

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 15 April 2015**

**(Extract from book 5)**

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### Legislative Council committees

**Privileges Committee** — Mr Drum, Ms Hartland, Mr Herbert, Ms Mikakos, Ms Pulford, Mr Purcell, Mr Rich-Phillips, and Ms Wooldridge.

**Procedure Committee** — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

### Legislative Council standing committees

**Economy Infrastructure Legislation Committee** — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

**Economy Infrastructure References Committee** — Dr Carling-Jenkins, Mr Dalidakis, Mr Eideh, Mr Elasmr, Mr Finn, Ms Hartland, Mr Morris and Mr Ondarchie.

**Environment and Planning Legislation Committee** — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

**Environment and Planning References Committee** — Ms Bath, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Leane, Ms Shing, Ms Tierney and Mr Young.

**Legal and Social Issues Legislation Committee** — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

**Legal and Social Issues References Committee** — Ms Fitzherbert, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, Ms Springle and Ms Symes.

### Joint committees

**Accountability and Oversight Committee** — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

**Dispute Resolution Committee** — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh

**Economic, Education, Jobs and Skills Committee** — (*Council*): Mr Elasmr, Mr Melhem and Mr Purcell. (*Assembly*): Mr Crisp, Mr Perera and Ms Ryall.

**Electoral Matters Committee** — (*Council*): Mr Dalidakis and Ms Patten. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

**Environment, Natural Resources and Regional Development Committee** — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

**Family and Community Development Committee** — (*Council*): Ms Lovell. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy, Ms McLeish, and Ms Sheed.

**House Committee** — (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

**Independent Broad-based Anti-corruption Commission Committee** — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mrs Fyffe, Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

**Law Reform, Road and Community Safety Committee** — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

**Public Accounts and Estimates Committee** — (*Council*): Dr Carling-Jenkins, Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

**Scrutiny of Acts and Regulations Committee** — (*Council*): Mr Dalla-Riva. (*Assembly*): Mr J. Bull, Ms Blandthorn, Mr Dimopoulos, Ms Kealy, Ms Kilkeny and Mr Pesutto.

### Heads of parliamentary departments

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

*Council* — Acting Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

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**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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The Hon. D. K. DRUM

**Leader of the Greens:**  
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Morris, Mr Joshua	Western Victoria	LP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David <sup>1</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

<sup>1</sup> Resigned 25 February 2015

<sup>2</sup> Appointed 15 April 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; ASP — Australian Sex Party;  
DLP — Democratic Labour Party; Greens — Australian Greens;  
LP — Liberal Party; Nats — The Nationals;  
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs



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## Wednesday, 15 April 2015

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.**

**The PRESIDENT** — Order! I advise members that the joint sitting this evening will invoke the altered order of business contained in our standing order 5.02 for the first time. The standing orders require that on a Wednesday where there is a joint sitting scheduled at 6.15 p.m., as is the case today, the house will move to statements on reports and papers at 4.30 p.m. and will then move to the adjournment debate no later than 5.30 p.m. Under this altered order of business there is no allocation of time for government business to be taken following statements on reports and papers today.

### PAPERS

#### Laid on table by Acting Clerk:

Auditor-General's Reports on —

Digital Dashboard: Status Review of ICT Projects and Initiatives, April 2015 (*Ordered to be published*).

Palliative Care, April 2015 (*Ordered to be published*).

Crimes Amendment (Assumed Identities) Act 2004 — Report pursuant to section 31 by the Australian Crime Commission for 2013–14.

Ombudsman — Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service, April 2015 (*Ordered to be published*).

Parliamentary Committees Act 2003 — Government Response to the Public Accounts and Estimates Committee's Report on the 2014–15 Budget Estimates — Part Two.

Surveillance Devices Act 1999 — Report pursuant to section 30L by Victoria Police for 2013–14.

Terrorism (Community Protection) Act 2003 — Report pursuant to sections 13 and 13ZR by Victoria Police for 2013–14.

Victorian Environmental Assessment Council Act 2001 — Amended Terms of Reference for a Statewide Assessment of Public Land in Victoria.

### RULINGS BY THE CHAIR

#### Questions on notice

**The PRESIDENT** — Order! Ms Wooldridge has written to me in respect of some questions placed on the notice paper. Under standing order 8.13 she requested that I review those questions and the answers provided on the basis that she felt, and the members who asked those questions felt, that the answers were not apposite to the questions that were put.

I have reviewed all the questions, and I have looked at the answers, and I note that the answer to each question is exactly the same answer. It is also a statement rather than an answer responsive to the particular question. In each of the answers there is not even a reference to the subject matter of the question. On that basis I am satisfied that these questions have not been adequately answered on this occasion, and I therefore instruct that questions 429, 474, 430, 475, 479, 431 and 476 all be reinstated on the notice paper pending a further answer.

### MINISTERS STATEMENTS

#### National Youth Week

**Ms MIKAKOS** (Minister for Youth Affairs) — I am pleased to inform the house that this week many young Victorians are participating in National Youth Week. I launched Victoria's National Youth Week on Friday, and activities run until this Sunday. This year's theme for National Youth Week is 'It starts with us'. We are encouraging all young Victorians to plan, manage and participate in events, adding their own local flavour to express their creativity, meet new people, and perhaps most importantly, have their voices heard. This is why I was pleased to announce recently over \$180 000 in funding grants to 92 councils, organisations and schools across Victoria to hold events and activities during National Youth Week 2015. There will be everything from short film competitions to BMX, skate and scooter competitions and events that promote better mental health for youth in the community.

Each and every day, whether it is through education, sport, music, art, volunteering or community service, young Victorians are making their mark on our state. They are the future pillars of our society and the next generation of adults. This why the Andrews Labor government's commitment to the futures of young Victorians is driving our focus on delivering better access to quality education, TAFE and training opportunities, and ultimately jobs. The Andrews Labor government is proud to be helping Victoria's young people celebrate their achievements and their contributions to their communities. I encourage members to have a look at the Youth Central website and let young people in their electorates know about National Youth Week activities.

#### Mobile Black Spot program

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I am delighted to inform the house that the Andrews government has partnered with Telstra to make a joint bid to the federal government's

Mobile Black Spot program. This morning I signed a memorandum of understanding with Telstra in what is a first step towards eliminating mobile black spots in Victoria. This is because the Andrews government understands the critical role mobile communications play in regional Victoria. Under the memorandum of understanding, the arrangement between Telstra and the Victorian government will be part of Telstra's application to the federal program to extend and improve mobile phone coverage in rural and regional Victoria. If successful, the partnership will lead to greater investment in Victoria, resulting in the construction of more mobile phone towers across the state.

I am pleased to say that the emergency management commissioner, Craig Lapsley, played a significant role in developing the submission to the federal Mobile Black Spot program. Public safety and emergency management were high priorities in the development of the Andrews government's approach to the program. Telstra was chosen as Victoria's partner to participate in the program as an outcome of a competitive process run by the Andrews government. Our commitment will have significant economic and social benefits for regional Victoria and will help ensure that regional Victorians can access emergency information in the event of bushfire.

### **Battle to Farm website**

**Mr JENNINGS** (Special Minister of State) — I advise the house about the work undertaken by the Public Record Office Victoria to make one of Victoria's most important military collections available to the public for the first time. Last Wednesday the public record office and my parliamentary secretary, Mr Leane, unveiled the Battle to Farm website. This new website enables the public to access 10 000 government records on the Victorian soldier settlement scheme. More than 80 volunteers have spent two years digitising these records to bring us this important resource in time for the Anzac centenary. I also acknowledge former Premier Baillieu, who worked with those volunteers to make this website possible. The website features digitised soldier settlement records, letters from the soldiers about their farming life, video interviews of people who grew up on settlement blocks, photographs and a guide to understanding the records.

Between 1918 and 1934, 11 639 returned servicemen were allocated blocks of land under Victoria's soldier settlement scheme. The scheme helped settle thousands of returned World War I soldiers on farmland across Victoria through government leases, drastically

transforming the landscape of regional Victoria. Over the years there has been great debate about the success or failure of the settlement scheme, with ex-soldiers entering farming life in a difficult economic climate as the world descended into the Depression. Over 50 per cent of those who were allocated blocks left the scheme, many having been unable to cover their debts when food prices plummeted, while others accused the government of leasing blocks that were too small. Through these resources we can see not only the land allocated to each settler but also the hardships they faced.

Searchable by soldier name and geographic location, the new website developed by the Public Record Office Victoria is an extraordinary achievement, making public for the first time one of Victoria's important military collections. Congratulations to all those volunteers who worked hard to make this collection possible. The website address is [soldiersettlement.prov.vic.gov.au](http://soldiersettlement.prov.vic.gov.au).

### **Lost Dogs Home**

**Ms PULFORD** (Minister for Agriculture) — I rise to update the house on new measures in relation to the Lost Dogs Home. In January the Andrews Labor government requested a formal investigation into the treatment of animals at the Lost Dogs Home in response to significant community concern about the home's animal welfare practices.

I directed authorised officers within my department to investigate allegations relating to high euthanasia rates, accommodation and housing of animals, identification of animals' owners and the assessment of animals for rehoming, and on 29 March I released the findings of that investigation. The investigation found overall euthanasia rates for both dogs and cats had declined across the Lost Dogs Home's three sites over the past six years. However, the Lost Dogs Home has been unable to account for the factors leading to euthanasia of dogs and cats in its care. The investigation was unable to determine whether the home's euthanasia rates were reasonable or comparable to other organisations, or if the health, temperament or sociability status of the animals were considered.

As a result of the government's audit the Lost Dogs Home will now be required to improve record keeping on the breakdown of euthanasia statistics. In addition, the Lost Dogs Home has agreed to report to me twice a year for the next three years on the reasons for euthanasia.

The report also identified problems with the accommodation and housing of animals, which did not meet standards. Dog pen floors were found to be cracked and unsealed, placing animals at risk of disease, while the size of cages provided for cats housed beyond eight days also did not meet requirements under Victorian law. The government is requiring the Lost Dogs Home to address these non-compliance issues and to report back to me. My department is also working with local councils to rectify non-compliance.

I note that the Lost Dogs Home fully cooperated throughout the investigation and will continue to work with the department to address and rectify the issues raised in the report.

### **Latin America education mission**

**Mr HERBERT** (Minister for Training and Skills) — I rise to inform the house of how the Andrews government is getting on with the job of supporting international education. International education is Victoria's single largest export industry. In 2013–14 it generated over \$4.7 billion in export revenue for the state and around 30 000 jobs.

Developing and strengthening relationships with other countries is a vital part of the government's agenda to grow the international education industry. It is especially critical to grow emerging markets. For this reason I will lead a delegation of 29 representatives from Victorian universities, TAFEs and private vocational technical institutions on an education trade mission to Latin America between 20 and 30 April. This will be one of the most substantial education trade missions to Latin America, where we will engage with senior political leaders, industry executives and high-level education officials.

The commonwealth *Draft National Strategy for International Education*, released on 1 April, identifies Latin America as an important market, and Victoria is already leading the way with this mission. The Victorian delegation will travel to Santiago, São Paulo, Curitiba, Bogota and Lima. I will also travel separately to Brasilia for meetings with government officials.

The mission has a packed program which will promote Victoria's expertise in water management, urban planning and education, as well as our industry-responsive vocational education and training system. As a former parliamentary secretary to a former Minister for Water during the last Victorian drought, I am especially pleased that water management will be a focus of this mission. The senior delegation includes

the vice-chancellor of La Trobe University, CEOs of Victorian TAFEs and experts in water management, urban planning and education.

Importantly, the education mission to Latin America is expected to lead to two inbound missions later in 2015, which are aimed at further strengthening partnerships in the region. The Latin America education mission follows the highly successful inbound super trade mission conducted in March this year by my colleague the Minister for Small Business, Innovation and Trade.

This partnership approach is anticipated to drive long-lasting benefits for Victorian education institutions. I expect to make a number of announcements on the mission which will signal the government's commitment to growing the Latin American market and to growing Victoria's international education sector.

## **MEMBERS STATEMENTS**

### **Pakenham Racing Club**

**Mr O'DONOHUE** (Eastern Victoria) — It was an absolute privilege to attend, along with a number of other colleagues, the first race day at the new Pakenham Racing Club on Thursday, 26 March. This is a project that first started when Robert Maclellan was the member for Pakenham, and many of the members of the Pakenham Racing Club executive have been working on that project since the late 1990s. I pay particular credit to the chairman of the Pakenham Racing Club, Don Duffy, its CEO, Michael Hodge, and their respective teams. It has been a fantastic effort.

This new facility will generate significant economic opportunities for the West Gippsland region. It will be great for training and racing and for the broader economic development of the Pakenham-Warragul corridor. I also pay particular credit to former Premier and Minister for Racing, Denis Napthine, who was integral to the project's development and was a great friend of racing during his four years as racing minister.

### **Victorian Responsible Gambling Foundation**

**Mr O'DONOHUE** — I also raise the matter of the ongoing funding of the Victorian Responsible Gambling Foundation, an initiative of the former government funded to the tune of \$150 million over four years. I call on the Andrews Labor government to re-fund the Victorian Responsible Gambling Foundation in the upcoming May budget.

### Yom Hashoah

**Mr DALIDAKIS** (Southern Metropolitan) — As of sunset tonight, the annual commemoration of the Holocaust begins. Yom Hashoah, as it is known in Hebrew, recognises both the victims and those who acted with heroism. I look forward to joining with the Jewish community tonight as the Jewish Community Council of Victoria holds its annual commemoration, with tonight being called ‘From annihilation to liberation’.

I also recognise the ongoing work undertaken locally by both the Jewish Museum of Australia and the Jewish Holocaust Museum and Research Centre here in Melbourne. I also recognise the work of Yad Vashem, which is globally recognised as the pre-eminent memorial and educational institution in relation to the Holocaust. I encourage people to reflect on the horrors perpetrated and to visit the aforementioned institutions here in Melbourne — and, if they get the opportunity, to visit Yad Vashem in Israel. It is a very significant day in the calendar, and I pay my respects to the members of my family who perished in the Holocaust.

### Racial and religious tolerance

**Ms SPRINGLE** (South Eastern Metropolitan) — Before I was elected as a member of Parliament, I worked to develop and teach a curriculum around cultural competence in the child and family welfare sector. In other words, I was teaching welfare workers how to work with culturally and linguistically diverse communities and individuals. Through this work I became acutely aware of the challenges associated with ongoing social cohesion and understanding.

The so-called ‘social experiment’ held by the City of Greater Dandenong last week, which asked women to wear the hijab for 3 hours as part of National Youth Week, has attracted a lot of criticism from prominent social commentators and from some extreme religious leaders. The Reclaim Australia rallies held over Easter were a sad reminder that racism and fear of difference still exist among some members of the community and that suffering racial vilification is still very much a part of the migrant experience. Much of that is directed at the Muslim community — I do not think that can be debated — and it is imperative that any vehicle to encourage greater levels of understanding, empathy and compassion be encouraged.

It is incumbent on all politicians and public figures to try to protect communities from vilification and isolation and to help redress the misplaced fear that some people hold towards other cultures and religions. I

commend the City of Greater Dandenong and its mayor, Sean O’Reilly, for their proactive and demonstrated leadership in this regard.

### *Gallipoli 1915 — The Fallen Diggers from Bayside, Victoria*

**Ms FITZHERBERT** (Southern Metropolitan) — On Sunday night I had the pleasure of attending the launch of a really good publication called *Gallipoli 1915 — The Fallen Diggers from Bayside, Victoria*, held at the Hampton RSL. This has been a joint project between the Hampton RSL, Bayside City Council, Hampton Rotary and the Sandringham & District Historical Society Inc. The purpose of the publication is to bring together details of the 93 people from Bayside who died at Gallipoli. As an Anzac centenary project, it was put together very efficiently in about four months.

It is a terrific publication. It includes biographical details, photos and family trees, where possible, of all the individuals. It is meant to be a very quick and easy-to-read reference that records our past. I commend this terrific project to the house, and I acknowledge the individuals who were particularly involved in the project: John Basarin, president of Hampton Rotary; and Ray Nilsson and Jan Withers, volunteer researchers from the Sandringham & District Historical Society. They have done an absolutely fantastic job on this.

### Board and judicial appointments

**Mr LEANE** (Eastern Metropolitan) — As you know, Acting President, I am always proud to be a member of the Labor Party, but I was even more proud a couple of weeks ago to witness Premier Daniel Andrews announce that in future at least half of all appointments to paid government boards and courts will be women, and it is not before time. This is an area where Victoria has slipped behind other states. It is important that boards have the diversity that represents Victorians and have the expertise that comes with that diversity. I applaud the Premier on his position that at least half of all Victorian judges, magistrates and major public board members will be women into the future, and I look forward to the implementation of that policy.

### Democratic Labour Party

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise to remind the house that 60 years ago this month the Democratic Labour Party was formed in dramatic circumstances in the other place. I express my gratefulness to the men who stood up for their principles and formed the party I now represent. There is a display cabinet outside the library

that proudly exhibits the 30 pieces of silver thrown at the feet of William Barry, the then member for Carlton, when he and his breakaway group took a principled stand and crossed the floor in support of the no-confidence motion against the Cain government in April 1955. I thank the Parliament for keeping the coins safe, and if the President has the keys to the cabinet, I would be glad to collect them on behalf of the DLP.

I remind all members of this house and of the other house that there should be no further ill feeling between us. Both the ALP and the DLP have developed into the parties they are today: two distinct labour parties with a common history. Other than the ALP and the coalition parties, the DLP is the oldest political party in Australian history. Parties of different colours have come and gone — a fate likely to be shared by others, including some recently formed eponymous ones — but the DLP has a rich history, profound principles, a broad policy platform and an array of members from all walks of life. We are not stuck in our history, although we will always be bound to the labour principles of putting workers, families and communities first.

### **Wyndham Multicultural Fiesta**

**Mr EIDEH** (Western Metropolitan) — On Sunday, 22 March, I had the pleasure of attending the official opening of the Wyndham Multicultural Fiesta at Werribee Park. Also in attendance were my parliamentary colleagues the Treasurer of Victoria and member for Werribee in the Assembly, Tim Pallas, and the federal member for Lalor, Joanne Ryan, as well as Cr Gautam Gupta from the City of Wyndham.

Werribee Park came alive with an extraordinary celebration of the diverse culture we share not just in the Wyndham area but throughout Victoria. I was amazed at the wonderful dance and music performances put on throughout the day by more than 15 performance groups from different cultural backgrounds. I particularly enjoyed seeing people, young and old, gather to embrace the diverse cultural backgrounds of their fellow citizens and partake in the activities and events on offer.

We are fortunate to live in a multicultural state that proudly promotes unity and encourages community participation, and it is truly great to see local organisations, ethnic groups and residents continually working together to organise multicultural events and celebrations. I congratulate the organisers, the events working group of the Wyndham Humanitarian Network and Parks Victoria on this wonderful event, which celebrates Cultural Diversity Week. I look

forward to next year's Wyndham Multicultural Fiesta, which will be its ninth year.

### **Duck season**

**Ms PENNICUIK** (Southern Metropolitan) — On 21 March I attended the opening of the duck shooting season at Lake Murphy near Kerang. In addition to the longstanding Greens policy of seeing duck shooting banned, which is strongly supported by all animal welfare, wildlife and ornithological organisations, this season should not have gone ahead. Dry conditions and low bird numbers this year were similar to those in 2007 and 2008, when the then Labor government called moratoriums. The spectacle of shooters blasting birds out of the sky is highly distressing, as can be seen from footage I took that morning and have uploaded onto YouTube. I personally saw several wounded birds flapping around on the surface of the water.

The vast numbers of freckled ducks which had been seen in Victoria over the last few years — and hundreds were slaughtered during those seasons — were not on Victoria's wetlands this year. They had flown to other states out of harm's way before this duck shooting season started. Nevertheless, I know that at least one was shot at Lake Murphy on the morning I was there, along with other protected birds. Protected birds include freckled ducks, blue-billed ducks, musk ducks, coots, hoary-headed grebes, swans, silver gulls, cormorants and ravens, and there are other protected species. Obviously claims like, 'We all do the right thing', 'We know what we are doing' and 'We only shoot what we're allowed to' are not borne out by the evidence of birds illegally shot year after year. The government claims it cares about animal welfare, but it is allowing this brutal slaughter of native waterbirds to continue.

### **Water board membership**

**Mrs PEULICH** (South Eastern Metropolitan) — It is deplorable that this government has dismissed 136 board members from water authorities across Victoria, many of them highly qualified and from local areas, and many of them women and people from multicultural backgrounds. It is shabby, it is arrogant and it is a misguided attempt at some sort of political purge, although most of those people are certainly not members of any political party. To try to veil that behind some higher ideal that the objective of the Andrews government is to appoint a greater diversity of members to these boards is absolutely deplorable.

Government members are hypocrites. They ought to hang their heads in shame. They have treated these people shabbily, and many of them are women who

will not apply again because they would not want their reputations trashed twice by this government.

### **Victorian Multicultural Commission**

**Mrs PEULICH** — Also shabby is the manner in which the chair of the Victorian Multicultural Commission, Chin Tan, has been treated. He was basically left no option but to resign. The amount of work that Chin Tan has put into promoting the ideals of the Victorian Multicultural Commission is to be applauded. What is more, the future of the other commissioners is in limbo. They are being summonsed on Friday, and I certainly hope they will not be sacked.

### **Dr Alf Bamblett**

**Ms MIKAKOS** (Minister for Families and Children) — I rise to offer my thoughts on the sad passing of Dr Alf Bamblett. I have enormous respect and admiration for Alf Bamblett and for his work. It was a privilege to attend his packed state funeral in Moama with the Special Minister of State, Mr Jennings, the Minister for Local Government, Ms Hutchins, the Minister for Planning, Mr Wynne, and the Minister for Women, Ms Richardson, together with other members of Parliament.

Alf Bamblett was a Yorta Yorta, Bangerang and Wiradjuri man who dedicated his heart and soul to improving the lives of Aboriginal people through agitation, innovation and personal leadership. Alf spoke many times about the importance of family and community in his life and in the lives of all Aboriginal people. Family was the centre point of his life. He loved things, causes and pursuits that grew his community.

As the former chair of the Aboriginal Justice Forum, I had the honour of working with Alf, a valued member of the forum, for five years from 2002 to 2007. Alf established the Victorian Aboriginal Legal Service and the Victorian Aboriginal Community Services Association and was a member of the Victorian Aboriginal Education Association. He was the president of the Aborigines Advancement League for more than a decade and had been the chair of the Victorian Aboriginal Justice Advisory Committee since 1998. He was also proud of his role in the establishment of the Fitzroy Stars Football Club. I note that he also served as a Victorian commissioner on the Aboriginal and Torres Strait Islander Commission from 1991 to 1995 and assisted in the preparation of the response to the Royal Commission into Aboriginal Deaths in Custody. He was honoured for his work through inclusion in the Victorian Indigenous Honour Roll. He was someone who understood the intrinsic link between

educational opportunity and justice in the lives of his people and all people.

We should dedicate ourselves to living his example. I offer my sincere condolences to Alf's partner, Muriel, their children, family, friends and colleagues.

### **Stawell Women's Gift**

**Ms TIERNEY** (Western Victoria) — I take this opportunity to congratulate Grace O'Dwyer, a 15-year-old Ballarat schoolgirl, on her remarkable win at the prestigious Stawell Women's Gift on Easter Monday. Grace achieved the time of just 13.40 seconds in a race that was clearly special for her and her family, with her father Peter O'Dwyer a veteran of the Stawell Gift.

This year's race marks the first time equal prize money was offered to both male and female athletes. I congratulate Australia Post on increasing the women's prize pool tenfold to bring it in line with the men's prize pool. This change is paving the way for further gender equality and will influence other events and competitions to make similar adjustments.

### **Rip Curl Pro**

**Ms TIERNEY** — The 54th Rip Curl Pro was another major event that took place this month. It is the longest-running professional surfing contest in the world, and the Andrews government has renewed its support for the event through to 2017. The event sees surfers, locals and tourists flock to Bells Beach and surrounding areas. The Rip Curl Pro is very important for local tourism, with millions of people across almost 200 countries tuning in to watch the event online and on TV. These sorts of events promote Victoria as a tourist destination for interstate and overseas visitors. High-profile sporting events such as the Rip Curl Pro and the Stawell Gift play a pivotal role in promoting tourism in regional Victoria. By maintaining our position as the nation's sporting hub we are able to ensure that visitors continue visiting our great state.

### **Trentham Easter Art and Craft Show**

**Mr HERBERT** (Minister for Training and Skills) — Over Easter I attended the Trentham Easter Art and Craft Show with the member for Macedon in the Legislative Assembly, Mary-Anne Thomas. I attended in a personal capacity as a local, but I was delighted to observe the great rapport Mary-Anne has with the Trentham community. Her engagement with this community and the high esteem in which she is held is testament to the work she does at a local level.

The Trentham show provides a great example of community celebration and offers the opportunity to profile an amazing array of local creative endeavours. The show has been running for over 10 years, and it demonstrates the potential for arts to create community vitality and shared identity. I commend the work of the many volunteers who put in hours of their time to make the show so successful, and I particularly commend co-organiser Jill McCallum. The art was well exhibited and the amenity of the night ensured that all present had a great time.

Mary-Anne sponsored this event, and on launching the Trentham show she acknowledged the great creative diversity and artistic merit of these local artisans, lauding the importance of such events in providing a vital outlet of creative expression in regional Victoria. Exhibition art involves a process of sharing, collaborating and building relationships with others. It requires an honest exchange in a safe space where people can challenge ideas, fearlessly experiment, learn new skills and find voice or expression for their experiences. It was stimulating to see so much originality and imagination on exhibit at the Trentham Easter Art and Craft Show.

### *Ice Action Plan*

**Mr MELHEM** (Western Metropolitan) — I rise to reaffirm my support for the Andrews government's commitment to tackling the problem of ice addiction in our society. Last month the Andrews Labor government announced its \$45.5 million *Ice Action Plan*, and last Wednesday the federal government came on board as well. I welcome the federal government's announcement of a national task force on the ice epidemic, which is to be headed by former Victorian police commissioner Ken Lay. I also note that this initiative has won support of the federal Labor caucus. I congratulate both the federal Leader of the Opposition, Bill Shorten, and the Prime Minister for their bipartisanship on this issue.

This issue is of particular importance to me and my electorate. In its submission last year to the joint parliamentary committee inquiry into the issue, Melbourne City Mission revealed that, in a three-month period, 16 per cent of young people who checked into its youth refuge in the western suburbs were regular ice users. Last September *Lateline* reported that the first study of evidence of drug use in the sanitation system found the highest traces of ice were in samples from the CBD and the western suburbs — reportedly 51 doses per 1000 people on weekend readings. Ice ruins lives. It decimates families and whole communities. I applaud

the Victorian and federal governments for tackling this issue head-on.

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed from 19 March; motion of Ms SYMES (Northern Victoria) for adoption of address-in-reply.**

**Debate adjourned on motion of Mr MELHEM (Western Metropolitan).**

**Debate adjourned until later this day.**

## BUSINESS OF THE HOUSE

### Sessional orders

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I move:

That until the end of the session, unless otherwise ordered by the Council —

(1) The following sessional order be adopted to come into operation with immediate effect:

A. Functions (standing committees)

Standing order 23.02(4) is suspended and the following will apply:

(4)(a) Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council in accordance with an act, provided these are relevant to their functions.

(b) Reference committees may inquire into, hold public hearings, consider and report on matters that are relevant to their functions.

(2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council.

(3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

The motion before the house this morning is quite a simple one. It is to provide our existing standing committee structure with the power to undertake self-referenced inquiries. To provide the house with a bit of background on this matter, in its consideration of standing orders in 2010 the Council resolved that it should establish a committee structure that replicated

some aspects of the Senate committee structure. As a result of those standing orders debates it resolved to establish two streams of committees — legislation committees and references committees — divided into three broad portfolio areas: economy and infrastructure, environment and planning, and legal and social issues. Within each of those three portfolio areas it is up to the Council to resolve that particular departmental areas be allocated to each of those three silos. Then those two committees, the references and legislation committees within those particular portfolio areas, are able to carry out the functions that are allocated to them under the standing orders.

Currently standing orders provide that the role of legislation committees is to inquire into, hold public hearings on, consider and report on any bills or draft bills referred to them by the Legislative Council, annual reports and estimates of expenditure or other documents laid before the Council in accordance with an act, provided they are relevant to their functions. Legislation committees largely focus on bills relevant to particular portfolio areas and other documents — annual reports, budget estimates and the like — relevant to departments which have been allocated to one of the three portfolio silos. Importantly, in exercising that function the legislation committees are constrained by the need to have a reference from the Legislative Council. Likewise under the current standing orders references committees have the power to inquire into, hold public hearings on, consider and report on other matters, being matters not covered by legislation committees, but again with the qualification that they must be referred to them by the Legislative Council.

