Liberal Party will vote against this poorly conceived strategy for supervised injecting rooms that overseas experience has shown will exacerbate rather than solve the problem of drug overdoses.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Hon. B. W. BISHOP (North Western) — It is indeed a sad day when we come to this Parliament and debate the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill, because I am sure most communities believe the issue is much wider than the

bill being debating tonight. As I move around the communities I represent I get the strong impression that the bill has polarised the debate and the focus has simply gone straight to injecting rooms.

I listened with great interest to Dr John Ross speak about his great experience. Certainly my experience pales into insignificance against his knowledge of drugs. I could not fail to reflect on what an opportunity we have missed as a Parliament to learn all we could from a full discussion on the topic in both houses.

It is my strong belief that as the representatives of the communities across Victoria we must focus on a package of measures. This issue above all others requires a package. I am sure that we would get widespread support throughout the state that goes beyond politics of any kind if we could come up with a packaged approach to solving the huge problems our communities face with the abuse of drugs.

Examples of components of such a package include education — a very important part of any package as it enables us to get to younger people and put them on the right track by teaching them about the dangers and difficulties of drug abuse and the flow-on effects it causes, particularly for young people. Rehabilitation must also be a strong plank in the package.

Then we come to the really difficult part, in my view, and that is law and order. It is always hard to approach a problem like this and talk about law and order. You can be too tough and you can be too lenient. How do you approach it and ensure you get the confidence of young people right throughout the community? In my research on the subject I read some of the work of a Mr Keith Hellawell, a former coalminer and policeman from England. It is my understanding that he contributed greatly to Britain's anti-drug strategy. He has extremely strong views on the subject, as I suppose most of us have. He believed Britain should take a broad approach to tackling the drug problem. He advocated education and treatment, and he was extremely definite about reducing the availability of drugs. His view, for example — and I suspect it is shared by a number of people in our community — is that injecting rooms are unethical.

As I also found from other research, injecting rooms do nothing to reduce crime and drug dependence, and in many ways may just allow dealers to profit. Many people believe that rather than injecting rooms offering the protection some well-meaning individuals thought they would, they offered protection as an easy way out and took some users away from the medical support and advice provided through many good programs that were in place.

As I understand it, the British system is tough on drugs and tough on the causes of drugs. As I worked through that system — no doubt other programs around the world may be better and are certainly different — it seemed to me to form a framework that was backed up and linked to many programs that had been put into place. One program was called Back to Basics. It sounds a bit hackneyed, I guess, but we could probably all do with a good run of back to basics in the lifestyle we lead, and certainly the lifestyle most of our young people lead, particularly in today's world. The people who spoke to me about the program said they would work in damaged communities. I did not have the time to research fully what they meant by 'damaged communities', but any work in the community to deal with drug use would be advantageous.

One of the issues I picked up on involved strengthening family life. I suppose it is a throwaway line, but the most important thing I have learnt in my discussions with young people who are involved with drugs and other drug users is that often it was the lack of family life that led them to use drugs.

The people I spoke with talked about education and giving our youth things to do rather than roaming the streets. I think we have all been involved with that. They also spoke about working on stress. I know some people say that stress is good for you. Some people handle stress particularly well but others do not. It is not something you can apply as a one-size-fits-all notion across the community, but there is no doubt that stress affects all levels and age groups in society. Our young people face educational stress when they are striving for good marks to assure their careers for the future. That stress can lead them to succumb to the lure of drugs whereas they may not have succumbed before.

Then there is work stress. We are today in a very competitive world. There is stress in the workplace where people are trying to better themselves in their corporate life, for example.

I again put on the record my strong support for broad-based programs, which I think are what we should be looking at to make inroads into the drug issues in our communities.

I did some further work and was interested in the issue of illicit drug users and crime. I know many people in this house — including the Honourable Andrew Brideson and the Honourable Cameron Boardman — have done a lot of work in this area. From what I

understand and what I have seen in the area the Honourable Ron Best and I represent, it does not mean that every user will turn to crime as a matter of course. But it is true that once a person is a user there is more opportunity or more likelihood of turning to crime simply to feed the habit.

That statistic is true and cannot be questioned. I suspect the worst way to enter the world of crime as a user would be to take the next step and become a dealer. For most people that would certainly be a path for disaster in the broad range of crimes including prostitution, shoplifting, fraud, armed robbery and so on.

When I looked at the law and order system I decided one of the most important issues was to reduce the supply of drugs in the community. Every seized haul, be it large or small, must be an advantage to the community and must make it safer for the communities in the cities and towns. I know it is not easy to keep illicit drugs out of Australia. Recently I read about a good haul of illicit drugs in other countries. Australia has a huge coast line, thereby creating easy access to its borders. Well-organised crime groups would have no problem bringing drugs into Australia.

Australians are relatively affluent and have the money to pay for drugs. Therefore, I am sure Australia is a good market for the people who wish to import drugs illegally. The law and order authorities require surveillance, enforcement and constant vigilance to ensure the supply of drugs into Australia is kept as low as humanly possible. The country's law and order enforcement people need to take steps to ensure they are up to the mark with what may be happening and the latest trends in importing or marketing drugs. I am sure our police would support a broad-based full package to combat drug issues in Victoria, and beyond.

I was involved with a number of groups that debated the need for injecting rooms. People were concerned about the powers of the police and thought safe injecting rooms would attract dealers like bees to a honey pot. Nobody could satisfy the fears of members of the National Party about how the police would handle that. It seemed an unknown quantity that was unable to be addressed.

I suspect that if we look at broader based programs we should also look at legal issues. For example we should question whether Australia's laws are strong enough to cope adequately with the money laundering that is involved in the drug trade. That is a national rather than a state issue. Australia needs tougher laws to deal with suppliers and dealers so that when they come before the courts, they are treated fairly but strongly. I would be a strong supporter of giving more power to the police to achieve sustainable results.

My office is located in Mildura. Three or four years ago when the former government was working on the Turning the Tide program, I and other members of the community established a panel in that area to reach out and get feedback on what the community thought. We put a lot of work into setting up a series of panels comprising a doctor, representatives of the police, social workers, drug and alcohol abuse counsellors, and a hospital methadone program worker. He was a particularly interesting fellow and contributed to the responses and the research. It was a rewarding experience that revealed that community education was a common request.

The interest in and demands on the education system have been far too high. During the panel proceedings a number of people said, 'We have reared our children to school age. Once they get to school, it is up to the school'. I object to that attitude, which is probably one of the basic education issues that needs to be addressed. We should be able to involve schools in drug education, but the job starts well before young people go to school.

The panel also dealt with rehabilitation. The reactions were mixed; there was no certainty about how rehabilitation should be applied. The law and order issue was particularly interesting. Most people on the research panel said, 'Yes, we should be stronger on law and order', but we experienced the extremities. Some who contributed to panel discussions were keen on law and order; some even reminded me of attitudes I had experienced during my time working in the Middle East. They wanted to apply harsh penalties. A wide range of views were submitted through the panel proceedings.

The establishment of the panel in Mildura was a wonderful idea. However, few young people attended the proceedings. I wondered why. I asked some of the young people who had been given the opportunity why they did not attend. It seemed they had been frightened off because the panel comprised people of stature in the local community. They sat behind a table and the atmosphere was too formal. We did not frighten off the adults, because they came in good numbers.

We learnt from that and gave the young people the opportunity to do it their way. They did so with reasonable success. I gleaned from that experience that there is no doubt that young people need guidance on drugs and other issues from trained people who can lay down correct pathways to ensure sustainable success in

tackling the problem. The panel got good feedback and had good discussions.

The Honourable Andrew Brideson would be interested to hear that when the panels visited smaller places, the issue of drug abuse turned to discussion about alcohol abuse. In smaller places, such as a small town footy shed, young people were abusing alcohol. I was impressed that people were able to talk openly about that. I was a little surprised that the drugs problem changed its nature from the larger to the smaller regional centres and took on a different thrust. I suspect illicit drugs were present in the smaller centres; the young people there admitted there was 'a bit', but their main concern was about softer drugs such as alcohol.

The Freeza programs spring to mind when I think of the government's progress with young people. Those programs have been remarkably successful in the Mildura area. I have been involved with, and opened, a number of them. Anybody of my age would be impressed with the high volume of noise generated by the music amplifiers used as part of the Freeza programs.

The programs got the young people into supervised groups. A large number of people did good work. One person who works with the youth of Mildura is Cheryle Gray. She has done a wonderful job with the regional youth council. She has stuck to the task and faced difficulties associated with structure, funding and creating the right environment. I compliment her on the work she has done with youth not only on the drugs issue but across the broader spectrum.

My experience of the panel process highlights the fact that Australia needs a totally structured approach. Why should the state governments tackle the problem alone? It would be better to adopt a national approach on drug issues. I urge the government to move in that direction. I compliment the Honourable Ron Best for his contribution to the debate.

The National Party would not support the motion but would support other moves in restructuring the approach to the drug issue. For the sake of our community we should take some leadership and move forward. It should be a national thrust to ensure some consistency on this issue and it should be built on.

The thought process should start on the three pillars: education, rehabilitation and law and order. I know there are wider issues, but if those pillars were used in a national perspective to move from the current position of polarised debates nothing but success could come from that.

I urge all members to reject this poor attempt to manage the drug issue and to adopt a national perspective for the benefit of our community.

Hon. D. G. HADDEN (Ballarat) — I support the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill, which has been introduced at a timely stage. It was never meant to be a panacea for the controlled treatment or eradication of drug usage; it is one of an overall and wide-ranging drug strategy canvassed both prior to the election of the Bracks government and since. The bill follows on from the recommendations made by the Drugs Policy Expert Committee in a report released in April this year entitled *Drugs — Responding to the Issues — Engaging the Community*.

The bill's main purpose is to provide a trial of injecting facilities in a supervised environment. The Drug Policy Expert Committee printed an issues paper entitled, 'Drugs — a new approach', which outlined the government's drug policy and listed the four key areas of activity: preventing drug abuse; saving lives; getting lives back on track; treatment and rehabilitation; and effectively policing the drug trade. The issues paper went on to say that:

> Years of experience in many countries with the, 'just say no' approach has shown it is inadequate as a broad community strategy. We need to get better understanding in every section of the community … about the issues to be tackled.

The bill is enabling legislation primarily to establish an injecting facilities trial in up to five municipalities identified in government policies, they being the City of Melbourne, the City of Port Phillip, the City of Yarra, the City of Greater Dandenong and the City of Maribyrnong. Those five sites were identified because more than half of all overdoses in the Melbourne area occur in those five local government areas. Three of those municipalities have pledged support for injecting facilities provided the bill is passed, they being the City of Port Phillip, the City of Yarra, and the City of Maribyrnong, which approved the establishment of injecting facilities on 23 October.

The bill provides for non-government bodies to operate the services on behalf of the Minister for Health. It also provides that the minister can enter into agreements with such organisations, and where agreement is reached between a potential operator of an injecting facility site the minister must provide for the provision of counselling and access to treatment. Clear statements of objectives and performance standards are required, as is an operational plan for the injecting facilities. The bill also provides that possession or use of drugs of dependence is not an offence within the facilities

provided the person in possession and in use of the drug is an adult, being 18 years or over. The operators and staff of the facilities will not be guilty of aiding and abetting or conspiring with offenders with regard to drugs of dependence, possession or using the facility.

The bill has a time-limit through a six-month start-up period to accommodate the fact that not all facilities will start on the same day. That start-up period commences from the time the Governor in Council approves the first facility. After the six months — the facilities will operate for 18 months. Approved injecting facilities will automatically become approved needle and syringe services at the end of the 18-month trial period.

The government has prepared a framework for service agreements for the injecting facilities trial dated 31 May 2000. I shall quote from that framework because it is important to be clear about the functions of injecting facilities during the trial period. Page 73 states:

> The primary functions of injecting facilities, during the trial period, will be:
>
> providing and disposing of injecting equipment;
>
> supervision of the injecting room;
>
> providing an overdose response, if necessary, in a clean and secure space;
>
> providing information and counselling regarding the risks of injecting; and
>
> linking users to community and primary health services and treatment and providing basic counselling.

The establishment of injecting facilities was only one of an overall strategy for the drug policy of this government; it was never meant to be a panacea. In the first 100 days of the Bracks government Dr Penington was appointed to head the Drug Policy Expert Committee to advise on the implementation of medically supervised injecting facilities and redevelopment of a comprehensive drug strategy. The framework in the four key areas I outlined shows that this year's budget provides for a $75-million increase over four years for drug services, a new residential drug treatment facility and outreach staff in metropolitan and regional Victoria.

That allocation is in addition to Turning the Tide funding of $20 million a year as well as the existing Department of Human Services drug treatment initiatives of $35 million a year. In 2000–01, $17 million has been allocated for new drug initiatives and a further $1 million for growing demand in existing drug services.

The government's drug policy adopts an holistic approach to the issue and recognises that solutions must be far-reaching, all-encompassing and meet the needs of all affected groups.

