

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Wednesday, 1 March 2006

(Extract from book 2)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AC

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Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

Joint committees

Drugs and Crime Prevention Committee — (*Assembly*): Mr Cooper, Ms Marshall, Mr Maxfield, Dr Sykes and Mr Wells. (*Council*): The Honourable S. M. Nguyen and Mr Scheffer.

Economic Development Committee — (*Assembly*): Mr Delahunty, Mr Jenkins, Ms Morand and Mr Robinson. (*Council*): The Honourables B. N. Atkinson and R. H. Bowden, and Mr Pullen.

Education and Training Committee — (*Assembly*): Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton. (*Council*): The Honourables H. E. Buckingham and P. R. Hall.

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Public Accounts and Estimates Committee — (*Assembly*): Ms Campbell, Mr Clark, Ms Green and Mr Merlino. (*Council*): The Honourables W. R. Baxter, Bill Forwood and G. K. Rich-Phillips, Ms Romanes and Mr Somyurek.

Road Safety Committee — (*Assembly*): Dr Harkness, Mr Langdon, Mr Mulder and Mr Trezise. (*Council*): The Honourables B. W. Bishop, J. H. Eren and E. G. Stoney.

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Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:

Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. P. N. HONEYWOOD

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Barker, Ms Ann Patricia	Oakleigh	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	McTaggart, Ms Heather	Evelyn	ALP
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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Green, Ms Danielle Louise	Yan Yean	ALP	Plowman, Mr Antony Fulton	Benambra	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
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Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
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Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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Wednesday, 1 March 2006

The SPEAKER (Hon. Judy Maddigan) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 107 to 109 and 212 to 214 will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing by 6.00 p.m. today.

PETITIONS**Following petitions presented to house:****Taxis: rural and regional**

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house the crisis with country taxis and the need for recognition that country taxis are a proxy form of public transport and provide an essential service in country communities.

The petitioners therefore request that the Legislative Assembly of Victoria immediately implement commonsense changes to reduce country taxi operator costs — e.g., allow flexible hours of service — and make available to country taxi operators the same subsidies as Melbourne taxis and public transport — e.g., subsidies for the provision of wheelchair-friendly taxi services.

By Dr SYKES (Benalla) (203 signatures)

Lake Mokoan: decommissioning

To the Legislative Assembly of Victoria:

The petition of water users in the Broken Valley and concerned citizens draws to the attention of the house that the government has discontinued irrigator involvement in the decision-making process regarding the decommissioning of Lake Mokoan.

The petitioners therefore request that the Legislative Assembly of Victoria urge the government to:

reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken system;

undertake an independent assessment of the current reliability of water supply provided by the Broken system including Lake Mokoan;

ensure commitments given by the former and current ministers for water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full;

investigate the possibility of a permanent storage in the bed of the lake to ensure reliability of supply to water users.

By Dr SYKES (Benalla) (995 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing requirements of the Education Act of 1958 and Community Services Act of 1970 that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Mr KOTSIRAS (Bulleen) (5 signatures)

Ms LINDELL (Carrum) (6 signatures)

Ms ECKSTEIN (Ferntree Gully) (6 signatures)

Mr LANGDON (Ivanhoe) (22 signatures)

Mr DELAHUNTY (Lowan) (25 signatures)

Mr COOPER (Mornington) (30 signatures)

Mr MAXFIELD (Narracan) (6 signatures)

Ms BARKER (Oakleigh) (47 signatures)

Mr LEIGHTON (Preston) (4 signatures)

Education: home-schooling

To the Legislative Assembly of Victoria:

The petition of Victorians who support home-schooling points out to the house extensive research in America, Canada, England and Australia has revealed that home education works both academically and socially and produces 'literate students with minimal government interference at a fraction of the cost of any government program'. Home-educated children enter conventional schools, go on to university, enter the work force and become responsible

citizens. The government has provided no evidence to show that regulation would have any beneficial effect. Moreover, the powers granted to the Victorian Registration and Qualifications Authority under the terms of the exposure draft of the Education and Training Reform Bill in regard to home education are unlimited and would allow unfair and ineffective regulations to be imposed on Victorian parents to the detriment of their children.

The petitioners therefore request that the Legislative Assembly of Victoria orders the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education in line with the existing Education Act's requirement that parents provide 'regular and efficient instruction' without reference to a statutory authority. This provides for the parents' rights to determine the manner of their children's education and for the state's responsibility to ensure all children are educated.

By Ms MUNT (Mordialloc) (28 signatures)

Retirement villages: residents rights

To the Honourable Speaker of the house and members of the house assembled in Parliament:

The petition of the undersigned citizens of Victoria draws to the attention of the house the continuing distress of many retirement village residents due to problems with the implementation of the retirement villages legislation.

We believe that the Parliament's decision, following the review of the act, provided reasonable exit provisions for new residents. These provisions have not yet been proclaimed. Further, we believe that existing residents do not have appropriate protection or avenues of redress where they have entered into complex and unfair contracts.

The petitioners call on the house to ensure that the Victorian government:

1. takes immediate action to proclaim all the amendments to the Retirement Villages Act adopted by the Parliament;
2. requires retirement village contracts to specify and protect residents rights;
3. regulates for contracts to be in a form that can be understood by residents, prospective residents and their legal or financial advisors;
4. provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions.

By Ms LINDELL (Carrum) (64 signatures)

Rail: Cranbourne station

To the Legislative Assembly of Victoria:

The petition of residents in the Cranbourne area draws to the attention of the house that as a matter of urgency, parking at Cranbourne railway station be increased to meet demand. Cranbourne is in the municipality of Casey, which is one of the fastest growing municipalities in Australia. Current parking is insufficient which necessitates commuters having

to use surrounding streets for parking which causes safety issues.

Your petitioners therefore pray that consideration be given to increasing car parking facilities at the Cranbourne railway station to alleviate this problem.

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

By Mr PERERA (Cranbourne) (201 signatures)

Police: Loch Sport station

To the Legislative Assembly of Victoria:

The petition of the undersigned citizens of the state of Victoria draws to the attention of the house the lack of police facilities at Loch Sport. With a continuing increase in permanent residents there is a need to ensure adequate policing.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the Victorian government to make funding available to erect a permanent 24-hour police station at Loch Sport.

By Mr RYAN (Gippsland South) (444 signatures)

Schools: public education

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws [to the] attention of the house that under the Bracks Labor government review of education and training legislation the future of public education enjoyed by the overwhelming majority of Victorians since 1872 is gravely threatened because it fails to define public education and require commitment to the public system from its employees. It will place parental choice before educational choices of children. It also fails to give primacy to public education and will place the registration of our state schools under the same body as the private systems. Petitioners named below desire to promote and defend the free, secular and universal public system of education in Victoria and prevent its integration into the private system in this state.

The petitioners therefore request that the Legislative Assembly ensure that any new education and training legislation dealing with our public (state) education system:

1. Be separate and distinct from any dealing with private schools.
2. Define public education as free, secular and universal; public in purpose; outcome; ownership; accountability; and accessible to all children whatever their colour, class, creed, ethnicity and geographical location.
3. Gives primacy to public education in any and all areas and furthermore provides.
4. Separate legislation for registration of private schools together with proper, transparent, publicly accessible accountability for expenditure of all taxpayers money.

By Mr LANGDON (Ivanhoe) (443 signatures)

Hazardous waste: Nowingi

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

The petition of certain citizens in the state of Victoria draws [to the] attention of the Legislative Assembly that the proposed toxic waste facility in the Mildura Rural City Council at Nowingi, south of Mildura, is an absolute disaster for the families and communities directly affected. The toxic waste facility would also decimate the wider community.

The proposed toxic waste facility will destroy families, their heritage, communities and the work of generations.

The proposed toxic waste facility will ruin the clean food chain image which has been widely recognised and change north-west Victoria from a clean, green food bowl to the toxic waste capital of Victoria.

Prayer

The petitioners therefore request that the government of Victoria abandon its proposal to place a toxic waste facility in the Mildura area.

Mr SAVAGE (Mildura) (103 signatures)

Moorabbin: courthouse

To the Legislative Assembly of Victoria:

The petition of the residents in the state of Victoria draws to the attention of the house the anomalous situation of naming the new \$28 million government-funded courthouse to be constructed on the former Gas and Fuel site in Nepean Highway, Highett, the "Moorabbin courthouse" instead of the 'Highett courthouse'.

Prayer

The petitioners therefore request that the Bracks government:

- (i) respect the locality of Highett, the history of Highett, the residents of Highett, the traders of Highett and the wider Highett community by renaming the court complex the Highett courthouse;
- (ii) respect the interests of future court attendees travelling by public transport so that they disembark at the nearest railway station;
- (iii) advise the residents of Moorabbin when it will be building a new courthouse in Moorabbin as promised at the last election;
- (iv) acquire a *Melway* directory for the Attorney-General and his department and return rail tickets to the Highett railway station.

By Mr THOMPSON (Sandringham) (43 signatures)

Police: Mooropna and district

To the Legislative Assembly of Victoria:

The petition of the businesses and residents of Mooropna district draws to the attention of the house the lack of police

resources at the Mooropna and district police stations. The stations have been undermanned for several months and are at crisis point for the communities. Several police stations have had to close at weekends and operate severely reduced hours providing no support to the towns during this period.

The petitioners therefore request that the Legislative Assembly of Victoria direct the relevant minister to investigate and correct the lack of resources in these busy police stations.

By Mrs POWELL (Shepparton) (2048 signatures)

Police: Murchison

To the Legislative Assembly of Victoria:

The petition of the residents of Murchison through the Murchison Action Group draws to the attention of the house the police station in the town of Murchison is unmanned during periods when the resident officer is on leave.

The petitioners therefore request the Legislative Assembly of Victoria to provide a resident replacement police presence in the town of Murchison during periods when the existing officer is on leave.

By Mrs POWELL (Shepparton) (143 signatures)

Neighbourhood houses: funding

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

The humble petition of the undersigned citizens of the state of Victoria shows their great concern for supporting the important contribution that neighbourhood houses make in strengthening our communities and building social capital by providing programs for 95 000 participants each week with the assistance of 13 000 volunteers.

Your petitioners therefore respectfully request that the government commit to \$84 million over five years so that both the hours and the remuneration of neighbourhood house coordinators can be increased.

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

By Mr WALSH (Swan Hill) (26 signatures)

Tabled.

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

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

Ordered that petition presented by honourable member for Cranbourne be considered next day on motion of Mr PERERA (Cranbourne).

Ordered that petitions presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petition presented by honourable member for Lowan be considered next day on motion of Mr DELAHUNTY (Lowan).

Ordered that petition presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

Ordered that petition presented by honourable member for Bulleen be considered next day on motion of Mr KOTSIRAS (Bulleen).

DOCUMENTS

Tabled by Clerk:

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*

Victorian Law Reform Commission — Final report on the Review of Family Violence Laws — Ordered to be printed.

MEMBERS STATEMENTS

Friends of Margaret Lewis Reserve, Evelyn

Ms McTAGGART (Evelyn) — I rise today to pay tribute to the Friends of Margaret Lewis Reserve in Coldstream within my electorate of Evelyn.

The reserve is named after local resident Margaret Lewis who purchased the Ingram Road property called *Fairway* in 1955 with her husband George. The couple established a Cheviot sheep stud and a pony stud. Margaret had loved ponies since she was a little girl. Margaret loved living in the beautiful Yarra Valley and made available 38 acres of the property for passive recreation so that others could enjoy the benefits of such a natural reserve. George died in 1969, and Margaret died in 1981.

In 2002 a few interested local residents formed the friends group and, with the guidance from local identity Morris Maxwell, this is now a fully incorporated body which has the basic aims of conserving the inherited natural parkland and encouraging its use by the local community. On 11 September 2003 I was invited to attend the first annual meeting of the Friends of

Margaret Lewis Reserve group. I have been attending these meetings ever since.

The group is to be commended for its outstanding work on the reserve. Apart from weeding, mulching and planting hundreds of indigenous plants, a winding perimeter track, paved with sawdust and shavings, is being constructed to provide a low-impact shaded walkway, as well as access to areas originally overgrown with blackberry.

The Friends of Margaret Lewis Reserve group has approximately 100 members, which is a great effort in a small community. The members are provided with a handbook and a badge which they can wear during working bees et cetera. They have also been successful in gaining government grants for equipment and tools.

Working in conjunction with the Shire of Yarra Ranges, the group has many plans for the future including a frog hollow, more seating, improved entrance, vehicle access and a commemorative plaque. There are also plans to increase habitat for a native rodent species that has been sighted.

I would like to take this opportunity to thank the Friends of Margaret Lewis Reserve for their efforts, and I suggest to anyone passing by that way that they stop and step out of the daily rush for a stroll around what has been Coldstream's best kept secret.

Nepean Highway–Oakbank Road, Mornington: speed signs

Mr COOPER (Mornington) — On school days between 8.00 a.m. and 9.00 a.m. and 3.00 p.m. and 4.00 p.m. the intersection of Nepean Highway and Oakbank Road, Mornington, has to be seen to be believed. Oakbank Road is the location of the main campus of Padua College, a large Catholic secondary school. A huge number of cars and buses have to negotiate this intersection, with the bulk of that school-generated traffic having to cross over the oncoming traffic travelling at 80 kilometres per hour on the Nepean Highway.

The hazard at this location is high and quite obvious to all, except those who are charged with the responsibility to make such intersections as safe as they possibly can be. Despite numerous approaches to VicRoads over the last few years by Padua College and many individuals, nothing has been done.

Recently after meeting with the principal of Padua College I telephoned and then wrote to VicRoads asking that school speed-reduction signs be placed on the Nepean Highway about 200 metres before the

traffic arrives at the intersection from the direction of Mount Eliza. I received a response a few weeks later from VicRoads refusing my request. Both the school and I, along with the local community, expected that such an obvious and low-cost but vitally important safety initiative would have been immediately approved. Alas it seems that we will have to wait for a major accident to occur at that intersection before VicRoads is motivated to act on this matter. What a disgrace!

Gordon Murphy

Mr LEIGHTON (Preston) — I wish to advise the house of the death of a constituent, Mr Gordon Murphy, a long-time resident of Preston. Gordon was a decent, genuine and committed man and a tireless worker for his community. Gordon was also a great guy to socialise with, especially over a beer at local RSL functions.

I best knew Gordon in his various local RSL roles, including as secretary/treasurer of the Preston RSL. Gordon was also the instigator and driving force behind the establishment of the Northern Districts National Servicemen's Association. Gordon was a proud nasho, having done his national service in the Royal Australian Air Force. Gordon was highly respected by members of both organisations; however, he also made substantial contributions to other organisations, including to the board of Victorian Little Athletics and the committee of the Royal Children's Hospital Good Friday appeal, and as a marshal at the Anzac Day march. Despite this range of activities, Gordon was renowned for getting on with the task at hand and for completing it while others were still talking about it.