We have a structure where there is the capacity within each one of three portfolio streams for the legislation and reference committees, which typically — certainly insofar as the previous Parliament was concerned — have the same membership but different chairs, to inquire into a broad range of matters. It may be legislation related to a portfolio area, documents, annual reports or estimates et cetera related to a portfolio area, or in the case of the references committee, any other matter that relates to that particular portfolio silo, with the proviso that the Legislative Council actually refers a reference to the committee.

In practice that means that a member of the Legislative Council seeking to have a matter inquired into by one of the Council's committees would be required to give notice of motion in the normal way and then have a debate in general business on a Wednesday as to whether that matter should be the subject of an inquiry. It may be appropriate to take up a large part of the

house's time in general business on Wednesday to debate an inquiry into a substantial matter. However, for many of the smaller matters committees might like to consider, the need to take up the time of the house by debating and voting on a formal motion and having the resolution conveyed to the committee so that it can then undertake an inquiry is an unnecessarily cumbersome mechanism to have small matters, particularly matters of contemporary interest, inquired into.

It is worth reflecting on the fact that when the Council had in place the Standing Committee on Finance and Public Administration, which I chaired from 2008 to 2010 and which preceded the existing standing committee structure, that committee was given by the Council the power to self-reference. It had the power to initiate inquiries on matters it felt were of relevance to the people of Victoria and to the Legislative Council. That mechanism worked very effectively.

One of the things that we on that standing committee elected to do at the end of the 56th Parliament was to publish a report on the activities of the committee over the duration of that Parliament. That report covers the matters that the committee considered in its two and a half or three years of existence — matters that the committee members thought appropriate to investigate and matters that members of the Council who were not members of the committee might have raised with a committee member as appropriate to investigate. The committee was able to operate effectively and efficiently and to provide relevant information to the Council within tight time frames.

Over the course of the two and a half or three-year period during which the committee operated it inquired into matters as diverse as the business case for the Port Phillip Bay channel-deepening project; public hospital performance data, through a series of Department of Health hearings; the business case for water infrastructure, which related to the northern Victoria irrigation project; government decision-making processes, which related to the Windsor Hotel inquiry; and builders warranty insurance. Many members of the house will be familiar with the issues that surrounded and continue to surround builders warranty insurance and the passion that issue generates among consumer affairs advocates as well as in the building and insurance sectors.

The Standing Committee on Finance and Public Administration, operating with its own referencing powers, was able to undertake a range of inquiries which were contemporary, relevant and important to the Victorian people. It did so in a way that was responsible, relevant to the needs of this chamber and

relevant to the needs of the Victorian community. The work of that committee proved to be valuable to the development of policy by members of Parliament and to the participation in debates in this chamber by members of Parliament. All of the committee's inquiries were able to be undertaken without the need for the Council to pass, in its case, half a dozen separate resolutions on a Wednesday to initiate those inquiries. With the power to initiate its own inquiries, the committee was able to establish and discharge its own business program and undertake worthy inquiries that were relevant to the issues of the day.

The other inquiry established by that committee looked at departmental and agency performance and operations. That was a standing inquiry undertaken by the committee which, as the title suggests, provided for the committee to look at the operations of a government agency. This allowed members of Parliament who had a particular interest in a particular agency to request that the committee conduct a hearing with an agency. If there were a particular issue or program in which a member was interested — for example, it might have been a jobs program in the industry department or an environment program through the Department of Sustainability and Environment, as it was called at the time — that member was able to say, 'We'd like to have an inquiry into that matter, and I'd like to participate in that inquiry', as can happen with participating membership.

Because we had that standing reference, at very short notice — in a week or two weeks time — the committee was able to say, 'We'd like to have the department in for an hour-long hearing to discuss this program'. This gave the member of the Council who had an interest in that matter the opportunity to ask their questions, hear from the senior bureaucrats and get the detail they wanted about a program without having to go through resolutions in the house or give notices of motion over successive Wednesday general business programs. It was a clean and efficient way for members of this chamber to get the information they wanted about programs and government operations.

Under that standing inquiry, which was established in October 2008 and continued until October 2010, we took evidence from agencies as diverse as VicForests; Goulburn-Murray Water; the Victorian Funds Management Corporation; the Victorian Skills Commission; the Growth Areas Authority; the Department of Health, in relation to the 2009 heatwave event; the Ombudsman in relation to the Brookland Greens estate matter in Cranbourne; the Victorian Bushfire Reconstruction and Recovery Authority; and the Department of Human Services, in relation to

certain child protection matters. These were matters that were of interest to the members of Parliament of the day, and because the Standing Committee on Finance and Public Administration had those self-referencing powers, members were able to say to the committee, 'We'd like to have a hearing on Brookland Greens' and then participate in a short inquiry, from which they were able to extract the information they wanted. A short report was then prepared for Parliament, which came back to the chamber in the space of a couple of weeks.

Quite often these things were able to be organised in a week or 10 days. For example, a member said, 'I'd like to hear from the Growth Areas Authority on this particular matter'. A hearing of an hour's duration was established at a time that was convenient to both the committee and the Growth Areas Authority. A brief report with a transcript was prepared for the information of members and was tabled in the house on the next sitting day. It was a very effective method for members of Parliament to get the information and understanding of programs and agencies they wanted in a quick and efficient manner.

That is the strength of self-referencing. It does not require motions like this every Wednesday. A member may only want to know some small detail about a particular program. I am thinking of the innovation voucher program, which was one of the programs of which I had carriage when I was minister. A member might want to know how that program worked, how those vouchers were allocated and how its benefits were distributed. Members of the house do not want to spend all Wednesday debating a referral that there be an inquiry on a matter like that.

With that self-referencing capacity, a member such as Mr Morris could write to the committee saying, 'I'm interested in this; I'd like to have a short hearing'. That hearing could be convened very quickly for a Monday or a Friday of a sitting week. The relevant senior officer could come in for half an hour or an hour. The committee could get the answers and put the transcript in as a report to Parliament and then move on to the next matter. This provides great capacity for members of Parliament to obtain the information and understanding they need without having to go through the full-on process of achieving a resolution of the house.

This motion preserves the existing committee structure. The committee structure of the Legislative Council is a matter that has been the subject of ongoing negotiations between parties and members of this place over the last four months, and there have been various proposals

around additional committees. With today's motion we are simply seeking to give this extra element to our existing committee structure, which is to preserve our legislation and references committees and our three individual portfolio silos — economy and infrastructure, social and legal, and planning and environment. We are seeking to preserve that structure by simply saying to those committees, 'We as the Council have sufficient regard for our members and our committee structure to say that we believe it is appropriate for you to have the capacity to initiate the inquiries you think are appropriate and to give participating members — any member in this chamber — the opportunity to participate in those inquiries'.

This is a simple motion before the house today. It preserves the existing structure of parliamentary committees and simply provides that they will have the flexibility to undertake inquiries as they see fit, be they in the legislation sphere or in the references sphere. It is a mechanism that worked incredibly effectively and productively with the Standing Committee on Finance and Public Administration in the 56th Parliament. It is a simple amendment to the existing standing orders, and I commend it to the house.

**Ms PULFORD** (Minister for Agriculture) — I say at the outset that some of the comments made by Mr Rich-Phillips in his contribution made me laugh a little. The breathtaking leap by the Liberal Party from the last Parliament to this Parliament on this issue is really something else, and Mr Rich-Phillips's example that Mr Morris might have an issue of interest he might wish to interrogate would have been a completely laughable proposition in the last Parliament given the utter disdain for upper house committees the former government showed on every possible occasion.

I was a member of both the legislation and references committees of the Standing Committee on Economy and Infrastructure in the last Parliament. I do not think that there would have been a whole lot of debate in this chamber in the last Parliament. Our committee was probably one that functioned better than the others. We had quite a cooperative approach. We had four members of the then government, three members of the then opposition and a member of the Greens.

The former Leader of the Government, Mr Davis, used to go to quite extraordinary lengths to avoid the proper use of the upper house committees. As Mr Rich-Phillips indicated, the committees were established following lengthy discussions by the previous iterations of the Procedure Committee, where it was agreed by members of that committee — I gather

Ms Pennicuik might be speaking on this debate, and as she was actually in those discussions she would know this better than me — that we would tend to default to Senate practice and gradually try to transition the practices of the Council in a way that was consistent with Senate practice.

We then established these six committees, and there was a resolution of the house to formalise a relationship between each of the pairs of committees to various government departments. The Standing Committee on Economy and Infrastructure had the Department of Premier and Cabinet, the Department of Treasury and Finance, the Department of Transport, Planning and Local Infrastructure and others. These were committees that between them had a very wide remit indeed. They covered the full scope of public administration in Victoria, and they were envisaged to be able to interrogate annual reports of government departments. Our committee actually did this. I am not so sure about the other pairs of committees, but our committee did this in the first year.

On the question of the regular work program of these committees, this is where we ran into trouble time and again because the former Leader of the Government in the last Parliament was hell-bent on stopping these committees from doing much at all. Every attempt made by the Labor Party in opposition or by the Greens on the crossbenches to enable these committees to self-reference was stymied by the former government. Most motions on difficult issues or difficult legislation where there was a proposal by the Greens or the Labor Party to refer a matter to either a legislation committee or a references committee were stymied by the former government.

Indeed a cursory glance at the references that came from the government to each of those committees indicates that they were cooked up in the office of the then Minister for Health. The Standing Committee on Economy and Infrastructure References Committee was given a couple of interesting pieces of work. One was to rearrange commonwealth-state financial arrangements insofar as they related to public health and aged care, and when we questioned whether or not our committee was the right committee for that to be considered by, the health minister said, 'It's all in the budget, so that's close enough'.

Our committee was required to undertake a totally loaded inquiry into the impact of carbon pricing on Victorian hospitals. The committee had been given a brief by the former government to only look at one part of the question. We were only to look at the disadvantages of carbon pricing to the health system

and were not to look at any possible benefits of carbon pricing to the health system. Indeed the work of the committee unearthed that the Greener Government Buildings program, which was destroyed by the former government, was going to put the health system in a much better financial position over 10 years as a result of not missing the opportunity to reduce energy costs in hospitals. Therefore it really made the impact of carbon pricing on hospitals, which was never in dispute and never debated — the figures were always well known and well understood — seem quite modest. Yet the job of the committee was only to look at the bad, not the good, from the then health minister's perspective.

Our committee considered a piece of legislation regarding car dooring that had been introduced by Mr Barber. Yet again some good work was done by the committee. The committee heard disturbing evidence from victims and their families about these kinds of bicycle-vehicle accidents. However, again at no point did the government respond to the work of the committee in any way. It treated the committee's findings and efforts with utter disdain.

If my memory serves me correctly, the government also refused to engage with the committee on the question of presumptive rights to workers compensation for firefighters who had cancer arising out of repeated exposure to certain types of chemicals, which had been enacted at the commonwealth level and in Western Australia and Tasmania. Even someone not particularly cynical would have observed that the pattern of the sitting of these committees was more about having the house adjourn at 6.30 p.m. than about any work that any of the committees were doing.

We will not be opposing Mr Rich-Phillips's motion on this occasion. Indeed these issues were debated in this place at some length on 11 October 2011. That debate concerned sessional orders. It was a wideranging debate on a number of subjects, as such debates can be, but the Labor Party and the Greens raised the issue of self-referencing powers for upper house committees being an important way in which these committees could ensure that the government is held to account.

As I indicated, the government will not be opposing this motion, but my goodness, I wonder if the people in the Liberal Party blushed when they considered raising this issue for debate today. To his credit, Mr Rich-Phillips was never as bad as Mr Davis on this point. On at least one or perhaps two occasions Mr Rich-Phillips made a presentation to our committee and responded to its questions. At least this motion is from Mr Rich-Phillips, who has a modicum of credibility on this issue. If this motion had been moved

by David Davis, we would have been looking closely at his cheeks to see if they reddened in response to the extraordinary leap in his views from the last Parliament to this Parliament.

**An honourable member** interjected.

**Ms PULFORD** — Yes. Members of the previous Parliament all have their stories and each committee has its stories, but the standing committee on economy and infrastructure was populated by a group of people who were keen to do a good job and who worked cooperatively on the tasks they were given.

**Mr Ramsay** interjected.

**Ms PULFORD** — Mr Ramsay was a member of that committee, and Mr Drum was a member of that committee.

**Mr Ramsay** interjected.

**Ms PULFORD** — Yes, Mr Finn was also a member of that committee. I should probably pay due credit to Mrs Coote, a former member for Southern Metropolitan Region, who was a fabulous partner in the co-chairing arrangement on our committee. We did some good and interesting work, but it was of very little value. I doubt whether federal ministers for health would have ever read a Victorian upper house committee's opinion on commonwealth-state financial arrangements for the health system. Perhaps they did.

**Mr Finn** — We did an investigation of the carbon tax.

**Ms PULFORD** — I spoke about that earlier. I spoke about the loaded nature of that reference and about the former government's destruction of the Greener Government Buildings program, which would have saved substantially more in our health system, with its considerable energy costs, than the carbon tax was ever going to achieve.

We welcome the road to Damascus conversion of the Liberal Party on this question. We are not afraid of scrutiny, and we wish that the former government, with its rubber-stamp view of this Council over the last four years, had not been either.

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak on the motion that has been moved by Mr Rich-Phillips today and which is essentially to confer upon the three Legislative Council standing committees, be they in the legislation or reference mode, the ability to self-reference. Most people in the chamber today would be aware that I have been

advocating on this issue for quite some time — at least five years. The short, potted history is that back in 2009 I moved a motion that the standing orders consider the establishment of standing committees for the Legislative Council.

I notice Mr Rich-Phillips smiling at me. He was a member of that Standing Orders Committee. As I mentioned before in the chamber, we examined upper house committee structures around the country and recommended to the Council that it adopt the model of the three broad-ranging standing committees, as extant today, with their twin functions of legislation — which enables a committee to examine bills, annual reports and matters to do with the departments that they cover — and references, which enables the committees to look at matters of public importance and their particular themes and issues.

The Senate model is that the legislation side of the committee is chaired by a government member and the reference side of the committee is chaired by a non-government member. The three committees with their broad themes are based on the West Australian upper house committee model, so this is a hybrid approach from the Senate and the West Australian upper house committee models.

I do not think I would be breaking any code of silence in saying that during the deliberations of the Standing Orders Committee I forcefully advocated for these committees to depart from that Senate model in being self-referencing. The Greens felt that these committees needed that extra ability of being able to examine legislation or matters of public importance without having to rely on resolutions of the house.

I think it is fair to say that we lamented the absence of that ability during the last session of Parliament. During that time there were 69 attempts to refer matters to standing committees, with 53 of those attempts to refer legislation and 16 to refer other references. Some legislation was referred. It was, as I have mentioned before, mainly Greens private members bills — there were three of those. There was also the Wills Amendment International Wills) Bill 2011, a government bill. I have mentioned before in this Parliament that why that bill was referred to the legislation committee remains a mystery today, because it did not have any controversial aspects, it was supported by all parties and nobody had raised any issues with it. Why it went to the legislation committee for inquiry no-one is therefore really sure, even though a very interesting report was produced by the committee.

Among the other 47 bill referrals, 4 that were agreed to I have just mentioned, and the other 43 related to legislation that had come before the Parliament that had raised interest among the public, either regarding an entire bill and its subject or particular parts of a bill that certain stakeholders in the community were recommending be amended et cetera.

I have raised in this place many times the fact that in the Senate and in other upper houses around the country and internationally those sorts of bills routinely go to committees, where they are looked over before coming into the upper house chamber. Such committees receive submissions and hear evidence, and often the government concerned amends its own bills as a result of those committee inquiries. That is a very efficient and inclusive way to involve members of the public and stakeholders in the making of legislation, in contrast to the executive government of the day introducing legislation and expecting it to be rushed through the Parliament in a matter of two or three sitting weeks.

We have been strong advocates for the ability of these committees to self-reference. The Greens and I think the Labor Party put up some motions to refer matters of public importance to these committees, but of course every single one of those was defeated. The only references that went to the references side of the standing committees were those put forward by the government.

I was a member of the Environment and Planning References Committee, and one of the references that committee looked at, in an inquiry chaired by the current Deputy President of the Council, Ms Tierney, was the effect of planning on public health. What effects does the planning of our cities and our regional towns have on public health? That was not the first time that that issue had been examined by parliaments around the world, in academia or by organisations such as VicHealth or the Planning Institute of Australia. Those bodies and academics made submissions to and appeared before the committee with their well thought out and evidence-based research on this issue, and a very good report was tabled by the committee.

Unfortunately the government pretty well ignored it, and government members on the committee stood up in the chamber after the report was tabled and found fault with it. To this day I believe that it is a very good report and that the Parliament should take note of its recommendations and findings, which are based on very good submissions from eminent organisations and also on research done by the committee staff on what had been done around the world on this issue. Today it still stands as a good report.

It is not, therefore, that every reference sent by the government to the reference committees was not a good one that was in the public interest; however, some of them were of less importance than other references that could have been given to those committees. Also, references were given to the legislation side of a committee which really should have been sent to its references side. That is disappointing, because I do not like to see the committee structure misused in this way. I made the comment in the house at the time that I thought the committee structure was being misused by the government.

After the recommendation was made by the Standing Orders Committee that these committees be self-referencing, we lamented the lack of a decision reflecting that recommendation back in 2010. It would have been a very different Parliament over the last four years if we had had that function. Members of the current government, who were in opposition in the last Parliament, said to me they lamented the fact that they did not support my recommendation to the Standing Orders Committee that these committees be self-referencing.

It is great that we are back at the beginning of another parliamentary session and are again discussing the make-up of committees and their operation, structure and function in the Parliament as a whole and, in relation to this motion, in the Council in particular. I am firmly of the view, and the other members of the Greens are firmly of the view, that a healthy, functioning committee system is good for democracy, it is good for parliamentary outcomes and it is good in that it enables the general public and community organisations to engage with the Parliament and to be involved in developing legislation and in the response to the matters of public importance that the committees could be looking at.

It is regrettable that four years were wasted when the committees did not in any way fully exercise their functions by examining legislation before it came into the chamber. With an ability to self-reference, the legislation committees will be able to look at legislation on the notice paper in the lower house or legislation that is introduced through the upper house and will be able to inquire into that legislation before it is debated in the chamber, and that can only be a good thing.

The genesis of the motion comes from an earlier notice of motion from Ms Wooldridge; it is still on the notice paper, listed as 73. That proposed motion is more comprehensive in that it proposes setting up another committee similar to the former Standing Committee on Finance and Public Administration. It also proposes

changes to the Procedure Committee and the Privileges Committee and also the ability for standing committees to self-reference. I could have moved that as part of a separate motion but agreed to it being part of Ms Wooldridge's motion. That motion has now been pared down to the motion before us today.

This is a very important motion. It will make a big difference to the operation of the committees. Of course there will be practical and physical limits as to how many references any committee, whether it has a legislation function or a reference function, is able to handle, but at long last we will see the three standing committees of the Parliament operating in a fashion which resembles the operation of standing committees in the rest of the country — examining legislation and matters of public importance. In that regard I am very pleased to strongly support the motion.

**Mrs PEULICH** (South Eastern Metropolitan) — I will keep my comments brief given there is an agreement that the motion be supported. Notwithstanding the good faith with which everyone is supporting the motion, it is a reflection on the current composition of the chamber. That is basically the reason it is being supported. The government would be foolish to try to pretend that it would support the motion if it had 21 members on its side and there were a minority on this side. The reality is that it has sniffed the wind; it can do the numbers. I accept that Ms Pennicuik has been consistent on a number of these procedural, institutional matters, including the workings of the committees, and I give her full credit for that.

I cannot say it will be the same for the ALP or, dare I say it, possibly even the coalition, because at the end of the day if for some weird reason or by some miracle 30 of the 40 members in this place were members of the one major political party, it would be a dereliction of its duty to forfeit the mandate it was given. In this case the mandate is reflected in the composition of the chamber, and it would be a dereliction of the mandate that each and every member has been given — whether they are an Independent, a member of the Greens or the rest of us — not to utilise the opportunities as best we can with the numbers we have, numbers that have been determined through a democratic process, to make sure that we are fulfilling our duties in representing our constituencies and the state of Victoria in holding the government to account. For that reason it is eminently sensible that the motion is brought forward. It broadens the flexibility of committees, including the legislation and the reference committees, and adds a few extra things to their toolkit.

The Labor government does not cover itself in glory when it comes to the machinery of democracy. It has stalled on the establishment of committees, and the Public Accounts and Estimates Committee is the best example of that. The budget will be delivered next month, and there is still no Public Accounts and Estimates Committee, so an awful lot of work will need to be done in a short time. We have staff who are no doubt twiddling their thumbs behind the scenes waiting for the whistle to blow. The major committees in particular should have been set up at the end of last year, but they were not.

The government cannot somehow claim that its commitment to be open, transparent and accountable is being fulfilled with any degree of glory. I will not deviate from the motion, but the sacking of the boards and the responses to questions on notice that we have been receiving, which are carbon copies of each other, are not evidence of a government that is committed to transparency, openness and accountability.

However, the motion before us will mean we can hold a government to account, a government that seems to be very reluctant to honour its commitment — and we are only a few months into its term. Committees having a self-referencing capacity, the holding of public hearings by the legislation committees, considering and reporting on any bills or draft bills, annual reports, estimates of expenditure or other documents laid before the Legislative Council are all opportunities for the standing committees of the upper house to do their work.

I have been involved in chairing both a legislation committee and a reference committee. The reference committees will have the opportunity to inquire into and hold public hearings and to consider and report on matters relevant to their function, and I applaud that. It means that the composition of this chamber will be reflected in the expanded functions of the upper house committees so that they can do some of the work, such as the work that was undertaken by the Standing Committee on Finance and Public Administration of the 56th Parliament.

Without belabouring the point too much, let me say that the composition of the committees and the composition of this chamber are the reasons we are entertaining this motion and the reason why all sides are supporting this motion. Government members would look unwise and foolish if they opposed a motion on which the numbers just did not stack up. However, I am sure that if the government had a majority, its members would be voting against such a motion. Ms Pulford tried to invoke a sense of morality by referring to Mr Davis and

his attitude to references and so forth, but opposition members are now fulfilling a mandate given to them at a particular point in time and in a particular chamber. What is done in a chamber is often a reflection of the composition of that chamber. I am absolutely 1000 per cent certain that Ms Pulford and the Labor Party would not be supporting this motion if they had a majority in this chamber.

Perhaps rather than asking Mr David Davis and members of the Liberal Party to blush, members opposite should look in the mirror and see themselves blushing. With those few words I commend the motion to the chamber and welcome the support of all parties in support of the expanded functions of the standing committees.

**Mr LEANE** (Eastern Metropolitan) — I will also be brief, because I understand that we have some more important stuff to get on with. Nevertheless I am amazed that Mrs Peulich said that democracy is dependent on the 21 versus 19 rule. We just heard a 5-minute diatribe about democracy and transparency, about self-referencing in a committee being dependent upon rule 21-19 and about putting the Council on notice that if there is a change as far as the opposition is concerned and it ends up with rule 21-19 in its favour, then this situation might change.

I doubt very much that it will change. Once such a measure is enshrined it would be very hard for any government to argue against this particular provision regarding upper house committees. As far as upper house committees go and the track record of the previous government, there is a case for this side of the chamber to call out the hypocrisy of the coalition. The previous upper house committees turned into a farce to the degree that the only reason the committees met — and it would only be one committee at a time, not three at a time — was to ensure that there was no general business between 8.00 p.m. and 10.00 p.m. every Wednesday; that was the reality.

I have to say that the references given to the upper house committees under the previous government were appalling. They were appalling references just to keep the committees busy — one committee at a time, as I said — and they were given references for the sake of having a reference. As I said, the references given to the committees that I attended were appalling. They meant nothing to good governance and nothing to the future of good governance. The reference committee of which I was a member, which was chaired by Mr Dalla-Riva, was given a reference for the sake of having a reference. I am not one to give too much praise to the other side, but I think Mr Dalla-Riva handled that

committee in a way that made its inquiries less painful, which was a good thing.

As we move forward, obviously we expect that situation to change. I cannot see any future coalition government having the guts to change the system back to the lame system that existed for upper house committees when those opposite were in government. I do not think that in 12 years time, when the coalition might be back on this side of the chamber and might have 22 members, those opposite will have the guts to implement the lame parameters of upper house committees that were implemented during their last term in government.

**Mr Finn** — You will be impressed with a Guy government.

**Mr LEANE** — He is a young man, and it is good that he is a young man. That is probably a good thing for his future aspirations. In saying that, I am sure this motion will be carried very shortly, and government members look forward to the committees being established and getting on with it.

**Mr MELHEM** (Western Metropolitan) — I concur with the contribution made by Mr Leane; I concur with his comments. I have read some of the comments made by members of the previous government some years ago, particularly comments made by Mr Davis in relation to a similar subject. When those opposite were in government they would not tolerate anything to do with a motion like this, including committees self-referencing. It is a good sign that members of the opposition realise that now that they have come to their senses while in opposition — they are not in government. When they were in government they could only dream of having a committee that could self-reference. They would have said, ‘No, no! You can only go and deal with issues given to you by our government’. Now suddenly they have seen the light, because they are not in government anymore but in opposition, and that is a good sign.

The first thing they need to realise is that on 29 November last year Victorian voters said, ‘You didn’t do a good job, so it’s time to change’, and that is what happened. Now the shoe is on the other foot, and they do not have the numbers in the lower house.

**Mrs Peulich** interjected.

**Mr MELHEM** — I have got all day. I am not in a hurry at all. There is no time limit.

**Mrs Peulich** — Just have a look at those margins in South Eastern Metropolitan Region. They are really big margins for you. Mr Staikos got up on 38 per cent.

**The ACTING PRESIDENT (Mr Eideh)** — Order! Members should address their remarks through the Chair.

**Mr MELHEM** — That is exactly the point.

**Mrs Peulich** — Do you know what the point is?

**Mr MELHEM** — I do know the points. Those opposite have forgotten they are down five members. Suddenly they have found new partners in the Greens, which is good. And now they obviously feel they need the support of the crossbenchers and the Greens in self-referencing. That is a good point, and I am sure the Greens would have pushed for that in order to get them on side. They do not really believe in the self-referencing thing.

**Mrs Peulich** interjected.

**Mr MELHEM** — You rejected it last time. What they do not get is that when we got into government we said we were happy to reform the Parliament and be more accountable, and we have implemented that commitment. We did away with Dorothy Dix questions, and we are answering questions on notice and questions without notice. The record is actually pretty good. It is a good sign that those opposite have seen the light about self-referencing. The committees will self-reference. If the motion is passed, I hope committee membership will be finalised. One of the first things we wanted to do when we got into government was to have a total package which included the new committees and their operation. Instead of sitting down and having meaningful discussions over the last four months, the opposition has decided to whack a motion on the books and say, ‘Okay, that is what we want’. And that is it, we are meant to just take it.

The good news is that significant progress has been made in relation to what the government is trying to achieve. It is trying to put in place a workable arrangement in this house with its new make-up, with crossbenchers and three parties which all reflect a diversity of views. The Leader of the Government in this place has done a tremendous job so far in trying to get some consensus. I hope he will come to the house today or tomorrow to deliver the good news that finally the other side has seen sense and that we will have some consensus on committees and how the committees will work. It affects both houses, but in this house there has been some discussion about the three

committees and their make-up. I hope we can go back to the Parliamentary Committees and Inquiries Acts Amendment Bill 2015 tomorrow and put that issue to bed, that we have a workable solution and sessional orders that take into account the new make-up of the house.

We are not afraid of accountability at all. Bring it on. We will do what we said we were going to do. We do not dance around the issue and pretend there are no issues. We face them head on. It has taken the opposition some time to come to its senses on this issue. We have reached agreement on committees at the 11th hour. I am a bit cynical about the whole thing because those opposite inferred they would tackle the substantive bill before this house, which we are hoping we can put to this house tomorrow. I do not see the relevance of the motion today. Instead of debating a motion on this issue today, it could be dealt with in the debate on the substantive bill tomorrow and as part of the arrangements that we believe all the parties have now agreed to in principle. With those remarks, I will not be supporting the motion because I believe it can easily be dealt with as part of the bill tomorrow. There is no need for it.

#### **Motion agreed to.**

### **VOLUNTARY EUTHANASIA**

**Ms HARTLAND** (Western Metropolitan) — I move:

That this house calls on the Attorney-General, Mr Martin Pakula, MP, to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report by December 2015.