The government is implementing a broad range of initiatives across health, education, police and justice departments aimed at preventing drug abuse, saving lives, improving treatment and rehabilitation programs and effectively policing the drug trade.

Drugs are an insidious part of our community and an overall community approach is required to address the problem. We must ensure we have a lasting solution and a realistic vision for the future. It must address every facet of the issue. The main purpose is to save lives, get lives back on track and assist in the rehabilitation and treatment of drug users.

The government has introduced a home-based youth drug withdrawal service for Ballarat.

The overall funding for rehabilitation and treatment services has increased by 40 per cent for Ballarat — from $1.6 million to $2.3 million. Then on 23 August the government announced that there would be a new six-bed withdrawal unit for Geelong, the first of its type in regional Victoria, and the state government grant of $450 000 will go towards renovating Barwon Health's existing facilities. The government has also recently announced a four-bed detoxification facility with a commitment of $688 000.

These measures all show that the government is adopting an overall drug strategy and not just an injecting-facility program for the treatment of drug abuse.

Last year at a conference on adolescent health Mr Michael Resnick of Vichealth spoke about the importance of connectedness for young people and protective factors to be built into people's lives. He stressed the importance of having a good bond with family, valuing friends and peer groups, having a set of moral and social values, having skills and knowledge, and having physical and support services. He also spoke about the risks that lead to drug use and abuse. They include: chaotic home, school and social environments, bullying, lack of love and affection, disconnectedness, social and economic disadvantage, racism, discrimination and low self-esteem.

In recent months what has alarmed me most of all has been the figures printed daily in the *Herald Sun*. For instance, the *Herald Sun* of 4 October under the heading 'Stop the carnage' says that the road toll is 310 and the heroin toll is 236. An article on 30 October

says that the road toll is 334 and the heroin toll is 277. The figures are alarming, and they are increasing. This bill is one way to save lives, which should be our primary purpose. The bill should not be thrown out of the window because it is not liked by the opposition for moral reasons; it should be supported to prevent fatal overdoses by drug users and abusers.

I also refer to an article in the *Age* of 7 October that refers to the Liberal Party state council being held at Ballarat over two days. The article states:

> The party's Glen Huntly branch has called for heroin addicts to be able to get a prescription to buy heroin at pharmacies through Medicare.
>
> The branch says the proposal would have a series of benefits, including saving lives by regulating the legal supply of heroin and cutting crime by removing the criminal incentive for black marketing.

That is what this government is about — saving lives. I urge all honourable members to support the bill, and I commend it to the house.

Hon. ANDREA COOTE (Monash) — Along with the other members of the Liberal and National parties I too will oppose the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill. This was no sudden decision on my part, nor was it based on a lack of knowledge. I intend to show how I came to my decision.

My first involvement with drugs and heroin addiction was through a young friend of mine who fell in love with the wrong man and became an addict at 19 years of age. The time from when she had her first hit to when she died was six months. It was tragic and utterly debilitating to all of us who watched this wonderful, witty, attractive, lovely girl go through what she went through. The issue that was most difficult for all of us was how to help her.

Today we have listened to an enormous amount of information on drugs, rehabilitation, prevention, harm minimisation and a whole range of other issues. But where do parents who have just learnt that their daughter is on heroin go? Where do they find the information, and when they are confronted with a whole range of different therapists, options and advice, what do they do? Watching and speaking with my young friend in the six months before she died was an experience that in one way I will treasure and in another way will haunt me all my life.

In my inaugural speech I spoke about the issue of drugs, particularly the issue of drugs in the City of Port Phillip in my electorate of Monash Province. I have to say that drug addiction is an indiscriminate addiction. It is not dependent on race or gender or confined to a socioeconomic or religious group — it is right across the spectrum. Whole sectors in my electorate are heavily involved with drugs, and I am deeply concerned about it.

At the outset Professor David Penington said to me, 'Andrea, the more you find out about this the more you will realise that you don't know' — and he could not have uttered wiser words. I have learnt an enormous amount, and I will share my journey with you because I believe it is one a lot of other members of the community have also travelled, and it has led me to the decision I have made.

Firstly, as I said, Monash Province has a severe drug problem and, as all honourable members know, the City of Port Phillip is keen to support the government's legislation on supervised injecting facilities. I have spent considerable time speaking with the former mayor, Dick Gross, and the current mayor, Julian Hill, on the issue. I will come back to the strategy developed by the City of Port Phillip later.

Also in my electorate is Odyssey House, whose first point of contact is in Greville Street, Prahran, where people can go for in-depth counselling before they go out to the treatment program in Templestowe. I would like to read from a document produced by Odyssey House called 'Voices from Odyssey' because I think it is rather poignant. The foreword is written by Eric Allan, who says:

> Many Odyssey graduates now have very successful lives, with responsible jobs, families and many other interests … While not everyone is immediately cured through treatment, and some need to try many times before they can win their own battle, the reality is that drug treatment does work, that many people do change their lives.

That is something I wish to emphasise and something I certainly believe in. Through the work I have done I have come to believe that prevention is a very strong point and that treatment should be looked at in greater detail.

Windana is another excellent organisation in the electorate of Monash Province. Last night I attended its annual general meeting, where I heard of some excellent work it is doing. I commend it on the depth of the work it conducts and the results it has achieved. It runs a community residential drug withdrawal service in Chapel Street that helps people to come to terms with their drug addiction. It finally integrates people back into the community through both the Chapel Street facility and its farms at Narre Warren.

I was interested to see how another program in my electorate, Self-Help Addiction Resource Centre — SHARC is the acronym — works and operates. It has a hub-and-spoke approach to treatment. It has a central body, which is a business centre, and 11 residences forming spokes, all of which are about 12 minutes from the centre and 12 minutes from each other. These people help support themselves. They are former addicts who have helped themselves to get back into the community, and they provide self-help all the way through.

I would like all honourable members to think about what it must be like for people who have gone to the enormous effort of getting off heroin and who then have to be integrated into the community. What does such a person do when he or she goes for a job and a potential employer looks at the person's curriculum vitae and asks, 'Where have you been for the past three years?'. It will not exactly increase their saleability to say, 'I have been drying out from heroin'. SHARC and its programs help people integrate into the community. I commend all those involved on doing an excellent job.

The Hanover centre for people in a housing crisis is located at Southbank in Monash Province. I have had in-depth discussions with Mr Tony Nicholson, the chief executive officer of the centre. He said that 10 years ago the profile of a homeless person was a man in his mid to late 40s who tended to be an alcoholic. Today the same person tends to be a male but not always and is usually suffering from drug addition. Mr Nicholson has a grave concern about how addiction impacts on the community. Hanover has a policy of duty of care to all its clients who have crisis housing problems, including drug addicts.

Another excellent program in Monash Province commenced in June and is called First Step. I commend Lindy and Peter White for the excellent work they do with that program. I will not go into detail about the Naltrexone program, which operates through private funding, but it has treated more than 100 people. It is based on a Western Australian organisation that has been successful in this work. The mission statement of First Step states:

> The First Step goal is to successfully treat heroin addicts so they may become useful citizens in our community.
>
> This will be achieved by:
>
> 1. Offering a rapid detoxification program that is affordable to any person genuinely wishing to kick their habit.
> 2. Treating outpatients with warmth and affection, we will cherish not chastise.

That is the philosophy of many people who work in the area of drugs and it is the philosophy adopted at Windana.

I have spoken to the councillors and the mayor of the City of Port Phillip. I have listened carefully to what they have said about the work they have done on supervised injecting facilities and what they intend to do. I will come back to the city's drug strategy later.

Open Family operated by Les Twentyman also has an office in my electorate. I have spoken to Les about the work he is doing. I remind the house that he obtained funding for a series of advertisements similar to the Transport Accident Commission advertisements, but the advertisements were withdrawn at the last minute because they were regarded as too violent and confronting. I believe we should consider following the successful approach adopted by the TAC. Les Twentyman's reputation precedes him. He does excellent work with people at the coalface, and I commend him for the work he does.

I visited the Alfred Hospital and spoke to people such as Ann Mitch, who does significant work on drug addiction, and a young addict. Unlike my friend who died from an overdose, who said she did not want to see supervised injecting facilities because she felt they would attract young people and would not do anything to abate the issue, the young man I spoke to at the Alfred Hospital welcomed supervised injecting facilities because he said he would never give up drugs and he would be safe from police surveillance in a supervised injecting facility.

I commend the Liberal Party for the approach it took to the whole issue. The Leader of the Liberal Party, Dr Denis Napthine, wrote an open letter to all local newspapers and received a great response from a cross-section of people throughout Victoria. Unlike the Labor Party, the Liberal Party invited a number of experts to speak to it, including Dr David Penington, Brian Watters, Rob Moodie, Joe Santamaria and people from the department, including Ron Tiffen. In my electorate, together with the honourable members for Prahran and Malvern in the other place, I ran a forum at which people spoke and debated the issue. With the City of Monash the Honourable Peter Katsambanis and I held a forum at which more than 200 people attended. Dr John Ross gave an excellent presentation at the forum. I thank him for the guidance he has given all of us in the Liberal Party, the work he has done and the help he has given me personally.

Having seen many things in my local community, listened to the experts who gave presentations to Liberal Party members, listened to local experts and read all the information available to me, I noted that people continued to speak about what was happening overseas. I took the opportunity to find out what supervised injecting facilities were really like in Switzerland. I visited first Jean Pierre Gervasoni at the University of Lausanne. He had been involved in establishing the referendum dealing with the four pillars approach to the drug problem that the Swiss initiated after they decided it was time to do something about the dreadful, in-your-face-type approach to the problem in Zurich's needle park. They looked at treatment, harm reduction, prevention and prosecution, and they got the balance right. They looked at the issue carefully, and they established a program after conducting a referendum and receiving community support. As mentioned by other honourable members today, they run a successful program.

I also visited the supervised injecting facility in Berne, which was situated in a hotel area just off the street. One of the issues about which my constituents are concerned is the honey-pot effect. The facility in Berne was open 7 hours a day to anyone who wished to use it. They did not have to be a resident of the city, just proven addicts. The facility treated up to 200 people a day. When I first visited the facility no-one was there, so I made a point of going back to see how it operated. On my second visit I noticed a large honey-pot effect with addicts milling around. They were trying to get their hits, and they had to wait their turn. My constituents are concerned that the same thing would happen in the city of Port Phillip.

Zurich handled it better. It has seven supervised injecting facilities that operate on a rotational basis open only to Zurich residents over 18 years of age. Each one treats about 50 people a day. The Swiss have a needle exchange program and users must take in a syringe in order to get one back. If they do not take in a syringe they pay about $2 for a needle.

I remind honourable members that during an iron man competition last year there was a scare when a competitor received a needle-stick injury from a needle lying on Elwood Beach in my electorate. We are all concerned that our children and members of the community do not suffer from needle-stick injury, not just because of blood-borne diseases such as HIV and AIDS but because of hepatitis C, which is on the rise. A one-for-one needle exchange would go a long way towards alleviating needles being discarded in parks and on beaches by chaotic heroin users who are not concerned where they leave their needles after they have a hit.

I was saddened to learn in Switzerland that many users are now using a cocktail of drugs that have not yet been seen in Australia. They use a mixture of cocaine and heroin. They get the immediate hit from the cocaine and then the euphoria from the heroin — it is a disturbing trend.

What is more heartening is that the average age of users is 32, whereas in Victoria it is 23 years. I have also heard from experts that within the next 10 years we will not be worried so much about opium-based drugs as about designer-type drugs such as ecstasy, and we will have no idea what is in them. It is a grave concern because they are difficult to detect. We should be alert to that danger.

I remind the house that a few years ago the Kennett government had Dr Penington look into the issue of marijuana. Today the house is debating heroin when it has not even come to terms with the marijuana issue. I am very concerned that in another few years honourable members might be talking about problems with the drug ecstasy without having fully addressed what was expected as a result of the heroin debate. The ecstasy situation will still be there. It is already endemic among young people.

The fundamental issue is one of prevention. The issue of drug addiction will not go away. Prevention mechanisms must be put in place so that young people are taught how to cope with drugs, including ecstasy and whatever else might be in the pipeline. Governments need to spend money wisely and make certain that their drug dollars are used very effectively.

One issue that has not been touched on in the debate in the upper house, which is of some concern to me, is an issue also raised by Brian Iddon, the Labor member for Bolton in the Blair government in England. He has made a personal career of looking into dual diagnosis, and it is of concern to all those who have examined the issue. It relates to the issue of mental illness and disability in association with drug dependence. It is a chicken-and-egg situation and it is very difficult to address. Dual diagnosis needs to be addressed further. The shadow Minister for Health, Robert Doyle in the other place, spoke about the matter very briefly. However, I should like to quote what Brian Iddon had to say about dual diagnosis in a document entitled *Drug Misuse and Mental Health — Learning Lessons on Dual Diagnosis April 2000*:

> Dual diagnosis patients often have very complex needs and are often amongst the most socially excluded. Many negative

> outcomes are related to mental illness and substance misuse: more relapse (of both disorders), demoralisation, disengagement from services, non-compliance with treatment, repeated hospitalisations, suicide, violent behaviour, repeated imprisonment, homelessness, medical illness including HIV/AIDS and early mortality.