Over 500 people packed out the Preston town hall for his funeral, which was a celebration of Gordon's life and service. Preston is much the better for Gordon Murphy. I extend my sincere sympathies to his wife, Pam, their children and family.

Gippsland: lifesavers

Mr RYAN (Leader of The Nationals) — I rise to pay tribute to Gippsland's lifesavers, who do so much wonderful work to make our beaches safe. The figures from Surf Life Saving Victoria for the period from 1 November 2005 to 27 February 2006 indicate that 83 rescues were completed on Gippsland's beaches. They include rescues at Mallacoota, Lakes Entrance, Seaspray, Woodside, Venus Bay and Inverloch. The total number of beach rescues in Gippsland last year was 60. We should remember, without wanting to push the line too much, that no-one has ever drowned on a

Victorian beach while a patrol has been on duty. That in itself is a great tribute to the lifesaving movement generally and a signal to the public that it is always wise to swim between the flags.

I also want to pay tribute to the Seaspray Veterans crew: Warren Boulton, Bill Noble, Jim Lindrea, Mick Centra and Barry Smith, as the sweep. A couple of weekends ago at Lorne they won a bronze medal in the world championships in the veterans crew event. This group has already won two gold medals and one silver, and now they have the bronze to add to the collection. Knowing the membership of the Seaspray Surf Life Saving Club as well as I do, I am also able to tell the house that these guys — like so many others, including so many of the ladies who are members of the club — do fantastic work amongst the young children to make sure that this great tradition continues, not only on Gippsland beaches but across Victorian beaches at large.

Cervical cancer: vaccine

Ms LOBATO (Gembrook) — It is disheartening to learn that women are yet again about to be subject to major and unwarranted medical intervention by the world's pharmaceutical giants. Companies such as CSL are poised to reap megadollars in profits and consume millions of health care dollars from governments through the development of a vaccine against cervical cancer. Cervical cancer is one of the most common cancers, yet only two-thirds of the incidence of this type of cancer is linked to the human papilloma virus. The other third would not be assisted by any vaccine of this nature. Even more enlightening is the fact that 80 per cent of the cases of cervical cancer occur in developing countries. One has to ask: will any of these women be assisted by a cervical cancer vaccine? The answer is of course no.

Instead of encouraging the use of a simple piece of plastic known as a condom, which prevents the transmission of the human papilloma virus, we face the prospect of yet another impost on our limited health expenditure for the so-called interest of women's health. The process is always similar: make people afraid of the prospect of catching something and instead of offering a simple solution — in this case the condom — offer so-called fail-safe vaccines. It is an expensive price to pay for the alleviation of a fear that was actually fostered in the first place.

While the First World pharmaceutical companies perform evermore complicated trials to develop more vaccines against an increasing number of conditions, the

developing world remains hungry and in poverty. Many people die from easily preventable diseases — —

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

Snowy Hydro Ltd: sale

Mr PLOWMAN (Benambra) — Between 1949 and 1959 Australia's greatest engineering project, the Snowy Mountains scheme, was built to provide hydropower and irrigation water to the Murrumbidgee and Murray basins. Over the last 60 years this project has been one of the best showpieces of Australia's development during the 20th century. A vast number of workers for the Snowy scheme came from the Benambra electorate. Many of these workers came from the Bonegilla Migrant Centre and many of the engineers were stationed in Corryong.

Lives were lost during the building of the scheme and many workers suffered deprivation while working under extraordinary circumstances and extremely difficult winter conditions. The Bracks government has now decided to sell out its share of what has been regarded as Australia's finest engineering project. The question we have to ask the Bracks government is: why does it need the \$700 million to \$800 million from this sale when it is already the highest taxing government in Victoria's history? Is the backlog of school maintenance and construction so bad that this sale has to go ahead? This is a one-off windfall which should not prop up government expenditure on our schools which could easily be met by the huge increase in land tax, stamp duty, speeding fines and gaming taxes. If this government was looking to the future, the funds gained from the Snowy scheme would go to infrastructure.

Glen Waverley Secondary College: flag presentation

Ms MARSHALL (Forest Hill) — On Thursday, 23 February, I attended with great pleasure, with the member for Mount Waverley, a flag presentation at Glen Waverley Secondary College. This was a fantastic opportunity to share with the kids not only the great excitement that is generally building towards the opening ceremony of the Commonwealth Games but some of the background to the infrastructure and the changes that have happened in the lead up to the games and some of the legacy this event will provide to Victorians. We were able to present them not only with the flag but with little pins. Because I have travelled around the world and been in many major events, I know that pin collecting and swapping is one of the favourite pastimes of spectators.

Tobin Brothers Funerals: foundation awards

Ms MARSHALL — On Thursday, 23 February, I was also a presenter for this year's Tobin Brothers Funerals foundation awards. It was the first time I have been asked to make a presentation for Tobin Brothers. Tobin Brothers provides relatively small amounts of money to groups and charity organisations that would otherwise slip under the radar when it comes to grants. One award was made to Good Shepherd Aged Services. It was for the Maryville Hostel, which is a 58-bed low-care residential facility located in Boronia. The grant will be used to purchase eight outdoor bench seats for the hostel's bird observer walking trail, which encourages the elderly to get out and remain active.

Sandringham: restaurants

Mr THOMPSON (Sandringham) — My message to all those people visiting Australia for the Commonwealth Games is not to just visit Melbourne but to experience it first hand. Located just 19 kilometres south-east of Melbourne, Sandringham is a picturesque beachside village where the modern meets the old bayside. Characterised by polite community-minded and open people, as well as some of Melbourne's best beaches, Sandringham forms the perfect destination for experiencing Melbourne first hand. Situated a short train trip from the Melbourne central business district, Sandringham is a perfect family destination, offering an abundance of taste for breakfast, lunch, dinner and snacks in between.

Blend 73, Boathouse Cafe Sandringham, Continental Delicatessen, Green Mango Cafe, Finz Seafood Restaurant, the Hobson Stores, Le Cafe De La Plage, Linacre Fine Food Cafe, Ludo — the Good Food Store, Limoncello, Primavera by the Bay, Suka Rasa, the Sandringham Hotel and Wing Ho are some of the outstanding venues in Sandringham.

It is an excellent start or finish to any exploration of Sandringham. There are a number of other friendly cafes with a down-to-earth atmosphere. It is a great destination for breakfast, lunch or dinner and provides the chance to relax and unwind in a healthy and open environment. It also represents a perfect opportunity to dine in style directly opposite the beach. Some venues are set in an upbeat, positive fashion and others provide both dine-in and catering facilities. I encourage many people in this chamber, visitors — —

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

Ashburton Community Festival

Mr STENSHOLT (Burwood) — On Sunday Ashburton came alive with the annual Ashburton Community Festival attended by over 10 000 people. This year the festival included the program of events organised by Liz Webb and the Ashburton traders such as street stalls, the Snuff Puppets and local talent such as Jim Keays, as well as 100 Per Cent Kylie. There were dozens of stalls, games and rides for all the family.

As well this year there was a community fun day, 'Warming Up for the Games', which was supported by the Bracks government through the Victorian Multicultural Commission, and preparations for the Commonwealth Games funding. It was auspiced by Neighbourhood Renewal and the Monash and Boroondara councils. The highlight was the march past down High Street of all 71 commonwealth nations and their flags. Thanks to the mayor of Boroondara, Jack Wegman, and his wife, to Cr Mary Halikias-Byrnes and Ken Douglas, the president of the Ashburton traders, who joined me in the parade. We had all the local schools carrying all 71 flags of the commonwealth. Afterwards people joined in local games such as gumboot tossing and thong throwing. It was a great day.

Also there were a number of activities supporting the Edge, the newly formed community fund helping kids in Ashburton, Ashwood and Chadstone. Thanks to the traders and businesses which donated to the raffle and to the Matthew Flinders Hotel for its support particularly in launching the Edge Community Fund the week before last.

At the end of the day, with the help of school kids, especially from Solway Primary School, an attempt was made outside the ANZ bank on the world record for laying the fastest mile of coins. We laid 80 000 coins in 2 hours and 10 minutes. Thanks to those who participated, particularly Margaret and Richard who held up the bin into which the line of coins went. The good news is Ashburton broke the record. A special thanks to the ANZ bank which matched dollar for dollar the funds raised for the Edge Community Fund on the day. Over \$4000 was raised. It was a really great Ashburton community festival and a credit to all concerned.

Students: rural travel assistance

Mrs POWELL (Shepparton) — I recently met with Mr Don Clutterbuck, the chief executive officer of The Apprenticeship Factory in Shepparton who wanted me

to seek support from the Minister for Transport to provide free rail travel for rural and regional secondary school students to enable them to attend the World Skills and Try a Trade event on Friday, 5 May. Mr Clutterbuck has been able to secure rough costings from V/Line to provide carriages to existing trains at an average cost of about \$25 per head return across most regional areas. The cost may vary when firm bookings are made. The cost for 1000 to 2000 students is about \$25 000 to \$50 000. Group training companies which have already indicated their interest are Westvic Workforce, Warrnambool region, 200 students; G-Force Recruitment, Geelong region, 150 students; and The Apprenticeship Factory, Shepparton region, 250 students.

If free travel to Melbourne were provided, other schools have indicated their interest in sending students to the World Skills event. The government provided funding for World Skills to run the event in Melbourne. We hope the government will now financially support students from regional Victoria to attend. We have a critical shortage of skilled tradespeople in rural and regional Victoria and I am told industry is supporting the need for free rail travel so that vocational training can be promoted to our country students and they can be exposed to a career in the trades. The Australian Industry Group has written to Mr Clutterbuck supporting the need for free rail travel for regional students to allow them to have access to best practice and hands-on experience.

I ask the government to invest in our young people in regional Victoria and to provide the much-needed free rail travel to allow attendance at this great event.

Marlborough Primary School: presentations

Mr LOCKWOOD (Bayswater) — Last Monday I went to Marlborough Primary School in Heathmont to present badges to the junior school council at the Monday morning assembly. These are the students from all grades who will represent their fellow students for 2006 and they were watched by a number of proud parents as they received their badges. Students and parents were also welcomed at a morning tea hosted by the staff.

The junior school council members are: president Demara Gates, school captains Daniel Jordanov and Samantha Guest, members Darcy Jamieson, Thuy-Lien Finch, Ellie Newgreen, Penny Barnes, Tegan Lewien, Sammy Tippett, Annabelle Barton, Taylah Piel, Megan Aberle, Jasmine Maffey, Campbell Grech, Taree Dean, Liam Smith and Jessica Campbell.

They are an enthusiastic group, ready and able to do a good job for their peers. Being members of a junior council does not mean that the students run the school, but it is an opportunity for them to show leadership and set an example to others. Students are elected from each grade, so they all get an equal voice. It is a great learning exercise, especially for the younger ones, who will benefit greatly from the experience. Other students can look to them as representatives to advance their concerns and ideas for the school. It is not all about the individual; it is also about how that individual represents the interests of classmates.

Marlborough is an excellent school, well led by principal Irene Harding and school council president David Moyle. The children all seem keen, helpful and happy, all signs of a successful school. Obviously the teachers and staff do a great job. The setting for the school is also conducive to learning. It is in the bushy part of Heathmont, with a leafy and treed environment. It is great to have bushland as an integral part of the neighbourhood. I wish the junior school council of Marlborough Primary School every success in 2006.

Country Fire Authority: enterprise bargaining agreement

Mr WELLS (Scoresby) — This statement condemns the Premier and his Minister for Police and Emergency Services for failing to support the Country Fire Authority (CFA) volunteers during the current enterprise bargaining agreement (EBA) negotiations between the United Firefighters Union (UFU) and CFA management. The CFA's 58 000 volunteers are again being hung out to dry by the Bracks government, despite the Premier signing the firefighters volunteer charter in 2001.

By pressuring the CFA and the Metropolitan Fire Brigade (MFB) management to sign off on the firefighters enterprise bargaining agreement, the Premier and his minister are paying back their UFU mates at the expense of volunteers. The desperate rush to sign off on an EBA is simply a measure designed to please the Labor mates in the UFU and to win a few extra votes for the ruling right faction's preferred candidates during a messy ALP preselection period. The Liberal Party calls on the Premier to ensure that all CFA volunteers, through their peak body, Volunteer Fire Brigades Victoria, are fully consulted and briefed on the likely impact of the EBA.

The Premier should also immediately provide a guarantee that there will be no detrimental impact on volunteers. The last firefighters EBA process ended up being a fiasco, with volunteers not properly consulted,

and as a result CFA volunteers were detrimentally affected. The CFA can no longer use accredited CFA volunteers to deliver paid operational training, and the community support facilitators have been scrapped. The Premier must stand by his government's commitment and support the volunteers.

Schools: Oakleigh forum

Ms BARKER (Oakleigh) — I would like to record my thanks to year 6 and 7 students from the Oakleigh, Amsleigh Park, Sacred Heart, Carnegie, Glenhuntly, St Anthony's and St Patrick's primary schools, the Oakleigh Greek Orthodox College and Kilvington Girls Grammar for participating in the youth forum on Friday, 17 February, at Carnegie Primary School. I particularly thank the minister for youth affairs, Jacinta Allan, for her attendance at the forum and also Carnegie Primary School for assisting in the organisation.

The youth forum was organised in response to the minister's revision of the youth policy for Victoria, which is due to be released later this year. The current framework for the youth affairs policy is the document *Respect*, which provides a stronger understanding of the contemporary needs and experiences of young people.

The youth policy looks at how we can work with young people aged from 12 to 25. I was keen to ensure that our young people at the early end of this age group had an opportunity to have their views and concerns heard. Both the minister and I were very interested in the issues discussed, and the lead on these issues was taken by students from Amsleigh Park Primary. They conducted a pre-forum with grade 5 and 6 students and put together an overview of the issues discussed. This overview was very capably and maturely put forward by Amsleigh Park Primary school captains, Julian Daly and Nadia Bosco.

It was interesting that the issues raised were about drugs and how to ensure that young people know how to handle the pressure that may be brought upon them, especially as they move from primary school; health, and in particular junk food and school canteens; and mobile phones and suggestions that education be provided at a school level to ensure that young people understand the costs and contracts involved. Graffiti was another issue that was raised and discussed. It is clear that even as early as years 6 and 7, students are discussing important and difficult issues.

Lake Colac: sewage

Mr MULDER (Polwarth) — Barwon Water has once again dumped raw sewage into Lake Colac. The latest incident comes following assurances from the authorities that their new treatment plant would provide great benefits for the region and improve the quality of water in Lake Colac. It is an embarrassment to Colac and district residents to have their icon lake shut down yet again due to a major sewage spill into the lake — and what a turn-off for visitors!