When people we love face intolerable suffering in the grip of terminal illness, we owe it to them to provide the choice of a dignified and peaceful death which is consistent with their own values and beliefs. Dying with dignity is about giving the ultimate choice to dying people, who deserve whatever control they wish to exercise over their suffering when they are nearing the end of their lives. This last chapter of life can be spent focusing on the life with loved ones secure in the knowledge that if and when the time is right, assistance with a peaceful death will be honoured.

Most Australians believe terminally ill people have the right to end their lives on their own terms and express high levels of support for dying with dignity law reform. A 2011 survey found that 75 per cent of Australians believed that a terminally ill person should be allowed to access physician-assisted suicide, and a

Newspoll survey in 2012 found support at 82.5 per cent. I caution the government that if it is going to ignore 80 per cent of people in the community who want to discuss this issue — I do not know whether the government will support this motion — then it will need to explain to those people why it does not believe we can have a reasoned conversation about this issue.

The level of community support for change certainly warrants consideration of how law reform can best provide for community desires and expectations relating to assisted dying. It is with this utmost in our minds that the Greens call on the Attorney-General to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry. Dying with dignity law reform would provide a considered and compassionate legal framework for a practice that is already happening in Australia behind closed doors. I do not want to keep this behind closed doors; it should be brought into the light so we all know what is happening. Physicians and families are already taking actions to hasten the deaths of their patients and loved ones. Many of them are acting beyond the law, and most support reform. A safe and structured dying with dignity system will remove these pressures from all parties during such a difficult time. Having a framework for voluntary assisted dying for the terminally ill is a safer and fairer option. It is better to regulate what is already happening than to allow it to continue unchecked. Dying with dignity laws would provide greater peace of mind for all involved.

The Greens believe that any dying with dignity law reform must include strong safeguards to protect people from abuse. The Greens believe that as a minimum the following features must be part of any successful legislation and legal framework. To access assisted dying a person must be terminally ill, have consulted with two independent doctors, have consulted with a psychiatrist, be of sound mind, be well informed, be free from duress and be able to change their mind at any time. All these features provide a safeguard to ensure authenticity of the request for assistance. Further, all assisted deaths must be subject to review. We must also ensure that the definition of 'terminally ill' is precise and that there are measures to protect people with a disability. There must be no room in the legislation for an assisted death on the basis of external pressure or self-imposed pressure of not wanting to be a burden on others.

Very important to this is ensuring that dying with dignity laws are not considered in isolation. They must be undertaken in tandem with improvements and investment in improving end-of-life care, including palliative care. We must ensure that people can live

with dignity as well as die with dignity, and this means greater investment in quality palliative care and full access to disability support so people can have the best possible quality of life for as long as they choose. The legal framework must also protect physicians who provide medical assistance. There must be no obligation on any physician to provide medical assistance.

We ask that the Victorian Law Reform Commission consider these features in a review and that the commission be guided by community desire, which I believe is for reform to enable the choice of a peaceful and dignified death for a terminally ill person. The commission is an independent government-funded organisation that develops, reviews and recommends reform of Victoria's state laws. It has a charter to consult with the community and advise the Attorney-General on how to improve and update Victoria's laws.

Dying with dignity can be a complex issue from an ethical and legal perspective, and these complexities need to be fully considered and addressed for such law reform to proceed on this issue. The Victorian Law Reform Commission is an appropriate organisation to consider the issue, particularly because it provides independent advice and draws on participation from the community to inform its work. It is my belief that referring the issue to the commission provides the best avenue for exploring the ethical and legal issues in a considered way and for developing options for legislative reform that better reflect current community values, expectations and standards.

I urge those who have not made up their minds about dying with dignity law reform, and even those who currently oppose reform, to support this referral. I do not believe there is any predetermined outcome of such a referral, and the community consultation involved in the review will enable all groups and all voices to have their say. In doing so it will enable a more informed discussion about this very important and complex moral issue.

I finish by acknowledging the inspiring and courageous people who, in their last months of life and despite grappling with the hardships associated with their terminal illnesses, have become advocates for this law reform. I especially recognise Peter Short and offer my condolences to his family. Peter made a fantastic contribution to the debate, and we deeply appreciate him for sharing with us his thoughts and the highs and lows of his journey in the last months of his life. Over the last 20 years I have witnessed the deaths of friends and family, often in the most horrendous circumstances,

and that is why I am an advocate for dying with dignity legislation. When my time comes I may or may not choose to be involved in assisted dying, but I want to have the choice. That is what we are talking about today: choice to refer this issue to the Victorian Law Reform Commission and choice for the community to discuss and understand what it is they want.

**Mrs PEULICH** (South Eastern Metropolitan) — I do not look forward to speaking on this motion. To be honest, when I listen to advocates for euthanasia I actually feel physically ill. When I listened to Ms Hartland's second-reading speech on the Medical Treatment (Physician Assisted Dying) Bill 2008, I literally had to run out of the chamber because I was going to throw up.

In Ms Hartland's first attempt to introduce a bill she was calling for physician-assisted dying not just for those who are terminally ill but also for people who experience existential pain. It was a substantially broader proposition. For that reason I suspect this is just a slippery slope. Most importantly, the motion itself — and I will vote against it; I will vote against euthanasia on a range of moral, personal and social reasons, no matter how it is bowled up to me — is just grandstanding. There is nothing that stops Ms Hartland from writing to the Attorney-General to ask him to refer the matter, rather than using the time of this chamber to mount arguments which we, on the basis of her reference, would have to revisit should a Victorian Law Reform Commission investigation ever be undertaken and a report tabled and returned to the Parliament for debate. It is purely and utterly grandstanding and gobbling up important time of this chamber.

Given Ms Hartland's vehement and enthusiastic support for those who experience existential pain to access physician-assisted dying, I am circumspect about the true intent of this motion. I believe the motion is intended to open up the subject and indeed work towards an outcome that I cannot understand but that Ms Hartland ultimately wants to see instituted as a regime in this state. The regime that Ms Hartland would like to see is the physician-assisted dying we have seen implemented in Holland, where after an audit of five years of the practice they established that 1000 people had been accidentally euthanased. One thousand people! You pop your mother in for a bit of a procedure and — guess what? — you come back and she is gone.

As a person who comes from a background where I lost many members of my family during the Second World War, victims of both left-wing and right-wing dictatorships, I must say I am firmly on the side of life. I do not care how you veil it and I do not care how you

argue it: on the basis of morality, people should vote this motion down.

My own personal experience is that my father was diagnosed with lung cancer. He had an eight-week prognosis — not a very long one. We went through that experience as well as palliative care. I have come to understand the importance of palliative care as a way of managing pain, in particular for those with terminal illnesses. There is no reason to take the next leap and introduce voluntary — and I might say that in many instances it would end up being involuntary — euthanasia. It was a horrific experience for my family, but my father wanted to die at home. He did not want to die in a hospital; he wanted to die at home. After all he had done and lived through, it was my honour and my privilege to be able to grant him that wish. I absolutely reject the proposal that people die with indignity. I think people can live with indignity, but no death, no matter how fraught with the ailments of death and disease, should be seen as an undignified death. It is what people do that makes them undignified, not how they die.

This proposition becomes even more problematic when we look at people from multicultural backgrounds. I come from a multicultural background. My mother missed out on formal education, being a child of the war and spending time in a concentration camp. While she should have been going to primary school learning her alphabet and how to string letters together, she would start off her day by jumping over dead babies. My mother has never been embittered by that experience. She does not often talk about it; we have to extract it from her. For her, literacy is not a strong point. She ended up running a very successful business. She got some compensatory education at the encouragement of my father and learnt how to run a business, albeit without too many literacy skills. Even now when she receives an important letter she brings it home dutifully, very quickly, to make sure that what the neighbours have said or done or whatever is accurate.

I have great concerns for people who come from multicultural backgrounds. We have an intake of 95 000 people a year, and many of them come from countries where they have not had access to education. I have great concerns as to how they would fare in a system of this nature, under a regime that is something like Holland's, where 1000 people may be accidentally euthanased once such a regime is put in place. What we are talking about is state-sanctioned death.

How do we deal with babies, who are inarticulate? What regimes do we put in place for them? What about people with disabilities? Ms Hartland did call for

safeguards for people with disabilities. How about dementia patients? What do we do with them? There can be no safeguards to prevent the innocent and the vulnerable from state-sanctioned death, and I will never be a party to it. I will never vote for it. I will do whatever I can to defeat it. I think it is misguided, I think it is disrespectful and I think it is an absolute outrage that Ms Hartland is using this opportunity in this chamber to call for something that she simply could have written to the Attorney-General about.

What would it do? It would certainly unclog the beds in our hospitals, would it not? It would certainly resolve the pressures on the health budget.

I do not wish to consume much more of the chamber's time. I find it painful to talk on such a motion, and I think it ought to be thrown out. I think Ms Hartland should open her eyes and her heart to those of us who have a history of death in our families — those of us who have lived through wars, those of us who were close to people who died in the Holocaust and those of us who have lost family members. We value life. Who is to say that, when faced with the moment of death, a terminally ill patient who has signed all the papers and given all of the agreements may not change his or her mind and want to live? Ultimately one can never know.

There can be no safeguards when institutionalising a culture of death and expecting our medical personnel, who have taken an oath to protect life, to act contrary to their training. Palliative care is serving an exceptional purpose. It needs to be fully and adequately funded. I think this motion ought to be thrown out. With those few words, I say that I will oppose the motion.

**Ms PULFORD** (Minister for Agriculture) — In July 2008, when the Parliament debated the Medical Treatment (Physician Assisted Dying) Bill 2008, I spoke to a great many people and canvassed their views. It was a topic of hot discussion in all kinds of places right across the state. I listened intently to the debate in the Parliament on the days we considered the private members bill that Ms Hartland brought to this place, and I was greatly torn as to what to do.

That is one of the limits of conscience voting: how does an MP apply their conscience? Does their conscience tell them they ought to represent the views of the people in their entire constituency, does their conscience tell them they need to represent the views of the whole community or does their conscience tell them their own view ought to prevail? The quota for election to this place is many tens of thousands of people, and most of us are elected to Parliament because somebody puts a '1' in a box above the line without having met us or

contemplated our views on deeply personal matters. Sometimes we wind up in a debate in which we talk about the opinion of one person without reference to the people who send us to this Parliament to represent them.

I note the overwhelming and consistent support reported over many years for the community's desire for people who are profoundly suffering as a consequence of injury or illness to be able to die with dignity. Ms Hartland spoke of a survey in which support was of the order of 80 per cent. This is the kind of issue that can return different survey numbers by ever so slightly changing the question, but there is consistent support and I think there is growing support in the community for us to contemplate this question. The reports we read in the papers from time to time of people who are investigated by police for assisting in the death of a loved one are responded to by the community with considerable sympathy and sometimes anger at the injustice of people being prosecuted for acting compassionately in the interest of a loved one.

In the 2008 debate many members reflected on their personal experiences. Many MPs spoke of their own experiences. This is a highly emotive matter, but more importantly for us as politicians it is a technical matter. It is a technical legal question and a very technical medical question. It is also inherently linked, in my view, to questions about support for palliative care. I note the comments of Mrs Peulich about the work we all need to do to ensure that more patients have greater choice about their end-of-life care. I think it is also inherently related to the operation of the Medical Treatment Act 1988.

Before the election the Labor Party committed to a range of measures to improve end-of-life care and palliative care, including further work on advance health directives and community education campaigns to improve knowledge of existing laws and options that already exist but are not well known or well understood. I note Mrs Peulich's observations about people from culturally and linguistically diverse communities in Victoria and how much more difficult an impossibly difficult situation is when you have to do it in another language or culture. I cannot begin to imagine how difficult that would be. We committed to expanding palliative care in a way that ensures that culturally appropriate and age-appropriate considerations are given and that palliative care is accessible to people, no matter where they live. We also committed to developing palliative care training for midwives and obstetricians who may be dealing with the deaths of babies.

I was absolutely tortured by having to make a decision on this in 2008. I really was. It came not long after a difficult and divisive debate in this place about abortion, and another conscience vote had preceded that. I think all members in this place were utterly exhausted by this succession of conscience votes. I was not tortured by the vote and debate about the decriminalisation of abortion, but this issue I found really hard. I supported reform in principle, but sufficient doubt that the 2008 bill fell short on a number of safeguards had been created in my mind.

That was 2008; now it is 2015. I am older and have learnt a few more things about the ways of the world. Having been in government, including a stint on the Scrutiny of Acts and Regulations Committee in my first term, then in opposition and now in government again in the position I now hold, I have learnt a good deal about the way laws are made — how they can be made really well and how they can be made not so well. These are simply the observations of somebody who has been doing this for eight years.

I thought that the Victorian Law Reform Commission referral on abortion was an important step in enabling a proper independent evaluation of the law and community attitudes on a highly emotive issue. It is important to note the way the referral was framed by the Brumby Labor government. We were asking the commission how to decriminalise abortion, not if we should decriminalise it. The work it was asked to do was to provide us with options around how we would do it, not if we would do it. It was an amazing body of work. If my memory serves me correctly, it was about a year between when my dear friend Candy Broad introduced a private members bill — it was subsequently withdrawn and the government decided to refer the issue to the VLRC — and when the debate occurred in the Parliament.

I have seen how the Victorian Law Reform Commission can be an effective way for a government and indeed the Parliament to contemplate things that are really hard for us. It is currently working on the government's commitment around medical marijuana — another difficult question. I think we are all in agreement about the objectives. The work the commission does will no doubt inform how we can balance properly the safety of people in our community and ensuring the best possible health standards and practices. That is something we all usually agree on.

My personal view is that the VLRC is well placed to do this work. I know others — colleagues in the Labor Party and other parties — believe a parliamentary committee would be better. We have all received

emails about the various different angles from which we might consider this issue.

This issue is about as difficult as any this Parliament or any other Parliament might consider at any point in time. Ms Hartland's motion does not seek to prescribe to the Attorney-General what a reference would look like in any way. I think that is regrettable. However, I note that Ms Hartland spoke in some detail in her contribution about how she thought it ought to look and some of the things it ought to consider.

I voted against this in 2008. I do support law reform in this area. I know these are complicated and somewhat contradictory statements. I believe end-of-life treatments and options need serious contemplation, but I think that a holistic approach to these issues needs to be taken, involving palliative care, advance health care directives and the support that doctors can provide in limited and carefully controlled situations to assist the inevitable to occur without fear of prosecution for what is essentially a compassionate act. We are talking about a situation where a person's death is inevitable and perhaps imminent, although maybe not imminent enough for the person who is experiencing profound suffering.

I know that opponents of reform will have a different view. They will say we should knock this off today, because that might make the issue go away. I note that Mrs Peulich said she would oppose law reform on this issue in any shape or form it took, and I am sure others in this chamber would share that view. But this is a debate that the community is having — they are having it in homes and hospitals all over the state — and it will continue. Personally, it is one that I welcome, but I think we need to proceed in a very careful and considered way, and I do not think that Ms Hartland's motion does that.

I meant to say at the outset, but neglected to, that these are my personal views; these are not the views of the government. I welcome the debate in this place and in the community.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I am pleased to be able to contribute to this important debate we are having today on Ms Hartland's motion:

That this house calls on the Attorney-General, Mr Martin Pakula, MP, to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report by December 2015.

What we have heard in this chamber even in the contributions we have had to date, is that this is an issue that touches people deeply and that people are

personally affected in many ways in relation to the issue of loved ones who are terminally ill. It is not for us to judge each other's views on this matter but rather to respect the range of experiences, views and beliefs, knowing that we are all touched by it in very personal ways. People we love and care about have lived through these difficult circumstances, and we have shared their experiences.

In acknowledging the broad range of views that people have, I am pleased that the coalition is supporting the idea of a free vote on this motion. While it is a procedural motion, from the contributions we have already had we have heard that it goes to the heart of how we feel about the issue as well as the procedural aspects of the referral itself. Liberal and Nationals members will be contributing on the basis of that free vote. That is a valuable approach.

It is also interesting in the context of the Auditor-General's palliative care report, which was tabled today. The Auditor-General acknowledges the work that has been done by successive governments over the last 10 or 15 years in relation to the issue of palliative care, which is vital to people at that stage in their lives, but also acknowledges that there is more work to do. There has been longstanding bipartisan support for work in this important area.

On a personal level, I will be supporting the referral of this matter by the Attorney-General to the Victorian Law Reform Commission. I am supporting this motion for a number of reasons. Firstly, I believe it is important that we have some up-to-date, thoughtful consideration of this matter in the Victorian context. That is what the Victorian Law Reform Commission can provide. It can consult widely, it can do the detailed work and it can come back to the Parliament with advice in relation to the full range of matters around this very sensitive and important issue. I have not resolved in my mind whether I think voluntary euthanasia should be allowed, but what I support is that work to help inform me in my consideration of the matter. I think it would be very valuable work to be undertaken.

I was not in this place when the 2008 debate on abortion law reform took place, but I followed it carefully. As Ms Hartland said, people at that time were searching for more advice and information before making a decision. The work of the Victorian Law Reform Commission could help in that regard. Interestingly there is widespread community support on this issue. I have talked to many people, including members of the medical profession, older people and even my parents, about this issue. I am sure many members have had those types of conversations. The

extent of the support for this matter is widespread. The complexity comes in the detail of how, if a system incorporating voluntary euthanasia were to be established), the appropriate processes and safeguards could be put in place to make sure that it is a system we have confidence in. These decisions have profound impacts on the community and, as I have said, there are widespread views.

One of the first challenges that the Victorian Law Reform Commission would address is the issue of definition. Voluntary euthanasia is clearly different from things like refusing treatment or using medication to ease pain and suffering, which may, as a secondary consequence, result in death. These issues have been largely resolved. In talking with doctors it has become evident to me that these are decisions they make with families and individuals on a daily basis. They are very complex decisions, but the system operates in this way and those matters are settled.

I have looked at this matter in detail, and it seems to me that the most widely used definition of voluntary euthanasia is a deliberate act that causes death, undertaken by one person with the primary intention of ending the life of another person in order to relieve that person's suffering. In essence what we are asking is whether it should be okay in some circumstances for people to be allowed to end their lives early to avoid intolerable pain and suffering. These are some of the definitional and moral challenges and complex issues on which the Victorian Law Reform Commission could provide some advice to the Parliament.

Post-definition there are complex matters on which we could also benefit from some information and views. What constitutes terminal illness? Who makes the decision in relation to the point at which someone is deemed to be terminally ill? What is informed consent? When is someone mentally competent to make a decision in relation to end of life? How do we ensure that there is no coercion? How do we protect against any abuse of the system? What safeguards would be put in place? As I have said, I have not yet resolved my personal feelings on these matters, but I feel that my decision-making would benefit from having that information and advice that comes from a law reform commission-type process.

I drew heavily on the work done during the abortion law reform debate. That work reflected a deep examination of perspectives on the issue. Hundreds of submissions were received, and there was widespread public consultation and exploration of options. That is what I would expect the Victorian Law Reform Commission would do in this case as well. The

information and advice for the Parliament would reflect the broad views held within the community. Given the volume of email we have all received in the last few days, there is no doubt that the community would participate actively in that consultative process, putting forward views from all sides.

Many people in the community have been saying that it is not for an unelected body to make these decisions; it is for the Parliament. This is not about making a decision about what should happen with respect to euthanasia. It is about providing a report and some advice reflecting community consultation and views. It would clearly be up to the Parliament whether legislation were to be considered, what that legislation would contain and whether the Parliament would use its committee structures, which would be entirely appropriate, to further investigate aspects of the matter. With its legislation and reference committee structure the Parliament has the mechanism to do that.

Having a body to do some broad work at a grassroots level to provide some advice so that people can reflect and think about the next stage in the process of addressing this matter would, I think, be valuable. I want that detailed advice. I and others would be better informed as a result of it. It would be useful to have someone synthesising the views and perspectives of the broader community and providing information on what some options might be.

Interestingly, as we have seen with the Victorian Law Reform Commission, some reports are adopted and implemented and others are not. The compilation of a report does not determine a conclusion; it provides advice so that we are better informed to make decisions about further steps, if there are to be any at all. On that basis I commend Ms Hartland for bringing forward this motion. I commend members of the chamber on the obviously difficult debate that has occurred and on the respectful way in which they have approached these discussions. I will be supporting the motion.

**Ms SHING** (Eastern Victoria) — This is without a doubt an extremely difficult, emotive and charged issue for members of this house to contemplate. In one sense I am grateful to Ms Hartland for putting it on the notice paper, because it ventilates a vein of both support and dissent in the community.

In recent times members have received numerous emails and correspondence and many discussions have taken place in our offices. I assure everyone who has gotten in touch with me directly that I have taken those views on board and that I am aware of the very strong sentiment in maintaining a direct and meaningful

connection with the importance and sanctity of life, the importance and sanctity of dignity and the importance and sanctity of care for those people who are suffering.

However, to my mind this is an issue that is not sufficiently described or set out in the motion so as to enable me to properly formulate a view on how it might best be tackled via a reference to the Victorian Law Reform Commission (VLRC). As previous speakers have indicated, there are manifold issues associated with the question of euthanasia, which as a threshold measure must be addressed in order to properly consider the options available before any government can responsibly come to a conclusion about what may or may not happen in relation to potential legislative reform.

Ms Wooldridge has set out the issues associated with definitional problems and questions. I share those concerns. I also make reference to the way in which international jurisdictions have addressed the questions associated with definitions and the way in which this has been an evolving debate and discussion for many years now, one which has culminated in studies, trials, reviews, inquiries and commissions.

In relation to context, the question associated with the circumstance of terminal illness — going back to the definition of ‘terminally ill people’ as set out in Ms Hartland’s motion — is again one which must be examined through the lens of advances in medical technology and palliative care, and the way in which care and treatment is provided to people to prolong life, often for extensive periods, and when coupled with processes, programs and steps to improve quality of life can in fact enable a management process to occur for an illness which might otherwise be terminal.

I do not pretend to know how the science of palliative care operates. However, I have seen people benefit from excellent care at the end-of-life stage. I have seen people who have benefited enormously from the compassion, love and dignity they are afforded when addressing issues of great physical or emotional pain.

The regulation and oversight of this issue is something which again raises many questions. Mrs Peulich referred to this in her contribution to the debate. To that extent, and to the extent to which Ms Hartland also addressed it in hers, I am unafraid to say that I do not know the answers in this particular context.

Safeguards must reasonably and responsibly be put in place when contemplating any issue of this magnitude. I do not know what those safeguards are and how they might operate. However, it is my position that at the

heart of this particular issue lie questions of dignity and choice and a question of how we best give effect to both our own consciences and the views of the community as well as to what the role of government should be in examining issues of this magnitude — such issues have been previously considered by this place in relation to abortion and law reform — and how we give effect to proper consideration of those issues. It must be fulsome. To do anything less is irresponsible and negligent and abrogates our responsibility as a government. As law-makers this cannot be overemphasised.

As we have heard from previous speakers, there are various models that give effect to a series of consultative processes to better understand the views of the community, advances in science, medical care and palliative care and the intersection between morality and faith on the one hand and, to the extent that they might vary, the practical views of communities, individuals, families and those who are terminally ill on the other.

This is a very important issue for government to get right. We cannot afford to get it wrong. To that end I am not convinced that a referral to the VLRC is the most appropriate mechanism to further the debate on this issue. There is an entire spectrum of different options available to assess the proposed nature of the motion, the proposed option for law reform, the consequences, safeguards, context, comparative jurisdictions and, overarchingly, the objective of any sort of law reform in this area. The question, ‘What are we seeking to achieve?’, must surely be the starting point for any discussion on this topic.

Ms Hartland’s motion proposes referral of this issue to the Victorian Law Reform Commission. That is but one of a number of mechanisms available. To my mind the motion is so broad that it creates more ambiguity than it seeks to resolve. I am not convinced that the issues in relation to consent, faith and morality, operating as they do within a community-based context alongside the law and in the everyday lives of people who might be affected by such legislative change, would necessarily be adequately captured by the Victorian Law Reform Commission’s consideration of these matters.

I do not know what the answer to this issue is. I am open about that and do not resile from it. I remain of the view that I would like to know more.

**Business interrupted pursuant to sessional orders.**

## PRODUCTION OF DOCUMENTS

**The Acting Clerk** — I have received the following letter from the Attorney-General headed ‘Order for documents — east-west link contracts’. It states:

I refer to the Legislative Council’s resolutions of 11 February 2015 and 18 March 2015 seeking the production of certain documents relating to the east-west link contract.

I also refer to my letters to you that were tabled in the Legislative Council on 12 February 2015 and 19 March 2015 advising that the government will endeavour to respond as soon as possible.

The documents sought by the Legislative Council’s resolution have been produced by the government this afternoon.

Some of the documents contain commercial-in-confidence material. In accordance with the Partnerships Victoria guidance material, this material has been excluded.

Some of the documents provided contain the names of individuals. In the interests of personal privacy, those names have been excluded.

**Letter and documents laid on table.**

## QUESTIONS WITHOUT NOTICE

### *Ice Action Plan*

**Ms PATTEN** (Northern Metropolitan) — My question is to the minister representing the Premier. It was with great interest that I noted that every section of the government’s *Ice Action Plan* had a detailed dollar amount attributed to it, from the \$1.8 million for a needle exchange and syringe program to the \$18 million investment in rehabilitation initiatives, which I commend it for. The 2014 inquiry into the supply and use of methamphetamine in Victoria recognised that methamphetamine abuse should be primarily regarded as a health issue, and with the government’s own plan stating that prevention is better than a cure it is my opinion that it is this section that should receive the most funding. Can the minister provide a definitive breakdown of all the costings in the preventive measures section that are specific to the *Ice Action Plan*, those being supporting skills and creating more jobs, education campaigns and smarter use of technology?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Patten for the question and her acknowledgement of the undertaking made by the Andrews government to make sure that within 100 days we developed an ice action plan in accordance with our election commitments and in accordance with our priorities. Clearly the Victorian community expects government, our agencies and the community to come

together to try to reduce the harmful effects of the use of ice in our community. She is quite right to say that within the plan there are identified specific budget allocations for a variety of services to respond to the needs of families and communities who may be suffering because of ice use, either for individuals who may have their lives in somewhat out-of-control circumstances and who need to take some care to restore the quality of their lives or for families being supported through those processes. That is the vast majority that is allocated in the initiatives that were announced as part of the *Ice Action Plan*.

Ms Patten is also right to indicate that there is significant work that is required to build the community’s resilience and knowledge of dealing with ice-related matters. There are two aspects of the expenditure that I was associated with very fulsomely, one of which was to work with representatives of the workforce, ranging from nurses, paramedics and allied health workers to the police and others, to try to work through ways in which the workforce can be supported to develop better practice and better support structures and to enable them to acquit their role, which includes an educative role.

That project had two fundamental streams, one of which was to develop best practice guidelines that could apply as core competencies across all professions that may apply in the field so that there is a better knowledge base to be spread. There is certainly seed money to develop that knowledge that can then be subsequently used in health promotion activity in terms of the practice elements of supporting communities.

**Mr Drum** — So it’s no money.

**Mr JENNINGS** — There is money. I am not sure why Mr Drum woke up to interject during the flow of my discussion, because Ms Patten, who asked the question, was intently listening to my answer and following it very closely. Beyond that, we understand that there is additional need to develop in schools and in other places — certainly within health services and the health promotion activities of the Department of Health and Human Services and the agencies that work with it now and will do so into the future — greater knowledge sharing.

What we have sometimes seen in the past is advertising campaigns that do not hit the mark to try to create the impression of action as distinct from education, involvement and community engagement with these issues and greater resilience being built within families and within our community generally to be able to deal with the consequences of ice and to mitigate its harmful

effects. That will be the nature of the health promotion material that will be developed.

Ms Patten has identified that that was not a specific allocation within the plan, and that seed work I have outlined in the context I have outlined will be used to develop the intellectual property that will underpin health promotion activities in terms of commitments that will be made into the future and dollars that will flow to support that activity.

*Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — It is understood that for every dollar spent on drug treatment we save \$7 for the community, compared with \$2 spent on stronger policing — that is, for every dollar spent on treatment, we save \$7. When we spend it on enforcement, we save \$2.

**Ms Crozier** — Source?

**Ms PATTEN** — I can source it for you later, Ms Crozier. Yet in its plan the government is assigning \$15 million for new drug and booze buses to get ice users off the road. My question is for the minister to justify the \$15 million that is due to be spent on the new booze and drug buses as part of the *Ice Action Plan*.

**Mr JENNINGS** (Special Minister of State) — I do not dispute the spirit of the member's question or her argument that, financially, prevention is better than cure or intervention. The government acknowledges that. The member will also be aware that the allocation for booze buses and enforcement capability was made prior to the *Ice Action Plan*, which was developed within 100 days of the new government taking office. It was included within the plan to demonstrate the government's ability to provide a real-time response to working out the consequences of ice use in our community and to reinforce a greater confidence in our community about our ability to deal with it. But additional money was not allocated within the *Ice Action Plan* for that activity. The additional money that was allocated was for the reasons that the member has outlined in terms of supporting the community and developing a greater capacity within the workforce and a greater knowledge base across those activities into the future.