He goes on to say:

> People with dual diagnosis tend to fall through gaps in service provision.

I urge all honourable members to think about and address the problem. I urge the government particularly to examine the situation. It is certainly something that Tony Nicholson from the Hanover Centre is aware of as well. Brian Iddon continues:

> They experience the 'ping pong' effect where neither drug services nor mental health services want to take responsibility for them.

I ask the department to consider and look into this very difficult issue.

The Bracks government has treated this bill in a very cavalier fashion. It asked David Penington to produce a twofold report. The first part of the report certainly dealt with the issue of supervised injecting facilities, and the second dealt with prevention and examination of prosecution and other issues. When Dr Penington produced the first part of the report the government introduced half-baked, inadequate legislation. It had not fully thought through the issue.

The press took up the issue and sensationalised it. It was on the front pages of newspapers day after day, and supervised injecting facilities was all that anyone could speak about or hear about. Dr Penington has produced the second part of his report. Did that hit the front pages of newspapers? Was that debated with such significance? I do not think so. It is a great pity for the whole of the drug debate that it was politicised in such a way and that it was divided up so that everyone became hysterical over supervised injecting facilities instead of looking at the issue in total, which, as Dr John Ross said, is certainly something we should have done. It was disgraceful. The way the bill was guillotined in the lower house was absolutely appalling.

The government needs to adopt a total approach to the issue. It needs to be examined in terms of prosecution, prevention, harm minimisation and treatment. I do not believe the government has done that. It is shirking its responsibilities, and that is appalling.

Honourable members need to look at just one element of the bill — that is, policing. I ask honourable members to consider the situation of a poor young 20-year-old constable who may happen to be outside the hypothetical supervised injecting facility. He could let me go in there and have a hit. I would be safe from police prosecution inside the facility. A colleague of mine 20 metres away might have two hits, and another 500 metres away might have five hits. What is the young constable to do? Under this legislation he is supposed to use his discretion! How is a 20-year-old supposed to use his discretion in that situation? I ask all honourable members to think it through. The legislation has not been thought through properly, and that is just one example.

Another example is the issue of detoxification. The emphasis is placed on supervised injecting facilities yet hundreds of people are waiting to go into detox. The government is not ploughing enough of the drug money effectively into detox. There is a huge waiting list at Windana. I will quote from a brochure produced by the Windana Society, the title of which says, in part, 'We believe that change and growth are possible'. The brochure publishes the application process for entry into Windana. Under the heading 'Waiting list' it states:

> This application process … begins with an individual assessment. The applicant may be placed on a waiting list and must telephone every Monday and Friday until a vacancy arises.

When you are a chaotic drug user, waiting until Friday might be just too long. Also, only one detox bed is available between Mildura and Bendigo. I direct the attention of the house to an article that appeared in the *Bendigo Advertiser* of 12 September, in which the honourable member for Bendigo East in another place, Jacinta Allan, is reported as saying on the drugs issue:

> This is a really serious issue, and while here in Bendigo we are not affected in the same way as metropolitan Melbourne it's still a statewide issue …

I say she should be out there calling for more and more detox beds. A number of people in Bendigo, including branch members, have told me a big problem is looming, particularly around the mall and the Strath Village shopping centre.

Hon. N. B. Lucas — Jacinta Allan's asleep at the wheel.

Hon. ANDREA COOTE — Thank you. Jacinta Allan is asleep at the wheel. She is too busy looking after the gold anniversary celebrations. She is not looking at the drug addicts, and she should have her eye on the ball.

When speaking about the politicising that is going on, I should quote from the report of the Drug Policy Expert Committee, which states:

> In recent months, most public debate has centred on policing, harm reduction and aspects of treatment. In the long run, however, we have to reduce overall drug use in our community if we are to halt its effects: the rising death toll, family distress and crime.

I could not concur more. Prevention is the one thing I stress. It is a way of enhancing the opportunities of and empowering young people so they can cope with these issues and have healthy and happy futures.

The city of Zurich's drug policy says:

> Prevention is everybody's business.
>
> Prevention strengthens psychological, mental and physical abilities.
>
> This is achieved on both the individual level and social groups by initiating developments which reduce stress and build positive future perspectives.
>
> Prevention is effective when it is supported in everyday life by broad segments of the population.

I conclude by reading from the excellent drug strategy that was developed in my electorate. I commend the City of Port Phillip on its excellent work in looking into not only supervised injecting facilities but also how it will approach the issue of prevention. Its local drug strategy states:

> The local drug strategy will augment these state and regionally based prevention initiatives by enhancing local youth-based early intervention initiatives, promoting social connectedness, encouraging participation within community activities and local economic development, and promoting community understanding of drug issues.
>
> There are three types of prevention and early intervention initiatives within the Local Drug Strategy:
>
> youth-focused early intervention
>
> community support
>
> community education.

I look forward to working with the City of Port Phillip in developing those programs and helping the young people in Monash Province cope with the drug issues and the drug debate.

I hope nobody in this chamber has to watch, as I did, a friend with a lovely, attractive body go through the withdrawal process. We need to enhance our young people so they do not become addicted. This legislation is premature and it is inadequate. The government should be concentrating on prevention and putting money into prevention and detoxification.

Hon. ANDREW BRIDESON (Waverley) — This Parliament has been very kind to me and I feel very privileged to have been a member of it. In 1996 I was appointed chairman of the Drugs and Crime Prevention Committee under the Kennett government. The three and a half years I served in that position was a wonderful experience. I have travelled Victoria, Australia and Europe investigating the drug problem and I think my experience gives me some authority to speak on the issue. To my way of thinking it is one of the most important and serious issues that the Parliament has debated in a long time.

I am pleased that the debate is occurring without the venom to which members may have resorted. There is common ground between the government and the opposition — that is, both sides accept that this is a serious issue. The Honourable Dianne Hadden said there have been 277 heroin deaths to date this year — that is almost one per day. One young person has passed on almost every day in Victoria because of the terrible addiction of heroin.

I want to share with members some of my experiences from when I was chairman of the Drugs and Crime Prevention Committee. I want to put the drug debate into some sort of international context because I do not think we can come to grips with and understand the issue unless we do that. I also want to touch on the national scene and give some statistics from my local area of Springvale.

I will start with the international scene. It does not matter which country one goes to, the problem is the same. There is an enormous problem with young people around the world using illicit drugs. In the debate I will concentrate on the use of heroin. The Drugs and Crime Prevention Committee released an interim report in December 1997. For the sake of time I will simply refer honourable members to that publication, which I believe was very sound and well thought out. The report stated that:

> The global drug industry is now estimated to constitute 8 per cent of total international trade …

This is an illicit trade. In my travels I spoke with Interpol and police forces in various countries in Europe and I came to understand that the international drug trade is inextricably interwoven with the arms trade — the two cannot be separated. The enormity of that problem is horrifying. One of the countries I visited was the Isle of Man, a very small island off the coast of England, and it has a drug problem. I have spoken with colleagues who have visited Jersey and it also has a drug problem.

I visited Singapore, which is a very interesting country. Many people are under the impression that there are no drugs in Singapore because it has hanging as a penalty for drug offences. The death penalty is mandatory in Singapore if one is convicted of trafficking, manufacturing, importing or exporting more than 15 grams of heroin. That is a substantial amount of heroin but it has not stopped the drug problem. Each year in Singapore 3000 to 3500 people are charged with minor drug offences and pushed into some sort of rehabilitation regime in the jail system. It does not matter what sort of penalty a country imposes on its citizens, the drug trade cannot be stopped.

Somebody, I think it was the Honourable Barry Bishop, mentioned earlier that it is almost impossible to stop drugs from entering Australia. That is true. Australian Customs Service officials told the Drugs and Crime Prevention Committee that it is impossible to stop people from bringing in drugs. Drugs come into Australia in any and every body cavity one could mention. The chief of the Australian Federal Police told me that the record for bringing drugs into the country internally was held by a character who swallowed 36 double condoms of heroin; they were undetectable by the X-ray machines. Other people drop heroin in dinghies and rafts equipped with electronic beacons into the sea off the north-west coast of Western Australia. Three or four months down the track the beacons emit signals and are picked up by criminals here.

Other criminals working in international drug rackets send shipping containers on three and four circuits of the world through various ports and it is impossible to track the paperwork. In the drug expert committee policy paper, Dr Penington said that 1.2 million shipping containers come into Australian ports each year and it is impossible to check each one.

Honourable members can see that it is very difficult to stop that sort of drug trade. On its own the Victorian police force would not be able to scratch the surface of the problem. The federal government is making enormous efforts to resolve the problem at a national level. The Kennett government did an enormous amount with its $100-million Turning the Tide strategy. I am pleased to say that in many avenues the Bracks government is continuing that good work in drugs.

However, this piece of legislation has polarised and politicised the debate and that is a very sad thing. When the opposition parties announced their strong objection to it I would have liked the government to have withdrawn the legislation and tried to come up with a bipartisan viewpoint. As chairman of the committee I tried to approach the drugs issue in a bipartisan way. During that three and a half years the committee had some very interesting and strong debates on various drug issues. The chairman's foreword in the interim report states:

> A strength of the committee is its preparedness to challenge the status quo in its search to find fresh solutions to break the nexus between criminal activity and the illicit drug trade. It is obvious that traditional strategies are not finding solutions.

I went on to say that:

> Any drug strategy must be consistent, consensus driven and have a significant level of community support. Approaches should continue to be multifaceted, targeted and coordinated.
>
> …
>
> There are no simple answers. A well informed longitudinal approach needs to be adopted to change attitudes and behaviours.

I stand by those comments.

In preparing for this debate I have found it extremely difficult to come to a point of view. The committee produced a series of issues papers, one of which was occasional paper no. 2 entitled 'Safe injecting facilities — their justification and viability in the Victorian setting'. I commend that paper to honourable members if they have not yet read it. We put an enormous amount of effort into that paper. We outlined what safe injecting facilities were, the impetus for them, and their role in addressing harms. We expressed the concerns of the community, both positive and negative. We addressed the legal issues. We even went so far as to advocate a model for safe injecting facilities. We came up with some findings, but I must emphasise that they were findings and not recommendations. A member of the other place attempted to malign me by saying that my committee had made some recommendations when it was wound up prior to the election.

Hon. K. M. Smith — Who said that?

Hon. ANDREW BRIDESON — The honourable member for Springvale made the allegations. I will set the record straight, and now is probably an opportune time to do so. My committee unfortunately did not get to make its recommendations because of the change of government. *Legislative Council Procedural Bulletin No. 2* states on page 12:

> Included amongst the papers to be released was also the incomplete and unadopted chairman's draft report as at the date of dissolution of the 53rd Parliament on 24 August 1999.

That included all of the research papers et cetera of the former committee that were handed on to the new drug expert committee.

It is probably important that I put on the record the findings of the issues paper — I must emphasise they were findings, not recommendations:

> Finding One: There are few interventions other than safe injecting facilities that are specifically suited to comprehensively deal with the range of harms arising from public street injection.
>
> Finding Two: Safe injecting facilities may be effective in dealing with the harms of street injecting, (particularly public nuisance), but only if they are properly targeted, and sensitively managed in the context of community consultation and education.
>
> Finding Three: There are potential dangers and possible disadvantages in implementing safe injecting facilities …
>
> Finding Four: There are legal factors involved in the implementation and operation of safe injecting facilities, but they are not unique or insurmountable. The possibility of implementing safe injecting facilities will depend on a full consideration and resolution of these legal issues.
>
> Finding Five: There are good reasons for adopting a model of implementation that incorporates safe injecting as a part or aspect of a primary health-care centre which addresses the general health needs of drug users, rather than having a facility that is devised for and largely dedicated to safe injecting.

One flaw of the legislation is that the injecting facilities were not going to be part of a primary care facility. I hope at some time in the future when the community is ready to take on board such a radical move as that, consideration will be given to placing such facilities as part of primary care.

I certainly took my role as chairman seriously, and I made a conscious decision to be a leader in the community by pushing the issue. I am happy to have on the record that I spoke in favour of those facilities at a couple of annual general meetings — one at the Association of Needle Exchanges in Geelong where I took the bold step of promoting the facilities. I have not had one negative reaction from that needle exchange group of people who were closely involved in the day-to-day treatment of drug addicts. I spoke at several other general meetings and again the reaction was much the same. I even bounced around the idea of safe injecting facilities in many of my party's branches and again I found that by carefully sitting down and talking to people I could convince them that this was the direction in which to go.

Another flaw in the legislation, which has been raised by earlier speakers, is that it puts the cart before the horse. It has happened too early. It has been sprung upon the community before the community is ready to receive it. In my travels around the world looking at safe injecting facilities I visited one in Frankfurt, and I will briefly go through the notes I made on it. After I visited the facility I had a 2-hour meeting with the vice-mayor of Frankfurt, Albrecht Glaser. Not only was he the vice-mayor, he was also the spokesman for health in Frankfurt and, as treasurer, the holder of the purse strings. I had a very interesting conversation with him.