There are signs down there that say ‘Sewage has accidentally discharged into this area’. What those signs should say is ‘... yet again’. The community is losing patience. Odours, algae blooms, scum, poor quality water and disruptions to a lot of recreational activities on the lake are simply not good enough. Barwon Water’s excuse that unusual sewage is entering the system is not acceptable. Millions of dollars have been invested in the plant, which obviously has had a major systems failure. The lake is Colac’s greatest natural attraction and to have it continually used as a sewer dump is not acceptable.

Colac lost its representation on Barwon Water when a deal was struck between the Minister for Environment, a member for Geelong Province in the other place, Ms Carbines, and the Otway Ranges environment network. It landed us with faceless men whom we never see in the area. We want action from Barwon Water, and we want it now.

Country Fire Authority: Patterson River brigade

Ms LINDELL (Carrum) — Patterson River Country Fire Authority commences operation this month. It comes about as an amalgamation of the Carrum and Chelsea CFA brigades. Both those brigades have given 94 years of amazing service to my local community.

The new brigade at Patterson River will have over 70 volunteers. The operations officer, Mike Owen, will be the first officer for Patterson River CFA and the volunteers will include First Lieutenant Darren McGrath, who is the current captain at Carrum, Second Lieutenant Jamie Milburn, Third Lieutenant Paul Francis and Fourth Lieutenant Cameron Bailey. The secretary for Patterson River will be Gary Best, who has been a long-serving secretary for Carrum CFA, and Mike Weissenfeld will be president of the new Patterson River brigade, having come from Chelsea.

I certainly wish the new brigade the very best of success. It brings together two amazing brigades — Carrum and Chelsea, both of which have served in the past, and I am sure Patterson River will serve in a very similar and exemplary way in the future.

Hastings: community sporting organisations

Ms BUCHANAN (Hastings) — In the lead-up to the Commonwealth Games two very important events occurred that showcased both the importance and the benefits of everyone being active participants in sport and two of the great clubs located in the Hastings electorate. The Hastings Bowls Club hosted a premiere open fours bowls tournament, attracting Commonwealth Games members from the Australian, Maltese and Malaysian teams and many state and national champions from around Australia. My compliments go to the great team at this club who planned the event and ensured that the two days were filled with great bowling, great entertainment and great fun for both the athletes and the many spectators.

The Rotary Club of Hastings Western Port has for nearly one year now, in conjunction with VicHealth and the local learning and employment network and many local sporting groups across the Mornington Peninsula, provided the necessary equipment for disadvantaged youth to participate in sporting activities. At a recent dinner sports star Robert Harvey, from the Australian Football League team St Kilda, gave a stirring speech and commended the Play On program, adding his most generous support to its activities.

Both of these high-profile events were supported by the Bracks government, again reflecting our commitment to the promotion and active engagement of people of all ages in sports, which in turn benefits Victorian communities across the Hastings electorate. To Paddy Finch and the Rotary Hastings/Western Port members, Kylie Lamshed, Wilson Tuckey, Jeff Hooper and the Hastings Bowls Club members, and the many sponsors, such as Hastings Safeway, Hastings Wignall Ford, Mornington Mazda, David Gibbs and Associates, Angoves Wines, the Hastings Club and Don Hodgins and the many sports clubs across the region, I say thanks to you all for your vision and support for engaging more people in healthy lifestyles. You are all local sporting heroes!

Bentleigh Bayside Community Health Service: opening

Mr HUDSON (Bentleigh) — Recently I had the pleasure of attending the 30th anniversary of the opening of the Bentleigh Bayside Community Health

Service. The service performs over 50 000 treatments a year, providing such things as podiatry, physiotherapy, counselling, dental services and home and community care. It also houses the wonderful Gamblers Help Southern service and runs 24 different adult day classes, all of which are well attended.

Bentleigh Bayside has the distinction of being the only community health provider in Victoria to have a hydrotherapy pool. The health service opened on the back of money allocated by the Whitlam government to provide community-based allied health services to pensioners and concession cardholders. At first some local GPs opposed the opening of the service, fearing it would take away their business, with their case going all the way to the Supreme Court.

The number of people involved with the service has grown from 5 to 125, with some of those first involved being at the celebration. Dr Alan Rose, who put in the original submission to set up the service, gave a brief history, while Moira Dwyer, the first manager — who is still involved with the service — cut the cake.

I want to offer particular congratulations to the current chief executive officer Mr John Turner and staff for their tireless efforts in successfully running the service; and also to the president of the board, Mr Russell Longmuir, and current board members.

I also commend the efforts of past and present staff members and volunteers, without whom the service would not have been able to provide such an invaluable service to the local community. Congratulations to Bentleigh Bayside Community Health Service. Well done!

Public transport: government initiatives

Ms D'AMBROSIO (Mill Park) — I wish to applaud the Bracks government's announcement in October last year that it would release the transport and livability statement in April. There have been no significant extensions to our above-ground metro rail network since the 1930s. Successive governments over the last few decades have failed to meet the needs of a rapidly growing population. I am very confident that the transport and livability statement, which will be delivered sometime after the Commonwealth Games, will squarely address the growing needs of outer metropolitan Melbourne in electorates such as mine.

I am pleased that the initiatives will most likely set a third-term agenda for this government. Of course in its first two terms the government has been busily rectifying much of the damage that was done to

Victorians for a number of years prior in health, education and community safety. This government has made significant inroads into public transport in its first two terms, but it now needs to turn to the rapidly growing demand for and major improvements to infrastructure.

I look forward to the announcement, and I augur that there will be many good initiatives in it for a growing Melbourne, especially in electorates such as Mill Park.

Maroondah Festival

Ms BEARD (Kilsyth) — On Sunday, 19 February, I had the great pleasure of joining the estimated 60 000 people attending the 2006 Maroondah Festival. Despite the threat of bad weather, the festival was once again well attended by people from both the Maroondah community and surrounding communities. Each year I reserve a stand and am always delighted to meet so many of the people who attend. This obviously provides me with an invaluable opportunity to inform the locals of the latest achievements of the Bracks government and also to receive their feedback on issues of importance.

With an event attracting 60 000 people it is easy to understand why every local community group and organisation does its best to reserve a stand for the big day. However, one group noticeably absent this year was the Liberal Party. While we have become accustomed to not seeing it participate in community events, it was quite surprising that in an election year it did not bother to have a presence. You might expect that in an election year Liberal members of Parliament and candidates would not pass up an opportunity to meet so many members of their communities and inform them of their policies. But then again, perhaps they have nothing to inform them about. Perhaps they were reluctant to contribute financially to the success of the festival.

I would like to congratulate everyone from the Maroondah community on their commitment to making this year's Maroondah Festival another huge success, particularly the Maroondah City Council, which once again ensured that the festival remains a day to remember for the people of the outer east and the electorate of Kilsyth.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Bellarine has 20 seconds.

Roads: barriers

Ms NEVILLE (Bellarine) — I just want to take the opportunity to indicate that a recent article led by the

member for Polwarth and shadow Minister for Transport about some road barriers being put in the incorrect place is incorrect.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member's time has expired, and the time allocated for members statements has now ended.

MATTER OF PUBLIC IMPORTANCE

Government: performance

The ACTING SPEAKER (Mr Savage) — Order! The Speaker has accepted a statement from the member for Warrandyte proposing the following matter of public importance for discussion:

That this house condemns the waste and mismanagement of the Bracks government and, in particular, its obsession with self-promotion through an annual advertising expenditure of \$80 million while failing to deliver essential services or complete projects on time and on budget.

Mr HONEYWOOD (Warrandyte) — The failure of the Bracks government to properly manage the refurbishment of the Sandridge railway bridge, a relatively small project that was earmarked for redevelopment some six years ago and scheduled to be finished in 2003, has become symbolic of its incapacity to effectively manage even the simplest project — the kind of project you would expect even this bunch of incompetents to complete on time and on budget.

Completing this small but important project is now a race against time, and there will be a struggle to complete it in time for the Commonwealth Games. Yet when it realised the project would go beyond its 2003 completion date this inept government decided to rebadge the bridge work as a Commonwealth Games project and planned to incorporate the bridge as a centrepiece of the games opening ceremonies, which are due to proceed in two weeks time.

Given that this project is still not finished, Acting Speaker, can you imagine for one moment the overtime charges and contractual extra payments that are being charged to the taxpayer as we speak? Just like the Melbourne Cricket Ground and Spencer Street station redevelopments, a court case could eventuate and hush-money compensation may even be forthcoming to hide the fact that desperate phone calls have been made, no doubt from ministers private offices, to developers in order to meet requisite photo opportunity deadlines.

Federation Square is another typical example of that. I was able, through the freedom of information process, to access documents that prove that massive overtime

charges were made and that three shifts every 24 hours were occurring in order for the Premier to meet a photo opportunity the day before the 2002 election was called. Government by photo opportunity translates into costs to taxpayers in overtime charges imposed by ministerial requirements.

The Bracks government noted in 2000 that the clean-up of the Northbank area of the Yarra, including the refurbishment of the bridge, was a key priority. The Premier is reported as stating to the *Herald Sun* almost six years ago:

If you think about Northbank, you can see a mishmash of development, no coherence, lack of action, lack of people on what is a great waterfront.

Much of what the Premier noted on that occasion is not only true of the poor state of Victoria's Northbank, but is also true of the Bracks government's approach to major projects and service delivery — a mishmash of development, no coherence and a lack of action. It is little wonder that this lack of coherence and lack of action has led to this state's stuttering major projects agenda.

How can the people of Victoria expect this government to manage multibillion-dollar projects if it fails to deliver — abysmally, I might add — on the small \$6 million Sandridge redevelopment? The answer is they cannot expect much at all from this government and the proof is in the pudding.

It is no surprise that this government, which struggles to cope with a \$6 million project, also fails to cope with the estimated \$700 million Spencer Street station redevelopment. This project, as you would expect, is behind schedule and over budget. This project will not be completed for the Commonwealth Games and interruptions to trains travelling through the station are expected to continue well into the year.

According to another *Herald Sun* article of December last year, at least seven major projects aimed for completion well before the games are dangerously behind schedule. Here we have the major occasion on which to showcase the city of Melbourne and the whole state to overseas and interstate visitors, and what do we find? It has taken this government six years to get its act together on seven major projects associated with the games, including a small bridge. Government members should hang their heads in shame.

The extra spending details, however, are hidden from the people of Victoria and will not be released until it is convenient for the government to do so. If there are extra expenses to be met, this government should

justify those extra costs to the people of Victoria instead of engaging in lip service and budgetary deception.

It is clear that this government is failing when it comes to major projects. It is clear that millions of dollars are being wasted on completion blow-outs. On the one hand we have millions of dollars being plundered because of incompetence, but, just as horrendous, on the other hand we have nowhere near enough funds being spent on services, genuine service delivery and infrastructure for the Victorian people.

The public transport system is one such example of this government's failure to deliver vital services to this state. My researcher is just one commuter who has opted to use trains each day because of high petrol costs. Faced with constant cancellations he informs me that some trains in the morning peak are so crowded that you almost need those Japanese people with poking sticks to poke people in the buttocks to get them into the carriages. It is so crowded that people are almost fainting in the aisles because they are squashed in like sardines. And this is a government that claims to care about public transport!

I turn to an article in the *Age* of 21 February of last year. Royce Millar had received a report by a high-level advisory group that was investigating the Melbourne 2030 implementation. The report states:

The government has failed to commit funds to, or even acknowledge the need for, the major transport improvements necessary under the planning blueprint. Without serious attention and substantial investment in transport, Melbourne faces some very serious threats to its economic competitiveness and livability.

In my own electorate in Ringwood we had exactly that situation. The bureaucratic planners rushed in to try to implement 2030 for and on behalf of this incompetent minister, the Minister for Planning, and designated Ringwood as a key urban growth activity centre. That is going to mean we are going to have ghetto-type cheap apartments, because at the end of the day any developer will tell you that the cost of land is not a key issue; it is the cost of construction. That cost of construction, whether it be down at Southbank or out in Ringwood, is almost exactly the same. The only way that you can actually bring down the average cost of an apartment is to cut off the bells and whistles — to have no verandas and small, pokey windows on multistorey, grey edifices.

What is the government's strategy for actually providing public transport improvements to the people of Ringwood, where it plans to double or triple the population? In the 1999 election campaign a third railway line was offered to provide express trains from

Ringwood, which is at the junction of the Belgrave and Lilydale lines, into the city. We have waited for that third railway line to be included in every budget, and seven years down the track, where is the third line?

An honourable member interjected.

Mr HONEYWOOD — At least it is still on the planning blueprint. It has not been knocked out like the Tullamarine airport railway promise that was made in 1999. It is just one example of the government's not providing the public transport, the road transport and the other necessary infrastructure to ensure that in terms of Melbourne 2030 and urban planning and service delivery for future generations it will be able to meet the public's needs when it comes to cramming people in like sardines into so-called designated urban activity centres.

The *Age* article concluded that the transport plan is all about squeezing more out of the existing system and not extending it and that the plan:

... is without specific details, timing or funding commitments ...

It comes as a shock to the opposition that there are no specific details, no timing and no funding commitments! The art of deception has been practised by this government during its entire period in office. It has no specific details, timing or funding commitments on something as crucial as an improvement of Victoria's collapsing transport system.

While Victorians are struggling each morning or afternoon to catch a train, bus or tram, if they are running at all and if they are on time, the government has spent millions of dollars on a fast rail system that — surprise, surprise! — is massively over budget and behind schedule. It seems clear that the Bracks government's fast rail service, just like all projects it undertakes, was subject to no specific details, timing or funding. Originally, in 1999, we were told by Labor that the fast rail would cost Victorian taxpayers \$80 million.

Mr Mildenhall interjected.

Mr HONEYWOOD — That was the cost of the study, says the member for Footscray. So you paid \$80 million for a study, did you? That would be right! Now its cost is \$750 million and will be likely to have cost in the vicinity of \$1 billion when it is completed. That is only 10 or 12 times the original amount. But what is money to this mob? They are hooked on Prime Minister John Howard's GST. They are very comfortable with that and their massive land tax

revenue. They are dissipating the legacy of future generations. Of course the fast rail project is running several years late and will not be completed until the end of this year, but we will undoubtedly have a pre-election photo opportunity.