**Firewood collection**

**Mr YOUNG** (Northern Victoria) — My question is to the Minister for Families and Children in her capacity of representing the Minister for Health. Soon a complete ban on the taking of firewood will be imposed on the Barmah forest. Members of the community and

the Moira Shire Council are concerned about the adverse effects this may have on the local community, as many people rely on firewood to heat their homes and natural gas is not available to many areas. What measures are being taken to ensure that the health and wellbeing of the local community is not impaired as a result of this action?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for his question. He has raised a specific matter that is directed to the Minister for Health, so I will direct that question to the minister. I point out that the matter probably sits more with the Minister for Environment, Climate Change and Water. However, I will refer the question to the Minister for Health.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for referring my question. Could the minister also, at the same time, ask the Minister for Health if she is willing to investigate alternative options, in collaboration with other ministers such as the Minister for Environment, Climate Change and Water, to ensure that a healthy household for residents which will not disadvantage low-income earners — solutions like local firewood use on a sustainable plan or longer term phasing out for local communities?

**Ms MIKAKOS** (Minister for Families and Children) — Again I will refer this question to the Minister for Health, but as the member himself has alluded to in his supplementary question, those alternative options are matters that would fall within the portfolio responsibilities of the Minister for Environment, Climate Change and Water. However, I will refer the matter to the Minister for Health for a response.

**Vocational education and training**

**Ms PENNICUIK** (Southern Metropolitan) — My question is to the Minister for Training and Skills. Recently public housing tenants in Prahran were signed up to inappropriate vocational education and training (VET) courses with the inducement of iPads and laptops. Many of the residents targeted were vulnerable, elderly or on a disability support pension. What action has the government undertaken in response to this case to assist those residents who were inappropriately enrolled in these courses and to ensure that tax dollars have not been rorted by this private provider?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. It is a

timely question and an important question. Whilst I do not have the details of that training provider at hand, I can say that this issue is a bit complex. Some providers are registered through the national body, the Australian Skills Quality Authority, and some are registered through the Victorian body. We have responsibility for those through the Victorian body. In many cases some are funded through an outrageous rorting of the VET FEE-HELP system, which is a commonwealth government responsibility. If they are funded through Victorian government-subsidised training, then that is my responsibility. I will seek a bit more information on that, either here or off-line, and I am happy to follow-up on the specifics around it.

In terms of VET FEE-HELP generally, I have met with Mr Birmingham, the federal minister, and indicated that the Victorian government wants to see real action in terms of the outrageous rorting that is occurring. To illustrate this problem, the figures show that for all the online diploma courses that are done through VET FEE-HELP only 7 per cent are completed. The rest are wasted. With regard to quality in Victoria, however, and some of the rorting that has been going on, I have been quite frankly shocked at the scope of it and at some of the things that go on in the name of training — often government-funded training — and that should not go on. They simply have little to do with quality outcomes in terms of jobs. It is more about ripping people off and exploiting people who should never have been doing that training and never wanted to do that training and which will never lead to a job.

In 2014 the previous government started ramping up its efforts — and I acknowledge that and have acknowledged that before. As a result 7000 students got their government-funded guarantee back. Since we have been in government, something like 3600 qualifications have been withdrawn. I have set up a quality review, which is being done by Deloitte who will report very soon. It is my intention to forward details of this particular rogue training operator to that review so that it can be incorporated into those findings.

Clearly there is a major issue here. It should not happen, and if this is a government activity in terms of our responsibility, I will make sure that this matter is followed up and that that training provider is fully audited or brought to account.

*Supplementary question*

**Ms PENNICUIK** (Southern Metropolitan) — I am not shocked that this is going on, given the market contestability that was introduced by the previous Labor government and allowed to persist under the

Liberal government with very little regulation and everybody running around trying to get the horses back in the paddock. The VET provider in question is Alderdice and Associates, and it is currently advertising its courses using the term ‘Study now, pay later’. The Consumer Action Law Centre, in its submission to the Senate inquiry on VET, recommended that restrictions be imposed on the use of slogans such as ‘Study now, pay later’. Will the government be taking up this recommendation and restricting such slogans in advertising for VET courses?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. I will not prejudice the outcomes of the quality review I have implemented. I have asked for a review around measures to improve quality and measures to improve satisfaction with government-funded training and also measures within my department to have a much better auditing and compliance arrangement in place to stop these sorts of things happening in the future.

With regard to the issue of misleading advertising, it probably is in the realm of VET FEE-HELP, which is a deferred payment scheme organised through the commonwealth, a scheme that we have seen is, as acknowledged by the federal minister, in need of substantial reform. I understand that those types of measures are in the reforms he has outlined in terms of inducements, but I am yet to see the detail of those. It is an issue that will undoubtedly be raised at the commonwealth-state ministerial council meeting in May around quality, and I am happy, if we get further clarity on that, to come back and advise the member of what happened around that arrangement.

**East–west link**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Leader of the Government. Can the Leader of the Government confirm the value of sunk costs that have been incurred by the Victorian government that are in addition to the \$420 million worth of compensation and costs paid out today on the east–west link?

**Mr JENNINGS** (Special Minister of State) — I thank Ms Wooldridge for her question. I anticipate a number of questions about the east–west contract and the financial settlement that has been undertaken by the Victorian government and the East West Connect consortium, and I am going to give the details to the chamber — —

*Honourable members interjecting.*

**Mr JENNINGS** — There is \$1. In fact \$1 is the nature of the settlement between the people of Victoria — paid by the Andrews government, \$1 — in securing the outcome that has been announced by the Premier and the Treasurer today. So there has been \$1.

The contract that has been tabled in the Parliament today outlines what the costs to Victorian taxpayers would have been over the life of the east–west tunnel. The life of the east–tunnel would have led to \$10.7 billion worth of payments being made under the terms of that contract. The cost of the project was \$10.7 billion.

**Ms Wooldridge** — On a point of order, President, regarding relevance, the question did not actually ask about the cost of the contract. The question was quite specific to the value of sunk costs that have been incurred by the Victorian government. I would say that the minister is not dealing with the question. I have given him some time to come back to the relevance of the question, but he is straying from it.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I hear the point of order, but I will not uphold it at this time. I am surprised that the member who has sought my direction to the minister to change his answer could understand that the minister was not answering the question because of all the noise other members were making. As I have indicated, I am not in a position to direct a minister on how to answer a question, but I would have to say that to this point — and it is relatively early in the answer — I would have thought the minister was actually addressing the financial context of this issue. He is doing so with some difficulty because of the interjections, but I am sure he will come to the point in his comments that respond directly to the question as well. Certainly at this stage I think the answer is most relevant.

**Mr JENNINGS** — I appreciate your understanding, President, that I am trying to outline to the chamber the financial consequences of the contract that was entered into by the previous government for the finances of the state of Victoria — the schedule of payments that were within that contract and the payments that were made. I have already answered the question. I have already answered, in my first minute, the question of what financial cost the Andrews government has incurred, which is \$1.

It is important for the Victorian community to understand what has been secured for \$1. What has been secured with \$1 is that we have purchased the East

West Connect contract from the consortium. What that means is that the consortium is then able, under the terms of the financial settlement — the financial arrangements that occurred under the previous government before election day — to secure for themselves \$339 million in terms of up-front payments for fees, for the preparation of the construction profile, for the accumulation of intellectual property and for assets associated with the works.

This was not at the demand of the Victorian people. According to Tony Abbott and Denis Napthine, the Victorian people were going to vote at the end of November about whether this project should proceed or not. The election was actually called a referendum on this project.

**Ms Wooldridge** — On a point of order, President, we are now three-quarters of the way through the answer. I once again raise the question of relevance. We are going into the details of contract negotiations. The question was very clearly about the value of the sunk cost to the Victorian government.

**Mr Dalidakis** interjected.

**The PRESIDENT** — Order! I cannot see Mr Dalidakis, but I can hear him. In respect of the point of order, the minister has provided an answer that the cost to this government is \$1. I am not in a position to dispute the minister's answer. Obviously there are all sorts of debating points around this issue, but the minister has provided an answer to the question and has indicated that other costs that might well have been associated with the calculation that the questioner put to the minister were matters that had effectively already been paid out by the previous government. In terms of the minister's answer, I think he was starting to stray towards some debate towards the end, but certainly in terms of the relevance of his answer I think he is still on track, albeit the figures might well be contested.

**Mr JENNINGS** — In a supplementary question the member may wish to define what she believes to be the sunk costs beyond the scope of what I have outlined. If she is interested in how much money the east–west consortium maintains under the terms of the financial drawdown that was made prior to the election of the incoming Labor government — if that is the question — then the answer is \$339 million that the consortium was able to draw down for its accumulated costs of preparation. In the weeks leading up to the election — the election that the then government called a referendum on the project — the financial settlement was not required by the banks until after the election. The banks have clearly said, 'We did not need financial

closure until 5 December', but that is not what occurred. The money was drawn down prior to the election and prior to 5 December.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I have here budget paper 4 which is entitled *State Capital Program* and which outlines the details of up to \$480 million of sunk costs to the Victorian budget. Why will the minister not admit that there are further costs of Labor's decision to not proceed with the east-west link project when it is clearly written in the budget papers in black and white?

**Mr JENNINGS** (Special Minister of State) — If the member were to read her question, she would know that she asked: what are the consequences of the actions of the Andrews government in terms of incurring additional sunk costs? In fact the only matters that are referred to in the budget papers — —

*Honourable members interjecting.*

**Mr JENNINGS** — That is exactly what she asked. She should go back and read it. Unless she amends *Hansard*, that is what she asked: what is the cost of the decisions of the Andrews government? The Andrews government has incurred a \$1 cost, which was to create the circumstances where the contract has been bought out, the consortium has been bought out and the credit facility can be repurposed for another purpose. If the member does not like the answer, I can advise that if any money was sunk, it was done by the outgoing government by sinking the taxpayer of Victoria's money in the dying days of the government, and that is the only element that was sunk.

**Ministerial code of conduct**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is to the Special Minister of State. I refer to the minister's earlier statement to the house that there has been no change to arrangements for the code of conduct for ministers and ministerial staff. Can the minister advise whether all ministerial staff, including those hand-picked from trade unions, have signed and acknowledged their obligations under the code of conduct as was required of coalition staff?

**Mr JENNINGS** (Special Minister of State) — President, you would expect me to say, and I do say, that I stand by any statement I have made in the chamber. In terms of whether I can say there is 100 per cent compliance with any form that needs to be signed or any acquittal that needs to be undertaken in accordance with that code, I am not in a position to be

able to provide that confidence, but I am very happy to take some advice on that subject. I inform the house that any expectation that I can give a 100 per cent guarantee, which is what I have been asked to do, within a 24-hour period is an overly onerous and unrealistic expectation.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — This is for the Special Minister of State, who obviously has a free-ranging roaming brief across these issues. Can the minister advise what safeguards have been put in place to ensure that staff comply with section 6.1 of the code of conduct, which states:

Ministerial staff must take care to ensure that their private activities and involvement in community or political organisations do not give rise to any actual or perceived conflicts with their work ...

**Mr JENNINGS** (Special Minister of State) — I certainly know that as a condition of employment of any staff who have been employed with ministerial advising staff there is an extensive requirement for them to acquit their obligations in relation to either real or perceived conflicts of interest and ways in which they would be identified and therefore be acknowledged within their employment relationship within the state of Victoria, and indeed any risk and potential conflict would be mitigated. I can certainly give that guarantee.

**Ministerial code of conduct**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — My question is also to the Special Minister of State. I refer to allegations of inappropriate interference by ministerial staff from the offices of the Premier and Minister for Emergency Services in internal Metropolitan Fire Brigade disciplinary matters, and I ask: what action has the minister taken to assure himself that the code of conduct for ministerial staff is being complied with?

**Mr JENNINGS** (Special Minister of State) — What action I have taken is I have conferred with the Minister for Emergency Services, who confirmed to me that the advice that she has acted upon has been derived from the Metropolitan Fire Brigade. She has acted in accordance with that advice and in accordance with her view of what is appropriate due process, and that has been complied with.

*Supplementary question*

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I thank the minister for his answer and

ask though: have the allegations against the ministerial staff been investigated?

**Mr JENNINGS** (Special Minister of State) — I stand by my substantive answer, because due process has been followed. Despite any intrigue that may be appearing in the media about these matters, there is no evidence that due process has not been followed.

**Public holidays**

**Mr DAVIS** (Southern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. My question for the minister for small business relates to the Andrews government’s announced grand final eve public holiday, the imposition of which is something he is responsible for. I refer to Casey City Council, which has been able to estimate the productivity cost of the grand final eve public holiday to that municipality alone of \$300 000 in 2015. Will the matter of compensation for local governments and their communities be considered as part of the regulatory impact statement (RIS) for which the minister is responsible?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — As I have said in this place before, there are a number of figures out there, and the member informs me that the Casey council has also come up with a set of figures. Let us wait until the completion of the RIS process, then we will have some more solid figures and then we will sit down and have a look at it. Not compensation, we will just have a look at the figures and make a proper assessment of what the RIS process has come up with.

*Supplementary question*

**Mr DAVIS** (Southern Metropolitan) — Given that this is a cost imposed by state government on local government, has the Minister for Local Government raised with the minister the very significant cost for local councils — our 79 councils — and the matter of compensation for this significant cost that they will incur?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — In saying no, I will also put on the record that I do not necessarily accept the premise of Mr Davis’s question.

**International trade agreements**

**Mr ONDARCHIE** (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade.

**Mr Herbert** — You have dropped of east–west pretty quickly.

**Mr ONDARCHIE** — We know you are embarrassed by it, Mr Herbert; we know you are.

In respect of the trade portfolio, can the minister assure the house that the Victorian government is fully compliant with its obligations under the United States, South Korean and Japanese free trade agreements?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — I can feel a supplementary coming on. Our international trade obligations are matters for federal politics, but having said that, I would love to hear what the member’s supplementary question is.

**Mr Ondarchie** — On a point of order, President, I suspect you know where I am going with this. The minister did not even get close to answering this question. His commentary was about a potential supplementary question, and I ask you to refer him back to answering the question.

**The PRESIDENT** — Order! For the purposes of question time today, the minister has completed his answer.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — I am glad his substantive answer was about predicting there is going to be a supplementary question. I am sure there is an application for Mensa somewhere.

International trade experts now state Victoria is at risk of sanctions by the World Trade Organisation due to the government’s 50 level crossings policy and breaching free trade agreements, which would mean we would sit alongside Guatemala, Iran and Burma, and I ask the minister: since these statements by international trade experts have been made public, what action has the minister taken to ensure Victoria’s compliance with our international trade obligations?

**Mr SOMYUREK** (Minister for Small Business, Innovation and Trade) — Matters of procurement are for the Minister for Industry; but having said that I say that Australia’s international trade agreements — World Trade Organisation agreements and fair trade agreements — are matters for the federal Parliament.

**Mr Ondarchie** — On a point of order, President, the minister did not even come close to answering either my substantive or my supplementary question. I

ask you to direct him to provide a written response to this house by 11.45 a.m. tomorrow.

**Mr Dalidakis** — On the point of order, President, obviously the member is unaware, but the minister is quite correct in saying that trade agreements are the purview of the federal government. If an objection or complaint is made, it is actually made at the federal jurisdiction level, not at a state level. The state minister has no purview over this area whatsoever.

**Mr Davis** — On the point of order, President, it is a fact that our international arrangements and agreements are binding on all governments in Australia. I would have thought that governments in this country, including state governments, would seek to comply with our international arrangements.

**The PRESIDENT** — Order! It is not necessary for me to make any comment on Mr Dalidakis's or Mr Davis's points of order. I hear them. In terms of Mr Ondarchie's point of order, I will discuss that at the end of question time.

### Firearms

**Mr BOURMAN** (Eastern Victoria) — My question is to the Minister for Training and Skills, Mr Herbert, for the Minister for Police. Can the government tell me how many crimes were committed by licensed firearm owners with legal weapons for the last 1, 5 and 10 years?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for his question, and I am sure that all members here agree that public safety is the no. 1 priority when it comes to gun laws. That is the position held by everyone. My government, the Andrews government, is committed to balancing the rights of gun owners with the importance of community safety, which is why we value consultation with firearm users groups, with Victoria Police and with state, territory and commonwealth colleagues to make sure that our gun laws are appropriate.

In relation to the specific request, I understand that this type of information can be generated — certainly for the last five years in terms of record-keeping — but I do not have that information at hand. It may take a little bit more than 24 hours to generate it, but I will pass it on to the minister and I am sure he will provide the details once he gets it.

#### *Supplementary question*

**Mr BOURMAN** (Eastern Victoria) — I thank the minister. My supplementary question is also for the

Minister for Police. Could he advise the direct costs of the registration of firearms on a yearly basis and how many actual crimes of violence for which the registry has been used to solve these crimes?

**Mr HERBERT** (Minister for Training and Skills) — I do not have a specific answer. I will refer it on. I understand that the firearms registry can be used to profile possible alleged offenders, but I am not 100 per cent sure that the statistics that the member is after are kept by Victoria Police. I will refer that on to the minister.

### QUESTIONS ON NOTICE

#### Answers

**Mr JENNINGS** (Special Minister of State) — I have answers to the following questions on notice: 422–428, 470, 472, 473, 488, 490.

**The PRESIDENT** — Order! In respect of question time today, I note that Mr Jennings has indicated that he will check on compliance with the code of conduct. I accept his comment that to do the sort of check that has been expected, because it involves a number of ministers, is likely to take more than 24 hours. From that point of view I invoke the 48-hour position on that response. I appreciate the minister agreeing to provide that.

In respect of Mr Bourman's supplementary question, the last question of question time, Mr Herbert has undertaken to obtain some information from his colleague, the Minister for Police, and again that will be provided within 48 hours because the minister is in another place.

Ms Mikakos has undertaken to obtain some information from the Minister for Health in respect of Mr Young's question. Again I would expect that to be provided within 48 hours.

Mr Herbert has indicated in respect of Ms Pennicuik's question that he will check to see whether or not it is part of state jurisdiction for the service provider that Ms Pennicuik raised in her question, or whether it is federal jurisdiction for that particular provider, and that he wishes to clarify the circumstances that were reported in the media and which Ms Pennicuik has referred to. Mr Herbert will be providing that.

In respect of Mr Ondarchie's question to the Minister for Small Business, Innovation and Trade, Mr Somyurek, I have given this some consideration and Mr Ondarchie has been good enough to provide me with the question. I indicate that I do not intend to

require Mr Somyurek to provide an answer to that question or the supplementary question. The reason, and it might seem pedantic, is that it was referred to the minister as the Minister for Small Business, Innovation and Trade, but as he rightly says, the matters raised are in the jurisdiction of the Minister for Industry, who is responsible for procurement.

While I might have had a different viewpoint on the substantive question initially, where the supplementary question went in terms of specific projects — projects that were the responsibility of the Minister for Public Transport and, if we take the procurement angle, also come under Ms D'Ambrosio's portfolio responsibility — then the question ought to have been directed to one of those two ministers. I do not believe it is within the jurisdiction of Mr Somyurek, and he was the minister who was specifically asked to respond to that matter. Therefore I do not indicate that he should provide a response on this occasion.

Regarding Mrs Peulich's question, I think the substantive and supplementary questions were aligned, and it was more the supplementary question that I think the minister indicated he would check on.

## CONSTITUENCY QUESTIONS

### Western Victoria Region

**Mr RAMSAY** (Western Victoria) — My constituency question is for the Minister for Environment, Climate Change and Water, Lisa Neville, and it refers to an issue a constituent brought to my office in relation to eel stock in Reedy Lake and Hospital Swamp in the Lake Connewarre wetlands. Mr Ben Osbourne has an eel production and processing business, with production in the native habitats of the wetlands in Reedy Lake, where he is licensed to harvest eel stock, and a processing plant in Skipton.

The Corangamite Catchment Management Authority has indicated that it wants to drain those lakes, which will affect the capacity to harvest those eels, and I call on the minister to have discussions with Mr Osbourne in relation to compensation payments for the loss of eel stock from those wetlands as the result of a directive from the Corangamite Catchment Management Authority.

**The PRESIDENT** — Order! Did the member call for an action, or did he ask a question of the minister? A constituency question needs to be a question, not a call for an action.

**Mr RAMSAY** — The question I pose to the minister is: will compensation be available to Mr Osbourne, given that his license entitlements to harvest eel stocks in Reedy Lake will be affected by environmental works?

### Western Victoria Region

**Ms TIERNEY** (Western Victoria) — My constituency question is for the Minister for Energy and Resources. On 20 March Premier Andrews and the minister announced the implementation of a policy commitment made before the election to scale back wind farm buffer zones from 2 kilometres to 1 kilometre. Along with this important policy implementation the Premier announced the development of the Victorian Renewable Energy Action Plan. The minister would be aware that many proposed wind energy projects are in Western Victoria Region, the electorate I serve, as it has favourable conditions for wind farms. There is also an established industry, including Keppel Prince in Portland. Can the minister inform me of what she considers to be the potential beneficial outcomes to the rural and regional economies of western Victoria as a result of these two announcements?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My constituency question is for the Minister for Roads and Road Safety. The proposed Shepparton bypass was identified as one of the top priorities for that area. The coalition responded by committing \$1 million towards a planning and feasibility study for a staged approach to the construction of the bypass. On 11 February I raised this issue in the adjournment debate, and today I received an answer from the minister. In his response he only talks of full construction of the Shepparton bypass. What the community is now asking for is planning for a staged approach to construction, and I ask: will the minister commit to matching or bettering the coalition's commitment to funding in this year's budget a planning and feasibility study for a staged approach to the much-needed Shepparton bypass?

### Northern Victoria Region

**Ms SYMES** (Northern Victoria) — My constituency question is for the Minister for Roads and Road Safety, Luke Donnellan. The matter I raise relates to the interest of my constituents in road safety matters. Sadly in recent years there have been some horrendous crashes that have claimed lives in the electorate of Northern Victoria Region. While government alone cannot stop fatalities, we can put in place programs that

educate motorists and provide adequate road funding to make roads safer. Unfortunately under the Liberal-Nationals government road maintenance funding was cut, which meant many roads in need of repair and safety improvements were ignored. I am particularly interested in more information from the minister, as are interested members of my community in northern Victoria, about how two new road programs — the parental role modelling campaign and the Share the Road campaign — will increase safety on my community's roads.

### **South Eastern Metropolitan Region**

**Mrs PEULICH** (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport. Given the commitment made by the Deputy Leader of the Labor Party, James Merlino, at Edithvale Road in December 2013 to a number of grade separations along the Frankston railway line, and on the basis of recent technical advice I have received that the undergrounding of railway stations will be nigh on impossible, I ask the minister to assure the community that the Frankston line grade separations will be undergrounded, not built above ground, which would absolutely ruin the amenity of the local area and the aspiration of the community to create a Bayside Riviera.

### **Western Metropolitan Region**

**Mr MELHEM** (Western Metropolitan) — My constituency question is to the Minister for Families and Children and Minister for Youth Affairs, Ms Mikakos. This week is National Youth Week, and the minister recently made an announcement of various grants. I would like to ask the minister to advise me of whether any event has been planned and whether any funding has been or will be announced in relation to youth in the western suburbs. I would like to be advised of any announcement that has already been made or is about to be made so that I can advise people in my electorate of what is available under that scheme.

### **Western Metropolitan Region**

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. I refer the minister to the West Gate distributor project, a project the Premier has described as 'shovel ready'. As nobody seems to know any details at all of this project, and I include VicRoads and local councils in that, will the minister tell affected communities in Melbourne's west the impact this West Gate distributor will have on them?

### **Eastern Victoria Region**

**Mr O'DONOHUE** (Eastern Victoria) — My constituency question this afternoon is for the attention of the Minister for Public Transport. It concerns the closure of the Stony Point rail line. It has now been closed for several weeks, and there has been no statement from the minister about when it will reopen. Many constituents in my electorate rely on the Stony Point line to connect them to Frankston, and there is much concern and angst within the communities the Stony Point line services. My constituency question to the minister is very simple: when will the Stony Point rail line reopen?

### **Western Victoria Region**

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Education, and it relates to the provision of schools for the communities in and around the city of Melton. Melton, being one of the fastest growing municipalities in the state and particularly popular with young families, is in great need of additional schools, both primary and secondary. Currently schools in the area are bursting at the seams, with some schools now having enrolments triple the number they were ever intended to accommodate. Given this, and given that the Andrews government is allegedly making Victoria the 'education state', can the minister confirm when and where new schools will be built in Melton?

**Sitting suspended 12.55 p.m. until 2.05 p.m.**

## **VOLUNTARY EUTHANASIA**

**Debate resumed.**

**Ms SHING** (Eastern Victoria) — Continuing the contribution I was making before business was interrupted for question time, I do not know the answers to a number of questions that are raised as a consequence of this motion being brought before the house. In relation to the reference to the Victorian Law Reform Commission, I do not know whether it is of a sufficiently broad scope and breadth to accommodate the issues of faith, morality, ethics, cultural communication, custom and tradition and the manifold concerns around how best to discuss, explain and reach a conclusion on a community-wide view that best accommodates all of the various positions that have been made known to me and my colleagues around the chamber since the motion was first foreshadowed. This is not to say I would exclude the notion of the law reform commission having a role in the contemplation of this issue or the provision of recommendations.

However, I do not believe that in and of itself it is necessarily enough to best capture the issues, the sentiment, the passion and the very emotive concern that this issue brings to the fore. We have seen from the contributions today that people have become emotional in making their views known. In one sense that is a ringing endorsement of the seriousness with which this place takes the issue of euthanasia and the issue of how best to have a conversation that, as Ms Hartland and others have indicated, is already being had in the community. It is already being discussed, and this has been the case for a significant period of time.

It is imperative, in my view, that if the government plays a part in any process to ventilate, explain and attempt to give meaning to and resolve the issues at the heart of this particular motion, it must necessarily and appropriately embark upon a journey that brings the whole community along. It is not to my mind appropriate or reasonable that this process occur without individuals, families, faith-based organisations, carers, the terminally ill and people who have genuinely and passionately held views on the subject being able to provide such views and have them taken into consideration before any government position on the issue is concluded. Whether legislative or otherwise, the inclusion of the community in this conversation is as important as any other component of the subject matter itself.

I look forward to developments in medical technology, science and the ways in which we care for people who are terminally ill to ease suffering and make the end-of-life stage the longest and best quality it can possibly be. I look forward to better clarification on the point at which suffering eclipses the desire of individuals to continue. I look forward to being apprised of the views of the community. I look forward to reading additional correspondence and hearing the views of people not only from the Eastern Victoria Region that I represent but from throughout Victoria. I look forward to hearing the views of those who have been directly affected, those who have expert knowledge and those who have an understanding of other jurisdictions in which this issue has been considered. I look forward to an intelligent, compassionate and informed discussion of this issue so that we have the necessary information to make the best decision and so that we dignify and honour the views of those who come to us seeking guidance, assistance and involvement in the lawmaking process.

**Ms PATTEN** (Northern Metropolitan) — I rise to speak in support of Ms Hartland's motion to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission (VLRC) for

inquiry, consideration and report. I have enjoyed listening to the speakers so far, and I am looking forward to hearing more. I went to the last election supporting a parliamentary inquiry and reform on voluntary euthanasia. I think I sit in this place as a result of that campaign and that support for it. I believe in the right of a terminally ill individual to make an informed decision about the way they die and the right to a dignified death. It is a fundamental human rights issue, and that is why I support the motion today.

However, I acknowledge the views of others who oppose dying with dignity and the notion of voluntary euthanasia for religious or other reasons. An inquiry would enable us to tease out those views in a consultative and compassionate way. Having the Victorian Law Reform Commission conduct the inquiry would enable us to look at these views in a way that is separate from the passion of Parliament. I bear in mind that in many of the conversations I have had, and certainly those with colleagues in this house, there has been talk of palliative care. This needs to be in the mix as well. We are making incredible strides in the way we can work with people at end of life, and this should also be brought into any argument about voluntary euthanasia or dying with dignity.

I commend Ms Hartland on her many years of campaigning on this issue. Her work has not been unnoticed. She has progressed the debate, going from introducing what might have been an enthusiastic bill in 2008 to now proposing what I think is a more sensible approach — a Victorian Law Reform Commission inquiry. I also thank the Leader of the Government, Mr Jennings, for some of his work in this debate on dying with dignity. I know that Peter Short acknowledged and took great encouragement from Mr Jennings's visits to him in his final months.