The centre was located a couple of blocks from Frankfurt railway station. It is open from 6.30 a.m. to midnight. It has 450 clients a day and more than 650 clients each weekend. Thirteen clients at a time were able to inject.

I stayed in that facility for a little more than an hour, just watching addicts come in and inject. They would stay there for half an hour under supervision before they were able to leave. They had to sign an indemnity form stating that they were over the age of 18 years. If they were intoxicated or under the influence of any other drugs they were not allowed in. They certainly were not allowed to take alcohol. They were not allowed to assist each other with their injecting. They had to sign an indemnity form that if anything happened to them the workers in that centre were not responsible for them.

There was a cafeteria in one corner and a social worker was also available for counselling and the distribution of information because the centre also acted as a referral centre. My instant reaction when I was in the centre was that it was a horrible place to be. You would not put a sick dog in there. It was awful watching people injecting substances into their veins. Those people would search their arms trying to find a vein that could accept the substance that they were injecting. The vicinity of the area was like a war zone. I have never seen so many emaciated bodies, people who looked to be barely alive, lying and crawling in the gutters. It was just an awful scene to witness. I feared for my personal safety because there were people wandering around holding syringes in the air. There were people literally lying under parked cars and between them.

It is not the sort of thing I would like to see in Melbourne. There would have to be much better controls than that. Albrecht Glaser told me there had been no deaths in consumer rooms because of the care of the workers in there. I suppose because it was his project he was very much in favour of the facilities. He was encouraging the centre to open earlier because people were queuing up before 6.30 a.m. to come in

and shoot up. They were just going from one hit to another. He told me the centre cost about 800 000 marks a year. I am not sure of the value of the mark today, but it is probably just over 1 mark to the dollar. It was an interesting experience.

Then I went to Zurich, where I visited a drug injecting facility that was part of the Swiss heroin trial. It was a vastly different scenario from what I had witnessed in Frankfurt. The unit I visited was very clean — aseptic would describe it — with stainless steel sinks, mirrors and everything else absolutely spotless and precision Swiss. There were no people in it because it was not open all day; it was open only for people on the Swiss heroin prescription trial.

The people on that trial were registered. I was allowed access to their computer records so that I could see the daily records the medical practitioners kept of those people. I was impressed with what I saw, including the results of that heroin trial. I briefly recall them: after the addicts had been on the heroin trial for some time between two and three years the majority of them had resumed a relatively normal lifestyle — that is, as normal as possible for a drug addict; many of them had resumed work; many of them had picked up their personal or family relationships; and they were on the way to being reintegrated into society.

One of the things that impressed me about the Swiss heroin trial is that the people were looked after and counselled. Their weight was taken; measurements were taken of their forearms and thighs and so on to check if they were getting effective nutrition; and they were counselled on diet and whatever. It led me to believe that prescribed heroin trials may well be the way to go.

When I came back to Australia I discussed the matter with some of our researchers, who are among the best in the world, including Dr Nick Croft of the Macfarlane Burnet Centre for Medical Research, who is well known to many people. After talking also to some ordinary people it seems to me that that may well be the way to go. Although there are many impediments to going down that path, I advocate it, and I have been interviewed on radio, including the Neil Mitchell show, where I suggested that the Prime Minister should also go down the path of instituting prescribed heroin trials.

To back up that suggestion I did some calculations of the cost of heroin to a user. An average user probably spends about $120 per day. If that is multiplied by seven, the total is $840 per week, and if it is multiplied by the number of days in a year the total is about $43 000 per addict per annum. That totals $43 million of black money per 1000 heroin addicts. There are something in the order of 100 000 heroin addicts in Australia, so we are talking absolute megabucks. That money is not earned honestly; it is earned through criminal activity, including through drug trafficking and by drug traffickers and users cutting heroin. As honourable members know, heroin is a white powder; it is cut with talcum powder, bicarbonate of soda, salt or any white or near-white powder — and that is often what causes the death of an addict. As Dr Ross pointed out earlier, pure heroin is quite a good drug. It is the toxic mix that causes death.

Male and female addicts resort to prostitution, muggings, holding up service station attendants with needles, robbing our houses and breaking into our cars and stealing things such as our laptop computers. If that cost is multiplied and added to the costs of drug use, as I said, honourable members are talking about megabucks.

The only way to break the nexus between criminal activity and drug taking is by having heroin available on prescription. If honourable members think about it they will realise that it is the only sensible and rational way to go. It is an issue that the Victorian state government should address in concert with every other state government in Australia. When the facts are considered and analysed, commonsense indicates that that is the only way to go.

The suggestion is probably a bit radical for many members of the community to take on, but I believe with careful explanation it can be done with community support. Albrecht Glaser, the vice-mayor of Frankfurt, said it took him three years of consultation with all players in the field before he could get his injecting facilities up and running. As I said, the proposed legislation has been introduced much too soon.

I had great difficulty coming to a conclusion about whether we should have these facilities in Melbourne or not. One of the reasons for that difficulty is that there are some very good experts in this field and there are so many different views. I found that happened with many of the issues the Drugs and Crime Prevention Committee came across. You would read one expert paper and then find another that expressed the opposite point of view. It makes it very difficult for people such as ourselves to come to conclusions.

Bernie Geary was a member of the drugs task force under the Kennett government. He is also a member of the new drug expert committee under the Bracks government. I have a lot of time for Bernie Geary. I also have a lot of time for Fr Peter Norden of the

Jesuits. I have visited their centres and witnessed the terrific work they do. The Jesuits are not opposed to safe injecting facilities. They believe a trial ought to go ahead.

Eminent people in the Australian Drug Foundation, which is ably led by Bill Stronach, a highly regarded member of the community, support the facilities. People from the Victorian AIDS Council, including the Gay Men's Health Centre, have written to every member of Parliament outlining why the injecting facilities trial should go ahead. The Law Institute of Victoria at its annual conference supported the establishment of the facilities. On the other hand we have renowned academics and practitioners such as Joe Santamaria, who has quite the opposite view.

Whom are we to believe? I think it puts us all in a dilemma. There are two European groups. There is the European Cities on Drug Policy group, which is advocating a rational, sensible approach to drugs. Then there is another group known as ECAD, European Cities Against Drugs, which takes the opposite view. Cities in ECAD such as Paris and London are totally against the sorts of proposals that are before Parliament today while cities such as Berne and Zurich as well as many Greek and Italian cities that are members of the European Cities on Drug Policy group have signed a declaration. So again we are faced with this dilemma — do we go this way or that way?

In New South Wales the Wood royal commission that investigated the New South Wales police force recommended safe injecting facilities almost solely for the purpose of breaking the nexus between criminal activity and drug taking. I know I am not the only member of Parliament who has found it difficult to decide which way we ought to go.

I now want to turn to some of the things that are happening in my local area. It is well known that Springvale is a centre of Victoria's drug problem. I will put some figures on the record. From 1 January to 18 September this year Victoria Police prosecuted 652 offenders for 1034 drug offences; 223 of those offenders were prosecuted for 270 offences of trafficking in heroin.

The AIDS Prevention Support Unit, in conjunction with the City of Greater Dandenong, has a syringe disposal hotline through which people report inappropriately placed disposed syringes. The total number of needles and syringes collected through the use of that hotline has increased from 51 441 in January to December 1997 to 95 652 for the same period in 1999. It is a massive problem. In Victoria I believe somewhere in the vicinity — I do not have the precise figures — of 3 million to 4 million syringes are actually given out each year, which indicates the enormous problem with which we are faced. One of the points made by the Honourable Andrea Coote is that we perhaps should be moving to a scheme where to get a needle you must give a needle back or you must pay for a needle. I certainly support that.

It could well be argued that the Bracks government has a mandate to introduce this legislation. Certainly the Springvale–Dandenong area returned Labor candidates at the last election, and the issue was well canvassed by the Labor Party. However, less than 12 months down the track that community had reversed its views.

The Honourable Maree Luckins in her contribution a couple of days ago gave the figures and reported on the very good community consultation program that was followed. In a press release put out by the City of Greater Dandenong on 11 May, Bernie Geary, whom I mentioned previously, congratulated the council on its consultation process. He said it was the most comprehensive consultation program he had seen in Victorian local government and it provided an opportunity for all sectors of that community to engage in the current debate.

The Greater Dandenong City Council certainly found the issue contentious. On 13 June the council debated the motion:

> Council does not support the proposed trial of an injecting facility in the City of Greater Dandenong based on overwhelming community opposition.

The interesting thing about that is that it is a predominantly Labor council, and the Labor councillors voted against ALP policy. I think that is significant in itself. Crs Dale Wilson, Naim Melhem, Angela Long, Paul Donovan, Youhorn Chea, Geraldine Gonsalvez and Yvonne Herring, all of whom are, I think, members of the Labor Party — I will stand corrected if one or two of them are not — voted for the motion. They went against their own party policy. I must also add that Cr John Kelly, who is a Liberal Party member, voted for the same motion, as did Cr Roz Blades. There were only two councillors who voted against the motion. As I said, I think that is significant.

In conclusion, after having conducted a lot of research with much difficulty, I must oppose the legislation. The bill has missed the real issue, which is a great shame. I urge the government to do all it can to arrive at bipartisan policies. The bill sends the wrong message. Illicit drugs should not be allowed to be used. That is the most compelling argument; it is what swung me

more than any other argument. I understand the government's intention, but it has put the cart before the horse. Insufficient consultation has been undertaken; 6 or even 12 months is not enough. Certainly a term of Parliament is needed for full and proper consultation. The other reason I object to the legislation is that it does not break the nexus between criminal activity and drug use. The final persuasive factor for my opposing the bill was that I was elected to represent the views of my community, which has said in a resounding fashion, 'We do not want this legislation'.

Hon. P. R. HALL (Gippsland) — I commence my contribution to the debate on the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill by making a few comments about the issues paper published by the Drug Policy Expert Committee entitled 'Developing a framework for preventing drug problems' and refer the house to the opening comments:

> In recent months, most public debate has centred on policing, harm reduction and aspects of treatment. In the long run, however, we have to reduce overall drug use in our community if we are to halt its effects: the rising death toll, family distress and crime.
>
> Prevention is of fundamental importance …

Page 4 refers in detail to prevention and the three levels involved: primary prevention, preventing non-users from taking up drug use; secondary prevention, the reduction of problems among early users including preventing use progressing to dependency; and tertiary prevention, about which the paper states:

> Tertiary prevention refers to strategies aimed at reducing harm (including death) among problem users and helping those who use to stop, and also needs to be incorporated into a framework.

I agree entirely with those words and with the need for Victoria to develop a comprehensive, coordinated framework to combat the scourge of drugs in the community. Without a coordinated approach, Victorians are in a no-win situation.

I take particular exception to the bill, and I will vote against it because it picks up just one aspect of those three levels of treatment — that is, supervised injecting rooms in the tertiary level — and suggests it is the answer to the state's drug problem. The Drug Policy Expert Committee says it is not the be-all and end-all; it is not the answer to drug problems in Victoria, yet the house is being asked to support a single aspect involving tertiary prevention without considering all other areas that should be incorporated in a coordinated plan.

I remind the house that the title of the discussion paper is 'Developing a framework for preventing drug problems'. That is the way we should go. The framework should be developed in the first instance before programs within that framework are developed. As other honourable members have said, and I agree, the government has put the cart before the horse; it is asking Parliament to support one aspect of what should be a coordinated, comprehensive program.

Not for 1 minute do I blame the Drug Policy Expert Committee for putting the cart before the horse; its terms of reference dictated that it do so. The government set the terms of reference covering two stages: stage 1 asked the committee to implement the trial supervised injecting room process and stage 2 asked it to develop a more comprehensive policy framework to deal with drugs. It was not the dictates of the Drug Policy Expert Committee but the policy of the government that has led to the house being asked to agree to the establishment of supervised injecting rooms. That approach is premature and, as other honourable members have said, puts the cart before the horse.

Why did the government ask the Drug Policy Expert Committee to examine supervised injecting rooms before the development of an overall framework? The policy commitment by the ALP prior to the election was that a Labor government would introduce supervised injecting rooms. The legislation is based neither on commonsense nor logic but on an election promise. That sort of legislation is bad.

A framework policy that attacks the total curse of drugs in our communities must be in place, but at the moment the house is taking a piecemeal approach. Schools have education programs, thanks to the previous coalition government, which, through the Turning the Tide initiative, required all schools to develop drug prevention programs. That has been successful although it has been in place for only a limited time. That sort of program must be given time to develop so its effects can be measured.

Victoria has rehabilitation and treatment programs, but not nearly enough is being done. Some months ago a young girl who visited my office spoke about her willingness to try to rid herself of her drug addiction. She faced a six-month wait before she could access a treatment program. The nearest bed was in Dandenong — 2 hours drive from where she lived. She could not wait six months; nobody who is desperate to rid himself or herself of a drug habit can wait for that length of time before accessing a treatment program.