Members should not worry, because last April the Premier and the Minister for Transport had Max the Magician, Spaghetti the Clown and Thomas the Tank Engine selling the Spencer Street railway station redevelopment and the fast rail project at a party bash, a pathetic public relations stunt that, based on the good freedom of information work done by the member for Brighton — cost taxpayers at least \$170 000, all for a one-day shindig. It was a ridiculous open day when nothing was in fact actually open. We are used to that happening with the Bracks government: an open day with bread and circuses all round but nothing actually opened.

The government tries to camouflage the fact that it is behind schedule on a project by inviting members of the public and giving them bread and circuses, with Max the Magician and Spaghetti the Clown. The Bracks government will need a little more than Max the Magician if it thinks it can fool the people of Victoria into believing that it is actually delivering when it comes to major projects. More money is being wasted on spin and propaganda, while time and time again the government is failing to deliver projects on time and on budget.

While the government is wasting tax funds on troubled projects, it is also wasting money on clowns trying to sell these failing projects to us. It is also failing to even come up with a plan to fix Victoria's inept and absolutely collapsing transport system. Maybe the government should employ Max the Magician to try to sell us its performance on services for our national parks and other environmental management projects, which again are a key area of service delivery. Not even a magician could spin this one in the government's favour.

Last year's *State of the States* report, an objective analysis, revealed that during the 2003–04 period Victoria's environmental record was the lowest and worst in Australia. During that period the Bracks government spent a shamefully low \$8 per head of population on national parks and wildlife management, compared with the \$96 per head of population spent in Tasmania, and it was less than one-third of what of New South Wales spent per head of population on park management. If members of the government think that that is not resonating out there, I am sure that you, Acting Speaker, would agree that right across regional

Victoria any number of residents of this state are drawing stark contrasts between the way this government manages Crown land and the way it expects private landowners to manage abutting private land that is over the fence from the Crown land.

This was not the first time the government had let down the Victorian people on the environment. Australian Bureau of Statistics figures for 2002–03 also show that the government spent less on environmental services than any other state. Meanwhile the state is overrun with out-of-control weed and feral animal problems that the government refuses to take responsibility for. This government, as noted last year by the Auditor-General, cannot even properly account for its land-holdings. Its members do not even know what land the government owns, let alone how to manage it!

But there is more. While the government was failing to provide proper services for the management of Victoria's environment, last year it was also revealed that the government planned to slash up to 100 jobs from the Department of Sustainability and Environment. They were not the head office jobs of people like Fran Thorn, who had a new, Labor-mates-inspired under-secretary's job created for her, but jobs from the land stewardship and biodiversity group, which is vital to areas such as ecological research, sustainable forest management and animal biodiversity studies. That did not seem to be an important priority to the Bracks government in the area of service delivery.

I wonder what Max the Magician can do for the government in the area of health service delivery. The evidence suggests not a lot. The Labor government was elected on its promise to fix Victoria's health system, and that is just another broken promise. Last October on 3AW, the ineffectual Minister for Health, in relation to fixing Victoria's health system stated:

We shouldn't have said it in that way because it created an expectation that hasn't been able to be ... met for a whole range of reasons.

It can only be assumed that the whole range of reasons for failing to fix the health system referred to by the minister includes the Labor-created huge waiting list blow-outs, massive budget blow-outs in many hospitals, the slashing of services such as maternity and obstetric services in metropolitan and regional centres, huge increases in surgery waiting lists throughout most Victorian hospitals, terrible waiting time increases in emergency departments, inadequate services for mental health patients, and the removal of powers from country health boards to a centralised Melbourne-based authority. Or could it be that the number of available

hospital beds — as *Australian Hospital Statistics* for 2003–04 confirms — has fallen under the Bracks government to the point where Victoria has the lowest number of beds per head of population as compared with any other state? The state of Victoria was placed at the bottom of the rung again under this incompetent government.

In the meantime \$150 million has been allocated by the Bracks government for spin and public relations over the next four-year period. The devil is in the detail, because that \$150 million is meant to be for a four-year contract, but no discipline is being imposed by the government, either through an external authority or internally, over whether it should spend all that \$150 million in one year or proportionally across the next four years. We on this side of the house predict that as members of the Victorian community gradually wake up to the fact that they are being duped — with record amounts of money flowing into the coffers and record amounts of money being dissipated on projects that are over time and over budget and on head office functions — they will wake up to the fact that that \$150 million will probably all be spent on public relations prior to the election!

Mr MILDENHALL (Footscray) — It is a real struggle on that side of the house, is it not? In the last 45 seconds of his contribution the member for Warrandyte finally got onto his matter of public importance about self-promotion and advertising. Members opposite cannot get their MPI right — it was in the last 45 seconds that the member for Warrandyte started to address it — and they cannot get opposition right. Look at the farce of the last week or so when the Leader of the Opposition in the upper house called his colleagues ‘gutless snipers’, ‘political scum’, ‘scum of political life’ — —

Honourable members interjecting.

Mr Honeywood — On a point of order, Acting Speaker, the honourable member is not speaking anywhere close to this matter of public importance by attacking the opposition on comments made about leadership. It has nothing to do with the subject at hand. I would ask you to bring him back to the matter of public importance.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member has only just started his contribution on the matter of public importance. I do not uphold the point of order.

Mr MILDENHALL — I would have thought I have about 14 minutes and 30 seconds to talk about

anything other than the matter of public importance, based on the precedent set by the member for Warrandyte. Not only can the opposition not get the matter of public importance, its front bench or its leadership right, but it obviously has all sorts of problems trying to develop any sensible policy. That is why it brings forward some obscure elements of government activity to have a go at — such as the advertising budget. Here we go, the advertising budget is the biggest issue the opposition can raise as a matter of public importance! I would have thought funding future infrastructure by tolls would have been a good issue. The member for Scoresby and the member for Malvern could be here for that and we could have an interesting debate. Government members would not even need to be involved.

I am going to talk on the matter of public importance before the house — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! The continual reference to members first names will cease.

Mr MILDENHALL — The member for Bulleen will find out that it is better to get out when you have got to the top of Everest rather than when you are down in the swamp. When you have helped climb Everest it is a lot easier to get out — and more enjoyable. I would like to talk about the matter of public importance, which is about advertising and promotion budgets. The interesting thing about advertising and promotion budgets is the number of myths put about by opposition members. I had hoped they would refer to that, but they cannot get their act together.

There have been public statements by the opposition, and I am sure it will come up later in the debate, trying to create the impression that expenditure on advertising has increased, that generalist advertising has formed the greatest proportion of the cost, that a significant amount of that is taxpayers money and that that there has been some sort of blitz in recent months. None of these propositions is true. There have been some gross exaggerations on these issues. The first is that expenditure has dramatically increased, which is not true. In 1999, \$69 million was spent on advertising, and by the middle of 2004 the figure had crept up to just over \$74 million, an increase over five years of around 7 per cent.

That is interesting, because I did some research, looking for a comment by the former leader of the Liberal Party, the Honourable Jeff Kennett. In May 1999 he

told the house he remembered that while in government leading up to 1982 he used to say to the premiers of the day, Hamer and Thompson, 'For goodness sake, why don't you spend more money, at least a quarter of 1 per cent, on telling the public what the government policies are?'. On my estimate a quarter of 1 per cent would take us to around \$75 million. The \$74 million of expenditure in 2004 is pretty close to Mr Kennett's benchmark. That would be all right if it were a generalist proposition, but when you break down the expenditure you find the component of generalist advertising is quite small.

Advertising rates have increased between 5 per cent and 10 per cent every year since 1999 on the back of strong economic growth.

Honourable members interjecting.

Mr MILDENHALL — Isn't that what the federal Treasurer, Mr Costello, said? The economy is in trouble, is it? We are getting a reality check on the other side of the house. When you take into account real costs, inflation and so on you find that expenditure on advertising declined in real terms over the first five years of this government's term in office.

The modest increases I mentioned have been in large part due to the Commonwealth Games, which is a major advertiser body in its own right. Over the past year the games organisers have spent more than \$14 million on advertising to promote ticket sales and the event itself. That is a large figure, but one the responsibility for which must be taken by the games organising committee. I can quote some prominent figures in the Liberal Party to support the proposition that it is the games organising committee that has commissioned that advertising, not the government. However, that \$14 million is shown in our current advertising budget, even though it is not, strictly speaking, expenditure by government. It is counted as part of the whole-of-government media contract and therefore is regarded as government advertising spending.

The second myth is that the so-called glossy campaigns are the big ticket items of government advertising. That does not bear scrutiny. What is the biggest item of government advertising expenditure? The luminaries on the other side should know this! It is recruitment of staff. An amount of \$14 million has been spent on the recruitment of staff. That is because this government hires 6000 nurses and does not sack them, because it hires teachers and does not sack them and because it hires child protection workers, prison officers and police and does not sack them. This is a nation building

government, not Kennett's Cutback Kings. Despite our efforts to consolidate some of this expenditure, the strong growth in government outlays and activities has meant that that \$14 million is still the largest single item of expenditure.

The third myth is that expenditure on advertising is exclusively taxpayers money. It is not. There are several components to it, and a lot of it is not controlled by government. The Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the Australian Open tennis, Connex, Yarra Trams and Metlink are all substantial spenders in the advertising budget. Advertising expenditure by major events and public transport operators totals around \$6 million.

The fourth myth is that there has been some sort of blitz in the last few months. The fact is that TV advertising was only marginally up in the first six months of the 2005–06 financial year — from \$9 million to \$10.7 million. Victorian government advertising was prominent in November and December. The 'World-class performances' series of ads certainly caught people's attention, but the reason they did so and were so prominent was that the government had very little opportunity to spread its advertising as it normally would because of the absolute glut of outrageous and profligate advertising by the federal government on its WorkChoices legislation, spending \$80 million in a couple of weeks. We therefore found it very difficult to get quality air time.

Normally standard government advertising would be spread over a greater period of time, but that had to be put to one side because of the extraordinary WorkChoices campaign, which was run by the same side of politics which wants to get up here and criticise this government's advertising expenditure. Surely the WorkChoices campaign was the most extraordinarily profligate and ineffective set of ads ever put to air. Polling shows that it was an absolute disaster.

It is good to have finally put those myths to rest.

Honourable members interjecting.

Mr MILDENHALL — Members opposite have not spoken on the matter of public importance as yet, but they should not try to talk about comparative advertising expenditure or pretend that it is a gross waste of taxpayers money, because it clearly is not. Figures show that advertising expenditure has been steady and responsible and that a lot of niche advertising is particularly necessary as the government sets about its normal day-to-day activities, such as running effective transport systems and effective

recruitment programs and providing appropriate public education warnings and encouragement.

Advertisements are a source of instruction and ideas for people on water saving, on how to make their houses safer and on who to contact in particular circumstances.

Our advertising expenditure is proportionate, responsible and measured. I would have thought the clearest indication of that is the small size of the contributions made on this matter by members of the opposition, their lack of criticism and their avoidance of debate. This matter of public importance is about advertising — —

The ACTING SPEAKER (Mr Savage) — Order! The member's time has expired.

Mr WALSH (Swan Hill) — The matter of public importance raised for discussion by the member for Warrandyte is a response to the arrogance of a government that has large majorities in both houses and believes it can do and say anything and not be held accountable. When I think about it, the actions of this government remind me of the old Roman adage about distracting the masses by giving them bread and circuses, not by doing anything real for them. You just keep the spin going. I do not know whether it is Julius Bracks or Steve Caesar who is leading this charge!

In government the Labor Party is doing everything it accused the Kennett government of doing when Labor was in opposition — and it is now doing it in spades. Government members have perfected the art of spin. We are coming up to the Commonwealth Games, and if spin were a sport in the games I am sure this government would win gold medals in every event. We would have photo opportunities for ministers getting up and receiving gold medals for spin, because they have absolutely perfected the art — but in perfecting it they have forgotten about truth in advertising.

We only have to remember the advertisements in the *Herald Sun* recently. In one ad there was a picture of the Fitzroy Gardens on one side and a picture of a fallow paddock on the other. The person who put that together forgot that they had reversed the trees in the photo and just superimposed them across the fallow paddock. It did not show any semblance of truth at all. So we had the picture of the Fitzroy Gardens, where potable water is being used, not recycled water, and we are still sending wastewater down to Gunnamatta. We are not doing anything about that issue; instead all we get is spin about the Fitzroy Gardens and a fallow paddock.

Then there was the ad that showed a mountain stream and a dry farm dam and said, 'This is how we are saving water into the future'. There was also the infamous ad about the mountain cattlemen, where a photo was doctored to try and put across the government's argument and emphasise the spin. It was as if government members were saying, 'Forget about the truth and what could really happen. We will just have spin all the time'.

Members would only have to ask people in their electorates what \$80 million would buy to find out. It would buy a lot for any town around Victoria. I could go to the township of Pyramid Hill and ask the people there what they would do if they had some of that money. The mums of the kindergarten children have to raise \$17 000 this year to keep their kindergarten open. That is what some of the \$80 million might buy in the community of Pyramid Hill.

I could go to the community of Charlton, which is the location of the Charlton Driver Education Centre. That community has been constantly trying to keep the centre going in order to teach young children about the road laws before they actually get on the road. Some \$30 000 a year would make that school hum, but this government would sooner spend \$80 million on advertising. While in opposition the then Leader of the Opposition, now the Treasurer, promised \$30 000 a year to the centre. Under duress this government delivered that money during its first three years in office, but then it took the money away. If I went to the community of Charlton and the schools around the area that use the driving school with \$30 000, it would make a difference, but instead \$80 million is spent on spin.

Eighty million dollars is a pretty good figure when you think that when in opposition this government promised us a fast train project that was going to cost \$80 million. But what is it going to cost now? Something like \$750 million. So the cost has gone from \$80 million when it was in opposition to \$750 million today. The government is still trying to keep the spin going, because everyone realises it is not a fast train project anymore. The government is going to call it the V/Locity train. Isn't that great spin! It gets away from the fact that the government has not delivered a fast train project at all.

We can also talk about delivering projects on time and on budget. The Lake Mokoan fiasco is a classic example. The member for Benalla has been a great champion of making sure that this government is held accountable for delivering that project correctly. Originally it was to cost \$60 million, but now it will cost something like \$100 million. It was revealed

recently that the government is going to have to buy salinity credits to make sure the project can be delivered without any downstream impacts.

There are going to be blow-outs of something like \$10 million on delivering water security for that project and something like \$10 million to get the wetlands back to where they should be. Now we find there will be a \$10 million blow-out to buy salinity credits to make that project work — another great project that this government rushed into with a bright idea! It is not working because the government did not do the homework or look at the detail. It was all about spin. The government said, 'We are going to save this water and put it back into the Snowy and Murray rivers'. But it has not thought through how that is going to happen and what it is going to cost.