I commend the opposition for indicating that it will allow a conscience vote on this important motion. People in the community have spoken loudly about their desire for members of this house to continue this debate and to explore it a lot further and in a lot more depth, as we have seen happen in other countries.

In the lead-up to the 2014 election I was particularly inspired by Peter Short, a terminally ill man who campaigned tirelessly for the right to make his own end-of-life decision. I became close friends with Peter, and he would certainly have encouraged me to speak out loudly on this issue — not just at this opportunity but at any opportunity. I feel privileged to speak about Peter today. He had cancer that had reoccurred. He was diagnosed in February last year and was given a few months to live. He wrote and tweeted every day about

his life, giving his life a score out of 10: 'Life, 10/10. How I'm feeling, health-wise, 5/10. How I'm feeling mentally, 8/10'. That constant campaigning gave him strength.

What also gave Peter strength was that he had access to Nembutal. It was not legal access, but he had access nonetheless. This probably gave him the ability to live longer than he may have done had he not had that access and that ability to make the decision about when the time was right for him and his family. That really brought this issue to the fore for me and for many other people. Former Premier Jeff Kennett's views on dying with dignity were turned around after meeting with Peter Short and seeing that for a terminally ill person, simply knowing you have control and can make your own decision about the end of your life can give you strength. I think Peter lived longer as a result of that knowledge.

I feel that our laws are out of touch with the community. I know many members will have received emails about this issue and will also have spoken about it to friends and family. The debate in our community at the moment is loud and clear. There is support for dying with dignity, and there is support for a conversation and some sort of law reform that recognises the community's desire to make end-of-life decisions personally and in discussion with their friends, families and doctors. A recent Newspoll study done on behalf of YourLastRight.com found that well over 80 per cent of Anglican Australians want this reform.

I have seen from the emails I received — and I am sure many members received similar emails — that religion plays a role in people's opposition to this debate going forward. We live in a secular society where there is freedom of religion. I took great notice of the emails I received, and I respect people's positions. What I found interesting about the Newspoll survey was that it showed that 77 per cent of Catholics and 88 per cent of those who recognise themselves as Anglican support law reform around dying with dignity. We are seeing that this is not a secular or atheist-versus-religion debate. Regardless of their religious beliefs, people understand that we need to allow greater compassion at that end-of-life stage.

A few weeks ago a woman in Bendigo ended her life. She left a message. She took Nembutal, which she had travelled overseas to buy. She had an excruciating illness, and with the support of her family she had decided that enough was enough and ended her life. I understand that her family is now being subjected to a significant police investigation regarding her decision

to end her life at that time. I worry that if we do not further this debate, we are going to see more of these decisions being made outside a medical and legal framework. We are going to have people travelling to Mexico or buying substances online that they believe will enable them to make decisions more easily about when they end their lives. That is something we need to understand.

As our population ages, soon one in four Australians will be over the age of 65 and will be considering their end-of-life choices. We know that prohibition has never worked in any regard. As an aside, I think we need to consider how we deal with people who choose to end their lives with substances like Nembutal and how we treat their grieving families after that.

Many members would have received emails expressing the concern that the Victorian Law Reform Commission is not the right body to handle this debate and further investigation. Ms Shing and Ms Pulford mentioned this. I responded to a few of the emails I received asking me to oppose this motion. I asked the authors of the emails whether they would be more supportive of a joint parliamentary committee inquiry. I am pleased to say that a number of them came back to me indicating their support for that.

One said:

Although I am opposed to euthanasia, I would support a parliamentary committee inquiry in the place of an investigation by the Victorian Law Reform Commission.

Another said:

A parliamentary committee inquiry is definitely preferred over a VLRC investigation.

I appreciate Ms Wooldridge's contribution to the debate. She said there was a misunderstanding of what a Victorian Law Reform Commission inquiry would do and what it would achieve. It is not going to force a change of law; it will just conduct an investigation and undertake research.

However, I was encouraged by those people who wrote to me who were opposed to the theory and notion of voluntary euthanasia but who were nonetheless supportive of having a debate. That is very encouraging. I feel very strongly about this; it is something I am very passionate about.

I should not laugh, but I must relate a small anecdote to members. Last night I was watching *Game of Thrones*. I am sorry, but I must issue a spoiler alert.

**Ms Shing** — No spoilers!

**Ms PATTEN** — Yes, I am sorry. Put your hands over your ears. At one point last night the leader of the Wildlings, who has been sentenced to death by the evil king Stannis Baratheon, is placed on a funeral pyre to be burnt alive. Jon Snow stands by, watching while the chief of the Wildlings is about to be scorched. Prior to this happening, the leader of the Wildlings had asked if he could be executed in another way. But the evil Stannous Berathian refused and insisted that he be put to death on the funeral pyre. Suddenly, out of nowhere, we see an arrow slice through and kill the leader of the Wildlings before he could suffer too much pain. We then see Jon Snow standing defiant, bow in hand.

I thought that was an extraordinary analogy to this debate. This is not about ending people's lives. This is not about killing people off or emptying our hospitals. This is about being compassionate to people who have come to the end of their lives. This is about giving those people more choices than just ending their life at the end of a morphine needle, when they no longer recognise their families and are seeing ants crawling up the walls. With that, I support the motion to refer the issue of voluntary euthanasia to the Victorian Law Reform Commission.

**Mr FINN** (Western Metropolitan) — It has been said in the past that death is the final taboo. We do not like thinking about it, we do not like talking about it, but we know one thing for certain, which is that it will come to each of us. We hope those who are making life and death decisions on our behalf at that time are thinking more about our interests than they are about the value of our house or any legacy they may receive as part of our demise.

If death is the final taboo, then mercy killing is perhaps the ultimate final taboo. My very strong view is that we need to shed light on the issues surrounding mercy killings. We need to shed light on those issues that for too long have been shrouded in darkness, misconceptions, misunderstandings and confusion. I want to make it very clear today that I am not in any way, shape or form opposed or afraid of a parliamentary inquiry into this issue; in fact I believe we need one. The importance of this issue means that we must have a parliamentary inquiry.

I am not going to speak for long today, but I do not believe that this motion is about euthanasia at all. This motion is about abrogating our responsibilities as members of Parliament. This motion is about shuffling this very important issue off to a faceless group of individuals, who will then make some recommendation down the track. That is not their job; that is our job.

As someone whose family has been visited by early death far too often, it is my view that we need to accept our responsibility. I stood on the steps of Parliament House this morning at the Mother's Day Classic event against breast cancer and remembered my mother, who died of breast cancer at the age of 50.

**Ms Crozier** — Too young.

**Mr FINN** — Far too young. It does not take very much at all for me to remember my father, who died of cancer at the age of 44.

**Ms Crozier** — Way too young.

**Mr FINN** — Far too young. My very dear friend — probably the closest friend I ever had in the world — died of cancer at the age of 48. It was only a couple of years ago that my second mother — if you could call her that — passed away after many weeks at a grand old age. I spent many weeks at her bedside and held her hand as she died. Some might say that it would have been kinder to bump her off. However, she died with the ultimate dignity, she died with those who loved her around her and she died with a serenity and a peacefulness that I am sure we all hope for when our time comes. I have seen all this far too often.

I do not see anything dignified about giving people a jab and shunting them off this earth. But that is not what this motion is about. What we must decide today and what this motion is about is whether we as members of Parliament will accept our responsibility and take on this huge question. Can there be a bigger question for us as MPs to consider than who lives and who dies? Is it possible for us to have a greater responsibility than to make decisions as to who lives and who dies and to examine the issues that surround that decision?

I believe we must do that, and this motion just will not do it. That is a pity, because if you look at the motion in itself, you would think it is pretty straightforward. But we need to ask the question: what exactly is euthanasia? Some people will say that euthanasia is included in the category where people are suffering and their morphine levels are increased until such time as they expire. I do not regard that as euthanasia; I regard that as good medical practice, but I understand that some might regard it as euthanasia.

We have to ask the question: what is a terminal condition? As I said earlier, we are all going to die. We will all have a terminal condition of some sort or another. I do not remember my father as a well man at all. He contracted cancer when I was three years old and was given six months to live at that time. He finally

succumbed to cancer 17 years later. Six months after his death, doctors came up with a cure, which I think he was largely responsible for because he allowed himself to be a human guinea pig in a lot of the operations and procedures conducted by the doctors of the day. That was my first experience at the Peter MacCallum Cancer Centre. Maybe that is a discussion we can have another day as to the importance of the Peter MacCallum clinic in Little Lonsdale Street, as it then was, in my life.

**Ms Crozier** interjected.

**Mr FINN** — An outstanding establishment; there are no two ways about that. We have to answer these very simple but very important questions. What is terminal? We have no ability to get out a crystal ball and look into the future and say how long anybody is going to survive with any condition. We have to take it upon ourselves as members of Parliament to examine these issues and decide on them. It is our job. If we do not do that, we should not be here. If we are not prepared to take on, as members of Parliament, these very onerous but important responsibilities, we should not be here. We would not deserve to be here.

I am sure you will all not be surprised to hear that I will not be supporting this motion today, but I hope that at some stage in the not-too-distant future we will have an examination of these end-of-life issues. As I say, I do not want it to be just about mercy killing, because apart from the fact that it would be a bit of a macabre inquiry, there is far more involved in end-of-life care these days than giving someone a jab or pushing them off the planet in some other way. It is important that we point that out to people and that people are able to examine that in the full light of a parliamentary inquiry, not hidden by some commission somewhere or done by people nobody has ever heard of.

Ms Crozier's committee, the Family and Community Development Committee, showed us exactly what a parliamentary committee is capable of. I have commended her in the past on the work she did, and that sort of committee and the sort of work Ms Crozier and the committee did —

**Ms Crozier** — And the Parliament.

**Mr FINN** — and the Parliament did has set a standard for which we should aim.

As I said, I will not be supporting Ms Hartland's motion. I urge the house to accept its responsibilities. I urge the house and every member of the house to take on board what I have said, because this is an extraordinarily important issue and an extraordinarily important set of decisions we have to make. We cannot

abrogate our responsibilities to anybody else. These are the reasons for which we have been elected. That is why people went to the polls last November — to put us here so we could make decisions. Yes, we take advice. Yes, we listen to people. But we ultimately must make these very important decisions, and as I said earlier, there is none more important than who lives and who dies. I ask the house to take that into consideration. I ask the house to take its responsibility very seriously, and I ask members to reject this motion today.

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today as well to speak on the motion Ms Hartland has put forward that calls on the house to make a decision to call on the Attorney-General to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report.

It comes as no surprise, I am sure, to many of you here that I will not be supporting this motion. As I see it, the only purpose for this referral is to give credibility to future voluntary euthanasia legislation. The Victorian Law Reform Commission is not elected by or representative of Victorians. I believe that on this issue accountability is integral to our democratic system of government. The commission is funded by government, but it is by its own admission independent. Therefore it is unaccountable to the public, unlike ourselves as elected politicians. We are accountable to the Victorian public. Decisions on euthanasia legislation therefore should be made by the Parliament with community engagement, as Ms Shing described to us earlier in her contribution.

We have also just heard from Mr Finn, who has promoted a parliamentary inquiry into end-of-life care. I support his comments that this is a much more fitting way forward around this idea of euthanasia — and not just euthanasia but the broader issues of end-of-life care, which includes palliative care.

I would like to address a few issues around public opinion, as it has been spoken about in this house today. In 2012 Newspoll, which both Ms Hartland and Ms Patten have already referred to, received 82.5 per cent approval for an assisted-dying scenario by asking an extremely emotionally loaded question. This question was:

Thinking now about voluntary euthanasia, if a hopelessly ill patient, experiencing unrelievable suffering, with absolutely no chance of recovering asks for a lethal dose, should a doctor be allowed to provide a lethal dose?

This was an extremely emotionally charged question, and both News Limited and Fairfax media acknowledge that such online readership polls run by newspapers are in no way scientific. Therefore generalisations cannot and should not be made from such polls. Certainly quoting this statistic and trying to use it as a justification for law reform is a stretch. As an academic, I appreciate academic rigour, and I like to quote credible sources.

In relation to public opinion, state parliaments across Australia have repeatedly voted down attempts to legislate on euthanasia, including this Parliament in 2008 and 2011. From my own research, no new information, research or insights have occurred in this space to support physician-assisted suicide. To the contrary, there have been many advances in medical science which contribute to survival rates of terminally ill patients. There have also been a number of advances in improving quality of life and end-of-life care. All of these can be used as arguments against a bill, but this is not what we are debating. We are not debating a bill; we are debating a motion to refer this issue to a commission, which is not elected by the public.

I would now like to talk about the value of life. While I admit that this is not what the motion is about, many in this place have spoken to this issue and I feel I need to as well. Euthanasia legislation will always be discriminatory. It will always classify a group of people as having lives that are not as valuable as the rest of the population. This is very much an us-and-them approach, and it is very dangerous ground.

Many social movements have fought for equal recognition on the basis of gender, disability and race. We do not want to step back into eugenics-type arguments here. It is important to remember that everyone has a right to live. A person is not a thing, like a car or a computer. We are not objects whose value can be calculated on some kind of economic cost-benefit analysis scale. Human life is of infinite value. No life is more trouble than it is worth. This is a value that I will always advocate for.

Every life is of infinite value, whether that life is on a boat in the East Timor Sea, in a prison cell in Indonesia or in a hospital bed in Wyndham. Each case of a person dying by euthanasia involuntarily, or by having requested euthanasia because of devastating pain that could have been better relieved and managed, or because proper care and support was not provided, breaks my heart. Each case is one case too many, and we already know that this is what happens on a large scale in countries like Belgium and the Netherlands.

We have no reason to believe that it would not happen here as well.

Stella Young, the comedian, journalist and disability advocate, was opposed to legalising assisted death in any form. In 2013 she said:

Before we can talk about death with dignity, we need to ensure that all people, regardless of age or disability, can live with dignity. We're not there yet.

As someone who has worked extensively in the disability field, I concur with her analysis. We are definitely not there yet. There must be dignity in living, and this is something we must continually face and continually pay attention to, especially with our ageing population.

I believe legalised euthanasia compels chronically ill patients to feel as though they are a burden, and to feel that they should take their lives for the sake of their families, loved ones and even society. This motion signals the beginning of a very slippery slope — a slippery slope that we have seen overseas. In February 2014 Belgium became the first country to remove age limits on euthanasia. It now allows terminally ill children to request euthanasia with parental consent. Is this where we are heading in Victoria? Is this what we want to be part of? If not, I urge members to vote against this motion. People with disability and mental illnesses are also being widely euthanased overseas in countries like Belgium, the Netherlands, Canada and Switzerland.

If we want detailed advice, as people in this chamber have asked for today, let us start with international research in this area, not in a referral to the Victorian Law Reform Commission. I do not believe euthanasia can be made safe. The experience of countries where euthanasia is legal demonstrates that there are unjustifiable risks in proceeding with the introduction of euthanasia law reform, and I use the word 'reform' very lightly in that context. The experience of countries where euthanasia is legal proves that safeguards have no guarantee of not being abused, because they are widely abused. As many as 47 per cent of cases in Belgium and over 20 per cent of cases in the Netherlands go unreported. These are figures published in peer review journals, including *Lancet*, which lends to their credibility. There is also evidence that 32 per cent of physician-assisted deaths in Belgium were actioned without an explicit request from the patient. This is appalling, and it is something that we in Victoria do not want to be part of.

I spoke last night about the issue of elder abuse, which is a hidden crime in Victoria and which Seniors Rights

Victoria is advocating against. This is something that needs to be part of a discussion around end-of-life care and euthanasia. It is something that is best addressed within a broader inquiry; not at a commission level but at a parliamentary inquiries level, where we can explore all of the issues, as Mr Finn pointed out earlier.

Euthanasia also changes a fundamental relationship between patients and doctors. Doctors should not be making value judgements as to whether a patient's quality of life is such that his or her life should be preserved or terminated. A doctor's role is to be a healer. A health-care professional's role is to be a carer, not to be an executioner and not to make value judgements. Legislating euthanasia is to legislate a contradiction for doctors. Medical and nursing education should be improved to ensure that doctors and nurses have the knowledge and the ability to practice correct and effective symptom control.

In 2005, 100 physicians and lawyers jointly declared that the wish to die was rarely a truly autonomous decision. They stated that such a wish is more often a result of depression, of pain or of poor symptom control than a genuine wish to die. This is a very broad debate, and this motion is far too limited to give the scope of this debate credit.

A number of notable medical bodies oppose euthanasia. The Australian Medical Association, for example, opposes euthanasia. It said:

... medical practitioners should not be involved in interventions that have as their primary intention the ending of a person's life.

The World Medical Association, a very respected body, has also stated it opposes euthanasia. It said:

... euthanasia is in conflict with basic ethical principles of medical practice, and

the World Medical Association strongly encourages all national medical associations and physicians to refrain from participating in euthanasia, even if national law allows it or decriminalises it under certain conditions.

This is a debate in which we need to involve all of the community, including doctors and health-care professionals, because euthanasia clearly involves going against the advice of their associations and their codes of practice.

I would like also to talk about palliative care, something most speakers have already spoken about today. I believe that palliative care is the real dying with dignity. It helps people with life-limiting illnesses to live, grieve and die well by looking after the needs of the whole person. It is a holistic way of working. It includes their

physical, social, spiritual, emotional and cultural needs being taken into account.

Provision of palliative care in Victoria is currently 40 per cent lower than is required to meet current need. This is something the Andrews government has acknowledged and is trying to do something about, particularly through advanced care directives. This appalling statistic means many people are dying without adequate care and therefore with a lack of dignity. Palliative care is the answer. An expansion of palliative care services in this space is the answer; access to voluntary euthanasia is not.

Research has found that nurses and doctors often fail to adequately relieve their patient's pain, which may be because of poor assessment, lack of recognition of multidimensional pain, inadequate prescriptions or administration of pain relief and/or poor evaluation of the effectiveness of pain management. Again I would note that this research has been published in well-respected peer-reviewed journals and is not a biased Newspoll survey. I would like to state that I endorse increased support for palliative care services to increase the number of skilled professionals available to meet the required need and ensure that the right to proper pain relief and skilled management of terminal conditions is available to all. Essentially we need to close a 60 per cent gap in palliative care here in Victoria.

We need a deeper understanding of what palliative care is and the great role it plays in our society, and we need better and more effective ways of caring for people who are vulnerable and who are experiencing illness. We also need improved medical and nursing education to ensure that our doctors and our nurses have the knowledge and ability to practice correct and effective symptom control. A dignified death is about palliative care, not euthanasia.

I would like to return to the motion at hand, which seeks to refer euthanasia to the Victorian Law Reform Commission. Again I would like to state that I believe this is an inappropriate referral for such a serious issue.

The commission's website states:

The commission's major responsibility is to research issues the Attorney-General refers to it, but it also has the power to recommend minor changes to the law without a reference.

Clearly this commission is not a consultative body but a law-drafting body. As Paul Russell, who represents HOPE, a coalition of groups and individuals against the legalisation of euthanasia, stated in a recent article:

Making lawful an effective change to the laws on homicide is clearly not a 'minor change'.

Mr Russell wrote that the motion before the Victorian Parliament:

... seeks to activate a referral by the Victorian Attorney-General to the VLRC.

The VLRC's own processes begin with a premise that the law needs to change: '... A problem with the current law is identified'.

That is step 1.

But what proof currently exists that tells the Attorney-General and the VLRC that this is the opinion of the Parliament — the ultimate lawmaking body? There is none. In fact, this motion is the first time that the matter has been raised since the same motion ... was defeated during the last Parliament.

The VLRC is about the law. Certainly, it can and does seek the opinion of stakeholders in its deliberations; but it is no moral arbiter. Nor is it representative of the Victorian community in the way that parliamentarians are. Accountability is one of the key checks and balances in our system of government. The VLRC, while being funded by the government, is by its own admission independent and, therefore, unaccountable to the Victorian public.

This motion is not simply a procedural one, and voting against it means that we want to examine this issue in more depth. We do not want to abrogate our responsibility and send the issue to a commission but to have this debate and to have input into its terms.

I come to my final point. The motion is a way of avoiding open debate within Parliament in the first instance. If members of this place wish to debate euthanasia, I encourage them to introduce a private members bill or a referral to a parliamentary committee for inquiry. I look forward to debating that rigorously and passionately in that context, and in that context alone.

I summarise by saying that today I have spoken about public opinion. I do not believe there have been any real arguments presented to support the fact that the public are in support of the motion. We need peer-reviewed and vigorous research, which I understand at this stage supports the fact that we can expand palliative care and quality of life at end of life. I have spoken about the value of life. I have spoken about Stella Young's assessment that before we can talk about death with dignity, we need to talk about life with dignity, and that we are not there yet.

I have questioned safeguards for euthanasia and used international examples to show that the safeguards are not in place and the statistics are appalling. I have proposed that we discuss elder abuse more openly to

protect people before they feel as though they are being pushed towards voluntary euthanasia. I have discussed doctors and medical professionals and the quandary they would be in if compelled to participate in euthanasia against their consciences. We need to involve them in this broader discussion. I have talked about palliative care as the real dignity in the dying with dignity debate.

I reiterate that this is an inappropriate referral to the commission. I encourage open debate through a private members bill or through a parliamentary inquiry. I do not want to see this matter buried in a commission of unelected representatives. I will not be supporting the motion, and I encourage all members of this place to consider their positions and to also vote against the motion.

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise to make a contribution to the debate on the motion brought to the chamber by Ms Hartland. To recap, the motion calls on the Attorney-General, Martin Pakula, to refer the matter of voluntary euthanasia for terminally ill people to the Victorian Law Reform Commission for inquiry, consideration and report by December 2015. I compliment Ms Hartland on bringing the motion to the chamber. I know her work and her sincerity in this field. Previously she has brought a bill to the chamber and another motion was debated in a similar form in the previous Parliament.

Philosophically I understand the importance of the points made by Ms Hartland and others, and on one level I very much understand the importance of choice and agency in the decisions people might make. As a matter of principle I do not have a philosophical problem with the concept of people controlling their destinies, but that does not mean that there are no problems with the concept and many problems that are simply hard to deal with and mean that practical matters intervene even though one may have a number of clear principles.

I voted against the bill that was introduced into this chamber because I thought there were a number of practical problems in it that mean it would not achieve what it sought to achieve. On this occasion, like the previous occasion when a motion of this nature came to the chamber, I will also vote against it, and I will do so for a number of reasons. I do not believe the time is right for a further consideration of these points. The law reform commission is not the right vehicle for these discussions. I agree with a number of members in the chamber that the commission does not represent Victorian people, and if a discussion of this type is to be had, it has to be had with broad representatives of the

Victorian community. That is an important point as to why the motion as it is formed currently cannot, in my view, be supported.

I accept that people come to the debate with a range of genuine and sincere views that are very strongly felt, and I am deeply respectful of those views and the different views people hold. It is important that the debate today is carried forward with dignity, with respect and with an understanding that people bring sincere but divergent views.

This debate needs to be seen in a broader context. End-of-life care, end-of-life support and end-of-life decision-making is a fraught area. It is complex and it carries with it a series of challenges in communication, in regulation and in cultural understandings and practices. A number of matters surround this debate which are not the same in any respect as euthanasia, but they touch on matters that lead to decisions in this area. It is important that our focus on advance care planning is strengthened. It is important that people's end-of-life choices and the discussions they have with their family, with their loved ones and with their carers are informed and ensure that the work and the decision-making that occurs at end of life is as much as possible able to reflect the wishes and choices of the individuals involved.

In government we strengthened the arrangements around advance care planning, and in early 2014 as Minister for Health I was pleased to launch a document that provided advice and assistance not only to health services and health providers of various types but also to people across the community — to families and to others — to have the conversation about their end-of-life care and the choices they would make at that point. Very often these discussions are better had ahead of time, because people can more carefully and cautiously consider the available choices.

The Medical Treatment Act 1988, which governs much of this area, as well as common law and various parts of the Public Health and Wellbeing Act 2008 also provide important parameters. The Medical Treatment Act lays out the rights of people to refuse treatment, and this is a very important base for decision-making. Many of the aspects of the Medical Treatment Act come from the work of the parliamentary Community Development Committee in the 1980s. That committee was able to have a set of debates that reflected broad community views and accepted a number of arguments that placed patient sovereignty, patient choice and the right to refuse treatment at the centre of the empowerment of patients.

*Our Advance Care Planning — Have the Conversation — A Strategy for Victorian Health Services 2014–18*, which was released in early 2014, supports health services to develop, review and activate advance care plans. Advance care planning provides an effective tool for prompting discussions and preparations for end of life. Ideally these discussions should begin before somebody is in a desperate position or in an emergency or immediately terminal position. But advance care planning is not the same as euthanasia, and it is very important to understand that nationally, advance care planning has been accepted by all health ministers of all political persuasions across the country, and it is seen as a very important tool to support people and give them real choices.

Likewise with palliative care. The former government's *Strengthening Palliative Care — Policy and Directions 2011 to 2015*, which was released in 2011, is an important strategic directions document that recognises the need to raise community awareness about palliative care in order to encourage people to talk about dying and to better understand the available options for support. The policy committed the then Department of Health to raising the awareness of palliative care among a range of different community segments — for example, the Aboriginal and Torres Strait Islander community and many culturally and linguistically diverse communities.

At this point it is important to indicate the challenge that faces us all, with none of us in this chamber being exempt from community views, prejudices, feelings and cultural expectations. These decisions about death and dying are inherently difficult. They challenge people culturally and they challenge the often deeply ingrained understandings that come from our childhood and our cultural background.

As part of the palliative care program, when I was in government I was proud to work with Palliative Care Victoria (PCV) and its director, Odette Waanders. PCV is a remarkable body that was able to provide great leadership to the palliative care sector. While in government I worked with PCV to establish palliative care programs in a range of culturally and linguistically diverse communities, including the Arabic, Turkish, Maltese, Chinese and other communities. All those communities have very different cultural understandings of death, of dying, of choices and of family linkages in these contexts. Having the conversation with them as individuals is not something that you can easily do coming from a different cultural background. It was very important to engage with those communities to ensure that people who understood the

cultural mores and understandings were able to impart the knowledge of palliative care to those communities.

I make it clear that this work is in its infancy in Victoria. Victoria leads the country by a significant margin in this area, but nonetheless this work is still in its very early days in terms of providing the resources, understanding and support to the full range of our culturally and linguistically diverse communities. I look forward with hope to the new government carrying on much of that work.

At this point I should put on the record that prior to 2010 the then opposition promised additional funding for palliative care of \$34 million over four years into palliative care. That money was delivered in full; it was the full request from Palliative Care Victoria prior to the 2010 election and was delivered in full across those four years. I believe that money made a very significant difference, and in this regard I pay tribute to the Auditor-General's report released today and encourage members of the chamber to read it.

**Ms Crozier** — Excellent.

**Mr DAVIS** — It is an excellent report, and it is important and difficult work to assess in a performance audit where measurement is difficult and the challenge of implementation is difficult. Nevertheless, I pay tribute to the auditor and his audit team for the work they did through this audit and for the guidance they provide to the Parliament, the people of Victoria and the new government on the implementation of palliative care programs.

To make a party-political comment, the opposition promised an additional \$66 million over four years in its election campaign, which was a significant increase in funding and was again to meet the requests of Palliative Care Victoria for expanded programs, expanded research and an increased focus on working with multicultural and culturally and linguistically diverse communities. It was about ensuring that there was greater regional rollout, continuing that work that had been undertaken between 2010 and 2014 to see greater delivery of palliative care in the outer suburbs of Melbourne where there was a lack of available services, and particularly into country Victoria where there was also a significant lack of available services.

I make the point that a very significant number of people want to die at home or in a community-level hospice, yet to this day the overwhelming majority of people still die in hospital. The need for specialist palliative care beds in our country hospitals and in our community-based city hospitals, the need for

community-level hospice support and the need for support through agencies of various types — religious and other types of agencies — to enable people to exercise the choice to die at home with proper palliative care support is incredibly important.

I am proud of the steps that we have taken and of the achievements of the previous government. I hope in the forthcoming state budget something close to the \$66 million over four years is allocated to Palliative Care Victoria so that it can provide the level of support that is needed to meet the growing demand. Ours is a growing and ageing population, and the need in this area is significant. The Auditor-General points to this very eloquently. Today I was happy to attend the briefing provided by his officers, and I directly complimented his people for the remarkable work they have done with this particular audit, and I commend it to the house.

I will return to the motion and its request to the Attorney-General to refer the matters around euthanasia to the Victorian Law Reform Commission. As I have said, I do not believe the law reform commission is the right place. At this point I am not sure that the time is right for a broader reference that could do something similar to what this Parliament's former Community Development Committee did in the 1980s.