Victoria has insufficient treatment programs, and in that regard I wrote to the Minister for Health in the other place on 12 July last inquiring about the government's initiative to establish youth residential withdrawal services in Ballarat and Geelong. I applaud the government's good initiative. I wanted to know exactly how many youth withdrawal facilities were available and whether the government planned to introduce them into other areas of Victoria.

Recently I received a response from the minister, although I cannot give the house the exact date the letter was written. It says the initiative in Ballarat and Geelong would bring the total number of youth residential withdrawal beds in Victoria to 32 — that is, a grand total of 32 places for young people in the whole of the state! I asked how many would be located in country Victoria — the beds in Ballarat and Geelong make eight. There are no beds in Gippsland; the closest are at Dandenong. Young people are at a disadvantage if they want to seek admission to treatment programs because the facilities are not available. I applaud the government for establishing some facilities at Ballarat and Geelong, but it must get serious and develop a comprehensive range of treatment and rehabilitation programs across the state if it is to be effective in combating the drug problem.

Victoria also has what I describe as piecemeal, uncoordinated programs, including a methadone program. How many people are involved in that program? I wrote to the health department and inquired about that and learned that within the Gippsland health department regional boundaries, which extend beyond the boundaries of my electorate, 229 people are registered for methadone programs.

Across the state there would be substantially more. I am not sure we in this state know the full extent of the drug problem or the number of people involved in the methadone program. Such information should be made available to the house when honourable members are asked to consider bills of this importance. There are many needle exchange programs throughout the state. The last speaker suggested that about 3 million to 4 million needles may be exchanged in any one year. I raise those issues because each program in itself is worthwhile. I do not knock them but they must be coordinated. They all have a place in a framework.

At this point in this state we do not have that coordinated framework in dealing with drug problems. It is a piecemeal approach and we are being asked to support another component of what should be a total framework to combat drugs in our community. Until that framework is in place I do not think anybody can possibly support this radical proposal of supervised injecting facilities in this state.

Debate on the bill has been excellent. I have had the privilege of hearing members such as the Honourable John Ross, the Honourable Andrea Coote and the Honourable Andrew Brideson talk about their personal experiences in examining some of the drug programs in other countries. The need for a coordinated program was impressed upon me during a recent parliamentary study tour. During the parliamentary recess I examined a number of programs in the Netherlands, in particular the drug program in Amsterdam. Regardless of whether one agrees with the components of the policy in Amsterdam, one could not argue against the well-coordinated program it has in place.

In the main it is a four-part program: the first component concentrated on demand reduction, including education and rehabilitation programs; the second component on supply reduction, particularly policing and the supply end of the chain; the third component was public order and safety, featuring the separation of hard and soft drug policy in that country; and the fourth component, which overarched each of those three, was scientific research. As one of the people involved in the programs said to me, 'The starting point is research. You need to understand your problem before you can hope to solve it'. I am not convinced that we know the problem well enough in this state. I believe research must be undertaken to find out a whole range of factual information about our problem and its extent before we can successfully tackle the drug problem in Victoria.

The average age of heroin addicts has increased in the Netherlands from 26.8 years in 1981 to 37 years in 1996. It is not considered a young person's problem; it is an older person's problem in the Netherlands. The percentage of heroin addicts under the age of 22 years has changed from 14.4 per cent in 1981 to 1.2 per cent in 1996. There could be argument about why that is the case in the Netherlands, but that is not relevant to the debate tonight. What is relevant is the fact that that country knows its problem well. Do we know the extent of our problem and the age profile of heroin addicts in Victoria and Australia? I do not think so.

The issues paper to which I referred earlier spoke about young people. Is it young people in our society with a heroin problem? I do not know whether that is the case. That is the research that should be undertaken before we examine solutions to the problem. When I was in the Netherlands I was asked whether it was an offence in Australia to use drugs, to which I replied that it was, but then I had to think about that question again

because there is no law in this country that prohibits one from using drugs. There are certain laws that make it illegal to possess drugs, traffic in drugs or produce drugs but nothing that makes it illegal for a person to use drugs. That is the same situation in the Netherlands. People can use drugs without breaking the law. The legislation endorses the principle that it is not illegal for a person to use drugs, but if one is bringing drugs into a facility that is illegal because one is possessing drugs. Once one is inside the facility it is not illegal to use drugs. There is a whole range of inconsistencies in the law and the policies of this country. Research must be carried out and those issues addressed before taking the next step of sanctioning injecting rooms.

I was interested to learn the experiences of my colleagues who looked at user rooms. I came away with the same impression because the user room I inspected did not engender me with a great deal of confidence that the rooms would be successful in Victoria. It was not a place that I enjoyed visiting. I do not think my original concept of a user room was one of a pristine type of medical and clinical environment, but the user room I inspected was far from that. From the remarks made by my colleagues it seems that was typical of user rooms around different parts of the world. Consideration must be given to all of the reports published on the topic.

Our starting point on the issue of drugs in our community is to ensure that research is undertaken properly. The Netherlands has been doing it for 25 years and we would be lucky to have been doing it for 25 months. We have a long way to go on research.

The Drug Policy Expert Committee's first report at pages 11 and 12 referred to the need for additional research funding to find cures for drug addiction. It is important that we put funds into those research programs to help heroin addicts in this state. Page 11 of the report referred to the need for a coordinated program.

In Victoria research must be carried out properly. We must ensure we know how the various components of our existing programs interact and the relationship between the needle exchange, methadone and education programs as well as the treatment programs. We must ensure they are coordinated so there is some cornerstone for people progressing through the various programs. If a person wants to enter a methadone program, what is the next step? Is it to progress through to a treatment program? We must have a coordinated plan for individuals who are seeking treatment. We must identify inefficiencies or gaps in the various programs associated with drugs. User rooms are just one aspect of the whole spectrum. Victoria is deficient in that area, particularly with the availability of treatment facilities.

My mind is not closed forever and a day on the possibility of user rooms, but at this point I see no place for them in the state. We need a coordinated program and sufficient funds to provide the education and treatment programs that are required. When those programs are assessed properly there may be a place in the future for further prevention programs.

As I said, my mind is not closed. However, I agree with just about every other speaker, and certainly the speakers on the opposition side, that the legislation is premature. Honourable members have to do their homework. There is much more we can do before thinking of moving to a last-resort measure — which is how I view the proposal to establish supervised injecting rooms.

Hon. B. N. ATKINSON (Koonung) — This morning I attended the funeral of a family friend, a fellow named Keith Jones who was in his 70s. He had led a very important and constructive life and had a profound and positive influence on many people. When thinking about the debate on the bill while I was at the church service my mind was drawn to the contrast between a funeral for someone whose life was fully lived and celebrated and the funerals for many other people in the community, particularly those killed by drugs. Their families do not have the chance to mourn the loved ones they have lost in quite the same way. The lives of not only young people but also their families have been shattered and devastated by drugs.

Although this is a very sad debate I agree with a couple of other speakers in that I think it is also a very good debate. Some of the speeches made in this debate are among the best speeches that have been made in this place for some time. Notwithstanding that honourable members may be coming from different points of view, people appreciate the significance of the debate, the problem with drugs in the community and the fact that drugs are not someone else's problem or something that belongs to certain suburbs and certain socioeconomic stratas of society or types of people. In fact, the scourge of drugs has moved right through society. It has affected a great many families right across Victoria, right across the country and right throughout the world.

Many thoughtful contributions have been made to the debate, and I dare say more will be made. I note that in their contributions a number of opposition members have not dismissed entirely the proposal for self-injecting rooms and the prospect of their being part

of the armory used by the community to stop the havoc and tragedy that drugs visit upon so many people.

Drugs have cut a swath through the lives of many young people. There has been an appalling tide of wasted lives. Yet for me in many ways drugs are not just a problem but a symptom of a broader problem. Other issues that line up with drugs include problems such as anorexia, youth suicide, inappropriate and dangerous sexual practices among many young people, and of course alcohol abuse. But of all those problems for young people — I will come to why I see them as symptoms in a moment — the drug problem is by far the most pervasive. Perhaps the reason is that drugs have the greatest impact on other people — not just on the people taking them.

The criminal impacts of drugs have been mentioned by a number of speakers. One speaker tonight said that many people — male and female — resorted to prostitution to obtain the funds to support drug habits. There is a tremendous destruction of families and friendships because of the pervasiveness of drugs.

It is interesting to reflect on police crime statistics. In the past couple of years Victoria has been shown to be a safe place to live. It has recorded some remarkable success in preventing the escalation of crime that has been seen in other jurisdictions. I cannot help but suspect that perhaps that is not just because Victoria is so good at policing or that people have become better behaved per se. Rather, I think it is a reflection of the fact that heroin costs only $20 a cap. It is not as difficult to raise the money to get a hit as it was in times gone by when heroin cost $100 a cap, or even more. I wonder what the impact of drugs on society's crime statistics and misery would be if the price of drugs were higher. Honourable members can take some false comfort from some of the statistics upon which we rely in press releases.

I reiterate that, as with other problems — such as anorexia, alcohol abuse, inappropriate sexual behaviour and youth suicide — drug taking is a symptom of a broader problem. Former Premier Jeff Kennett probably came closest to this when he started talking about depression and promoting the concept of a depression institute, an organisation that would be funded to look at some of the problems people encountered in their lives. I have no doubt that such problems, particularly drug taking, are very much an indication of the isolation of many people, particularly young people. Drug taking is an indication of the lack of self-esteem many people have. It indicates fractured hearts and fractured minds from broken marriages and relationship breakdowns. It is an indication of society's failure to encourage and recognise the skills, achievements and contributions of many young people in small ways to the communities in which they live. Too often we as a community fall into the trap of celebrating only the elite — those people who are good at sport or who excel in the entertainment industry.

Drugs are used by many people of all ages to numb pain. For many young people the pain is associated with households that experience physical abuse, alcoholism, gambling problems or where the taking of prescription or narcotic drugs is already abused. There may simply be a feeling of helplessness due to a person being unable to deal with a family situation that is less than effective.

Of future concern is the epidemic of recreational drug use. Many young people in clubs use manufactured drugs as part of a dance culture to try to make themselves have a better time — an extraordinary situation. I am told that the success of the confectionery item Chupa Chups has a lot to do with drug taking in clubs. The fact that young people can take these drugs safely, stay on top of things and not be hurt is a serious problem. It is a culture with which many young people are experimenting.

During the debate, which has taken place over a number of months in the community and in this house this sessional period, many people, sometimes from the same organisation but with diverse points of view, have approached me as a member of Parliament. I know they have approached my colleagues as well.

For instance, I have received different correspondence from the Salvation Army. One brigade that claimed to have particular experience in helping young people affected by drugs was antagonistic to the prospect of self-injecting rooms and dismissed it as a proposition for fighting the drug problem and helping those young people.

Another brigade on the other side of town at Maribyrnong suggested that a self-injecting room trial should be supported because it is one of the initiatives that may be taken to address this broad social problem.

I have attended community organisations and been approached by people who have asked me what I was going to do about this problem. The *Herald Sun* contacted me as part of its survey about the voting intentions of members of the opposition on supervised injecting facilities. The only time that the *Herald Sun* or anyone from the media has contacted me on a policy issue was during the marijuana debate and on this issue.

Hon. W. R. Baxter — That says something.

Hon. B. N. ATKINSON — Indeed it does. Following the publicity about this issue people approached me about the subject. They were often people who were members of families that had been shattered because young family members were addicted to drugs. In many cases I did not know the pain those people suffered or what they had been trying to cope with over many years. They had different views about what we ought to do. They were not of one mind. Their wretched experiences did not enable them to provide a clear direction one way or another to address the drug problem.

The Victorian AIDS Council, the Law Institute of Victoria and a range of other organisations referred to in the course of the debate — I do not want to cover the same ground as my colleagues — expressed different points of view. Like the Honourable Andrew Brideson I discussed the issue with members of branches in my area. In talking about the problem — they were people from areas such as Nunawading and Knox — we understood that we were talking about our sons and daughters and not someone else's child in St Kilda, Footscray or Dandenong. We were talking about the children of parents from Nunawading, Vermont, Boronia, Ferntree Gully, Rowville and the many other communities in my province. They realised it was not someone else's problem but a community problem and that we should look at every measure that impacts on this scourge.

The debate is characterised by a lot of information and some misinformation. There has been some interpretation of statistics. I note the Honourable Peter Hall referred to the situation in the Netherlands. He said the experience of heroin taking there was that heroin addicts were much older than in Victoria. The honourable member for Warrnambool in the other place also questioned this odd statistic. He was told that the reason heroin addicts were older in some countries was that young people felt it was a dirty drug. They had not stopped taking drugs but had switched to other drugs. They were not using heroin because they perceived it to be dirty and dangerous because of the way it is cut.