In 2001 another classic project was announced by this government. It allocated \$96 million to upgrade the Mildura train track. I understand this issue is very dear to your heart, Acting Speaker. But none of that money has been spent. We were promised that money in the 2001 budget and it has not been spent. On top of that, the federal government put \$20 million on the table to assist with the standardisation of that train track. This has not been spent either because this government has not lived up to its promises. When considering the difference between 2001 and 2006 in terms of delivering that sort of project, the concept of delivering projects on time and on budget stretches the imagination.

I wonder what some people around country Victoria would think about \$80 million being wasted by an arrogant government on its own self-promotion. Within the community of St Arnaud there is a group of families who have cared for their disabled children for all their lives. They are getting quite elderly and would dearly love to get a home in St Arnaud where their children can be looked after in the future. I have fought for those people in the last three years of my term as local member.

The previous member also tried to assist those families to get opportunities for their children to be looked after as the parents get older. The parents are quite worried that when they pass from this world, there will be no-one to care for their children. There you are! It would probably cost \$300 000 to solve that problem. But no, the government is going to spend \$80 million on spin, advertising and self-promotion. As members can see when they travel around Victoria, \$50 000, \$100 000 or \$200 000 would help those communities really achieve something. Instead they will pick up the *Herald Sun* or the *Age* or watch the television and see

this government going about self-promotion, spin and living to excess.

Another vital issue is the upgrade of schools. I have two schools in my electorate which are programmed for stage 2 development. This has been put back. A portion of the \$80 million would achieve those school upgrades. But no, the government has to sell the Snowy River project. It has to sell an icon project to spend money on schools. Why would you not spend that \$80 million on much-needed school upgrades and maintenance instead of selling the Snowy project?

The \$80 million is a relevant number. The Association of Neighbourhood Houses and Learning Centres in Victoria put in a pre-budget submission for a little bit over \$80 million to help neighbourhood houses around Victoria. This was \$80 million over four years and not over one year. That would have helped all neighbourhood houses around Victoria and given the staff time to deliver projects and services to rural communities.

This is a pivotal issue about a government which is not living up to promises it made when it was in opposition. It is all very well for members who sit on the other side of this house to say, 'We will be open, we will be transparent and we will be accountable'. But they have gone into government and become bloated by an absolute majority in both houses, and they have not lived up to expectation.

Mr ANDREWS (Mulgrave) — I am pleased to join the debate this morning on this matter of public importance proposed by the member for Warrandyte.

The breathtaking hypocrisy of the member for Warrandyte is amazing. Fancy the member for Warrandyte, of all people, coming into this place and talking about an obsession with self-promotion! The member for Warrandyte wrote the book, or should I say filmed the video, on self-promotion. Fancy coming into this house and criticising this government for government advertising. We all remember that famous video. The invoice said, 'The biographical video'. It was a \$75 000 biographical video which apparently ran for about 2 minutes — that is all it took to sing the praises of the member for Warrandyte. Apparently \$75 000 was a prudent and effective expenditure of taxpayers money. That is great shakes! It was a \$75 000 biographical video made by the member for Warrandyte in 1997.

However, expenditure by this government to recruit teachers, nurses and police, expenditure by the Commonwealth Games authority to sell tickets to the

games, expenditure by this government to support Victorian business and grow jobs, expenditure by this government in terms of advertising electrical safety, workplace safety and road safety are all terrible things! What a terrible waste of money! There was \$75 000 dropped on a 2-minute video.

Most of us have and use business cards. If you do a search on Google for rank hypocrite, there is a picture of the member for Warrandyte holding a video. What an absolute disgrace! Where I went to school that was called leading with your chin. Of all the people to come in here and talk about an obsession with self-promotion, the last person I would have thought to be idiotic enough to do that would be the member for Warrandyte.

Further to this theme of rank hypocrisy, this matter of public importance is also about an alleged failure of the government on major projects. Again, this is absolute hypocrisy. We all remember the plans for Museum Victoria, the multipurpose venue, the State Netball Hockey Centre and Federation Square. Federation Square is a great example of this hypocrisy; its construction was started before the design work had been finished!

Honourable members interjecting.

Mr ANDREWS — Those opposite interject about changes. Let us be very clear: construction was started before the design work had been finished. Those four projects were all over time and over budget. Let us not have any of this nonsense that the rabble on the other side of the house were the greatest managers of major projects in Christendom. That is an absolute joke.

We can talk about the State Netball Hockey Centre, where the Kennett government was in such a rush to trample over proper process that it forgot to get planning approval for the centre's lights. It is an absolute nonsense for the opposition to say they were somehow the greatest managers of major projects — what a joke!

Mr Doyle interjected.

Mr ANDREWS — I say to the Leader of the Opposition: they are not talking about you in Mulgrave.

They are just four examples of projects that were over time and over budget and which put the lie to the notion that those opposite are the greatest managers of major projects in the history of this state. That is absolute nonsense.

During his contribution to this MPI the member for Warrandyte talked about the alleged failures of this government to deliver essential services. They are the services that should define state politics and which we as a government are here to provide — that is, health, education, police, the environment and all those sorts of things. Those opposite have an absolutely appalling record on those services because when we came to government — and I will talk about health services, which is an area I have an interest in — they were in absolute crisis. We have invested and achieved as no other government has in that particularly important area of public policy.

Mrs Shardey interjected.

Mr ANDREWS — Forgive me if I do not take lectures from the member for Caulfield on health policy! I want to go through some of the investment achievements our government has put in place — clear commitments and not simply words and cheap shots in here.

Dr Napthine interjected.

Mr ANDREWS — I take up the interjection of the member for South-West Coast — there are no computerised tomography scanners in the 12 hospitals closed by the member for South-West Coast when in government.

Dr Napthine interjected.

Mr ANDREWS — The member for South-West Coast needs to have a lie down.

In terms of this government's record of investment and achievement in health over the last five years, it has increased funding to Victorian hospitals by 71 per cent — that is, a 71 per cent boost in funding, in care and attention, and in interest — and has provided decent and appropriate health care services across the state. For the record, that boost in funding was from \$3.4 billion to \$5.8 billion. That is a record for recurrent funding in our hospitals.

An important part of our overall health and hospital system is mental health funding. We have provided 62 per cent more, or an extra \$279 million, with funding going from \$453 million to \$732 million.

Mrs Shardey interjected.

Mr ANDREWS — The member for Caulfield does not think we have a great record in mental health; Jeff Kennett says differently. The member for Caulfield is loud and proud now but she did not say boo in her party

room when mental health sat on the budget and policy backburner for seven long years. The former Premier has acknowledged that. The fact of the matter is that mental health funding has increased by 62 per cent, up to \$732 million.

In relation to ambulance services, which is an area I am very proud to play a role in, funding has increased by 112 per cent or \$110 million; it has risen from \$98 million to \$208 million. That is investment, hand over fist. The contrast between the performance of our ambulance service now and under the previous government could not be more stark. Response times have remained consistent despite dramatic increases in case load. There has been substantial case-load growth, and we have continued to improve ambulance services through that 112 per cent investment.

On the detail, that means more than 50 extra ambulances; 18 new ambulance stations of which 13 are in metropolitan Melbourne and 5 in rural areas; and 43 upgraded stations, of which 35 are in regional Victoria. That extra support, investment and infrastructure have allowed us to keep response times down despite substantial growth in case load. That is an enormous boost to ambulance services.

As to the criticism about doing a bit to recruit staff into our health services: somehow that is self-promotion from the expert on self-promotion — that is, the member for Warrandyte. We have employed more than 6000 extra nurses, 1200 extra doctors and more than 650 extra ambulance paramedics. The record is clear.

Why is some of this investment needed? Because when we came to government in 1999 health services were in absolute crisis. Those opposite have an appalling track record. They closed 12 hospitals and sacked 2000 nurses. Our health system was an absolute basket case when we came to government. We have brought about substantial improvements and are now treating 250 000 extra patients each year, which represents a 25 per cent increase in patient load. Treatment times are falling. In last year's budget there was a \$30 million elective surgery blitz.

There have not just been extra resources allocated. We are in fact reshaping the health system through things like the hospital demand management strategy, the hospital admission risk program initiative, innovative disease management programs, child health teams, chronic disease management, HealthSMART and a whole range of different initiatives. It is not just a matter of more money but also reshaping the health system so it is more efficient and effective in meeting the needs of today and the challenges of the future.

Those opposite have no credibility on these matters at all particularly as they supported the Prime Minister ripping \$350 million out of our health system. Those opposite, and none more so than the member for Warrandyte, show themselves to be nothing but absolute rank hypocrites when it comes to these important matters.

Mr DOYLE (Leader of the Opposition) — This matter of public importance is about waste and mismanagement characterised by but not limited to the \$80 million a year that is spent by this government on advertising. What has the government's defence been so far?

The house has just heard the member for Mulgrave make what seemed to me to be two crucial points. The first was that at some time in the 1990s the opposition, when in government, did not get a permit for some lights. What an elegant, powerful and heavyweight argument that is!

His second argument was that the ambulance service is now wonderful. But the one thing he did not mention about the ambulance service was the \$80 million the government has spent on a political witch-hunt in a royal commission that went nowhere, found nothing and became an embarrassment which they castrated. It has now sunk without trace. If you are talking about the ambulance service, let us remember that.

But my favourite defence by the government was from the member for Footscray. The entirety of his defence was, 'We're just doing what Jeff Kennett said we should do back in 1982'. I am delighted that Jeff has become an icon of Labor Party policy. But let me point out that that is not a defence. The reality in the last seven years — and it is a different seven years and economic climate from when we took government — is that this state has been swimming in dollars. The highest priority of this government — and, as far as I can see, what we get in return — is spin, rhetoric and an advertising budget greater than any other in Victoria's history, which no-one has denied, yet there is an incapacity to finish any major project on time and on budget.

As for the advertising budget, we need not worry because the Auditor-General is now looking at the way this government spends money. What could characterise it more than the mendacious example yesterday of claiming directly in government advertising that it had spent \$450 000 on a CT scanner? The best defence the minister could offer in question time was that it was \$300 000 and it was for

infrastructure. The reality is that the advertisement was a lie, and it was a taxpayer-funded lie.

Some things never change, though. Let us look at some waste and mismanagement. Leopards do not change their spots; Labor cannot be trusted to spend money wisely and it never has been able to. The federal Treasurer even said last week that he now regrets directing the GST stream to states in its entirety because the states cannot be relied upon to actually use this money to improve frontline services or roads, or to reduce taxes.

So what is the history of the last seven years? Since this government came to power we have had a 100 per cent increase in land tax. Look at the arrogance yesterday with which the Premier dismissed the cases of the small investor, Ron Grande, or the small business Arthur's Seat Hotel. He said, 'Ring the State Revenue Office'. They called the State Revenue Office, and do you know what it told them? Pay up! Despite the promise from the Treasurer that it would go up by 50 per cent, the tax went up by 1300 per cent. What is the Premier's advice? Ring the SRO!

There has been a 200 per cent increase in police fines — it is pure greed. We know that speed cameras are about revenue raising, and so does the public. There has been an 83 per cent increase in insurance taxes and \$2.5 billion in windfall revenue from the payroll tax. There are taxes on car parking, taxes on trust, taxes on building a home on a new block — but what do we have to show for it? The government says it stands on its record. Name me one of the government's projects that is on time, on budget or both!

The iconic project, the \$80 million fast rail project, has now become a \$750 million project — and it is still climbing. What are we getting for that? We are getting a saving of about 4 minutes. The government does not just waste \$750 million, it then throws a \$170 000 party with Thomas the Tank Engine to convince people it is really a good project. The state library project is six years late and \$47 million over budget. The national gallery project is \$28 million over budget and two years late.

The Australian Synchrotron is one year late and \$57 million over budget — and because the project is one year late, we have lost a corresponding \$79 million of Victoria's share of venture capital investment. If that were not enough, and just as it did with the train station, the government did not actually fix the synchrotron project and get it done on time and on budget but instead threw a party. It threw \$117 000 worth of party cake and balloons at the synchrotron's 'Sneak peek

day', where people were able to walk around a shed. That is a great expenditure of money!

With regard to the Melbourne Cricket Ground, Grocon now has a \$57 million claim against the government because it insisted the MCG construction be finished before the Commonwealth Games, and that was a cost that Grocon had to bear. But the worst part about that is that the commonwealth government had said, 'Here, have \$90 million', but what did this mob say? 'No, thanks, keep that. We would rather put in \$77 million of Victorian taxpayers money. We will forgo the \$90 million'. Do members remember what the federal government wanted for that? It wanted the state government to obey the law and not let it be a closed shop. But no, instead of getting \$90 million we will pay \$77 million.

Members should also think about the most important infrastructure project in Victoria — the bay's channel deepening. It has been delayed yet again because the government cannot get an environment effects statement right.

I have other small examples: \$400 000 to get taxidivers to exercise; \$400 000 to save a tree at the Melbourne Sports and Aquatic Centre because it had to meet design changes to that building. Even the arborists say the changes still will not save the tree. The work there will actually destroy the tree. This is the one I like — and both these things happened at the same time: since 2000, \$500 million has been spent on private consultants, which means the government has engaged more consultants, but at the same time it has allowed a 100 per cent increase in wages for public sector executives, from \$45 million to \$90 million. I can understand if you have more public servants and fewer consultants, or more consultants and fewer public servants — —

Mr Hudson — How's Alan going?

Mr DOYLE — He is going about as well as Bob Carr, I would imagine.

So you have the two things happening at the same time. The government has spent \$120 000 getting the rights to a song to promote the government, which is what *Eagle Rock* cost. It is everywhere you look. My personal favourite, if we are talking about waste, was the \$96 000 to paint trees blue. That was a great idea, and that one went down pretty well, too!

Not only that, the government likes to believe its own spin and advertising and its own self-promotion. I can only think about what the \$87 million could have done. It could have treated 25 000 hospital patients; it could

have employed 1200 nurses; it could have built 15 secondary or 17 primary schools; it could have built 9 police stations; it could have employed 1000 police. Instead Victoria has a government that is so arrogant that we get responses like yesterday's from the Premier. It is so incompetent. It is a callous government.

Do members remember the multipurpose taxi scheme or the \$80 slug on registrations for pensioners? Didn't that go down well! And all that is from a government that is swimming — —

Mr Nardella — What are you going to do?

Mr DOYLE — I will tell you what we will do. We will return that to pensioners. We will return the multipurpose taxi scheme to the disabled and the elderly. That is what we will do.

When you look at a number of the indicators you find the problem is that the good times do not roll on forever. The government has had those windfall gains. Whether it is the GST or revenue from stamp duty or insurance taxes or speeding fines, all those things have buoyed the state's coffers. When we left the government in 1999 this state spent \$19 billion. Just seven years later, when the Treasurer brings down the budget in May, this state will be spending over \$32 billion. What have we got to show for it? No wonder these major projects are over time and over budget.