I understand the importance of the comments made by other speakers in the chamber about ensuring that elder abuse is prevented. Again, this is an area in which the former government was active in ensuring that stiffer and clearer penalties were available for elder abuse and that better enforcement and arrangements were in place to ensure that elder abuse was not accepted or tolerated. Although these initiatives deal absolutely squarely and directly with end-of-life care, they do not deal with the central issue of euthanasia.

As I have said, at this point I am not prepared to support the law reform commission looking at this matter. I accept that the problems with the law reform commission are insurmountable in terms of the need for an examination in this area which, if it occurs, ought be broad and reflect community representation and community views in the broadest possible sense.

With those comments, I again indicate to the house that I will be voting against this request for referral. However, I look forward to seeing further innovation and work in this area.

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to make a brief contribution to the debate on the motion put by Ms Hartland. At the outset I

acknowledge, as other members have, the enormous volume of representations that I have received from both within Eastern Victoria Region and from across Australia from people who support this referral motion and those who do not. I thank those people for their representations to me.

It is important to understand what we are considering. We are considering a request to the Attorney-General to ask the Victorian Law Reform Commission to investigate the issue of euthanasia, which is not what we did in 2008. At that time we debated a piece of legislation. This time we are in effect asking the Attorney-General to ask the law reform commission to do further work in this space. As a member during the debate in 2008 my views on this matter were quite clear, and they have not changed. I voted in favour of the legislation in 2008, and I intend to vote in favour of this motion.

I acknowledge this is a very complex area, and it is an area that is changing. I refer to the comments by Mr Davis with regard to his work as the former Minister for Health in assisting to develop better palliative care services and in providing those sorts of services in appropriate ways for the particular individual.

In my contribution in 2008 I said:

I support in principle the general concept — that in a very narrow range of circumstances an individual will have the capacity to determine that in his or her opinion suffering has become too much, and the individual will be allowed to end their life.

My position on that has not changed. But that is not the fundamental reason why I am supporting the motion. The motion before us today is about seeking additional information and, as with other legislation that has come before the Parliament, one may support a general proposition but vote against the legislation because of the way it is drafted, on the ambit that that legislation proposes or for some other inadequacy that a member may identify. For the benefit of the house and those who are interested in this debate, I say that we are not making legislation today, we are not contemplating legislation today; we are asking the house to request the Attorney-General to make a referral to the Victorian Law Reform Commission, and we will go from there. I support the request for the Attorney-General to make that referral.

Finally, in my brief contribution I acknowledge that members of the Liberal Party have a conscience vote on this matter, as do our coalition colleagues, The Nationals. I think it is one of the strengths of the Liberal

Party that on these matters of conscience — traditionally and in the future, I am sure — we have a free vote and are not bound by any party room decisions. It is a matter for the individual member to make their own position. I think that is a significant strength of the Liberal Party. We saw that during the 2006 to 2010 period when a number of bills of conscience were debated, and I am pleased that today members of the Liberal Party have that ability as well. With those few words, I will be supporting the motion.

**Mr DRUM** (Northern Victoria) — I congratulate Mr O'Donohue for talking about the motion that is on the notice paper. In my opinion, today is not an opportunity for everybody to go into the detail and depth associated with the rights and wrongs and complexities of this incredibly complex issue. This is simply a matter on the notice paper that asks if we want to get an external report. Do we want an outside group to look at this issue and report back to us? This debate is not necessarily a place for people to talk about the in-depth pros and cons of assisted suicide. Whether we have any confidence in the Victorian Law Reform Commission, whether we have no confidence or whether we have full confidence, I cannot see the damage or problem in asking — or any reason to fear asking — an alternative, independent external group to go away and look at this issue and to come back and give us its thoughts.

In this house we ignore the Victorian Law Reform Commission's opinion whenever it suits us. Both sides of government do this; it does not matter if we are in government or in opposition. If it suits us to ignore the Victorian Law Reform Commission's opinion, we do so. If it suits us to say the Victorian Law Reform Commission supports a piece of legislation, then we can grab onto the Victorian Law Reform Commission's opinion and bathe in the fact that it agrees with us. But by no means are we ever obligated to act upon the recommendations or the opinion of the Victorian Law Reform Commission.

What we have here today is a motion to ask the Attorney-General, Martin Pakula, to send this referral off to get an outside opinion on this issue. He is not even obligated to do what we ask, so this could be a waste of time; however, if he decides to make a referral, when it comes back we can have a serious debate. We will probably also form a parliamentary committee to inquire into this issue where we will talk to each member of Parliament and to dozens of people who live and work in this space. We will talk to our priests, our doctors, our palliative care nurses, our grandparents and our grandchildren. We will effectively arm ourselves with the knowledge we need to make an informed

decision if and when this debate comes back to the Parliament; but today is not that day.

Today is simply about asking if we wish to get an external group to go away and do some work on this very complex issue and then to bring it back to the house. If that happens, we can judge the work for what it is and it will form just a small part of our reasoning and reckoning. We are not going to be obligated to agree with what the commission says. We are not being commissioned by any external group. Effectively the beauty about being on this side of the house is that we speak freely; we can lie in bed without being concerned about what came out of our mouths today, because what we said was what we truly thought. What we say in these debates is what is in our hearts and in our heads, and we on this side have the freedom to express both.

**Ms CROZIER** (Southern Metropolitan) — I will be brief in my contribution to the debate on this motion. As has been pointed out, this motion requests that the Attorney-General refer a matter to the Victorian Law Reform Commission. We have heard impassioned debate about the controversial issue of euthanasia from a number of members, but, as Mr Drum articulated clearly, this motion is for a referral.

The Victorian Law Reform Commission is an independent statutory body. People will have various views about the law reform commission, but I have done research on the commission. The commission's website states that if a reference comes before it, the process involves the following stages:

- 1) A problem with the current law is identified.
- 2) The commission receives a reference from the Attorney-General, or begins a community law reform project.
- 3) Commission staff undertake initial research and consultation.
- 4) A committee of experts might be formed to offer advice to the commission and guide their recommendations.
- 5) A paper will be published that outlines the issues involved and invites submissions.
- 6) Submissions are considered by researchers.
- 7) We hold consultations with those affected by the law, workers in the area, experts in the field and other organisations.
- 8) We publish a final report that outlines our research and makes recommendations for changes to the law.

Those points are very important because that process does not force the law to change at that point in time.

As Mr Drum highlighted, surely with an issue as serious as euthanasia we need to receive as much information as possible before we can debate the issue any further in the house.

Philip Cummins, the chair of the Victorian Law Reform Commission, is an exceptionally accredited individual for whom I have high regard. He has a deep understanding of legal matters. He has been a judge of the Supreme Court of Victoria. He has served in the Court of Appeal and held many positions within the judiciary. Importantly he was the chair of the Protecting Victoria's Vulnerable Children Inquiry, which the coalition government commissioned. Following that extensive inquiry, a recommendation was handed down in 2012 for the establishment of the inquiry into the handling of child abuse by religious and other organisations, which I chaired. He comes with some fairly high credentials. Another commissioner I have a huge amount of regard for is Frank Vincent, who was extraordinary in his assistance to the Parliament in relation to the inquiry I just mentioned. We have some independent, highly credentialed individuals who can assist parliamentarians in this process.

As other members have said, we have had wide representation from people asking us either to support the motion or not to support it, but we need greater information. We need to be further informed. This motion is not about the content of the euthanasia debate; it asks the Attorney-General to refer the matter to the law reform commission. That is what this motion requests, and as MPs we need more information on this issue from as many people as possible within areas of law, health, religion and palliative care. We heard from Mr Davis in relation to various elements of the Auditor-General's report on palliative care that was tabled today, and we have strong measures in place. As MPs we need as much information as possible on this issue. It is an important issue for many people, whether it is because they know someone who is suffering or whether it is because they have strong religious views.

People need to be well informed, and this is a motion for a reference. I am not sure why the member did not write to the Attorney-General asking for this, but nevertheless — —

**Ms Hartland** interjected.

**Ms CROZIER** — She is indicating that she did — two letters. Nevertheless, we are debating this motion in the house, and the law reform commission has all the elements I have mentioned, which can only add to the debate if and when that debate comes back to the house. As individuals we can then debate the issue armed with

as much information as possible. There are many people who have strong views on this, and I completely respect their views, but this motion asks the house to call on the Attorney-General to refer the matter to the Victorian Law Reform Commission. I do not have a problem with that, and I support the motion.

**Mr LEANE** (Eastern Metropolitan) — This motion relates to an issue that was debated in 2008 in the context of a private members bill that Ms Hartland brought to the house at that time. I acknowledge the contribution this morning of my colleague Ms Pulford, who made the point that when the private members bill regarding voluntary euthanasia came to this house there had been two other bills that dealt with serious matters of conscience, and I think the chamber found that quite taxing. It was not just about the debates we had in the chamber but about what preceded those debates — the discussions and expectations that were put on us as MLCs to come to decisions as individuals as to how we would cast our votes on those particular issues.

When Ms Hartland brought forward that private members bill, which was on the same issue that this motion refers to, I was convinced to the point of casting my vote in favour of that bill. With the journey of time it would be even harder, if not impossible, for anyone to talk me around to casting my vote any differently in the future. My opinion is more solid with the journey of time.

In saying that, we have to make sure there is a legal vehicle or structure — whatever mechanism it may be — that has had time, research and consultation put into it. We have all been inundated with a number of emails. When I vote on an issue like this the number of emails I receive does not mean that side of the argument wins. If there are 1000 emails on one side and 100 emails on the other side, it does not mean the 1000 emails wins.

As we know, certain stakeholders can organise concerted campaigns to ensure that mass emails are sent to our inboxes from one central point. Sometimes I imagine that we should count those emails as one, if the campaign has been organised and its emails generated from one central point. Maybe that is cynical of me, and I am not sure whether that is right or not, but one has to take into account that some of the emails are sent from states other than Victoria when we are being lobbied to consider an issue in the Legislative Council of the Victorian Parliament.

I have very much enjoyed today's debate and the respect we have shown each other. There could be another debate on this issue in the future, and I am sure

we will be able to deal with it in the professional manner we pride ourselves on in this chamber and with the respect we show each other and stakeholders. Everyone has a right to their opinions and beliefs, and sometimes what we decide in here stretches that. But that is why we are here, and that is why we are on the big bucks: because we sometimes have to make decisions on difficult issues. We cannot and should not shirk that. Government members know this is a real issue that will not go away. I for one encourage us to accept that that is the reality and that we should deal with it with consultation and with time and thought put into what the right legal instrument for it should be.

**Ms LOVELL** (Northern Victoria) — I rise to make a short contribution to the debate on Ms Hartland's motion today. As many of my colleagues have said, we are not being asked to vote on whether euthanasia should be legal or illegal in this state. We are simply being asked to refer the matter to the Victorian Law Reform Commission so it can provide the Parliament with additional information. As Ms Crozier said, it is most important that when issues arise the best quality information is provided to this Parliament so that, as legislators, members of Parliament can make informed decisions if a bill comes before the house.

This is a motion, not a bill, and no-one can say whether they would support a bill until they see that particular piece of legislation. In the debate on the Medical Treatment (Physician Assisted Dying) Bill 2008 there were a number of people who might have supported the concept behind that bill but who were nervous and felt that the bill had perhaps not gone through the proper processes and been scrutinised as much as it possibly could have been. In this case the law reform commission would simply make recommendations to the government, and it would then be the government's decision whether or not to bring legislation into this house. If it did, it would be at that point that we would all have to make a considered decision based on the information before us at the time.

I welcome this motion to refer the matter to the law reform commission purely because it will provide information to the Victorian Parliament that we could need if we are called on to make a decision later. In referring this matter to the law reform commission members of this Parliament are not indicating whether or not they would support any legislation that may come before the house. It is for this reason that I support the motion.

It is important that members of Parliament have a free vote on this so that we can vote to make sure we get the information we need and so that it is not a directive

from any party to vote one way or the other but rather an opportunity to vote according to how we perceive this motion and according to what we think is in the best interests of the people of Victoria. I believe the best interests of the people of Victoria are served if their members of Parliament are fully informed about matters before they come before the house. Certainly if legislation were to be introduced into the house, there would be considerable community consultation undertaken at that time and members would be called on once again to vote with their conscience, based on the information given to them by the law reform commission and also on the information received from constituents in their electorates. I support this motion.

**Mr MELHEM** (Western Metropolitan) — I rise to speak on Ms Hartland's motion. After listening to speakers for and against the motion, it is my understanding that it is a procedural motion to call on the Attorney-General to ask the Victorian Law Reform Commission to inquire into the matter of voluntary euthanasia.

When this issue first appeared on my radar in the last month or so, I realised it is one of those difficult issues on which you cannot have a fixed view. I definitely did not have a fixed view. I was one of the people who was 50-50 on the whole thing, but I have done a bit of research since then. One of the things I looked at was the debate between members of this house on the Medical Treatment (Physician Assisted Dying) Bill 2008. It is not a party issue. It is not a Labor Party issue or a Liberal Party issue, nor is it an issue concerning The Nationals, the Greens, the Shooters and Fishers Party or the DLP. We are dealing with a human issue — and it is a difficult issue, not an easy one. It is not an issue you can have a clear-cut view on.

In my view sending the matter to the law reform commission is premature. A number of people in this house have said that this is an issue for parliamentarians and that we should be doing the work. It is what we are paid for, so we should be dealing with these sorts of issues. I totally respect both sides of the debate. I respect those who argue against it and those who argue for it. It is an issue that requires respect. The intention of both sides is to preserve human dignity. No-one wants to see their loved ones suffer. The question is whether you agree with the argument for decent palliative care to make sure that there is no pain and suffering before we continue our journey to the other world or whether you agree that we should intervene to end the pain and suffering. We all agree on the end point; the question is how we get there.

I am going to read the contributions of two members to the 2008 debate. One of the members spoke in support of the bill and the other spoke against it. In here contribution to the debate Ms Pulford talked about Ms Broad, a former member for Northern Victoria Region. Ms Broad initially put together a private members bill and was one of the advocates for the bill at the time. She is reported as saying:

... I ask members to support this bill, not because of what they may or may not choose for themselves in accordance with their own beliefs but so that adult Victorians who are suffering intolerably from a terminal or advanced incurable illness can exercise the freedom to choose to end their lives peacefully with medical assistance and so that physicians who wish to provide that assistance, after following the procedures provided in this bill, can do so.

That is one view in support of voluntary euthanasia. As I said, the intention is the same as it is for someone who does not support voluntary euthanasia. On the other hand, Mr Kavanagh, a former DLP member for Western Victoria Region, is reported as saying:

The passage of this bill would have a wide range of profoundly detrimental effects. It would diminish the protection offered to the lives of all people that is provided by the law and the social attitudes to which the law contributes. As explained, the bill, even as presently written, will allow people who do not genuinely volunteer to be killed. Even beyond that, the bill's safeguards, although initially observed, would weaken over time.

There are likely to be other long-term consequences that we cannot yet envisage. We can be sure that these consequences will be pernicious, because they will emanate from initiatives which, while nobly motivated, are wrong in principle. It is wrong in principle to deal with the problems of human beings by killing them.

You could say that is an extreme way of going about it. Perhaps he went too far with that view, but his is a valid view and we should respect it, just as we should respect the views of Ms Broad.

I saw my doctor the other day and asked him for his view. He said that what worries him is the asking of a human being to make a decision about another human being's life. I thought that was a bit extreme, but he said that humans are known to push the limits, and that if we do not have the right safeguards in place, we could run into problems. On the other hand, if we take our time, medical science is so advanced now that we might be able to put the safeguards in place to prevent these sorts of things from happening. We must be able to make sure that we do not end up terminating the life of someone prematurely — for example, someone might tell a family member that they have lived for too long and that they are spending their inheritance. That is really extreme, and I would hope it does not happen, but it does happen. On the other hand, I have talked to a

lot of people who have seen their loved ones suffer and yet they were unable to do anything about it. Voluntary euthanasia could assist in the process.

As you can tell from what I am saying, I am still conflicted as to which way I should vote. If I were asked the question today, my answer would be no. That is what I would say today. However, I do have an open mind to try to look at the whole issue objectively. What troubles me is that by simply passing a motion we would be taking the issue to the law reform commission and allowing it to draft legislative options to send back here so that we can start the debate again.

I would like to focus on what the Labor government is doing about this issue. It is one of the issues that featured in Labor's election platform under the subheading, 'End of life and palliative care', and we are doing things in relation to this issue. We believe all Victorians are entitled to quality end-of-life care — no-one disagrees with that — which relieves pain and suffering and provides empowering support to family, friends and carers. To deliver that there are care programs. Labor supports better community education efforts to improve knowledge and use of the existing legislative provisions of the Medical Treatment Act 1988, particularly for institutions, health professionals and the wider community. Labor also supports the introduction of statutory recognition so that competent Victorians can use an advance health directive to refuse or request treatment for a future condition. These arrangements should be subject to appropriate checks and balances, including regular reviews.

We are not trying to bury the issue, walk away from it and pretend it is not there. There are many steps we need to put in place before we say, 'Okay, we will ask the Victorian Law Reform Commission to draft something for us'. I do not think the debate is about whether we get to the end point of relieving the pain and suffering of our loved ones; it is about how we get there. What we said in that part of our platform was that this is something on our mind. The government is already working on trying to give people that sort of choice, but we need to make sure everything is done in the right way.

Advance health directives are a good vehicle or mechanism to address the issue of relieving the pain and suffering of our loved ones and that of the people who do not want them to suffer, whether they be sons, daughters, wives or husbands, because they will be suffering as well. Through that mechanism there will be a lot of good work done to address that issue. It is also important to help people understand treatment options to ensure that they can have informed discussions about

their future preferences, including end-of-life care, with their health professionals, families and carers. That is another issue we need to work through to make sure we get it right.

Labor will expand palliative care services and options across Victoria, such as in-home palliative care, to ensure that it is culturally and age-appropriate and accessible in rural and remote areas. I think Mr Davis touched on that earlier as well. On current figures, many people end up dying in hospitals. I think Mrs Peulich and a number of other speakers talked about the fact that many people, especially older parents, would like to come home to die because they know they have a few days or weeks to go — and then they discover they only have a day or two to go. A good family friend was in a similar position. They thought their mother had three months to go. That three months went down to two weeks. She was admitted to the palliative care unit at Sunshine Hospital, and within 36 hours she was gone. Some of these things are very hard to predict.

We also need to work to ensure that services are available in perinatal and children's settings and that support is provided for the families of dying infants or children. I reckon that is the worst situation any human being can face. The platform also says Labor will develop palliative care training for obstetric professionals and midwives and services involved in the care of pregnant women and newborn infants.

These commitments were all part of the end-of-life and palliative care section of Labor's platform for the last election. The government has now put measures in place to address these issues. That is why it is important for us to think carefully about whether to support the motion to send the reference to the Victorian Law Reform Commission. The house will determine that, and if it decides to do so, it will then be a matter for the government and the Attorney-General to consider. If the house decides it is not worth considering at this point in time — that is, if members vote against it — that does not mean it is the end of the road, because it is part of the government's platform to implement all the measures I just talked about. These things are going to happen anyway.

The house needs to carefully consider the proposition. As I said, it is not about 'them and us'. We will all be affected by the issue sooner or later — if we have not been already — whether directly or through friends. It is not an easy issue. At this point in time if the house were considering whether to pass legislation for voluntary euthanasia, I would more than likely vote against it. That does not mean I have a closed mind on

the issue. I am happy to look at the science. What the government has in place now is a good vehicle to address that. During this term, next term or in some other period of time we may revisit the issue. It needs to be addressed sooner or later, and an answer will be given.

I will leave my comments at that. I was really encouraged by the civility of everyone's contribution to this debate. I was not here in 2008. It goes to show that we are all human and we all appreciate that human life is very precious. It is important that we accept and understand that. I think everyone in this house subscribes to that, regardless of what they are arguing for or against. There is no doubt in my mind that we all agree on that. With those words, I finish my contribution.

**Mr RAMSAY** (Western Victoria) — I appreciate the opportunity to say a few words in relation to Ms Hartland's motion. I congratulate Ms Hartland on moving this motion in the Legislative Council, thereby allowing for debate. I also compliment Ms Hartland on her work in bringing forward debate on smoking, particularly smoking in outdoor dining areas. That issue is not directly related to this motion, but I look forward to that debate in the chamber at another time.

I am somewhat bemused by the many government members who are reluctant to have recorded in *Hansard* whether they support this referral motion or not and yet are more than happy to spend a considerable number of minutes going through the detail around the pros and cons of voluntary euthanasia. That is not what I see this motion to be about. In my contribution I will not be debating the merits or lack thereof of voluntary euthanasia.

I make my contribution on the basis that I made a commitment to many terminally ill patients who came to my electorate office in Ballarat seeking an opportunity to express their views in relation to the Parliament debating the issue of terminally ill patients being afforded the right to voluntary euthanasia. I give notice that the thousands of emails sent to my parliamentary email address did not sway my opinion one way or another. What they did was clog up my system, and I became infuriated and distracted from the issues themselves by the lobbying efforts of various stakeholders trying to confirm my view on this issue. I thank those constituents, many of whom are not from my region and will not be getting a response from my parliamentary office. Those who are from my region will get a response in due course. I am sure they will understand that, given the enormity of the number of emails I received, this may take some time.

I have to be honest and say that I did not have a firm position on this motion before I came to Parliament today. My views were open. I congratulate all members of this chamber on their sensible and intelligent contributions to a debate on a most difficult, important and vexed issue. Today is one of the better days in Parliament that I can remember; all members have made significant and important contributions with a high degree of intellect to debate on an important matter. I thank them for that.

I thank the Liberal parliamentary team for enabling me to have a free vote on this issue. It is the first time I have been allowed a free vote on a motion before this chamber. That is a fact. I enjoy the opportunity to have a free vote. It is unfortunate that government members do not have the same opportunity.

The question in my head before I made this contribution was: do I have enough faith in the Victorian Law Reform Commission to provide additional evidence to the Parliament and parliamentary members to allow for an intellectual debate with all things considered in relation to our position on this issue? There has been discussion of whether a joint parliamentary committee would be the better vehicle for that debate and whether the members of Parliament would then be held responsible for the positions they take in contributions to the debate and the final judgement of the Parliament.

I have listened intently from my office and while inside this chamber today to contributions from all members. I cannot speak for all my constituents because there are such differing views in the constituency that I have canvassed and also in those that have been canvassed via my parliamentary email address. My opinion is that we need to allow some more work on this issue to be done by an independent, outside body. It would not be unusual for that to occur. Even parliamentary committees seek outside guidance, whether from the Victorian Law Reform Commission, lawyers in general or other specialist groups, and ask for supporting arguments, evidence and information to be provided before they make their final judgement.

I see this motion as a first step. It does not make clear a position one way or another on voluntary euthanasia; it provides an opportunity for more work to be done by an independent body with certain expertise so that it might provide the Parliament with information to allow this debate to continue. I will not prolong my contribution. Unlike some others, my position is clear: I will be supporting this motion when it comes to a vote.

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution to the debate on this important discussion today. I was not going to speak on this matter because when I first looked at the motion I saw it more as dealing with the mechanics of the situation and not necessarily the substance of the matter contained within. I do, however, accept that there are some people in the chamber and in our community who see even the mechanical motion that is before us today as a point of principle that goes to the heart of the issue that we are dealing with. I certainly do not want to prosecute an argument this afternoon that is either for or against the matter at hand. As I said, I do not necessarily want to speak about the substance of the issue.

My message to the house today is that I believe this issue needs to be more fully discussed. I do not believe it will go away. Given the ageing of our community, I imagine this will continue to be an issue of real substance for all parliaments around the world. However, this is not just an issue for parliaments around the world; it is also an issue for our communities and for individuals. It asks us to have a very serious dialogue with ourselves regarding how we feel about the way we are going to depart this life. If we really want to think about it, it also informs us about how we judge and relate to other people who are particularly important in our lives, whether it be family members or friends. There is also the issue of trust that we place in the medical profession.

I believe there must be another mechanism through which we can have a full and wideranging discussion within our community. When I think of how communities are judged, it is often about how community members engage with each other. For example, the *Betrayal of Trust* report was a real test not only in terms of us making a judgement about ourselves and the outcome of that inquiry but also in terms of how we engaged with each other, came up with recommendations and put them into practice. I want to make sure we take a similar inclusive approach to this issue.

The other thing that shone through the process of the inquiry into the handling of child abuse by religious and other non-government organisations was that there was a real affirmation of our humanity to each other. If we can go through a process similar to that and come through it with that same sense of humanity, then I think regardless of what position we might take with respect to dying with dignity, we will benefit in the long term.

I believe there is enough research on this issue and that there has been significant progress made in terms of the

arguments that have been promulgated on it. I accept and acknowledge that this is a potentially polarising issue, but I believe we need to face it head-on and work our way through what is a difficult situation for a whole range of people. It will be particularly difficult for those people who are advocating for a way people can leave this life with dignity as opposed to those who hold the absolute sanctity of life at the core of their essence.

There are a number of emotional value issues that everyone should have the opportunity to discuss. The motion before us today seeks to refer this issue to the Victorian Law Reform Commission. This is a little too narrow from my perspective. My preference would be for a whole range of people to have the opportunity to come and put their views forward and document their experiences in this arena. I think it is important that we hear from those who are close to this issue, whether it is someone who has held the hand of a loved one as they have left this earth or someone who has seen a person very close to them in chronic pain every day and night of their life, with no amount of medication able to soothe them. The impact this has not only on the person in chronic pain but also on the loved ones around them also needs to be taken into account.

I admit I came in here this afternoon aiming to be altruistic on this issue. However, I think we should have the opportunity to demonstrate that we are up to having a debate and to respectfully engage with each other both here and in the community so that we can bring something back which has been tested and which has significant support. That way ultimately we will be able to progress this issue and not have to deal with it again for some time. That is the end of my contribution today. I hope we can work our way through this.

**Mr DALIDAKIS** (Southern Metropolitan) — I take very seriously the opportunity afforded to me as a member of Parliament. It is a role that is at times held in somewhat low regard by members of the community. I wish those people in the community who remain highly sceptical about the role parliamentarians play in greater society could see the way in which we are conducting this debate today.

As a number of speakers have mentioned before me, I will firstly take the opportunity to acknowledge the great spirit in which this debate is being held. It is a debate that at its most primal and contentious stirs the emotions and passions of many people. This is understandable. At times we joke about policy issues not being matters of life or death. We often say that sport too is not about life or death; it is more important than that! But here we are today actually debating issues of life and death.

The issue we are debating today is vexed. Allowing someone who is suffering from a terminal illness to take their own life means that on face value we are affording them the very basic right upon which they are entitled to either act or not act. At the same time there are many different issues and factors at play that can potentially affect that outcome. These issues include depression, pressure, the fallibility or invincibility of medical technology and discovery. What is around the corner in terms of medical science, cures and treatments? What is the way forward in palliative care?

We have seen this with HIV over my lifetime. In the beginning, an HIV diagnosis was seen as a death sentence, and tragically many people passed away from it. But we are now at the point where HIV is no longer a death sentence, and people can lead fully functioning lives as members of society without fear or favour, without fear of being stigmatised and without fear of their own mortality hanging over them at that point. Society does advance; it advances sometimes at a very quick rate and sometimes at a very slow rate, but it advances.

This debate at its core is a procedural motion, but as we have all discussed, behind that procedural motion is a policy issue we all grapple with from our own personal perspectives. Earlier today I had the opportunity to acknowledge that as of sunset tonight we celebrate Yom Hashoah, which is the commemoration of the Holocaust. I raise that in the context of this debate for two reasons. It personally affected my mother's side of my family greatly. Many members of my family perished in gas chambers and because of medical science that was undertaken by the Nazis.

Medical science is not infallible, but at the same time I think of my grandmother, who for the last 15 years of her life suffered terribly — from the very early onset of dementia to the final stage, which effectively rendered her as, for want of a better term, a vegetable — and the palliative care that was provided was essentially just to ensure that she was lying prostrate in a bed. It was a very tragic and very terrible way to die for a woman who had always had an immense strength of character, who was somebody with whom I had grown up and who was very much a large part of my life.

I am not sure that this potential legislation, if it gets to that point, would have dealt with her situation at all, because the very nature of dementia is that it is gradual; for some people it is accelerated and for other people it is much slower than that. Regardless, at the point where there is an acknowledgement that the disease or terminal illness you may be suffering from is one that is going to impact your life in such a finite way, there are

many other issues that spring into play. The issue of depression is one such issue that has the potential to grossly affect the ability of an individual to make a determination.

I wish to reflect for a moment on the nature of grappling with this issue as a new member of Parliament. I have not had the experience, as have other members, of going through a highly charged debate in relation to abortion or in fact this very issue in a past Parliament. For me it raises questions about what is appropriate representation in this place. What do I need to do? How many people do I need speak to and how many emails do I need to respond to so that I am comfortable that the decision I will be making is one that is reflective of my electorate and my community. Or is my decision meant to be reflective of my own personal view, which is meant to be somehow reflective of my constituents' views? They are two very different points.