The statistics from the United States are not persuasive. In the United States heroin is not the drug of choice — cocaine, cocaine derivatives such as amphetamines and manufactured drugs are the drugs of choice. It is possible to read the same statistics and research material and come up with different interpretations. The point the Honourable Peter Hall made about the need for more research is an excellent one, and it ought not be lost on the house or the government, especially if it wants to tackle the drug problem constructively.

I am less interested in what is happening in other parts of the world. I am interested in the observations honourable members have made and shared with us in this place. I am interested in what has been said at the many forums I have attended, many of them with my colleagues. I am far more interested in what we could do. It occurs to me, and I hope this is not seen as frivolous, that we would never have seatbelt or other road safety legislation if we had waited to find out what everyone else was doing. Although we ought to learn from the experience of others and observe what they are doing, how they run their facilities and their successes or failures, we ought not be dismissing proposals because of other people's experiences. We should be looking to see how they can be done better.

The Liberal Party issued a policy entitled 'Combating drugs — a safer way'. I do not propose to go through the policy, because the Honourable Maree Luckins covered it in detail in opening the debate, but it is far more comprehensive and takes a more holistic approach to the drug problem than the bill now before the house. It tackles areas such as enforcement, rehabilitation and research. I do not say those things are necessarily successful by themselves, but they are part of the package.

I am mindful of the role detox plays in this issue. I note some other honourable members have also referred to it. I do not think detox is a particularly effective weapon against the drug problem, because drugs are a chemical and it is fairly easy to balance the chemicals and detox someone in a matter of hours or days depending on what they take and for how long they have taken it. That is not the problem. The rebalancing of chemicals is not the problem. The problem is fixing the mind-set that provides the motivation to take the drugs in the first place. Often a person can be detoxed, but he or she is then sent back to the same abusive house, the same alcohol-affected house or the same peer group that eggs the person on and got him or her started in the first place. If you have not fixed the mind-set there is no way the detox will last. It is simply a chemical rebalancing and getting back the equilibrium in that person's life for a short period.

Work must be done on rehabilitation. There have been some significant contributions during the debate and in the community about rehabilitation meeting the needs of people who wish to deal with their drug problems. That surely must be one area the government should address. Statistics suggest it usually takes the average heroin user about 10 years before he weans himself off drugs. He makes many attempts along the way.

There are many road-to-Damascus experiences. Many of them are particularly affected by family crises. Those people do not necessarily want to lose touch with their families or friends or with other aspects of their lives, but they know the drug is ripping them apart. They certainly try to overcome the problem. Detox is a part of it, but detox by itself does not work.

I agree with the point made by the Honourable Andrew Brideson that the government can almost claim a mandate in this area, probably more so than it can with most other legislation that it brings to this house. The policy enshrined in this legislation was put to the electorate. It was challenged by some opposition members who were then in government, and in those areas where it was challenged by and large the Labor Party would have to say that it did well, as Mr Brideson said. The issue was taken to the people in the Benalla by-election and Labor won the seat from the National Party.

I think there is an element of mandate in this, and therefore the house needs to tread carefully. It is one reason why opposition members have been very careful in the debate today; they have not dismissed outright the prospect of injecting rooms in the future. Many of my colleagues have referred to self-injecting rooms, not safe injecting rooms, because there is nothing to suggest they are safe.

I believe this is a health issue. I do not see it as a criminal issue when we are talking about the addicts. I certainly believe there is some carrot and stick in this whole debate. I believe in vigorous enforcement and getting into those people who wreak such havoc on other people's lives by profiteering through drugs. But when it comes to people affected by the drugs, particularly young people, I regard it as a health issue. It is also a health issue for the broader community, particularly in the context of the spread of AIDS and hepatitis. Therefore we need to look carefully at how we treat this issue and how we try to stop this scourge.

As I said, it is everyone's kids. There are no socioeconomic boundaries here. The bill has a number of problems. One relates to the involvement of the police to the extent envisaged by the minister's second-reading speech and as mentioned during debate on the bill. If the police are too heavily involved in the operation of the self-injecting rooms you run the real risk of scaring away the very people you would otherwise bring to those rooms and then have an opportunity to support, counsel and redirect to other programs in due course as they move through a process in their own mind.

I am also concerned about the prospect of people bringing their own drugs because we have already heard about the danger of particular drugs — the way they are cut with other substances or the way they are supplied on the street. Like Mr Brideson I agree it would have been much better to have prescription heroin. I wish the government had pursued that issue further with the federal government to achieve that goal. It certainly would have made self-injecting rooms far more effective as one initiative in countering the drug problem. I also express concern about some of the liability issues. I am not sure they have been satisfactorily resolved either. I note in New South Wales, where similar legislation has been passed, the liability issue is preventing one of the self-injecting rooms from even opening its doors, despite it being some months since the legislation was passed.

I agree with Mr Brideson and some of my colleagues on this side of the house that the legislation was presented to the house far too hastily, that perhaps it was not developed in the same bipartisan way that I think the drug issue was tackled prior to the change of government.

I have noted the continuing support of a number of councils — Yarra, Maribyrnong, Port Phillip — notwithstanding the withdrawal of the City of Greater Dandenong, as was mentioned in the debate, from the proposed trial. I have also noted that another municipality, the City of Melbourne, is either this very night or tomorrow discussing another package of initiatives to try to combat the drug problem in the city. The council is looking for more resources from the state government and committing more of its own resources than perhaps a local government authority ought to be required to commit.

There is no doubt that drugs are everybody's problem. There is no doubt that they are an intergovernment problem and that federal, state and local governments need to work together on the issue.

During the course of some of the discussions I had with community groups I was asked what I saw as the way to stop drugs. I did not have an answer as such, but I said that what I see as the best insurance against drugs is to love your kids and to encourage them, to invest time in your relationship with them, especially when they are young, to provide them with a set of values and give them confidence in knowing they can come to you as a parent for support and assistance in any personal crisis, and to teach them that there are no supermen or wonder women who are indestructible or invulnerable and that drugs can affect anybody. The only real insurance against drugs is to establish better

relationships with your children and with the other people in your community.

The proposal that has been put by this government is certainly not heaven. It is at best a lifeline from hell, I guess, but I certainly accept that self-injecting rooms could be a part of the armoury against drug abuse.

Debate adjourned on motion of
Hon. P. A. KATSAMBANIS (Monash).

Debate adjourned until next day.

DUTIES BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. M. GOULD (Minister for Industrial Relations).

CRIMES (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. M. R. THOMSON (Minister for Small Business).

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

That the house do now adjourn.

Schools: Yarram athletics team

Hon. P. R. HALL (Gippsland) — I raise with the Minister for Sport and Recreation, representing the Minister for Education — I am sure the minister will have an interest in the subject — a matter concerning the state schools athletics championships.

The Yarram district schools, like most district schools, conduct an annual athletics carnival for primary schools and winners participate in zone finals. From the zone finals the winners and winning teams go on to compete in state championships in Melbourne. For many young country students competing in the big time in Melbourne is their Olympic Games.

The Yarram district entered four girls in the 10-years-of-age relay team competing at the Gippsland zone finals in Sale. The 10-year-old and 9-year-old girls came from Woodside Primary School and St Mary's Primary School and two came from Yarram Primary School. They were competing for the first time in their first zone finals. It was an amalgamated team from several schools because of the small size of many of the schools in the Yarram area.

Those little girls won the relay and there was absolute jubilation at their winning because they were off to Melbourne to compete in their Olympic Games. However, no invitation arrived for the relay team to compete in Melbourne. The reason was that they were deemed to have fielded an illegal team in the zone championships because the combined enrolment of the primary schools in the Yarram district marginally exceeded 300. That was a great disappointment to the 9 and 10-year-old girls.

It seems to me that the rules are somewhat unjust in that the girls were able to compete in the zone finals but were not able to compete in the state championships. My request is for the minister to look at this matter — it is an issue of humanity, and I would hate the four young girls to be disappointed — to see whether there is any way the rules can be adjusted to enable these four girls from rural primary schools to participate in the state athletics championships.

Delta Car Rentals

Hon. E. C. CARBINES (Geelong) — I raise with the Minister for Consumer Affairs a concern of a constituent who lives in Ocean Grove. Earlier this year he went on holiday to Cape Byron in New South Wales, where he hired a car from Delta Car Rentals. During his holiday another driver reversed into his hire car, admitted liability for the accident and left. When my constituent returned the car to Delta Car Rentals at the end of his holiday he was told that even though the accident was not his fault he had to pay $1000, which would be returned to him within six weeks after the car was fixed.

Now, seven months later, the car has been fixed but my constituent's money has not been returned. He has rung Delta Car Rentals 14 times and has not received an answer about the $1000 he paid. My constituent has poignantly explained to me the dire economic position in which the accident has left him through no fault of his own. I would appreciate the minister taking up the matter on behalf of my constituent and advising me accordingly.

Delatite: boundaries

Hon. BILL FORWOOD (Templestowe) — I direct my question to the Minister for Resources and Energy, representing the Minister for Local Government in the other place. Recently I had the pleasure of a visit to Mansfield with my colleague the Honourable Graeme Stoney. I spent part of the previous day with my colleague Geoff Craige in other parts of their electorate but I had a very good day in Mansfield with the Honourable Graeme Stoney.

Early on Wednesday morning I addressed a function called Breakfast with a Bite at which five of the Delatite shire councillors were present. Three of them were the Mansfield connection — Crs Twycross, Cummins and Graves — and two had come over from Benalla — the mayor, Ken Whan, and Peter Brown.

My visit took place very soon after the terms had been set for the review of the boundaries of Delatite shire. As many honourable members would know, there is some tension about the boundaries. There are four councillors from Benalla and four from Mansfield and there is some question about whether it is an appropriate structure for local government. That was a hot topic at the breakfast at which I spoke and I was interested in the views of many people there.

I would particularly like to raise two issues of concern about the review. The first is that the minister has not endorsed the terms of reference for the review which is about to take place and which will cost $50 000. The chief executive told the council last week that the biggest disaster that could befall the review would be to have the minister say after it was finished that the process was not satisfactory.

The review has been signed off by the Municipal Association of Victoria and the Victorian Local Governance Association and they are looking for the minister to say that the review is okay and that that is the direction to go. The second issue is that they are very keen to have advice from the minister that once the review is complete and the results are known, the minister and the government will abide by the findings of the reference panel.

Energy Smart program

Hon. G. D. ROMANES (Melbourne) — I direct a matter to the Minister for Energy and Resources. It relates to a question earlier today when the minister explained to the house that the Sustainable Energy Authority Victoria was undertaking an Energy Smart program with the objective of achieving better management of energy in government state schools. I am aware of Sydney's achievements with the green Olympics that took place over the past few weeks. Ecologically sustainable guidelines were set up at the beginning of the preparations for the Sydney Olympics and the environmental achievements have been considerable.

I am also aware that setting targets is part of achieving those outcomes. I am mindful that the Bracks government is about to embark upon a major program of facility development in Victorian schools and that that will involve well over $100 million. It is important that facilities be developed with ecologically sustainable development principles in mind as that would be an investment for the future, particularly in regard to the recurrent cost of running schools. I ask the minister to raise with the Minister for Education in another place the proposal that the program for facilities development in schools adopt clear ecologically sustainable development targets.

Schools: integration aides

Hon. E. J. POWELL (North Eastern) — I raise an issue with the Minister for Sport and Recreation, representing the Minister for Education in another place. On 19 October I received a letter from Mr David Harcoan, coordinator of the Western Hume regional information and advocacy council. Mr Harcoan wrote to me on behalf of Faye Noonan, whose daughter Courtney has a learning disability. Mrs Noonan has tried unsuccessfully over the past few years to have an integration aide appointed through the Department of Education, Employment and Training for her daughter. Both parents believe Courtney's work level has deteriorated, particularly this year, and she is in need of one-on-one assistance to enable her to achieve at school. Mr Harcoan tells me that although Courtney's score is below 66 to 69, which is lower than the cut-off point, she does not fit directly into one category and that makes it difficult to categorise her.

On 20 July Mr Harcoan wrote to the acting general manager of the school programs and student welfare division asking why Courtney's request for an integration aide was rejected. Courtney's assessment places her in the lowest 1 per cent of the population for her age group. Glenda Jones, a registered psychologist, assessed Courtney as fitting the criteria relating to adoptive behaviour which meets the requirement for the program for students with disabilities and impairments. Courtney's full-scale IQ indicates that she is eligible to receive additional support in the classroom. Her classroom results are showing a huge decline in her learning abilities compared with her classmates.

Mr Don Tyrer wrote to Mr Harcoan on 13 September advising him that insufficient information was provided indicating a history of significant and ongoing disability. Mr Tyrer said that given the evidence provided at that time eligibility for the program for students with disabilities and impairments was not able to be established by the resources coordination group. A further application on behalf of Courtney for support through the program for students with disabilities and impairments has been received from the Dawes Road Primary School. This application is now to be considered by the resources coordination group in the 2001 annual application round.

I ask the Minister for Education to review Courtney's case and ensure that Courtney receives an integration aide in 2001 if she meets the criteria. Will the minister ask her department in future to obtain the information required to enable each case to be fully investigated before it is rejected, because rejection results in a young student being without the necessary help that an integration aide can give and requires another application to be made?