I want to go to something that is about what I think all members believe. We want Victoria to be the best place in Australia in which to live, and that is why we want value for money. But you do not get that through sloganeering or through some puerile mantra that says, 'This is a great place to live, work and raise a family'. That is not how you get Victoria to become the best place it can be. There is only one way to do that — not by having mushroom backbenchers repeating slogans but by hard work, by discipline, by decisiveness and by vision. There has been none of that from the other side. There is no plan for Victoria. There is no guarantee that a single major project can run on time or on budget. I would like just one government backbencher to name one project that the government has conceived, started and completed on time and on budget. Let us see one that it has completed. That is the sad part about this government.

Ms DUNCAN (Macedon) — It is a great pleasure to stand up in this chamber to speak on this matter of public importance. When I get over the gall in this matter of public importance (MPI), I will go on and address some of the issues.

Firstly, I refer to the wording of this MPI, which talks about an obsession with self-promotion. I do not watch a lot of commercial television, so I have not seen a lot of these advertisements, but I have had people say to me, 'Gee, I like that ad'. I have seen a couple of them, and what they seem to me to be promoting is Victoria. So much for all this business we heard from the Leader of the Opposition. I was pleased to see the Leader of the Opposition in the chamber and engaging in some debate. I thought he had already spoken, but obviously he was only hanging around so he could make his contribution and very quickly leave — which is what we normally see of him. In fact we rarely see him at all.

I want to focus on one part of the \$80 million of so-called self-promotion. I refer to the approximately \$6 million a year that the state government has spent since 2003 on the advertising — the self-promotion! — of water issues, and I refer to the advertising campaign known as Our Water Our Future. It is something of which this government is justifiably proud. I am, and I know every member on this side of the house is, extraordinarily proud of that campaign.

The Our Water Our Future campaign was jointly developed by the Department of Sustainability and Environment and the four water companies — Yarra Valley, City West, South East Water and Melbourne Water — and staffed from the Premier's department. The campaign has no equivalent anywhere else in Australia. It is addressing water issues with unprecedented success. While we know that the problem of securing our water needs into the future must be multifaceted and must include many solutions, we need to be able to do many things at once. This government can walk and chew gum at the same time. We need to focus, as we do, on solutions involving water recycling, water pricing — we have seen the opposition's position on that — re-engineering the state's irrigation system and lots more. These are not mutually exclusive. We do not advertise in one area and ignore every other. We do it all, and part of that is to raise awareness about this critical subject of water.

The Our Water Our Future campaign addresses a critical element that almost every other Australian government has largely ignored — demand-side management. This might be new to the opposition, but every expert on this issue would say that the emphasis should be on demand management, and that is the point and focus of this campaign. The Our Water Our Future campaign is designed to inform, educate and persuade Victorian households to use less water. In 2003 it first sought to ensure that Victorians understood the nature and scope of the problems we face. Later the campaign focused on providing households with knowledge of

how they individually and collectively could make a difference with their own water use behaviours.

Today the campaign works at a number of levels. It generates continued awareness of water issues across all households in Victoria. It educates householders on how they can individually make a difference. It encourages partnerships with key influences such as nurseries, hardware chains, local government and other organisations, and it helps establish what we know we need to do, which is to promote water-saving habits of a lifetime among present and future generations of young Victorians.

As of this month 55 per cent of all Melbourne households have reduced their overall water consumption while all but 6 per cent of the remaining households have held their water consumption steady. Together this has resulted in an unprecedented reduction in water consumption across metropolitan Melbourne of more than 22 per cent. Historically the only way such reductions in water consumption had been achieved previously in Melbourne was by changing water rates, and overnight we saw a reduction in consumption when the price of water was more closely aligned to water usage. But this has been achieved essentially around demand management through advertising and through education.

I say with great pride that this \$6 million a year advertising campaign is money very well spent, but obviously the opposition does not agree with that. According to the opposition this is all part of the government's spin and self-promotion and is an absolute waste. However, most experts around the world would say this is an excellent campaign, that it is well targeted and that it is money well spent. As I said, we do not do just one thing, we do it all. For example, and this goes to show you some of the ways in which this has been spread across Victoria, if you visit garden centres and hardware stores — and I have seen it around our area and across Melbourne — you will see the Our Water Our Future campaign slogan being put to good use, encouraging people to buy water-saving plants and water-saving devices and plumbing fixtures.

There is a real emphasis on changing the way we think about our gardens and the way we design our gardens. One major irrigation retailer has the Our Water Our Future slogan painted right across the front of his shop at Airport West. This is a business person who clearly believes the government is spending an appropriate amount of money on this absolutely critical campaign.

I am encouraged by the fact that there is now dead silence on the opposition side. We have had opposition

members clamouring and screaming all morning, but in the face of the evidence — 'Let's drill down and see how some of this advertising money is being spent and see the value of it' — they have gone quiet.

A further question that has been raised from time to time about this campaign — again the opposition would probably argue it is all about self-promotion — is why the Premier appeared in some of these ads in the early stages. The answer is very simple. We believe this issue is so critical that it calls for real leadership, and to have the Premier standing up there and saying to Victorians, 'This is the state of our dams and this is what we need to do. This is a serious issue', is one way of doing that. The people of Victoria have indicated in many different ways that they regard water as such an important topic that they expect the Premier — and I expect the Premier and the opposition should expect the Premier to do it — to be front and centre on this issue, which he is.

It might come as a surprise to some to discover that of all the different ads that have been part of the Our Water Our Future campaign, the advertisements featuring the Premier with the backdrop of the dams are the ones which stand out as having the highest recall and highest message cut-through.

Mr Perton — How much did we pay to find that out? How much did the government pay to find that out?

Ms DUNCAN — It would have been perfectly possible for the campaign planners to subcontract —

Mr Perton — Yet more waste and mismanagement!

Ms DUNCAN — The member who is now in the back stalls, having deserted or being in the process of deserting a sinking ship, seems to think it is not important to understand how these campaigns are being received and to tailor them to make sure they are hitting their marks.

Mr Perton interjected.

The ACTING SPEAKER (Mr Smith) — Order! The member for Doncaster will desist.

Ms DUNCAN — But I am pleased that I can still get a rise from the member for Doncaster. I look forward to the day when he says he will come up and campaign against me in Macedon. It would be possible for the campaign planners to subcontract out a celebrity talking head, but the Premier works very cheaply — he is a lot cheaper than some celebrity talking heads — and I think the people of Victoria actually want to see

their Premier putting his face and his imprimatur on this important campaign. We know the Premier has a passion for this subject and is accountable for the success of the campaign, and no doubt he is happy it has been so effective.

It is also worthwhile reflecting that there is no equivalent to this campaign in other states, which is surely one reason why reductions in water consumption across Australia have simply not occurred to the degree they have in Victoria. Considering that this campaign represents an investment of \$6 million per year, I believe Victorians, environmentalists and world experts believe this is money well spent. If the opposition wants to talk about \$80 million of advertising being a waste of money and self-promotion by the government, it ought to look at the way the money is being spent. Then it must concede that many of these campaigns are — —

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired.

Ms ASHER (Brighton) — I also wish to add to the condemnation of the waste and mismanagement by the Bracks Labor government. I particularly want to focus on my portfolio area of major projects.

I remind the house of the waste and the spin in the money spent on major projects themselves. In the budget update tabled last year the government itemised \$5 million of spin just in this election year on major projects — \$3 million for the Building a World Class Victoria campaign, which are the ads we see on television trying to convince the public that the government's projects are on budget and on time — which they are not — and \$2 million for something described as a 'major projects stakeholder program'.

Other speakers have touched on examples of this government's spin. They include \$170 000 on a fast rail open day with Max Magician, Spaghetti the Clown and Thomas the Tank Engine; the synchrotron open day, when \$120 000 was spent on a giant sausage sizzle; a \$20 000 party to open the Bonegilla Migrant Reception and Training Centre; a \$500 000 open day at the Austin Hospital and Mercy Hospital for Women; and a \$60 000 breakfast for 250 guests to launch the glossy *Building One Victoria* booklet.

However, what is this stakeholder program that the government is going to waste \$2 million on in just this election year?

Mr Nardella — You wait and see.

Ms ASHER — It involves the *Building One Victoria* magazine and a series of launches, programs

and stunts of the type I have just mentioned. I note that when the Minister for Major Projects in the other place launched the new infrastructure magazine he was quoted in a press release of 20 September 2005 as saying:

The government is taking the focus away from trophy projects ...

It is quite clear why the government is taking the focus away from trophy projects and trying to spread its major infrastructure program over the entire capital works program. It is because every single one of the government's trophy projects is either late or over budget, or both. Again I note that the second edition of the *Building One Victoria* magazine has now been released. It advertises the synchrotron open day and talks about a range of industry breakfast forums. I would suggest to the government that rather than spending \$2 million on magazines, open days and breakfast forums it needs to get on with the job of delivering the major projects on time and on budget.

I want to warn Victorians that the quality of the information in this spin is quite suspect. I refer in particular to the second *Building One Victoria* magazine, dated November 2005, and to the little introduction signed by the Minister for Major Projects in the other place, Mr Lenders. It states:

The building of the structure for Australia's first synchrotron in Clayton has also finished. The synchrotron hosted an open day in March, attracting more than 20 000 people.

The only problem is that the same minister who signed the claim about 20 000 people attending told Parliament on 24 May 2005 that 6000 people attended the project. In answer to Dorothy Dixey questions on two occasions, he said that 6000 people attended.

I note also that on 14 June 2005 in this place the Treasurer thought he would do his own estimate of crowd numbers and said that 12 500 people attended the synchrotron open day. I make the comment that the spin, at a cost of \$5 million in this election year, is not correct. Indeed, the magazine has a raft of material which presents lies to the public.

There is a similar theme in the opening of projects before they are ready. For example, there is the film and television studio, which was opened with no electricity; the William Barak pedestrian bridge — which was, quite frankly, scarcely safe for the Premier to walk on; and the renamed Southern Cross station at Spencer Street, which is still not finished even though it was meant to have been finished on 27 April last year.

Other speakers have spoken on a range of major projects which are over time and over budget. There is the fast rail — a \$670 million blow-out and a three-and-a-half-year delay; the toxic waste dump, which was meant to be finished in mid to late 2002; the television studios — an eight-month delay and a \$7.4 million blow-out in the budget; the former fish market site — a three-year delay on that one; even the demolition of an overpass is over budget by \$2.5 million; the Flinders Street station concourse is two years late and \$8.3 million over budget; the synchrotron has a \$57 million blow-out and is one year late; and with the Melbourne Recital Centre and Melbourne Theatre Company project there is a one-year delay and a \$35.4 million budget blow-out. On the Spencer Street station project there is a claim by Leightons at the moment, and legal costs may be of the order of \$50 million to \$100 million — and of course it is well over a year late.

Let me refer to a minor project. There has even been a two-year delay on work at the Bonegilla migrant reception centre. What about the Commonwealth Games projects? The athletes village handover was meant to be on 30 November 2005, and so far the official blow-out is \$4 million. I observe that a \$52 million blow-out was concealed by a land revaluation. The Leader of the Opposition discussed the Melbourne Cricket Ground (MCG) situation in terms of taxpayers paying an additional \$77 million and the government possibly being subject to another \$50 million in compensation. The William Barak Bridge has had a \$2.9 million blow-out, and the Melbourne Sports and Aquatic Centre has had a year's delay and a \$10 million blow-out, to save a gum tree — 10 million bucks to save a gum tree!

Even the Commonwealth Games open day stunt was a week late. I could go on and on! The Auditor-General said the Melbourne showgrounds project was due for completion in 2005, and already there is a budget blow-out of \$7.9 million.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Smith) — Order! The member for Melton will desist.

Ms ASHER — The state library redevelopment has had a six-year delay and a \$47.4 million blow-out. The Melbourne Convention Centre redevelopment is two years late according to freedom of information documentation released to the opposition, and if the government wishes to claim — and I think this is a correct claim — that the convention centre will add

\$197 million per annum to the Victorian economy, the two-year delay has cost \$400 million!

The final example of waste is my favourite one — Shannon's Way. When I was preparing the — —

Mr Nardella interjected.

Ms ASHER — Labor's ad man!

Mr Nardella interjected.

The ACTING SPEAKER (Mr Smith) — Order! The member for Melton!

Ms ASHER — Shannon's Way commitments totalled 56 contracts worth \$11.1 million. But lo and behold, we need to keep on our toes with the way this government is giving money to Bill Shannon. On a web site today is news of another contract for Bill Shannon, so Bill Shannon has another \$1 million and now there will be 57 contracts worth \$12.1 million. The latest contract is for the health assist line advertising campaign. Perhaps the minister might like to advise the house why Bill Shannon has been awarded another contract from February 2006 to February 2007, worth \$998 000?

The description on the web site today states that this purchase comes under the whole of Victorian government marketing services panel arrangements. It is an arrangement, all right, between Bill Shannon and this government: \$12.1 million for one tiny advertising agency and one Labor advertising man.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Smith) — Order! The member for Melton should desist from interrupting so much. If he wants to speak, he should put his name on the list of speakers.

Ms ASHER — Thank you for your protection, Acting Speaker. In conclusion, I have itemised a whole range of waste and mismanagement of taxpayers money by the Bracks Labor government. Every single major project is either late or over budget, or both. The taxpayers are funding spin to the tune of \$5 million, but no amount of taxpayer funding will convince the public that the Bracks government does not waste our money.

Ms D'AMBROSIO (Mill Park) — I rise to speak on this matter of public importance. Frankly, the people who should be condemned for an abrogation of responsibilities and duties are on the other side, not on this side.

Money has been spent on advertising as part of education campaigns on very clear and decisive policy legislation and enforcement for the public good. We do not abrogate our responsibilities in that regard at all. What is obscene in terms of money and how it is used is underspending of budgets in human services, especially community services. We only have to look at the opposition's mates at the federal level to see very good examples of not only low budgets in terms of community services and human services but continuous underspending of those budgets in areas of greatest need in our community, so let us not hear the nonsense from the other side about so-called waste of funds on advertising. We have very clear and socially responsible policies. What goes hand in hand with those policies, legislation and programs for the public good are good education campaigns which assist with the delivery of that public good.

Let us look at accidents on our roads. Let us look at road injuries since this government has run concerted campaigns of enforcement and public education. We have only to look at the fact that Victoria's road toll has dropped by more than half and that there has also been a very significant drop in serious injuries of the order of over 30 per cent. That does not happen by accident. That does not happen just through education campaigns. It happens through very clear policies for the public good to deliver reductions in road trauma on our roads. That has to go hand in hand with good community communication, because we believe in partnerships. Without those partnerships, without cooperation and without the shift in attitude in the community in key areas of road safety, for example, we would not get these types of reductions. We did not get them in the past, but we are getting them now. We are getting the results now; we have only to look at those figures to see that.