Allow me to extend the courtesy of saying that during Mr Ramsay's contribution I was knowingly nodding my head in fervent agreement with him when he made it very clear to those organisations that have undertaken a campaign to try to influence what we decide on this issue that that has actually had negative consequences. That is not because of the campaign itself — I would never think poorly of a member of my electorate for wanting to push their point of view on me on a specific issue, whether it be on this or anything else — but because the amount of correspondence I have received from people outside my electorate and outside of Victoria has done them a great disservice. Every minute of my day that I spend dealing with the correspondence of people outside my electorate is a minute of my day that I do not have to devote to the people inside my electorate.

Within this Parliament we have people elected from all parts of Victoria, metropolitan and rural and regional alike, to specifically deal with this issue of representation at large. I say to those people running those campaigns — I hope that they are listening, and I hope that they read the transcripts — that it is not the message they are sending me when they do this but the way they are doing it which is doing a disservice to their cause. I say that in relation to the numerous emails and the campaign that went on.

As I was saying, the issue at hand becomes an issue of personal versus professional. On the professional side I reiterate: what do I do as a member of Parliament, and how do I appropriately represent my electorate? The simple answer is that given that my electorate is comprised of nearly 460 000 people, there is nothing I

can do, nothing I can say, nothing I can research and no amount of community forums I can hold that would even begin to scratch at the surface of an ability to gather the views of all those 460 000 people. I have to exercise a degree of judgement, as I do on other issues in this place. Some people will question whether I have the judgement to make such a decision, not just on the most serious of issues, such as this one, but the most trivial issues as well.

Nonetheless, my decision is that I need to exercise judgement on this issue, taking in a range of considerations. In so doing, I go back again to my own experiences with my grandmother's very lengthy illness, which ultimately led to her demise. There was one point in her battle with dementia that for me was quite important. For those who live outside Southern Metropolitan Region, there is a wonderful palliative care hospital called Calvary Health Care Bethlehem, which interestingly enough at one stage of its life was a women's maternity hospital. It was once a hospital for the newborn, and now it is for the dying.

My grandmother went into the palliative care area of Bethlehem. She did not go there just to give the carers some respite; she went there because the doctors had assessed that she was on the way out — so much so that at one point in her brief stay she had started to be administered morphine, and for about three or four days in a row she had stopped eating. Then something amazing happened — she started eating. Mentally she was still gone, but physically she responded, and she is one of the few people who has walked out of Bethlehem's palliative care rather than leaving another way. That may say more about my grandmother, because she was a tough old bird. She had to be to survive the way that she did. She was not prepared to go out any way other than on her own steam, and she did that when the time came.

The issues of palliative care that have been raised are very good ones. The other question that is still unanswered for me is that of human error. As people, we are fallible. We are not perfect, and I have probably demonstrated that at various times in the chamber, as I probably have on numerous occasions outside of the chamber. Yet if we oppose the death penalty — and Victoria outlawed the death penalty after the death of Ronald Ryan — and agree that even now DNA testing is not completely free from manipulation or error, then I am not comfortable with the idea that we somehow look to science as a saviour or identifier of where we are going.

That is not to say that we cannot investigate experiences with euthanasia legislation around the

world. There are some jurisdictions where it has been demonstrated that euthanasia has been abused. There are other jurisdictions that have very strict procedures and guidelines around how it is accessed, what you do, what you do not do, how many different doctors are needed to be able to assess the patient, the relationship of those doctors with each other, the relationship of those doctors with the patient et cetera.

It is possible for us as a Parliament to look at that issue and do what is required and asked of us every day we sit here on any policy or legislation that comes before us — make a judgement call, a decision and a determination. Should we get to a point where legislation is presented to the Parliament, I wish to let people in Southern Metropolitan Region — and by extension my fellow parliamentary colleagues — know that I will remain very open to the debate that we will have. At that time I will consider any legislation on its merits, because that is what I believe I owe to the people who elected me and that is what I believe I owe to the institution of Parliament, which we participate in and represent.

I am not sure whether at this stage we have reached the conclusion that the Victorian Law Reform Commission is the best avenue in which to progress this issue. There are a multitude of different ways that we can do so — for example, it could be through open discourse within the public sphere, it could be through a parliamentary committee or it could even be that, as per Ms Hartland's motion, the best avenue is through the law reform commission. To Ms Hartland I say that I remain open to whether that is the best course of action. However, given that I have been in Parliament for only four months, I am yet to be convinced that getting the law reform commission to decide on this issue is something that we should pursue at this juncture.

I wish to finish on that note, while remarking that this is indeed something that weighs upon me greatly. As I said earlier, I am not sure that there are many other issues that we as a Parliament will deal with that are more significant than this issue of life and death. It is genuinely and legitimately an issue of life and death. I will end that at times people see the worst of Parliament, but we have seen the very best of Parliament in the way we have debated this motion.

**Ms Crozier** — Do you support the motion?

**Mr DALIDAKIS** — My dear friend Ms Crozier is a little confused about my contribution, I think, so to be clear I note that I do not support the motion. I have not decided in my own mind that the law reform commission is the appropriate venue for us to move this

policy issue to at the moment. It may well be, but I think we need to explore what the other avenues are. I believe the policy needs to be addressed and debated and that the community has a right to engage in this discussion. Sending it off to the law reform commission, by the way, does not ensure that any of that will happen; nor do we know what the outcome of the law reform commission's review would be.

**Mr Ramsay** interjected.

**Mr DALIDAKIS** — No. I would like to retain my rights as a member of Parliament to assess other options and see what they are before going down this pathway. I thank you for the opportunity, Acting President.

**Mr BARBER** (Northern Metropolitan) — In the 20 seconds we have remaining I will at least commence my speech, by saying I agreed with a large amount of what Mr Dalidakis almost said. It has only taken four months — —

**The ACTING PRESIDENT (Mr Elasmr)** — Order! In accordance with the standing orders I have to interrupt business and move to statements on reports and papers.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### **Auditor-General: *Water Entities — Results of the 2013–14 Audits***

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to make a few remarks on the *Water Entities — Results of the 2013–14 Audits* report of the Victorian Auditor-General, dated February 2015. In looking at the audit summary I note the Auditor-General's comments about the administration of the water industry in Victoria, which includes 20 public sector entities, comprising 19 water entities and 1 controlled entity. They are all stand-alone businesses that are expected to adopt sustainable management practices which allow water resources to be conserved, properly managed and sustained.

In paragraph 2 on page vii the Auditor-General's report says:

Parliament can have confidence in the water entity financial reports and performance reports as all were given unmodified audit opinions for 2013–14. It is pleasing to note both financial reports and performance reports met the legislated time frames and improvement has occurred in the quality of performance reporting during 2013–14.

It is for this reason that I am absolutely gobsmacked by the government's decision to dismiss the directors of our water authorities — some 136 of them — as a high-handed unilateral act motivated by nothing other than some sort of narrow political agenda. It was nothing to do with the claimed reasons given for doing so. According to the government and the minister the reasons were to increase the number of women on boards; to increase the diversity of the membership of boards, including with respect to multicultural backgrounds; and that existing directors had supposedly not given sufficient emphasis to climate change and the need to have practices which would allow for adaptation to climate change.

When I had a look at the composition of some of those boards, I saw that this was an absolute travesty and an insult to the many people who have served on them, people who are highly qualified, who are local in most instances, which is clearly important for effective local representation, and who comprise or include people with some very impressive credentials, including some very impressive women and people from multicultural backgrounds. I look for instance at the Wannon Water board — and I am looking at the profiles of the board members. There is Kate Fraser, a highly credentialled person appointed under the former Labor government, who brings 20 years of commercial experience in corporate marketing and communications. Another member, Georgina Gubbins, BN, MAB, GAICD, who was appointed in 2011, holds a masters in agribusiness, has been the managing director of Maneroo Partnership since 1994 and is a specialist beef and lamb producer near Heywood. Her profile says:

Georgina employs sustainable and environmental farming practices and extends to local waterway protection and the establishment of wildlife corridors.

I am also looking at information on the board of directors of North East Water and considering the insult this government has meted out to those board members. They include Dr Rowan O'Hagan, the principal of regional economic and community development solutions and the national project manager of the benchmarking project for the Pork Cooperative Research Centre. She is a director of the Ovens and King and Gateway community health services and an independent member of Charles Sturt University's audit and risk committee. She has a bachelor of agricultural science with honours, a masters in agricultural science and a masters in accountancy, and she is a doctor of philosophy and a graduate of the Australian Institute of Company Directors.

There is Ms Cath Botta, a consultant in facilitation, soil health and community engagement and previously a

lecturer at Dookie College for the University of Melbourne. She is deputy chair of the Benalla Health board and treasurer of the federal council of Soil Science Australia.

In addition there is Debi Gadd, a councillor and former mayor of Towong shire and a former member of the ministerial-mayors advisory panel. They are all highly credentialled, credible women who have been meted out the most grievous insult by this government.

The board of directors of Goulburn Valley Water has also fallen under the axe of this government's single-handed ideological purge.

**Ms Crozier** — Over 50 women gone.

**Mrs PEULICH** — Over 50 women have — —

**The ACTING PRESIDENT (Mr Elasmr)** — Time!

### **Auditor-General: *Emergency Service Response Times***

**Ms TIERNEY** (Western Victoria) — My contribution this evening is in relation to the Auditor-General's report that was tabled in March and deals with emergency service response times. The report outlines the concerns the Auditor-General has about the way emergency response times are measured as well as the very limited public reporting of performance measures.

The report states that the performance frameworks that emergency service organisations use to monitor response times do not allow the Parliament and the public to fully hold these agencies to account, and it calls for greater transparency. The report reiterates that Ambulance Victoria failed to meet its own targets over the four years of the previous government. Page 37 shows that Ambulance Victoria response times have been consistently longer than the target of 15 minutes. During the last few years of the previous government the average time taken for paramedics to respond to 90 per cent of code 1 cases was 22.4 minutes compared to 19 minutes in July 2009.

These figures and the report remind us of the horrifying scenes we saw around our hospitals under the previous government and the coverage they received in the local media. Geelong residents would recall reading in the *Geelong Advertiser* of 10 September 2014 that ambulances had had to queue for 2 hours. The article shed light on the fact that the ambulance fiasco under the previous government was occurring regularly and

the response from the government had been lame to say the least.

On the morning discussed in the article seven ambulances were waiting outside Geelong Hospital's emergency department. This was one of many examples highlighted in the local media. In response, the then Minister for Health, Mr Davis, admitted that there was 'much more work to do' on ambulance response times. That was two months before the state election. It was only then that he made the admission, on the eve of the election, after four years of fighting with our valued emergency services personnel, that the government had essentially mismanaged the whole health system.

Response times got so bad that the previous government went to great lengths to cover up what they really were, and it axed a website that would reveal in-depth data to the public on response times. The Auditor-General's report states that in December last year Ambulance Victoria released information about regional response times for the first time. This was one of the first things the Labor government did after being elected to office. We went into the election with commitments about greater transparency and about releasing data, particularly data that related to the services that are so pertinent to the ongoing health of our community.

Chapter 4 of the report recommends that Ambulance Victoria improve the transparency of public reporting on response times by including regional performance and analysis of the factors affecting performance, and that is what Labor has done. A report, which was kept secret by the previous government but released in December last year by Labor, showed that in 2013 more than 86 000 critically ill people, including those having heart attacks and strokes, waited longer than 15 minutes for an ambulance. That number is almost double what it was in 2010 when Labor left office. I also use this opportunity to mention that the report highlights that people living in the Golden Plains shire, which is in my electorate, were the worst off in the state, with just 1 in 10 urgent code 1 calls receiving an ambulance within 15 minutes. I thank the Auditor-General for uncovering this data.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I thank Ms Tierney.

**Law Reform, Drugs and Crime Prevention  
Committee: supply and use of  
methamphetamines, particularly ice, in  
Victoria**

**Mr RAMSAY** (Western Victoria) — I rise to speak on the Law Reform, Drugs and Crime Prevention Committee's report into the supply and use of methamphetamines, particularly ice, in Victoria. Other committee members spoke on the report in the previous Parliament after it was tabled on 3 September 2014. My contribution is about the government's response to the report, which is required by the Parliament within six months. The normal process would have the government responding to each recommendation saying whether or not it supports it, but in this case the Andrews government has not seen fit to respond to any of the recommendations individually and has taken a holistic approach by providing a response of three or four lines.

The inquiry took 10 months. The report contains 1000 pages, 32 chapters and 54 recommendations on the back of 78 written submissions, 113 public hearings and 220 witnesses. It is quite a substantial report. I thank the vice-chair of the committee at the time, Johan Scheffer, as well as from the other place the member for Niddrie, Ben Carroll, the member for Ovens Valley, Tim McCurdy, and the member for Caulfield, David Southwick, who were all committee members. I also thank the Minister for Mental Health at the time, Mary Wooldridge, who helped with the initial reference for the inquiry.

Even then crystal methamphetamine was becoming a significant issue in regional Victoria, but as we have seen since the report was tabled its incidence and use has increased across Victoria and nationally. We are seeing significant impacts on the social fabric of communities right across Australia with the increased use of this very dangerous drug. I encourage people not to use the word 'ice' because it denotes a clean-type product, when it is anything but. It is a very dangerous drug made up of a whole lot of chemicals, from battery acid to bleaches and other potent precursors. Let us stick to the name crystal methamphetamine, which is a derivative of methamphetamine, a drug that has been used since World War II.

I congratulate the Abbott federal government for its implementation of a national ice task force — unfortunately it uses the terminology 'ice' as well, which is a more common name for crystal methamphetamine — to look at and investigate a national approach to the use of the drug and the impact it is having across communities.

Many of the pages in the report are devoted to the extent of use nationwide, referring to surveys; the harms associated with the use; the patterns and profiles of use; the production and supply; the manufacturing, both local and overseas; the element of organised crime in relation to activity; and the whole-of-government approach, which was particularly important in New Zealand, which has the highest per capita use of crystal methamphetamine in the world. We learnt a lot from the experience of New Zealand.

The report also highlights the local action plans that Geelong, Ararat and other regional centres are using successfully at the moment, which were funded by the previous coalition government under the ministries of crime prevention through Ed O'Donohue and mental health through Mary Wooldridge. They were wonderful programs. Of course one of the first things the Andrews government did when it was elected was ditch many of those successful programs, particularly those good sporting programs in areas where there has been a significant increase in the use of crystal meth in sporting clubs.

Disappointingly the Andrews government not only failed to respond to the recommendations individually but also decided to do nothing until this government had held a 100-day talkfest doing work of a similar type to the work a parliamentary committee took 10 months to do in looking at the effects of crystal meth. It was a total waste of time and a discredit to the service of those people who put a lot of time and effort into the compilation of their report.

The Parliament has acknowledged the staff and the other supporting agencies who helped put this report together by providing them with an award only two weeks ago for professional services rendered during their work on this report. I congratulate those people. I understand that Ken Lay, the chair of the National Ice Taskforce, is keen to look at the recommendations of this report, which will help in taking a national approach to the fight against this insidious drug. I hope the Andrews government has the opportunity to again look at the report's recommendations and deal with them individually in future.

**The ACTING PRESIDENT (Mr Elasmarr)** — Time!

**Auditor-General: *Public Hospitals — Results of the 2013–14 Audits***

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the Auditor-General's report entitled *Public Hospitals — Results of the 2013–14 Audits*. The report

talks about the performance of hospitals for the year 2013–14 and finds that hospitals are generally well managed and well administered but are under significant budgetary pressures. The report states:

Public hospitals continue to face challenges in delivering quality health services to the public due to increasing demand, an ageing population, and limited funding streams. To be financially sustainable, hospitals need to be able to meet their current and future expenditure requirements as they fall due, and to maintain and replace their assets as required.

The Auditor-General also found that many hospitals have significant financial sustainability risks. In part these risks arise from the tight cash position in which many public hospitals operate. As of 30 June 2014 no less than 12 public hospitals had only enough cash to operate for the next week and sometimes less.

Overall the report goes through and highlights how hospitals are travelling generally and whether or not they have met their auditing requirements. All the audit listings show that all the boxes have been ticked. All the health professionals and people working in the health sector should be congratulated on the work they do on behalf of Victoria and on the services they deliver to Victorian patients. The Auditor-General refers to the pressure these people are under, which begs the question: why is the Abbott government cutting \$50 billion in state hospital funding over the next decade when we are facing rising demand, an ageing population and limited funding?

If we look at the *2015 Intergenerational Report* commissioned by the federal government, we see there is more need and an argument for investment in our health sector. However, it looks like the current federal government is looking at making cuts all over the place in the next few years, which worries me. From June last year many hospitals were already facing significant financial sustainability risks, and if we add to that the effect of the cuts, basically the trouble is that in the next decade we will need to ask the question: why is the Abbott government putting our health services at risk?

The report makes various recommendations — for example, that hospital boards be given greater autonomy over the funding they receive from the department and, as previous Auditor-General reports have indicated, the split between the responsibility of hospital boards to deliver health services and their capacity given their limited ability to control the funding they receive.

There are significant recommendations in the report, many of which make sense. Overall the system is running well, but obviously there is always room for improvement. I am sure the health minister and the

Andrews Labor government will be looking at this report and at making improvements, because its members have been elected on the proviso that they want to deliver a better health system for Victorians, which they deserve, and I am sure we can deliver on that. I commend the report to the house.

### **Auditor-General: *Palliative Care***

**Ms CROZIER** (Southern Metropolitan) — I am pleased to speak to the Victorian Auditor-General's very good report entitled *Palliative Care*, which was tabled in the house today. I place on the record my acknowledgement of the work the Auditor-General has done in this very important area. We have just debated a motion which deals with the sensitive issues of euthanasia and end of life, so we know that palliative services are an extremely important element in providing support and care for those who are nearing the end of their lives.

I again place on the record some of the work of Palliative Care Victoria, which has done some tremendous work in supporting a whole range of people in very difficult circumstances. In particular I refer to Odette Waanders, the CEO of Palliative Care Victoria, and others who support the work done by that organisation.

The report contains a range of findings. One very pleasing aspect is that the Auditor-General points out is that Victoria is a leader in palliative care provision in Australia, and that the Department of Health and Human Services has set a clear and ambitious agenda for the palliative care sector. I hope this government will provide the support that the previous government did, because we have an ageing and a growing population and more palliative care services are going to be required into the future. I think there is some reference to that in the report.

In 2013 the Australian Bureau of Statistics conducted an analysis of population trends which showed that, as we know, the Australian population is ageing and growing. It predicts that 19 per cent of the population will be aged over 65 by 2033. The report states:

... in Victoria the median age of the population will increase significantly over the next 40 years — in 2012, the median age was 37.3 years and the

ABS forecasts that it will increase to ... 42.4 years by 2061.

As the report points out, this is going to put greater demands on palliative care services, and we need to be doing more in respect of providing those services.

Mr Davis is in the house. I commend him for the support that he gave Palliative Care Victoria when he was Minister for Health and for putting significant funds into supporting Palliative Care Victoria and those Victorians who require palliative care services their during end-of-life stages.

In 2011 some \$34.4 million was put into Palliative Care Victoria and into services. In particular I note Very Special Kids, which is based in the electorate that both Mr Davis and I represent. It is an extraordinary organisation that looks after terminally ill children and their families. It does an extraordinary job in dealing with the day-to-day issues that surround children who are dying and in providing respite for their families and carers. It is a wonderful organisation, and I urge members to give it ongoing support.

Equally, we need to continue providing significant services in rural Victoria, which often does not have the same facilities that metropolitan Melbourne and larger regional cities have, and we need to be mindful of that. The report points out some of the issues from regional Victoria, such as the requirements of carers needing greater attention and those financial costs that they sometimes incur when looking after their loved ones in their final stages of life. The report goes on to make 12 very good recommendations which highlight the greater demand in this area. I again put on the record my acknowledgement of the work of the Auditor-General, and I commend his report.

**Auditor-General: *Effectiveness of Support for Local government***

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the Auditor-General's report tabled in February 2015 titled *Effectiveness of Support for Local government*. I thank all those who contributed to this very important report for the future of local government in Victoria. Local government plays an important part in local community development and in providing services and infrastructure. The Municipal Association of Victoria (MAV) and Local Government Victoria are two pivotal bodies that provide support and guidance to local councils. Both bodies have differing mechanisms to identify the level of support needed by councils. Both are publicly funded and are tasked with providing assistance to local councils around Victoria in the coordination and delivery of much-needed services.

As the report states, the Municipal Association of Victoria advocates for local government interests, builds the capacity of councils and supports councillors. However, this report paints a disconcerting picture of the performance of the Municipal Association of

Victoria and Local Government Victoria. The report found that neither MAV nor Local Government Victoria is able to demonstrate that its support activities are making a difference to councils, which is a significant concern which must be taken very seriously, as both these bodies are funded by Victorian taxpayers.

The Auditor-General outlines that the MAV legislation 'is outdated and has not kept pace with contemporary standards of good governance' and that members of the MAV board have failed to fulfil their obligation to provide oversight of the operations and performance of MAV. These failings in legislation and practices have left the effectiveness of support for local governments across the state significantly compromised. The report highlights a number of concerns within MAV in respect of accountability and transparency within the body. The report states that MAV does not have adequate anti-corruption, conflict-of-interest and anti-fraud policies and that this not only increases the potential for fraud or corruption but also brings into question whether these support activities provide councils value for money.

In addition to this, the report indicates that it is unclear whether MAV has stepped beyond its original purpose in the range of support services and functions it currently provides. It also found that no official performance review or management system exists for any MAV staff besides the CEO, thus there is no way of knowing or assessing whether staff employed by MAV are performing to the correct standard. In this report the Auditor-General has called for a thorough review of MAV's role and its legislation.

The Auditor-General has made a number of recommendations in his report — recommendations that I believe we in this Parliament must take very seriously and encourage MAV to accept. Such recommendations will ensure that local councils around Victoria have access to the support and coordination of services they deserve to ensure they are able to function and the timely delivery of services and infrastructure to ratepayers. I commend this report to the chamber and urge MAV to accept the Auditor-General's mandate and recommendations.

**Auditor-General: *Effectiveness of Support for Local government***

**Mr DAVIS** (Southern Metropolitan) — I am pleased to rise to talk about several of the Auditor-General's reports, including *Effectiveness of Support for Local government*, *Emergency Service Response Times* and a number of aspects around *Public Hospitals — Results of the 2013–14 Audits*.

**Ms Mikakos** — What about the Ombudsman's report?

**Mr DAVIS** — I am talking about the reports and papers that are on the notice paper, and I think I am doing pretty well talking about three of them.

Local government is incredibly important for our community. I note that support for local government needs to come from the state government in a significant way. What we do not want to see is the state government not keeping its election policies and election promises. An editorial in the *Geelong Advertiser* today points out that Labor is yet to keep its promise of creating a local authority to assist with planning and infrastructure. 'It was 137 days ago that the Andrews government was elected', it begins. 'The Labor government was elected on the back of a strong commitment', it continues. The editorial went on to say that one of its promises was to establish a Geelong development authority and 'This state government-led organisation was expected to help revitalise our city'.

I know the city of Geelong is prepared to work with such an authority. I know there is support from a number of key business groups for such an authority, but what we have is inaction, slowness and stasis. The state government appears to be frozen. In terms of country issues for local government and the support for local government, we saw the Auditor-General's report just recently, which pointed to the financial position of a number of local councils. I note also that in country Victoria we saw in the *Weekly Times* last Wednesday commentary about potential amalgamations and super councils. I want to be very clear that this opposition does not support forced amalgamations; it does not support the creation of super councils that follow water boundaries or indeed otherwise. We respect the role of local government as a democratically elected level of government and support the role that local government plays in serving its local community.

That does not mean that the opposition is not concerned about the financial position of local government, and it does not mean that it does not see the need to restrain rate rises, because it certainly does. Families, farmers and small businesses should have capped rates in terms of keeping rate rises to the minimum that is reasonable.

The state government should not be stripping funds from local government, and that is what we are seeing at the moment with the country roads and bridges program being cut. Tens of millions of dollars will be stripped from country councils, and there will be a significant impact on local communities as infrastructure deteriorates because the Andrews

government has torn money away from local government. That will have a significant impact, and we oppose tearing money away in the way this government is proposing and intends to do. It is also important to note the important role of local government in terms of local economic development, and we strongly support that role.

### **Auditor-General: *Public Hospitals — Results of the 2013–14 Audits***

**Mr DAVIS** — I note in regard to the Auditor-General's report entitled *Public Hospitals — Results of the 2013–14 Audits* that, in parallel with that report being tabled, I was provided with responses to adjournment matters on the Mildura Base Hospital from the Minister for Health. She makes a point about the Mildura hospital, and it is important to put on the record in this place the history of the Mildura hospital in a way that she can understand.

It is true that it was a build-own-operate contract in 1999 that saw a new Mildura hospital built, but the minister may not know that in the early 2000s the then Bracks cabinet disaggregated that contract and put it asunder. It essentially left the ownership and running of the hospital under two separate contracts, and the difficulty the Baillieu government faced on coming to power in 2010 was that it did not have ownership of the hospital when it wanted to expand it. After a long period we repurchased the hospital. It is now a publicly owned hospital with a private operator; the Victorian community, including the people of Mildura, own the hospital.

The state government at the time, the now opposition, spent tens of millions of dollars making sure new cancer services and an expansion of the emergency department went ahead for that hospital. It was left idle by the previous Labor government in the lead-up to 2010, and there are terrible signs that that idleness will occur again under Labor.

### **Auditor-General: *Managing Regulator Performance in the Health Portfolio***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Auditor-General's report entitled *Managing Regulator Performance in the Health Portfolio*. The regulators in this report comprise the Department of Health and Human Services and the Department of Treasury and Finance. I understand that 14 regulators are tasked with monitoring the application of regulations pertaining to the health portfolio, but this report highlights in depth only these two departments and their roles as regulators. It assesses whether

communication and planning at the state level are effective. According to the report of the Auditor-General's office there appears to be a lack of communication and cooperation within the health system, so I am inclined to take the view that the importance of ensuring compliance with regulations does not rate highly within these two departments.

Food safety, environmental protection, safeguarding workers in the food industry and sustaining healthy fisheries are all critical to the overall health of every Victorian. Health regulations are in place for very good reasons, and while we often hear farmers and food producers groan about government interference and unwieldy, expensive, time-consuming regulatory practices, it is the responsibility of government to ensure that monitoring and overseeing food production is done according to the highest standards possible.

The Auditor-General has made several recommendations that attempt to address the glaring gaps in the implementation of effective management of regulatory systems. Red tape has been reduced dramatically in recent years. Business has lobbied government successfully to cut back on duplication and needless inspection services. It is to be hoped that, while we are mindful of the ongoing burden of effective and efficient regulation of the food production industry, businesses understand that if the government is looking the other way, as this report suggests, they have a duty and responsibility to their consumers to provide clean, sustainable food.

All of the report's recommendations are worthy of immediate implementation, and I am hopeful that the Auditor-General will return in the near future for a follow-up inspection of these two departments to observe a proper operating implementation program. We have a world-class reputation for growing, harvesting and cultivating nuclear-free and non-contaminated foodstuffs. Let us keep it that way.

### **Australian Crime Commission board: chair report 2013–14**

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to make a statement on the *Chair Annual Report 2013–14* of the board of the Australian Crime Commission. The chair of the board, Mr Tony Negus, APM, says in his statement in the report:

When the Australian Crime Commission was established in 2003, it provided an opportunity for law enforcement to come together under one banner to work collaboratively to manage nationally significant crime. In 2013–14, the need for this collaborative approach is as apparent as ever.

In a time when the sophistication and reach of serious and organised crime is growing, the Australian Crime Commission — with support of the board — continues to bring together experts from a range of commonwealth, state and territory law enforcement, national security and regulatory agencies to build the intelligence picture and strengthen Australia's response to serious and organised crime.

I have to agree with the chair's statement about the need to work across state borders and with law enforcement agencies in other jurisdictions. We have seen with the growth of the drug trade and certain criminal organisations, such as outlaw motorcycle gangs, that they do not have regard for borders, whether it be between Victoria and another state or between other countries and other jurisdictions. It is important that we work together. Law enforcement is about working locally with the community, but it is also about working more broadly. I was pleased when prior to the election the Napthine government committed to providing Victoria Police with the most sophisticated technology available and people with the requisite skills, including forensic experts, to help solve crimes and enable police to follow the money. That often requires working across borders as well.

It is timely that this report has been tabled in the house. It is an important reminder of our hardworking law enforcement agencies — led by the outstanding men and women of Victoria Police — and the work they do not only in our local communities but also in understanding, tackling the sophistication of and breaking down the links that criminals in Victoria have with criminals in other jurisdictions and their respective links with criminals overseas.