Holden: engine plant

Hon. ANDREA COOTE (Monash) — I raise a matter for the Minister for Industrial Relations, who represents the Premier. The Holden factory has provided jobs for thousands of Fishermans Bend and Port Melbourne residents for more than 65 years and is a landmark in the area. The factory has given training to many migrants; for many it is the first job they have. It has great significance in my electorate of Monash Province. Nancy U'Ren's book entitled *A History of Port Melbourne* says that the current site was sold to General Motors-Holden in 1935 for £40 000. At times the factory has employed over 4000 people at any one time.

The Leader of the Opposition and the Liberal Party are very keen to see the Victorian government attract the 1000-job Holden engine plant to Fishermans Bend. That is a vital issue for all Victorians, especially Peter Katsambanis and me as the members for Monash Province where Fishermans Bend is located. Will the Premier advise me what action the government is taking to encourage Holden to establish its engine plant at Fishermans Bend?

Snowy River

Hon. R. M. HALLAM (Western) — I raise an issue with the Minister for Energy and Resources, as the minister responsible for securing increased environmental flows in the Snowy River. I refer the minister to the reported agreement struck with New South Wales and more particularly the extent to which the redirected water flow is to be secured by direct purchase of irrigation entitlements. I ask the minister to clarify the position: is the direct purchase of water to be only 'ancillary' to the government's strategy as she claimed earlier today during question time or is it to be 'fundamental' as she described it when responding to a question last Tuesday? I am not the only Victorian who would consider that the purchase of water cannot be both ancillary and fundamental. I invite the minister to advise the house which description is the most appropriate.

Victoria: independence anniversary

Hon. S. M. NGUYEN (Melbourne West) — My question is to the Minister for Industrial Relations, representing the Premier. The first of July 2001 marks the 150th anniversary of the independence of Victoria when it became a colony in its right. That was the day Victoria gained its own Parliament, a day I am sure all honourable members would agree has a great deal of significance. For many years the Victoria day council has played an important role in celebrating this great day with the reading of the proclamation, the presentation of awards, a re-enactment of the first day and many other events. I ask the minister to refer the matter to the Premier and ask whether the government will be involved in this celebration and how it will support the council in its efforts to make it a memorable event.

Wild dogs: control

Hon. W. R. BAXTER (North Eastern) — I raise a matter for the attention of the Minister for Energy and Resources for referral to her colleague the Minister for Environment and Conservation in another place. I refer to the vexed question of wild dogs in north-eastern Victoria and Gippsland. Mr President, you may recall that in the life of the former Labor government under Mr John Cain, the highly principled Minister for Conservation, Forests and Lands at the time, the Honourable Rod Mackenzie, whom many of us remember with some admiration, introduced legislation to ban the use of steel-jawed traps. At the time that might have been considered a good move but it had the consequence of leading to a huge increase in the incidence of wild dog attacks on farmers' flocks in north-eastern Victoria and Gippsland. The substitute device, the treadle snare, and the construction of electric fences have resulted in only moderate success in controlling that pest animal.

Currently, the north-east is suffering a severe outbreak of wild dog attacks. This season, many farmers, including Mr John Blair of Cudgewa and farmers in the Tallangatta Valley, are losing not just the odd sheep but dozens if not hundreds of lambs, as has the Clydesdale family at Tintaldra.

The minister has in place a review of pest animals but some action needs to be taken ahead of that being concluded and decisions taken. I understand that one of the dog men has been on holidays and has not been replaced in his absence. There has also been the problem of the department having only one horse float, which makes it very difficult for the dog men to get into the most appropriate places where they might actually capture the pest animals.

If a private owner had a dog that was inflicting such harm on another landowner's flock there would be an outcry. In this case, the government is the landowner and the land manager and it has a responsibility to protect defenceless animals from marauding dogs. I ask the minister in another place to take appropriate action.

Austin and Repatriation Medical Centre

Hon. C. A. FURLETTI (Templestowe) — I raise with the Leader of the Government, representing the Minister for Health in the other place, the redevelopment of the Austin and Repatriation Medical Centre in Heidelberg, announced recently by the government.

Many of my constituents have raised with me the prospect of a second-rate facility on a second-rate site, with the government's decision to build on the Austin campus rather than the former repatriation hospital campus. The repat campus was almost unanimously perceived by all associated with the Austin and Repatriation Medical Centre as the most appropriate site for redevelopment. My constituents are grateful that some progress is being made and I am sure they would not prejudice that progress by criticising the government's decision in this case. However, the government has taken that decision as a fulfilment of its pre-election commitment without considering the interests of those who will use the facility.

Given that decision, I ask: what measures will the government take to ensure that buildings and structures of historic and cultural significance and heritage value on the Austin campus site will be preserved? For example, the original foundation stone of the former Austin Hospital for Incurables, which was laid in 1881, remains on the forecourt of the Austin hospital campus and must be retained as a prominent feature of any redevelopment. The Kronheimer block was opened in 1905. Zeltner Hall, which was opened as a social hall for people who used the facility, was built with a significant donation from Meyer Zeltner and his family in 1917, and has significant historic and heritage value and appears to stand in the way of the proposed redevelopment.

Heidelberg House, opened in 1939, was one of Melbourne's first private hospitals and is significant and of historic value. Davies House, opened in 1881, is filed on the National Trust register and although not yet classified is noted as worthy of consideration. The magnificent Marion Drummond building standing on the elevated part of the site is a further example of a building worthy of preservation.

Will the minister release the government's detailed proposals for the redevelopment of the site as soon as possible and give an assurance that the buildings and structures of significance on the Austin campus will be retained and protected from destruction?

Rail: customer service officers

Hon. B. W. BISHOP (North Western) — I direct a matter to the attention of the Minister for Energy and Resources, representing the Minister for Transport in another place. The matter has been raised with me by a young man who is a member of the National Party's McEwen branch. The young man, who had caught the 7.29 p.m. train from Camberwell to Alamein, noticed some customer service officers walking through the train inspecting tickets. He also noticed that they had their plastic name badges on but no official shield such as ticket inspectors used to wear. When they got to the last passenger in the carriage, he heard the passenger say to them that he did not have a ticket because he had only a $50 note and the ticket machines would give only $10 in change. The passenger said that he intended to buy his ticket when he reached his destination, which often happens.

The young man said that the three so-called customer service officers then assaulted the passenger by attempting to eject him from the train and one of them threatened him with a raised fist. The passenger further resisted the attempts by clutching one of the handrails near the entrance of the train. The young man said that he had never seen such an appalling display of violence.

As the train approached his station, he walked to the other end of the carriage — which showed a bit of courage — and told the customer service officers that they had committed an assault against the passenger,

they should have been wearing their badges, and the passenger should get their badge numbers and file a complaint.

Immediately their aggressive behaviour evaporated and they became quite apologetic to the passenger. He said he was not aware, and neither am I, that train or tram conductors have been authorised to make physical contact with passengers and he suspected, and I do too, that the procedure is to call the police to eject the passenger. I wonder what control the Minister for Transport has over those contractors that they feel free to go around assaulting customers in front of a carriage full of people. He made the comment that he thought some of the female passengers in the carriage were highly distressed and would think twice before using public transport again.

I ask the Minister for Transport to investigate the behaviour of customer service officers to ensure incidents such as this do not happen again.

Legislation: section 85 statements

Hon. D. McL. DAVIS (East Yarra) — My question, directed to the Minister for Small Business in her capacity as the representative of the Attorney-General in the other place, concerns an issue I raised on 10 May also for the attention of the Attorney-General. It concerns section 85 statements about bills. Given the government's policy before the last election, its pronouncements and the high-sounding principles it expressed when it criticised the previous government and sought a particular policy stance, with the Premier promising in a speech to the Law Institute of Victoria in September 1999 that he would amend 200 pieces of legislation, I point out that that is not what has happened.

As of last week — I have not updated the figures to include today — 24.7 per cent of bills that have come before this Parliament have required section 85 statements. As members on the other side of the house well know, the statements are necessary when a bill will remove the right of Victorians to appeal to the Supreme Court. Given its statements before the last election, I believe the government should honour its election commitments and ensure that that right is protected.

I ask the Attorney-General, through the minister, what measures he has in place to ensure that the right of Victorians to appeal to the Supreme Court is protected and what monitoring process he has in place to ensure that a quarter of the bills coming before the house do not require section 85 statements. There are occasions when it is necessary, but this frequency is not appropriate.

Bendigo: healthy eating service

Hon. R. A. BEST (North Western) — I again raise issue with the Minister for Industrial Relations, representing the Minister for Health in another place, an issue I raised last week regarding the eating disorder clinic in Bendigo. There seems to be some confusion in the Bendigo region because of the press statement attributed to the honourable member for Bendigo East in another place, Jacinta Allan, who is reported in the *Bendigo Advertiser* of 26 October in an article headed 'City health push' as having said that the eating disorder clinic is to go ahead.

The issue that is causing confusion is that Ms Allan is referring to funding that has been provided to establish mental health teams across Victoria. I am confused — as I know many people in the health sector in Bendigo are confused — about whether funding will be provided for the establishment of the eating disorder clinic in Bendigo out of the $22 million provided for mental health teams. Quite rightly, the mental health teams will be in 22 locations across metropolitan and rural and regional areas. Those 22 areas are to share in $22 million of funding. According to the honourable member for Bendigo East the money is to help with eating disorders, depression, anxiety and other mental health problems, including schizophrenia and bipolar mood disorders, as well as post-trauma, stress and indigenous problems, to name just a few.

My question is how much of the money announced by Ms Allan last week — that is, $22 million — will be allocated to the Bendigo Health Care Group for the establishment of an eating disorder clinic?

Police: Korumburra traffic management unit

Hon. R. H. BOWDEN (South Eastern) — My question is directed to the Minister for Sport and Recreation in his capacity as the representative of the Minister for Police and Emergency Services in another place. I seek the minister's assistance in communicating an issue of significant concern to my constituents in Korumburra and the surrounding district.

For most of this year a large number of constituents in Korumburra have protested about the forthcoming transfer of the police traffic management unit (TMU) from Korumburra to Wonthaggi. After considerable lobbying by the local council, several community organisations and me, our representations have been

unsuccessful and the police TMU is expected to move to Wonthaggi in the next few months.

The significant community of Korumburra is worried that the transfer of the nine police officers from the Korumburra TMU base will be to the detriment of the policing in the area and will seriously decrease the policing resources in the district. Only five to seven officers will be left. I understand and accept that the allocation of police resources is a matter for Victoria Police to manage, and I am aware that the police have the right to make operational decisions as they see fit. Having said that, I point out that there is real concern in Korumburra about the diminution of policing because of the reduction in the number of officers in the town. When the TMU officers transfer to Wonthaggi only five to seven officers will be left to provide police services to this complex, varied and significant regional area of more than 5000 people.

The town of Foster has five to seven officers with only half the population. The community of Korumburra is growing increasingly upset at the loss of its nine TMU officers and is apprehensive that the remaining officers will not be able to provide a suitable service. I ask the minister to raise this issue with the Minister for Police and Emergency Services and seek an assurance that police services in Korumburra will be adequate when the TMU officers are transferred to Wonthaggi.

Waverley Park

Hon. N. B. LUCAS (Eumemmerring) — I refer the attention of the Minister for Sport and Recreation to Waverley Park. Previously the minister said he had asked the Urban Land Corporation to investigate potential solutions for the facility. I have since discovered that the minister made that request to the ULC on 22 March. Given that the request was made seven months ago, will the minister advise details of the information provided to him by the corporation?

Ballarat: rates

Hon. W. I. SMITH (Silvan) — The matter I direct to the attention of the Minister for Energy and Resources as the representative of the Minister for Local Government in the other place concerns the City of Ballarat. The Ballarat *Courier* of 30 October reports that the council has increased its rates to such an extent that 3600 of its 36 000 ratepayers have objected. That means the owners of 1 in 10 homes are officially objecting to the rate increases. Some home owners are facing rate increases of up to 58 per cent. The revaluation of properties has led to the increases. The concern is that many people are finding themselves in the position of being asset rich but cash poor. The people fitting into that category include widows, pensioners, small business owners and farmers. I ask the minister to inquire into the matter and determine what can be done the assist the people caught up in the problem.

Boating: facility grants

Hon. G. R. CRAIGE (Central Highlands) — I direct to the attention of the Minister for Energy and Resources the public recreation boating facilities program. The minister has clearly outlined the reasons for the grants. A lovely pamphlet with the minister's photograph on the front explains the locations of the grants. The pamphlet explains that:

> The program is designed to provide assistance to waterway and foreshore managers to develop and construct facilities to improve the safe access to Victoria's waterways.

The grants deal with such things as better public ramps, boarding jetties, onshore facilities and safety signage. The minister has indicated that that money is collected through boat registrations. The pamphlet then says:

> Grants are made after an application process. The Minister for Ports, Candy Broad, allocates the grants after considering representations made to her by the State Boating Council.