During the years of the Accident Compensation Commission where we had a very concerted campaign on occupational health and safety over a lengthy period of time, especially throughout the 1980s, to improve workplace health and safety, not only did we introduce occupational health and safety legislation which was at the forefront of all such legislation throughout all jurisdictions in Australia, but that went hand in hand with very concerted and lengthy advertising campaigns, sharing responsibility for occupational health and safety across everybody in the work force. That, together with very solid legislation and programs for occupational health and safety, led to significant reductions in workplace injury claims.

Those things do not happen by accident. They happen when governments are prepared to identify in the

community a need to reduce workplace accidents and couple that with programs and community education campaigns which directly result in improved benefits to the community. We all benefit from that. No-one here can doubt the benefits to the economy and to the finances of any individual company which can be derived from reduced workplace accidents. I challenge the opposition to tell me otherwise, because I do not think it can come up with those answers.

Let us have a look at attitudinal changes. Through increased spending and increasing programs that communicate the importance of slowing down on our roads, together with legislative reform — I do not shy away from that, and nor should we — we are seeing a reduction in road accidents and a significant cultural shift in understanding and in the attitude to speeding on our roads. It is no accident that in the conversations I have with people in my electorate, many of them, especially mothers who pick up or drop off their kids at school, say that the reduction in speeding limits outside schools is among the best things we have done. I get that message every day. It is no accident that this government has a very clear agenda for reducing road trauma and accidents to young people and school-aged kids.

Part of the success of achieving those results is to shift attitudes in the community. We are achieving that. What we are doing is sharing the responsibility of ensuring that our community is safer. That responsibility has been adopted by people out there picking up and dropping off their kids at school, driving more safely, knowing that driving more slowly has a direct result on reducing road accidents and the extent of serious injuries amongst the most vulnerable people in the community — our children. I do not shy away from that. As far as I am concerned, that is money very well spent, and I challenge anyone to argue differently.

In 2003 we had the lowest road toll on record. We had the second lowest road toll in 2004, and deaths per 10 000 vehicles currently is the lowest in the nation at 0.95 and makes Victoria comparable with the best in the world.

There is certainly more to be done. However, we have started on a course of action which is delivering results to our community. That is to be applauded and not condemned. I do not take any pride in governments that underspend. I take pride in governments that know how to spend money wisely, fairly and transparently to get outcomes and good results for this community. I am proud of our record in road safety, I am proud of our record in workplace safety, and I am also proud of the fact that we are now seeing a very marked

improvement in attitude amongst drivers on the roads in terms of speeding and the need to take responsibility for their own actions.

Let us look at what we get from the other side. Let us look at what we get from its federal counterparts. We get people who talk callously. They invented the word. If it were not for our government, we would have pensioners not being able to rock up to the Plenty Valley community health service to get dental treatment. Let us talk about abrogation of responsibilities when we talk about funding and community education and doing the right thing by people and what they need. We as a state government do not have the constitutional responsibility to be able to provide dental services, yet through the very abrogation exercised year in, year out by the opposition through its mates in the federal government, we have had not 1 cent delivered to the public dental health system. People on the opposition benches must tell us why money has been underspent in critical areas of health. Why not deliver to those people who desperately need it? They leave it up to us; they leave it up to the state government to find money. It is not our job.

An honourable member interjected.

Ms D'AMBROSIO — The honourable member does not know his constitutional law. The best thing that the opposition can do is to talk to its federal counterparts and tell them to cough up, tell them to put money where money is deserved. Money is needed to prop up our community and provide safety nets for the people in our community who are the most vulnerable.

Let us do that. It is our government that has boosted much-needed services in terms of health, and it is our government that built an after-hours GP clinic adjacent to the Northern Hospital and embarrassed the federal government into actually funding the opening of that after-hours clinic. When we talk about callousness in policy, let us look at who has the runs on the board. Let us look at the fact that we spend money to provide programs, deliver good, solid legislation which is socially and financially responsible, and work in partnership with our community. We communicate and we look towards changing attitudes in the community. We have done that in health, for example, through the antismoking legislation, and we carry the community with us.

It is no wonder that the other side lost in 1999 and it is no wonder that it lost again in 2002, and as sure as my name is Lily D'Ambrosio I look forward to the challenge at the end of this year, because I believe our

record is there for everyone to see. As far as I am concerned, all the carping from the opposition benches is misguided and misses the point by a long shot. I have taken great pleasure in joining the debate on this matter of public importance.

Mr CLARK (Box Hill) — It has been a truism of politics for as long as the Labor Party has existed that you cannot trust Labor with money. These days that maxim is being reinforced with a particularly damaging combination of old Labor incompetence and new Labor spin and manipulation. It is absolutely clear from this government's record, as has been illustrated by previous speakers from this side of the house, that Labor's record in the delivery of not only major projects but services has been appalling.

There is a wide range of factors to explain that, the most fundamental of course being that the Labor Party simply cannot manage. It does not have the experience, it does not have the skill and it does not have the background to know how to run a government. Ministers have sat pat behind their desks for years, waiting for public servants to bring material to them. They have been reactive when it comes to the substance of running government. The only time Labor gets animated is when it sees a photo opportunity or an opportunity to present a story to the media. Insofar as the substance of government is concerned it has no idea that good governance requires command from the top down.

It requires ministers to keep on top of their portfolios — to follow what is happening with projects and chase up public servants when things are not happening; to require reports and accountability and insist that deadlines be met; and to cut through with solutions when problems are beyond the capacity of the bureaucrats within their departments to solve. They are pretty basic requirements of a competent minister. They are the sorts of competencies and skills that Kennett government ministers delivered in achieving major projects and service delivery improvements and a major restructuring of the public sector, but they are things that are completely lacking under the current government.

The second problem, the new Labor spin and manipulation, comes from the focus on image, on presentation and on perception. That has resulted in funding being neglected for fundamental areas that might not provide the photo opportunities that new Labor might want to achieve. That is why school maintenance has been neglected, and that is why we have had the Minister for Education Services running this bizarre argument that because money has been

spent on new school projects it cuts out the need for school maintenance in some completely undefined way. How on earth building a new school on the fringes of Melbourne tackles the maintenance backlog in schools in the older suburbs of Melbourne or in country Victoria is beyond me.

Similarly with hospitals, we have seen core hospital funding being neglected because it is not glamorous. Rather than ensuring that weighted inlier equivalent separations (WIES) funding keeps up with changing cost structures and that the core funding of hospitals gives them enough to manage their responsibilities, core funding has been squeezed and money has been deployed in a myriad of separate dollops, which has given the ministers for health the opportunity to get out there and claim that they are doing something when in fact they have simply repackaged funding which should have gone to hospitals as part of their core funding.

When it comes to infrastructure, the key additional failing of the government — indeed it is a fundamental one — has been its inability to properly plan for its infrastructure projects. Projects have been decided on the spur of the moment by a completely opaque process, to put it mildly. The almost unavoidable conclusion is that the no. 1 criterion of the Bracks government for deciding which infrastructure projects get priority is which of them will make for a good press release.

Take, for example, the recent Snowy Hydro Ltd privatisation. As far as the government was concerned, a fortnight before the announcement it had not made a decision: it still had reservations and was examining its options. Two weeks later, not only did we have a fully committed decision to privatisation but we had an announcement as to the disposal of the entire proceeds of the sale. We were told that all of the proceeds would be going into schools, including school maintenance, to tackle the backlog that previously the government was refusing to recognise, and into unspecified school projects.

Certainly no-one begrudges schools getting more money. We have been saying on this side of the house for a long time that schools have been underfunded. We all have examples in our own electorates —

Mr Stensholt — You underfunded them!

Mr CLARK — The member for Burwood well knows that the Surrey Hills Primary School, for example, has a striking case for upgrades, given the very cramped conditions there for many years, yet it has been neglected under the Bracks government. We

do not begrudge schools getting the money, but what about the process? How is it that the government suddenly decided within a fortnight that the highest priority commitments for all the \$870 million or so of the privatisation proceeds were schools?

The problem is that the Bracks government has no long-term plan for the delivery of infrastructure across Victoria. This gap has been pointed out to the government by just about every expert around, but it has studiously ignored them. Its own Infrastructure Planning Council recommended back in 2002 that:

... the government should publish a detailed, integrated, long-term plan for Victoria that is consistent with any national plans and which specifies the infrastructure required in order to achieve the vision.

You would have thought that was a no-brainer. If governments of whatever persuasion have to manage an infrastructure budget of some \$25 billion to \$30 billion over the next 10 years, you would think that would be worth doing a bit of planning for. You would think it would be worth developing a plan on an open basis that gave the public and the experts an opportunity to be involved — but no, that has not been picked up by the Bracks government. Engineers Australia was ignored when it made a similar recommendation just last year, highlighting concerns about the adequacy of Victoria's infrastructure and funding commitments. Engineers Australia said:

... current planning and political processes create a short-term focus in an area where a very long-term focus is required.

They put that point very effectively indeed.

One only needs to look at the Bracks government's budget papers to see that. When the Treasurer goes around boasting about how much money he will spend on infrastructure over coming years, it is striking first of all that that figure in total is sliding as we get further into the out years even though government debt is being substantially increased. But even more strikingly, if members look at the government's own documents and what it has provided for 2008–09, they will see it has a figure of \$2.2 billion for a total spend of dollars, but of that almost two-thirds remains an 'unallocated provision for future allocation'. So here we are in 2006 talking about a capital works program for 2008–09 and almost two-thirds of the money that is supposed to be spent in that year is still an unallocated provision.

Mr Stensholt — Watch this space!

Mr CLARK — The member for Burwood says that we should watch that space. That bears testimony to exactly what I was saying earlier: this is money that is

being banked up for deployment in an election context, not in a context of proper forward planning for the future of Victoria.

Not only have the experts I have referred to been criticising the government's lack of planning, but the Auditor-General has also been very critical of the government's lack of planning. He has been critical of the so-called *Growing Victoria Together* statement which the government has been bragging about for some time. He has made the point that the whole thing does not hang together. To use my words, *Growing Victoria Together* is a banal and superficial document that again is composed more of rhetoric than substance. It has no coherent flow-through whatsoever to what government actually does. You have the spin message on the one hand and the reality on the other. In his 30 April 2003 report the Auditor-General said in very polite terms:

For any accountability framework to be credible it must reflect all of the key activities of the reporting entity.

That puts it very mildly indeed.

What Victoria needs is a comprehensive, multi-year, forward plan for the delivery of infrastructure, something which plans out for a time horizon of 10 or 15 years and beyond and then fills in the detail for the years that are closer and which does not do it in silos — and not one department, separately from the others — with a whole lot of disconnected glossy booklets as we have had in the past, such as *Linking Victoria*, *Vision for Energy* and *Investing for Our Future*, which do not have a whole-of-government commitment behind them. We need a single, integrated plan that makes the prioritising decisions, sets the future direction and then allows the whole of government to work towards achieving that vision. It also means that members of the public know exactly the size of the infrastructure task in front of us so that as a community we can have an intelligent debate about how we go about funding it.

What we also need is discipline in the way that money is set aside and provided for infrastructure, instead of borrowings just going into a general pot from where they can be dissipated without accountability across the whole of government. We should have a clear principle that any borrowings are committed to infrastructure.

Mr STENSHOLT (Burwood) — I rise to make a number of points on this matter of public importance. The first is that money spent on promoting Victoria is actually money well spent. The Bracks government is actually proud of Victoria. We are happy to tell people about it and to tell the world about it, unlike the

members for Malvern, Warrandyte and Box Hill, who are Liberals first and Victorians second.

It is typical of them that they talk down Victoria, including its economy and what a marvellous place it is to live and raise a family in. They talk down the massive achievements that have been made in Victoria. They like to talk down our economy. They talk down the benefits of fiscal responsibility and stability and the enormously strong economic management that we have had in Victoria over the last few years. They talk down the economic growth and jobs in Victoria. They talk down the development that has happened in regional and rural Victoria.

For the first time since the days of Bolte we have greater population growth in Victoria than in the rest of Australia. There has been growth in country and regional Victoria. The contrast is very much with what happened under the Liberals. The Bracks Labor government is proudly governing for all Victorians, unlike the Liberal Party. They are an absolute rabble: they are divided; they do not know what they want; they have no policies; and they stand for nothing.

The second point is that I reject the second part of the matter of public importance. The Bracks government is delivering on essential services and infrastructure projects in Victoria. It is not about doing so on one or two flashy projects, as Jeff Kennett does, getting dressed up in striped coats and all sorts of things. The government is delivering for Victorians all around Victoria. The government is delivering on essential services. That is in contrast to the Canberra-centric Liberals. They are the ones with the self-obsession problem.

Several members of the Liberal Party are well into self-promotion, whether it is the member for Malvern or the member for Hawthorn desperately trying to win their colleagues' support in the leadership struggle or, indeed, the member for Warrandyte, who members know is an expert in self-promotion. He had the famous video when he was a minister, promoting himself in a fruitless exercise of self-aggrandisement and narcissism.

Coming back to the first point I made regarding money being well spent on promoting Victoria, I refer to an advertising blitz. Yes, I confess that there has been an advertising blitz that members of the opposition really have not touched on. It is an advertising blitz with an expenditure of nearly \$60 million in Victoria since its inception. Much of it has gone on television advertisements which have been very good. The advertising has used Victorian taxpayers money to

assist a relatively small group of businesses in a highly specialised industry. Where are the cries from members of the opposition saying, 'Shame, shame! That \$60 million is a waste of money.'?

It is an advertising blitz that uses slick, expensive imagery to persuade and influence with all the tricks of advertising professionals. It is based on a strategy — and I am sure that you, Acting Speaker, will be absolutely delighted by this — of a former minister in the Cain and Kirner governments, namely Steve Crabb. You are probably thinking that it cannot be a good thing and you are probably looking for the reds under the beds or something or other. But no, for those who have not worked out this one I am referring to an extraordinarily successful campaign run for the past decade and a half here in Victoria by Tourism Victoria, successfully attracting to Victoria visitors from all around Australia and the rest of the world. It has generated billions of dollars in revenue to tourism in Victoria. It is something that we do well in Victoria through Tourism Victoria. I commend the Minister for Tourism on his work in that area because it continues to be of high standard and is excellent.

It does not, of course, come free. As I have said, it has cost \$60 million, which averages out at around \$4 million a year in expenditure, although last year the figure was more like \$7 million. Once again I state for the record: this is money well spent. It is about 10 per cent of the total advertising expenditure of the Victorian government for the whole year. Tourism Victoria is a big advertiser, although only a tiny fraction of the advertising expenditure is seen here in Victoria. Why? Because we want to advertise Victoria on television screens outside Victoria to people to our north.