Talking about this report and the need to work with other jurisdictions gives me an opportunity to inform the house about some of the feedback I have received from members of Victoria Police who work near our borders with New South Wales and South Australia about the need for the government to work with other jurisdictions to refine and improve the way we work across borders.

I have had feedback that there are still some restrictions, and although some restrictions are appropriate there are others that hamper Victoria Police's ability to pursue criminals and people of interest. That is something the Minister for Police, Mr Noonan, should give consideration to and work on with his colleagues in other jurisdictions. We do not want to see border issues become a problem in dealing with criminal activity and in catching and prosecuting offenders.

I am very pleased to acknowledge the work of the Australian Crime Commission. We need to work collaboratively with our colleagues in other jurisdictions, and I again commend the work of Victoria Police. They do a fantastic job every day and every night for the community in Victoria.

### ADJOURNMENT

**Ms MIKAKOS** (Minister for Families and Children) — I move:

That the house do now adjourn.

### Work and learning centres

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Housing, Disability and Ageing and is regarding funding for work and learning centres across Victoria. My request of the minister is that he to commit to providing ongoing funding for the general operation of these five centres, including the Mooroopna work and learning centre in my electorate.

The coalition government established five work and learning centres in places of high disadvantage, including Carlton, Geelong, Moe, Ballarat and Greater Shepparton. The centres were set up as part of the \$4.6 million coalition government work and learning initiative and delivered in partnership with the Brotherhood of St Laurence and local community agencies. They assist clients by providing pathways to education, training and employment, as well as community engagement and individual development.

In recent weeks I have visited the Mooroopna centre, as well as one of its employment sites, and spoken with staff who have described the difference the centre makes to the people who use it. Since the Mooroopna centre opened in January 2013 hundreds of people have engaged with its services. In the last two quarters 1152 and 1153 clients used the services for everything ranging from training to eating there.

As at March this year 250 clients were engaged in training through the centre. To date 169 clients have been placed in employment and a further 24 to 30 clients are undergoing pre-employment training and assessment through the centre to go on to work at Fun City in Shepparton.

More than 1000 clients across the five work and learning centres statewide have been placed in employment — a great outcome for people in our community who would likely not have had this

opportunity without the centres. Many of these people have never, ever worked before.

The Shepparton centre manager, Luke Shay, and staff Janet and Jo highlighted for me the specific impacts that the Mooroopna centre has had for local clients, including inclusion in the community of isolated community members, including those who are single parents or victims of domestic violence; provision of opportunities and support for people who would otherwise have none; employment opportunities; skills and training support; and opportunities to contribute and give back to the community.

The initial general operation funding of \$630 000 over three years for the Mooroopna centre was provided by the former government and runs out this June. The centre has allocated this money until the end of the calendar year, but after December it will be unable to continue providing this vital community service without further government funding. Shepparton centre manager Luke has written to the minister to request the continuation of funding for the work and learning centre, and I too request that the minister commit to providing ongoing funding for the general operation of these five centres, including the Mooroopna work and learning centre in my electorate.

I would like to briefly mention the Geelong centre and Helen Long and Lou Brazier, who run it. It has been an outstanding success at Northern Futures in Geelong. I would like to see all five centres re-funded.

### Women with Disabilities Victoria

**Ms SPRINGLE** (South Eastern Metropolitan) — My adjournment matter is for the Minister for Women and Minister for the Prevention of Family Violence, Fiona Richardson. In the 2014–15 financial year Women with Disabilities Victoria has piloted a gender and disability workforce development program. This program aims to increase women's wellbeing and to prevent violence against women with disabilities. It does this by changing cultures across whole organisations to increase awareness of how to deliver gender-equitable and sensitive services to people with disabilities. It works with clients, staff, managers and executives to achieve this. The program involves a train the trainer program; delivery of training via disability support workers workshops, service management leadership workshops and senior executive leadership workshops; peer education programs for women with disabilities; and follow-up communities of practice.

Via the Royal Commission into Family Violence, the government has committed to inquire into and provide

practical recommendations on how Victoria's response to family violence can be improved. We do not need to wait for the royal commission's conclusion to know there is a clear and urgent need for more violence prevention programs tailored for people with disabilities and for the disability sector. Journalistic investigations such as the Fairfax and ABC *Four Corners* investigation into Yooralla and detailed research reports such as *Voices Against Violence* have highlighted the need for improvement. Interestingly, Yooralla was one of the organisations that received this gender and disability workforce training during the pilot year, so it has already had an impact in one organisation where it is desperately needed.

My concern is that Women with Disabilities Victoria has gone to considerable effort to employ staff, train women with disabilities and develop partnerships with violence response services to train their staff to deliver training to disability organisations. Without ongoing funding, this program will end. The trained women with disabilities will not have ongoing employment and will move on, and all the organisational partnerships developed will have to be rebuilt. This is a huge loss for a small organisation and a waste of capacity and resources. We cannot afford to wait for the royal commission's conclusion to continue this vital work.

The action I seek from the Andrews government is that it continue to fund Women with Disabilities Victoria's gender and disability workforce development program in the forthcoming budget.

### *Ice Action Plan*

**Mr EIDEH** (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Police, Mr Wade Noonan. I rise to speak on the growing problem within Victoria of ice addiction and on the *Ice Action Plan* that was delivered within the first 100 days of the Andrews Labor government.

I was startled, though not surprised, to read that drug offences in Victoria have steadily risen over the past year and are up 13.3 per cent. Almost three-quarters of this figure was related to possession and drug use. My electorate is grossly over-represented in drug offence statistics, accounting for 39 per cent of all offences in 2014. This highlights the growing and very serious epidemic within my electorate and the state.

According to a crime statistics report, on average drug offences are most likely to have an investigation status of arrest representing a total of 60.3 per cent. The report also highlights that males are significantly over-represented in most categories of offending. When

dealing with drug offences in particular, four out of five offenders are male, and of these male offenders half are aged between 15 and 29. This highlights the endemic problem our state faces with young people, particularly males, in dealing with the effects of drugs and addiction. The Andrews Labor government recognises this problem, which is why it is committed to delivering its *Ice Action Plan*, a task force made up of health, legal, youth and drug experts and supported by a specialist workforce group to advise the government as to how we can reduce the demand for, supply of and harm done by ice.

We in this Parliament, regardless of how this problem was dealt with under the previous government, all understand that ice use is a complex problem that requires a long-term solution. This plan is about supporting families, giving users the treatment they need, reducing supply on the streets and keeping our communities safe, which is why the Andrews Labor government committed a landmark \$45.5 million to support it. I ask the minister to advise me and local families in my electorate how Western Metropolitan Region can benefit from this task force, what else the government is doing for Western Metropolitan Region drug treatment services and what the government is doing to address ice-related violence and crime.

### **Crime prevention**

**Mr O'DONOHUE** (Eastern Victoria) — My adjournment matter this evening is also for the Minister for Police, and in some small way mirrors some of the issues the previous speaker was talking about. Tonight I am calling for the minister and the Andrews government to recommit to the crime prevention agenda of the former government. We had a \$35 million four-year crime prevention agenda to partner with local communities to respond to crime and perceptions of crime.

The Australian Institute of Criminology found that having a dedicated unit within the Department of Justice and Regulation was beneficial not just to the government but also to the broader community because there was a central repository where councils and community organisations could go to find a great deal of developed knowledge. Nothing highlights that more than the way that unit within the Department of Justice and Regulation became expert in the delivery and management of CCTV infrastructure after working through the myriad challenges of putting cameras on poles owned by utility companies, tram operators and the like. The benefit of a dedicated crime prevention funding stream is that it enables and empowers local communities to provide tailored solutions to crime

prevention initiatives. I mentioned CCTV. We funded CCTV cameras on Sydney Road in Brunswick and also in Ballarat, Mildura, Traralgon and Dandenong. We also funded CCTV cameras in Geelong, where the council has partnered with Victoria Police to actively monitor those cameras on Friday and Saturday nights.

The former government's crime prevention agenda also funded community organisations to put up new lighting around the perimeter of their buildings so community members feel safe going to night-time meetings. It is about encouraging active community participation. It is also about tackling the scourge of graffiti. Funding for the graffiti removal program will expire on 30 June, but the Labor government cannot let that funding lapse. It must renew it, as well as renew the funding stream to local councils so they can respond to the scourge of graffiti in a way that is appropriate to the needs of their communities. I think of the award-winning Clayton laneways project that has reinvigorated the laneways between the Clayton railway station and the Clayton shopping precinct while at the same time making them safer.

Unfortunately Labor has already cut \$1.5 million of funding to the community for ice prevention grants. Mr Eideh can tell his community that the Labor government has axed the \$2 million that the coalition had set aside and replaced it with a mere \$500 000 as part of its *Ice Action Plan*. I call on the government to renew the crime prevention funding so communities can respond to crime and perceptions of crime.

### Western Highway

**Ms DUNN** (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety. I request he ensure that further work on the Western Highway duplication project ceases while the environmental impacts are further considered by way of reviewing the environmental impact assessment process. The Beaufort to Stawell section of the Western Highway duplication project proceeded through the planning process overseen by the former government in 2013. This section triggered the environmental impact assessment process required by the legislative framework intended to protect native vegetation. This process has produced a most perverse outcome. On 31 October 2014 the former government approved the destruction of 221 large old trees, 131 hectares of native vegetation and 5.25 hectares of temperate grassland. It also approved the destruction of the golden sun moth habitat, with possible effects on other listed species, such as the dwarf galaxia. The minister's assessment report, dated May 2013, states on page 9:

The extent of the proposed clearing for WHP2 under option 2 alone is more than 80 per cent of the total permitted clearing of native vegetation in Victoria in the financial year 2010–11, which was 159 hectares ...

The planning process proceeded without significant public debate, but as the extent of the approved destruction has become known, the local community has ignited into action to try to prevent the wholesale destruction of high conservation value trees and habitat. Indeed serious concerns have been raised by the local community regarding the shortfalls in the environment effects statement process. The major and urgent concern is that the next stage in the project involves the highest level of native vegetation and habitat destruction in the whole project. Stage 2 has been completed; stage 2(b) needs to be stopped while the environmental effects are further considered.

### Local government review

**Mr PURCELL** (Western Victoria) — The matter I raise tonight is for the Minister for Local Government. In February I raised in this house the issue of dysfunctional and unsustainable councils in rural Victoria. Since then former Nationals leader Pat McNamara and economist Greg Walsh have progressed the proposal to establish super councils in Victoria. These super councils would include the areas covered by the catchment management authorities and water boards and would incorporate the work of these bodies.

The sustainability of local government has been put under further pressure by the state government capping rates and the federal government not indexing financial assistance grants. If we also take into account the scrapping of the country roads and bridges program, which was worth \$1 million to rural councils, we find that a significant number of these councils that were previously financial will become unfinancial. This triple whammy is likely to be the straw that breaks these councils' backs. While I believe the super council approach has merit, it is time we looked at the structure of local and state government to try to reduce duplication.

This time last year I had the pleasure of being the mayor of one of those councils — the Moyne Shire Council, which is a very sustainable council — and I can tell members that without rate indexation, with the reduction in indexation of the financial assistance grants and without the roads and bridges program, that council will become unviable, along with many others.

Our businesses are the ones that suffer from this. A number of farmers have told me they are individually paying rates of \$20 000 to \$30 000, and this is

becoming a significant portion of their costs. For our businesses to be world competitive we need to make certain that all levels of government are efficient and that they are structured so that businesses are not overburdened with costs and red tape. State and local government must be restructured to give businesses a fair chance. I ask the Minister for Local Government to immediately undertake a review of the duplication, overlap and inefficiencies that exist because of the structure of government we currently have in Victoria.

### **Greater Geelong police resources**

**Mr RAMSAY** (Western Victoria) — My adjournment matter tonight is for the Minister for Police, the Honourable Wade Noonan. I refer to statements made by the now Minister for Environment, Climate Change and Water and member for Bellarine in the Assembly, the Honourable Lisa Neville, during the 2014 election campaign. She said that the Andrews government would reopen the Portarlington, Queenscliff and Drysdale police stations for 16 hours a day and that this commitment would be fulfilled by March 2015. The Andrews government has yet to deliver on this commitment to the Bellarine community and has in fact given no commitment to increase police resources in the greater Geelong region. It has also given no commitment to increase police numbers, unlike the coalition government, which delivered 1900 additional front-line police in its term.

With increasing crime rates associated with illegal drug use and the increasing unemployment rate, particularly in Labor-held seats in the Geelong region, the community strongly feels there is a need for more police patrols on the Bellarine. The member for Bellarine campaigned on a policy platform of delivering 16-hour serviced police stations at Portarlington, Queenscliff and Drysdale but has failed to deliver even one police station that is open for longer hours. The member's broken promise was not supported by the future policing paper drafted by former Chief Commissioner of Police Ken Lay. Unless additional front-line police are provided to the greater Geelong area, including Bellarine, it will further hamper police command in allocating adequate resources to those areas in need.

The action I seek from the minister is that he give an assurance to the Bellarine community that the Andrews Labor government will deliver on the member for Bellarine's campaign pledge and also that additional resources will be made available for increased police patrols, given the increasing levels of crime across the greater Geelong region.

### **Wattle Park Primary School**

**Mr DALIDAKIS** (Southern Metropolitan) — This evening I raise a matter for the attention of the Deputy Premier, who is also the Minister for Education. The action I seek is that the minister review the urgent need for maintenance work on the fence of Wattle Park Primary School and consider funding its repair. The school's fence borders both Warrigal Road and Banksia Street. People familiar with Warrigal Road will know it is an extraordinarily busy and potentially dangerous stretch of road along that border.

The previous government halved investment in school capital. Schools like Wattle Park Primary School suffered under this abandonment, and sadly that has potentially put the health, safety and wellbeing of students at risk. I ask the minister to review this urgent maintenance issue and consider providing the \$37 000 in funds that has been identified as the cost of repairing the fence for this fantastic school.

### **Victorian Comprehensive Cancer Centre**

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My adjournment matter is for the Minister for Health, Jill Hennessy. What I am seeking is that she reverse her decision not to allow the 42 beds and four theatres to be built as Peter Mac Private at the Victorian Comprehensive Cancer Centre. This is an absolutely inexplicable decision.

The context of it is that there was extra floor space — a shell, something that was considered to be futureproofing for the Victorian Comprehensive Cancer Centre (VCCC). Plenary Health had planned to lease the space commercially, but as a result of good negotiations by the coalition, the state government was able to take up that option so that a private facility could be engaged in that space. It would provide extra beds and extra theatres. More people would get access to a world-class cancer centre. It would help to attract the best and brightest clinicians and staff because of the mix of public and private health care in the one space. It would expand research capacity, including allowing for more patients to take part in clinical trials through the private facilities. It would also make sure that we have the world-class centre that this VCCC should be.

On the basis of this support Peter Mac undertook a year-long tender. A heads of agreement was signed, and it was ready for sign-off. That has not occurred under this government. In fact the government told Peter Mac to reverse the decision and not to proceed. This will have significant ramifications, including the loss of

42 beds and four theatres. These are services that people with cancer would have been accessing.

There will also be a loss of \$20 million in donations that were contingent on there being a private offering — dollars that were going to underwrite the VCCC overall. Private patients are currently using public beds. Nearly 40 per cent of them currently at Peter Mac would no longer have choice in terms of a private offering at the VCCC. There is no doubt that Peter Mac's potential to be even more of a world-class centre than it already is will be undermined. These are not just statements made by me; these are statements made by members of the board and the CEO. They have been used publicly, and they were part of the tender and were the logic for this change.

Talking of the board chair, Wendy Harris, QC, has done a great job. It was a case of the Labor government trashing the thoughtful decision-making of an independent board. While her decision to resign is disappointing, it is understandable in the context of the disrespect that the Labor government has shown for this board and for the way that our health system works.

This decision was wrong. It was made purely on the basis of ideology, and it will not benefit Victorians with cancer. It is consistent, however, with what we see from this Labor government. The minister needs to reverse her decision, and she needs to do it on behalf of Victorians with cancer.

### **TAFE cross-border agreement**

**Ms SHING** (Eastern Victoria) — This evening I raise a matter for the attention of Mr Herbert in his capacity as Minister for Training and Skills. This matter relates to the cross-border TAFE agreement to support apprentices, which was the subject of an announcement on 1 April. As everyone is no doubt aware, cross-border considerations are relevant to Eastern Victoria Region. Procedures are already in place whereby the delivery of emergency and educational services is the subject of cross-border collaboration and support.

The Andrews Labor government struck a deal with the New South Wales government to end uncertainty for apprentices training at TAFE institutes outside of their home state, which may also apply to people in Eastern Victoria Region who study in New South Wales. The announcement came during a visit by the minister to a TAFE where he discussed cross-border issues and confirmed that the agreement will provide ongoing funding for Victorian apprentices to train at New South Wales TAFE institutes and vice versa, thus supporting

businesses in border communities to hire and train apprentices.

On that basis the new arrangement will, as the minister indicated, overcome previous complexities in the way that each state funds apprenticeship training and changes in New South Wales government policy by allowing TAFE institutes to work directly with state government departments. Therefore the Victorian Department of Education and Training will now work directly with TAFE institutes in New South Wales to fund cross-border apprentices, and New South Wales officials will also be able to work directly with Victorian TAFE institutes. This forms part of the Labor government's \$50 million commitment as part of the TAFE Back to Work Fund to support public TAFE institutes such as Gippsland TAFE, to develop and maintain stronger partnerships with employers and industry, to increase industry productivity and to help get Victoria back to work.

The action I seek from the minister is that he give an update on how the new cross-border TAFE agreement will support apprentices and benefit TAFE institutes not only in Eastern Victoria Region that have cross-pollination with New South Wales but also more broadly across regional Victoria.

### **Sunbury Road duplication**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Roads and Road Safety. The matter follows the extension of the 60-kilometre zone on Sunbury Road at Bulla last year and the slashing of the 100-kilometres-per-hour-zone to 80-kilometres per hour between Melbourne Airport and Bulla earlier this year.

Before VicRoads tells us to get out and walk in front of our vehicles with a lantern, urgent action is needed to increase the traffic capacity between Sunbury and the end of the Tullamarine Freeway on the Melbourne road. It is somewhat of an understatement to say that Sunbury is no longer a small country town. It has not been a small country town for many years. It is increasing in size all the time.

In recent years there has been a significant boom in the population of the Macedon Ranges. This has led to an influx of traffic on Sunbury Road. This road is the main route for airport workers. We have a situation where airport workers from Sunbury, the Macedon Ranges and beyond are using this road to get to work. Quite frankly there is no other way for them to get there, unless they go the long — and I mean very long — way

around. It is a significant problem that people in that area have had to deal with for quite some time. I have seen deaths on Sunbury Road. It is quite dangerous and often clogged in peak hour. It is a mess.

I am aware that the government is not keen on building new roads, but we desperately need the duplication of this road, including the building of the Bulla bypass. Back in the days when John Cain was Premier there was talk of building the Bulla bypass. That seems a very long time ago now — probably because it is. The bypass is long overdue.

I ask the minister to direct VicRoads to immediately prepare plans for the duplication of Sunbury Road, including the building of the Bulla bypass. The people of the north-west of Melbourne, particularly the people of Sunbury, Bulla and the Macedon Ranges, have been well and truly patient enough. It is time that this government got on with the project.

### **South Yarra railway station**

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment today is for the Minister for Public Transport. It concerns the need to ensure that we have a good metropolitan rail system. I am particularly interested in the key railway stations that fall within my electorate of Southern Metropolitan Region. South Yarra station is absolutely critical. A number of different lines pass through it. I note that under the previous government the Melbourne Metro rail link would have connected Southern Cross station to the airport and Montague and Domain stations to South Yarra. One of the first actions in government of Daniel Andrews was to scrap that very important project, despite it having money allocated to it and being very advanced.

Under the previous government that project was to include a deep underground tunnel that went to Domain and ultimately to Southern Cross station and that directly connected to South Yarra station. However, Labor's metro rail link proposal no longer includes such a connection. Instead the tunnel will run underneath South Yarra, with no connection whatsoever to the station there, which is one of the busiest in my electorate.

I make the further point that population growth around that station is significant. It is calculated that an extra 5000 people are expected to move into the area around this line in the next period. Projections show significant population growth on all lines that pass through South Yarra station. South Yarra must be connected to the

new underground rail system — whichever version is ultimately built.

In terms of further hitting South Yarra, Daniel Andrews has also just announced the cancellation of the longstanding no. 8 tram that goes via Flinders Street station up Swanston Street towards Melbourne University.

The action I seek is the minister ensure that South Yarra station is connected to the Melbourne Metro system, given Labor does not have that in its plans. Today we saw more than \$800 million to \$900 million lost through Daniel Andrews's east-west link decision. That squandered money could have been spent on better connecting a station such as South Yarra. It is not as though the Greens have a solution to this either. The Greens failed to cost or provide any solution to this. However, it is Labor members who must hang their heads in shame.

### **Kingston waste management**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Planning, who may also need to confer with the Minister for Environment, Climate Change and Water. It is in relation to matters canvassed in a letter I recently received from the mayor of Kingston City Council, Cr Geoff Gledhill, which was also forwarded to other local members who represent the sandbelt seats, being the Assembly electorates of Bentleigh, Clarinda, Mordialloc, Sandringham, Keysborough and Carrum, as well as to upper house members.

For nearly 30 years the local community has had a vision of transforming and transitioning what was previously a wasteland used for landfill and waste recycling in the Moorabbin, Clayton and Heatherton area. In the 1980s this project was called the Sandbelt Open Space Project. The aim is to phase out waste activity in this area, given its proximity to local housing and the strong community campaign over several decades to see this land used more in sync with community expectations. This area is also only 25 kilometres from the CBD, so it seems to me extraordinary that we should still continue to use it for waste and recycling.

A succession of decisions have been taken over the last 20 to 30 years under both Labor and coalition governments to facilitate this vision. They include the decision by Kingston City Council to phase out various activities by 2023. Unfortunately Alex Fraser Pty Ltd has now requested an extension to its permit, which

would mean it could continue recycling for a period well beyond 2023.

I ask that the minister take whatever action is required to protect the vision of Kingston City Council and its community and accommodate Alex Fraser's legitimate expectations for his business by finding a more suitable location for its operations. I ask that the minister take whatever action is possible in consultation with the Minister for Environment, Climate Change and Water and particularly in relation to the draft statewide *Metropolitan Waste and Resource Recovery Strategic Plan*, which may need amendments to ensure that the vision of the local community is facilitated. This work has been undertaken by a number of governments and should continue into the future.

### Responses

**Mr HERBERT** (Minister for Training and Skills) — I inform the house that I have written responses to adjournment debate matters raised by Mr Finn on 11 February, Ms Springle on 24 February, Ms Hartland on 25 February, Mr Dalidakis and Ms Wooldridge on 26 February, Mr Mulino on 17 March, Mr Finn on 18 March and Mr O'Donohue on 19 March.

In regard to the adjournment matters raised, Ms Lovell had an action for the Minister for Housing, Disability and Ageing seeking funding for work and learning centres.

Ms Springle had an item for the Minister for Women and Minister for the Prevention of Family Violence seeking funds for the Women with Disabilities Victoria gender and disability program.

Mr Eideh had an item for the Minister for Police and Minister for Corrections seeking advice on how the *Ice Action Plan* will help residents in Western Metropolitan Region.

Mr O'Donohue had an action for the Minister for Police and Minister for Corrections to renew funding for crime prevention.

Ms Dunn had actions for the Minister for Roads and Road Safety to stop the duplication of the Western Highway, subject to further environment effects statement evaluations.

Mr Purcell had an item for the Minister for Local Government seeking an immediate undertaking to review the duplication overlap and inefficiencies between local government and state government.

Mr Ramsay had an item for the Minister for Police and Minister for Corrections seeking more police resources in Bellarine.

Mr Dalidakis had an item for the Deputy Premier, the Minister for Education, to review the Wattle Park Primary School fence and to fund urgent repairs.

Ms Wooldridge had an item for the Minister for Health regarding the private health provision at the new Peter MacCallum Cancer Centre.

Mr Finn had an item for the Minister for Roads and Road Safety wanting funding for the duplication of Sunbury Road, including the Bulla bypass.

Mr Davis had an item for the Minister for Public Transport regarding South Yarra station and the connection to the underground rail system.

Mrs Peulich had an item for the Minister for Planning regarding support for Kingston City Council in relocating landfill, waste and recycling facilities in Kingston and working with the council to get a better outcome.

I will refer all those matters to the relevant ministers.

Ms Shing had an item for me as Minister for Training and Skills regarding the cross-border TAFE agreement recently signed by the Victorian government and the New South Wales government. I am pleased to directly respond to that item. It is important. I firstly acknowledge the great commitment the member has towards TAFEs in her electorate and towards provision of training and skills in the area she covers to improve both business productivity and opportunity for many young people, particularly those not actively inclined, to get a job and get on in life.

With regard to the cross-border issues, last year when I was the shadow minister for skills and apprenticeships I visited Wodonga, and I was greatly concerned that the normal arrangements for cross-border sharing and resourcing in the training sector had completely broken down. Students at Riverina TAFE who desperately needed to do training that was not offered in Riverina were being sent sometimes hundreds of miles to other TAFEs in New South Wales instead of being referred across the border to Wodonga TAFE. It was a ludicrous situation. It became worse when Riverina TAFE cancelled some of its courses, and it took quite a bit of intervention for those students to be able to swap across to Wodonga to train there rather than being sent a long way from their home town.

Whether it be SuniTAFE up in Mildura or Swan Hill, Wodonga TAFE or Riverina TAFE, they are in border towns. They are virtually one community. It does not really matter which side of the river you live on; you live in that community, and there should be sensible sharing of resources. We know it has been an issue that has gone on for decades. We know in some areas the issue has been resolved, but cross-border anomalies are still a major issue for many people in those communities. If you cannot get the training you need, I have the viewpoint that it is absolutely silly that just because you live on one side of the border you cannot cross over the border to another TAFE. That is the case whether you live in Victoria and, say, Wodonga TAFE does not do automotive training while Riverina TAFE does, or vice versa.

One of the commitments I gave in opposition when I was in the area was to get on with it and make sure that we had good cross-border training arrangements which did not disadvantage industry, students or people seeking to retrain. I am pleased that we have met that commitment and signed a new agreement with the New South Wales government whereby if a student cannot study in New South Wales — there are no courses — and they want to study in Victoria, or vice versa, they can go across the border and do their course. At the end of the year the two governments will reconcile the accounts. What we owe New South Wales for training we will pay to it, and what New South Wales owes us for training it will pay to us. There will be nothing more for the student, the trainee or the apprentice to do. It should not be up to them to weave their way through the intricacies of different state government bureaucracies; they should be able to get the training they need for the job they want no matter which side of the river they live on.

We have now signed the agreement and put it in place. I thank the New South Wales government for its cooperation, and I am sure that Riverina TAFE, SuniTAFE and Wodonga TAFE will fully cooperate to make sure that we have a seamless opportunity for training and skills development for students on either side of the river.

**The PRESIDENT** — Order! That concludes proceedings for the day. The house stands adjourned.

**House adjourned 5.55 p.m.**

**JOINT SITTING OF PARLIAMENT****Legislative Council vacancy****Honourable members of both houses met in Assembly chamber at 6.15 p.m.**

**The Clerk** — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

**Mr ANDREWS** (Premier) — I move:

That Telmo Languiller, Speaker of the Legislative Assembly, be appointed Chair of this joint sitting.

**Mr GUY** (Leader of the Opposition) — I second the motion.

**Motion agreed to.**

**The CHAIR** — Order! I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with the rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of rules.

**Mr ANDREWS** (Premier) — Chair, I desire to submit the rules of procedure, which are in the hands of honourable members. I accordingly move:

That these rules be the rules of procedure for this joint sitting.

**Mr GUY** (Leader of the Opposition) — I second the motion.

**Motion agreed to.**

**The CHAIR** — The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

**Mr ANDREWS** (Premier) — I propose:

That Ms Melina Bath be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment if chosen. In order to satisfy the joint sitting as to the requirements of section 27A(4) of the Constitution Act 1975, I also advise that I am in possession of advice that Ms Bath is the selection of The Nationals, the party previously represented in the Legislative Council by Mr Danny O'Brien.

**Mr GUY** (Leader of the Opposition) — I second the proposal.

**The CHAIR** — Are there any further proposals?

As there are no further nominations, I declare that nominations are now closed.

**Motion agreed to.**

**The CHAIR** — Order! I declare that Ms Melina Bath has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly. I now declare the joint sitting closed.

**Proceedings terminated 6.20 p.m.**