The point I raise is that a boating facilities improvement program grant must provide a direct benefit to the users of a facility, and the criteria are set out.

Will the minister explain details of grant no. 6, as detailed on the pamphlet, which is an allocation of $20 000 to Goulburn Murray Water for a research study into the impact of boating water quality and how that relates to the criteria laid down?

Consumer affairs: payday lenders

Hon. B. N. ATKINSON (Koonung) — The matter I direct to the attention of the Minister for Sighs and Whispers, the Minister for Consumer Affairs — —

Hon. E. C. Carbines — On a point of order, Mr President, it is inappropriate for the honourable member to refer to the minister in such a way.

Honourable members interjecting.

Hon. B. N. ATKINSON — I am quite happy to withdraw.

The PRESIDENT — Order! Honourable members should know the rules. If a member who is in the chamber is offended by a remark made about him or

her, he or she is entitled to object to it. It is not up to somebody else to object on his or her behalf. If the member were absent, somebody else could object. There is no point of order.

Hon. B. N. ATKINSON — I am sorry, I have a vicious sense of humour.

I notice that Alan Bond has recently purchased a British franchise, Chequexchange, and is setting up a minibank network called Money Centre. It proposes to function as a payday lender. The minister will be aware, because I note she has been asked about payday lending, that they are lenders of last resort to people who are particularly vulnerable. They avoid the national consumer credit code by limiting the loan period to 62 days but charge outrageous interest on usually small amounts lent to people. They also obtain what I consider to be a rather excessive amount of personal information from the people, including bank account details and so forth, and use direct debit forms to enable them to recruit loans.

Alan Bond is probably not the most appropriate person to be running such an operation. I am more concerned about the concept of payday lenders.

What is the minister proposing to do at this stage to protect those people in the community who may be required because of their financial positions to go to those lenders?

Frankston: black spot funding

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter with the Minister for Energy and Resources, who represents the Minister for Transport in another place. I was pleased to read this morning on the 'Flier' web site and in the *Frankston-Hastings Independent* about black spot funding for the Mornington Peninsula. A total of $1.3 million is being allocated through the Transport Accident Commission black spot funding program for the peninsula, of which $820 000 is to go to the City of Frankston. Although I welcome that funding allocation — anybody would, because it is important to ensure that appropriate road infrastructure is developed to improve safety for motorists — I inform the minister that it is nothing more than a bandaid solution to what is a complex problem.

Prior to the last election I had the good fortune to accompany the former roads minister, the Honourable Geoff Craige, when he dedicated his time to travel to Frankston to announce that $600 000 would be allocated for traffic lights to be installed at the intersection at Robinsons Road and Moorooduc Highway. The community was pleased about the overdue project and embraced it wholeheartedly. The minister was regarded as a facilitator of a vital community asset. Unfortunately when the government was elected that project was one of the first to be scrapped.

A considerable amount of history is involved, particularly strong advocacy from the local Labor members of Parliament, including the honourable member for Frankston East in the other place and my counterpart, the Honourable Bob Smith, and his electorate officer, the mayor of Frankston, Cr Conroy, who said they were disappointed that Vicroads had yet again stuffed the City of Frankston over funding allocations. The two members of Parliament and the mayor are utterly ineffective. With their close links to the minister they should be able to negotiate on behalf of their constituents to obtain a better outcome than simple bandaid road funding.

I ask the minister to comment on the government's long-term road funding strategy to ensure the City of Frankston receives the resources it thoroughly deserves.

Youth: suicide prevention

Hon. A. P. OLEXANDER (Silvan) — I seek the assistance of the Minister for Youth Affairs about youth suicide. It is a well-known fact that Australia and Victoria have one of the leading youth suicide rates in the industrialised world. In more practical terms that means that more than half of the total number of suicides in Victoria annually occur in the under-35 age group.

From 1986 to 1992 the rural suicide rate rose while the urban rate fell. The most obvious rise in rural suicides was among males aged 15 to 24 years. Translated further, that means some 94 young people in Victoria took their lives in 1998 — 72 young men and 22 young women.

I am sure the minister will agree that youth suicide is one of the most alarming social trends of this generation of young people. That was clearly evidenced in the recently distributed document, 'Youth voice of Victoria 2000', which arose from the Youth Week deliberations. Here For Life is an organisation that works among youth to prevent and intervene in youth suicide to save lives. It made a submission to the Minister for Health for core services funding for 2001 and beyond. It has requested $100 000 a year for the next three years to be directed to expanding its emergency crisis counselling service; to staff and volunteer training in emergency crisis counselling; to the production and distribution of educational material;

and to the expansion of its Internet presence, recognising it is the most important medium for young people of this generation. It registered some 500 000 hits last year.

The organisation has estimated that the core demand on its services has risen by 75 per cent over the past five years, and I am advised it has saved the lives of around 70 young people in Victoria in each of those past five years.

I ask the minister, in his capacity as youth affairs spokesman for the government and as an advocate for young people in Victoria: will he, as a matter of urgency, make personal representations to his colleague the Minister for Health in another place and actively lobby in favour of the provision of funding for the Here For Life submission?

Geelong Hospital

Hon. I. J. COVER (Geelong) — I raise a matter for the attention of the Minister for Industrial Relations, who is the representative in this place of the Minister for Health. By way of introduction, I report that last night at a function in Geelong the council recognised the service to the Geelong community of Mrs Patricia Heath. I was pleased to attend that function.

Hon. B. C. Boardman — Were any other members there?

Hon. I. J. COVER — I can speak only for the Liberal members. The honourable member for South Barwon was there, and the honourable member for Bellarine sent his apology. I do not know about any of the government members.

Hon. B. C. Boardman — Where was the other member for Geelong Province?

Hon. E. C. Carbines — On a point of order, Mr President, before opposition members go too far down this path, I would like to explain why I was not there last night.

The PRESIDENT — Order! The raising of a point of order is not an opportunity for providing an explanation why a member did not attend a particular function. I will allow Mrs Carbines to spell out her point of order, but I just point out that it is not a time for explaining something she did not like to hear.

Hon. E. C. Carbines — Opposition members were casting aspersions as to the reason I was not in attendance last night, and I think I have the right to explain that my son — —

Honourable members interjecting.

The PRESIDENT — Order! There is no point of order.

Hon. I. J. COVER — Mrs Heath has given 34 years of service to Geelong Health Care Services, having been president of the hospital board since 1979 and of Barwon Health since its formation in 1998. The list of her contributions to the community is enormous. There is not sufficient time for me to go through them tonight, but let me say her service has been outstanding.

The annual general meeting of Barwon Health today was the last official duty for Mrs Heath. I am sad to say that it coincided with reports that the chronic pain service at the Geelong Hospital is under threat. Clearly doctors and hospital management are being faced with making critical decisions about services because, as doctors have confirmed, the hospital does not have the money to continue to operate at current levels.

These issues have been raised with me and my colleagues in Geelong in recent weeks; indeed, I raised them in the debate last week only to be accused on more than one occasion of scaremongering.

A spokesman for the minister recently told the *Geelong Advertiser* that specialist areas of the hospital would never be shut or scaled down. In that light I call on the minister to act on the Geelong Hospital's deficit funding crisis so that chronic pain services are not cut. It would be an appropriate way for the minister to pay his own tribute to Mrs Heath, who has given so much to the hospital.

Questions on notice: answers

Hon. P. A. KATSAMBANIS (Monash) — I raise an issue with the Minister for Industrial Relations, who tabled answers to a series of questions on notice in Parliament this afternoon.

I noted that the answer to question 871 was not mentioned in the series of answers that was read out. However, on examining the answers I noticed that in the answers to question 994 through to 1000 reference is made to the response to question 871 and a copy of what is alleged to be an answer to question 871 is attached as part of the answer to each of those questions.

Given that that answer is attached as part of the response to other answers that were provided, why was it not possible for the minister to table the answer to question 871 in Parliament this afternoon?

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Andrea Coote raised a matter for referral to the Premier, and I will ask him to respond in the usual manner.

The Honourable Sang Nguyen also raised a matter for referral to the Premier, and I will ask him to respond in the usual manner.

The Honourable Carlo Furletti raised a matter for the attention of the Minister for Health. I will ask him to respond in the normal manner.

The Honourable Ron Best raised a matter for the Minister for Health. I will ask him to respond in the normal manner.

The Honourable Ian Cover raised a matter for the Minister for Health. I will ask him to respond to the honourable member in the usual manner.

The Honourable Peter Katsambanis raised an issue relating to today's answers to questions on notice 994 to 1000. He said question 871 had not been answered. I do not know the reason. I will have to take it on notice. I am not sure who that question was directed to, whether it was to me or to — —

Hon. P. A. Katsambanis — It was to the Minister for Small Business.

Hon. M. M. GOULD — I will look into the matter, get an answer back to the honourable member and ensure that the answer is tabled tomorrow.

Hon. C. C. BROAD (Minister for Energy and Resources) — The Honourable Bill Forwood requested that the Minister for Local Government consider a review process of the Delatite shire with a view to committing to the process and the outcomes of the review. I will refer the matter to the minister.

The Honourable Glenyys Romanes requested that I raise with the Minister for Education the application of clear ecologically sustainable development targets to the facilities review in education. I will raise the matter with the minister.

In response to the question asked by the Honourable Roger Hallam, which will no doubt be further debated tomorrow, I repeat that the government's expectation is that the bulk of water to provide environmental flows for the Snowy River will be found by investing in water savings that can be made from improvements to the efficiency of the irrigation distribution system to the mutual benefit of irrigators and the Snowy River.

The Honourable Bill Baxter requested that the Minister for Environment and Conservation take action to protect farm animals in the north-east from attacks by wild dogs. I will refer the matter to the minister.

The Honourable Barry Bishop requested the Minister for Transport to investigate the behaviour of customer service officers. That is a matter I will refer to the minister.

The Honourable Wendy Smith requested the Minister for Local Government to investigate what action has been taken — I have lost my note as to what the question was about.

Hon. W. I. Smith — To inquire — —

Hon. G. R. Craige — Into rate rises.

Hon. W. I. Smith — And also to look at assistance to those who are caught in the gap.

Hon. C. C. BROAD — She asked the minister to investigate what action has been taken to assist those affected by rate rises. I will refer the matter to the minister.

The Honourable Geoff Craige requested an explanation about the grant to Goulburn Murray Water and the criteria for that grant program. I am sure the State Boating Council will provide details of the criteria to me, and I will pass them on to the honourable member.

Hon. G. R. Craige — You approved it

Hon. C. C. BROAD — There were a lot of them.

Honourable members interjecting.

The PRESIDENT — Order! The question has been put and the minister is responding to the question. The minister's response will resolve the matter.

Hon. C. C. BROAD — I have offered to advise the member of the information, but if he does not want it I will not provide it.

The Honourable Cameron Boardman requested the Minister for Transport to commit to a long-term funding strategy to ensure Frankston receives its fair share of road funding. I will refer that matter to the minister.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Elaine Carbines referred

to a problem concerning a constituent on holiday having problems with Delta Car Rentals and the repayment of $1000 after an accident that was not the fault of the person driving the vehicle. The company is registered in Queensland and I may need to follow up that issue with my counterpart in Queensland.

The Honourable David Davis raised a matter for the attention of the Attorney-General which I will pass on to the minister.

The Honourable Bruce Atkinson raised an issue about payday lending. The government is making sure the issue is covered in the Victorian Consumer Credit Code, which will close off the loophole. Currently a 48 percent interest rate cap is in place and will stay in place. The government has no intention of changing that arrangement, but it is conscious of the growing number of problems in that area. It is a serious issue about which there would be unanimity in this place. Vulnerable people should not be exploited or taken advantage of. I will ensure that the Consumer Credit Code covers that issue.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The Honourable Peter Hall raised for the attention of the Minister for Education in the other place the touching story of the Yarram athletics zone finals in which four young girls qualified but were not able to compete in the championships. I will refer that issue to the minister in the other place.

The Honourable Jeanette Powell also raised for the attention of the Minister for Education in the other place the eligibility and assessment requirements for an integration aide. She requested clarification of the procedures for obtaining information prior to the assessment being made. I will refer that matter to the minister in the other place.

The Honourable Ron Bowden raised for the attention of the Minister for Police and Emergency Services the proposal to relocate the Korumburra police traffic management unit and associated policing services to Wonthaggi. I will raise that issue with the minister in the other place.

The Honourable Neil Lucas raised with me my comments relating to discussions with the Urban Land Corporation. I point out that the information I obtained was the result of a request by me to the ULC to be briefed on an issue that occurred under the administration of the previous government. I was briefed by the ULC. The honourable member would be aware that since that time the site has been heritage listed and accordingly the Australian Football League is reconsidering its options in relation to the site.

With regard to the question by the Honourable Andrew Olexander on youth suicide rates, in particular for young males in the 15-to-24-year age range, and a submission made to the Minister for Health by the Here for Life organisation, I am happy to review that submission and consider it accordingly.

Motion agreed to.

House adjourned 11.21 p.m.