If members look at the figures for tourism into Victoria they will see that they are very, very strong. Who has turned around the international travel to Melbourne? It was not the last government; it has been this government. People are coming into Tullamarine. That has been very much a product of the advertising done through Tourism Victoria. It is a good example of how advertising can deliver powerful outcomes for the whole of Victoria and particularly for businesses that rely on tourism. Advertising is a legitimate tool for achieving public policy outcomes — in this case, growth in our important tourism sector.

As been mentioned already, the Victorian government is a big advertiser in its own right and always has been. Other speakers have mentioned the very important advertising that is done by the Victorian government, particularly through the Transport Accident Commission, WorkSafe and WorkCover. I am familiar

with those being the Parliamentary Secretary for WorkCover and the TAC. These are very good advertisements and have had a significant impact. Indeed, the Arrive Alive strategy, as well as continued advertising by the TAC have made an impact. In the last few years we have further lowered the road toll. Now there are 60 people a year walking around Victoria who would have been killed if it had not been for these strong campaigns and other things going hand in hand. The fact is that if you speed you get fined.

There has been the strongest crackdown in terms of road safety in Victoria through the campaigns by the TAC and its Arrive Alive strategy, and the campaigns of WorkCover and WorkSafe. The number of deaths due to work injuries has declined. I am also very pleased to note that deaths in the rural works sector have been in decline, and that does not happen without a concerted and comprehensive communication campaign. That is what this government is doing in Victoria — making sure we are saving people's lives; making sure we are proud of Victoria and proud of achieving the goals we set out to do. There are about 200 or more government entities doing that.

Another point I want to touch on briefly is that much of what we spend is on delivering essential services in infrastructure development. Other members have talked about this. I refer to health. What have we done in Victoria? We have not wasted money on health; we have spent wisely on health. Instead of closing hospitals and sacking nurses, we have done the opposite. Since 1999 we have invested a further \$2.4 billion on health. We have employed 6000 more nurses and 1200 more doctors. We have rebuilt 50 hospitals. In my own electorate the hospital in Burwood was closed down. We have rebuilt 50 hospitals and developed a new hospital in Berwick.

We looked after 250 000 more people in hospitals last year compared to 1999. That is two and a half times the capacity of the Melbourne Cricket Ground in terms of the people who were cared for in hospitals in Victoria last year. We treated an extra 160 000 patients a year in emergency departments last year compared with 1999. These are essential services and is delivery for all Victorians. We provided elective surgery services for 12 000 more people last year. We boosted mental health funding by \$279 million and restored public dental services.

In terms of the environment, through our water saving and recycling policy we have reduced water use by 22 per cent and adopted a new \$580 million plan for the Yarra River, which includes revamping the sewerage facilities in the northern suburbs. We have implemented

a state policy to cut greenhouse emissions. I could go on talking about the many things we have done in essential services and infrastructure in Victoria. We are in the process of rebuilding our services and are proud to be Victorians.

Mr DIXON (Nepean) — Just yesterday I was cleaning out my drawer underneath my seat in this place because I have moved seats. I took the opportunity to clean it out and I came across a document of lines and spin that members opposite were given to say in their media releases, meetings with the press and what they are meant to say in this place. I have heard it all again. The member for Burwood must have brushed up on that document last night or this morning, because his contribution was a revisiting of the line and the spin. They keep saying it again and again. Spend a lot of money on it and eventually some people will actually believe it! I give credit to the member for Burwood who is one of the great believers in that and he does it very effectively and loudly.

I was not going to mention tourism but the member for Burwood mentioned something about advertising and tourism that I will take issue with. International tourism is up in Victoria; in fact it is up throughout Australia. It has been a combined effort by all states and the Australian government. The member failed to say that despite all this advertising that is going on throughout the state lauding tourism and Victoria being a great place to visit, domestic visitor numbers are down in Victoria, especially in regional Victoria. Melbourne is holding its own but every single region around Victoria is having less and less tourism visitors. The advertising campaign is not the panacea to all ills or the answer to getting people to visit and tour Victoria. We have a disturbing trend of falling domestic visitor numbers throughout Victoria, especially country Victoria.

Another example of advertising not being the answer to everything is that Tourism Victoria has become lazy, bureaucratic and centralised in recent years. It likes to spend money on the easy targets, the well-known places in Victoria like the Yarra Valley and the Great Ocean Road, which get an inordinate amount of marketing money to reinforce the message. The numbers might go up — in fact, the government hopes they will go up but they have not gone up despite that advertising — but the advertising money is not being spent on the hard yards — advertising and promoting the second and third level tier destinations and attractions throughout Victoria. That requires hard work and not just slick advertising. But no, slick advertising is the way to go because it gets an immediate result on paper and everybody is happy in the bureaucracy. The advertising, the slickness and spin we have seen in

tourism in Victoria is a good example of what the member for Warrandyte brought up in his matter of public importance today.

Before moving on to the issue of education, I recently visited Southern Cross Station because I assumed it would be ready for the Commonwealth Games. It will not be ready for the games because visitors to the games are arriving already. What a shambles it is down there! Talk about a project that is over budget and late! It is unbelievable, because the place is a work site with paving not done, orange plastic strip is everywhere, it is filthy and has not been cleaned after all the work that has happened there. It looks second rate. No-one knows where to go to catch a bus. The signage is appalling and people have to walk on the road with their luggage to get a taxi. It is a shambles. To say it will be ready for the Commonwealth Games is absurd. The opening ceremony will occur in two weeks but people are now arriving for the games, yet the place is a shambles. It is an absolute disgrace that this major project, this entry into Victoria and Melbourne, has not been finished on time or on a budget.

A previous government speaker talked about the great advertising the government is doing on water. A helicopter ride and a nice glossy paper on water and saving water is one thing. It is good that people in Melbourne and Victoria are using less water domestically, but that is only a small part of the market and is a small part of conserving water in the state. We have this slick advertising going on with water, yet the government is committed to spending \$80 million to extend the sewage outfall at Gunnamatta further into the ocean. What has that got to do with water conservation? A precious resource has been wasted with the government's committing to spending \$80 million to extend that pipeline. This is about the real stuff, about the real hard work that should be done. What is the alternative to that? The answer is cleaning up the eastern treatment plant and taking the Liberal's lead on what we have announced we will do. That is what has to be done. It is the hard work that has to be done, not the spin of a helicopter ride, a glossy magazine and a television advertisement. The hard work must be done. The best example I have locally is the extension of the Gunnamatta outfall.

Moving on to education, we have advertising all over Melbourne and Victoria telling people that Victorian schools are wonderful places. They are wonderful places, but we do not need to spend money advertising that. I have no problem with advertising that Victoria is a great place for teachers to come to — we want good teachers in Victoria — but to advertise the fact that we have world-class schools is just patting ourselves on the

back. It gets us nowhere, and it is not the sort of advertising we should do. Money for education should be put into the hard work of school maintenance. The fact that guttering has been fixed or toilets repaired or painting done at a school may not be sexy enough to put in a glossy advertisement, but maintenance is the most important thing that needs to be done in our schools.

This government has recognised that it has fallen well behind in school maintenance, and that is why it has decided to spend the windfall capital from the Snowy River — —

Mr Kotsiras interjected.

Mr DIXON — There it is — the issue of the privatisation of water. That dirty word! That money is going to be spent recurrently on school maintenance, which is something this government should have done anyway. That is a great example of what this government is on about: it makes great announcements, puts out glossy ads in the print media and on television and produces brochures, media releases and media conferences, but this windfall money should not be spent on the everyday maintenance of our schools. This government should be doing the hard job of maintaining our schools, but instead this windfall money is going to be wasted. It should be an investment in the future of our state and in the future of and improvements to our schools.

Why is the government advertising its own school system? The best advertising for any education system is its schools. Parents of children at government schools are good advertisers. They can tell people that their children are at government schools because they have good school teachers, are well maintained, have safe atmospheres with no bullying, have staff who are qualified and keen, have tremendous and relevant curriculums and provide a wonderful family and community atmosphere. Those are the sorts of things that encourage people to send their children to local schools. Schools advertise by the very nature of the great education they provide.

Spending money on telling people that Victoria's schools are world class is an absolute waste. Any money spent on advertising in education should go directly to schools to be spent on the things that they do so well. Schools do not have to spend millions of dollars on ads saying, 'Come to our schools because they are good'. Children stay at a school because it is fantastic and they like that school, and consequently people in the local community tell other families, perhaps at kindergartens or to new neighbours in the

street, 'You should go to our local government school. It is fantastic, because it has great teachers, a great curriculum, is well maintained and is safe'. Advertising is done by word of mouth and by the hard work of the school. It does not require millions of dollars of government money being spent on advertising. Schools are perfectly capable of advertising themselves and already do so through their great work. It is an absolute disgrace that money is being spent in that way.

The ACTING SPEAKER (Mr Delahunty) — Order! The time allocated for discussing the matter of public importance has expired.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: corporate governance in public sector

Mr CLARK (Box Hill) — I wish to make some remarks about the Public Accounts and Estimates Committee's report of May 2005 on corporate governance in the Victorian public sector, particularly in the light of the government's response to that report, which was made public in November last year.

Initially I will speak about recommendations 8 and 9 of the report, which are quite relevant to the subjects we have just been discussing about the importance of whole-of-government reporting and of linking reporting measures to whole-of-government objectives.

Recommendation 8 on page 139 of the report is that:

The government develop a measurable set of major government policy outcomes that can form the basis of a whole of government performance management and reporting framework. Such assessments could be complemented by clearly articulated assessments of outcomes achieved.

On the same page, recommendation 9 is that:

The Victorian government develop a framework for performance reporting that reflects better practice used in Canada and the United Kingdom, including as a minimum clear linkages between a statement of government outcomes and departmental and agency objectives/outcomes supported by measures of progress and measurable performance information.

In commenting on the issue leading up to these recommendations the committee said in relation to whole-of-government reporting:

... Victoria appears to be lagging behind states such as Western Australia where agencies are required to include in their annual reports the following information:

the relationship between government goals, agency level government desired outcomes and agency services ...

and key effectiveness indicators, key efficiency indicators and key cost effectiveness indicators. The committee also said:

Given the importance of performance management and reporting from a public accountability perspective, the committee is concerned that no significant progress in this area has been made to address concerns raised by the Victorian Auditor-General.

In responding to that part of the report the government said it accepted recommendation 8 'in parts', and said it supported recommendation 9 'in principle'. When you see these words in government responses to committee reports you have cause to fear that they are prefaces to trying to wriggle out of the recommendations, and that is certainly the case here. When one reads the detail of the government's response to recommendation 8, it is clear that the government is saying it considers what it already has is pretty close to adequate, and it has certainly shown no inclination whatsoever to move significantly in the direction that the committee has recommended.

Similarly, on recommendation 9 the government says that doing what the committee recommends is a long and complex process and that the Department of Treasury and Finance and the Department of Premier and Cabinet will continue to work on initiatives, which again means that we are putting it into the too-hard basket in Sir Humphrey style.

I next refer to recommendation 26 of the committee's report, which is:

All Victorian public sector agencies make publicly available copies of all planning and accountability documents, as well as any amendments, on their web site.

You would have thought that that was a pretty fundamental recommendation, and with the exception of very limited confidentiality issues it should not be something that caused any concern whatsoever to government. The committee's report referred to mechanisms that already exist in New South Wales for achieving a similar effect. However, in this case the government's response was that it did not support this recommendation. The government does not believe in making these documents publicly available.

They said there are already some requirements in the State Owned Enterprise Act and a lot of different acts for making documents available, and that there might be cabinet-in-confidence deliberations disclosed, security might be compromised or an unfair advantage given to a third party. All of these are spurious excuses.

If any of those factors existed legitimately, it would be in a very small number of cases. Where there is a legitimate reason for not publishing, those parts could readily be excised.

This has just been an excuse by the government, as usual, to avoid any genuine accountability and any set of coherent measures that will assist in proper planning of government activities. It is no wonder that Victorians are seeing so much money being lost through waste, bungled projects, misguided priorities and political advertising. I call on the government to rethink its feeble and negative response to these very sound recommendations of the committee.

Family and Community Development Committee: regulation of funeral industry

Ms NEVILLE (Bellarine) — I am pleased to speak on the Family and Community Development Committee's report on the regulation of the funeral industry. When I last spoke about this report in this house I indicated that currently there is very little regulation that applies specifically to the industry, but in fact most consumers have indicated that they believed the industry was regulated and were surprised that it was not. Currently the industry is self-regulated, and this is limited because only those members of associations have any coverage or any minimum standards that they try and comply with. Even then, for those who are not members of the association there are still difficulties in enforcing those minimum standards.

When considering the need for regulation the committee was concerned to ensure that it did not impose regulations that were too onerous, and it was aware of the many small regional companies which provide a great service but which could be pushed out of the industry if the regulations were too costly. However, it was clear from the evidence that was presented to the committee that minimum standards were appropriate — for example, the standards of infection control when transporting deceased bodies.

Unfortunately we heard some disturbing stories about bodies which were transported in the back of cars that had no sealed compartments and about the numbers of bodies which were transported together in the backs of station wagons. The cost of cars is expensive. However, as one of the funeral directors from a small family firm from outside Shepparton said to the committee, 'If you are a truck driver, you actually have to buy a truck'. There is a lot of cooperation within the industry. There are opportunities to purchase appropriate transport vehicles that are second hand rather than having to purchase at a higher cost.

Another area we felt required some regulation was how deceased bodies are stored. Unfortunately there are some who do not comply with any standards at all. This raises issues of health and safety both for employees and the general public. To find that the deceased bodies are not stored appropriately is obviously very upsetting to grieving families and friends.

Embalming was another issue the committee looked at. Unlike the American system, we do not use embalming as a regular process to deal with deceased bodies. However, it does occur and the committee did not feel it wanted to support a regulation requiring that everyone has to be embalmed. But we were concerned about those people in the industry who embalmed and had no qualifications at all. Recommendation 5.2 in the report is about the need to be accredited and registered as an embalmer. Embalming is a very invasive body preparation technique that has a lot of infection control and health and safety issues. It is quite a complex procedure which we felt required some training.

In the report we did not set out any need for a particular code, but we recommended the establishment of a funeral industry council, which would involve consumers, industry, employers and employees to develop an initial voluntary code to be authorised within two years to enable the industry to move slowly towards compliance with a set of minimum standards within a code.

This report is very balanced. It is about protecting consumers. We do not talk about the funeral industry a lot. The report is about protecting consumers, families, friends and ensuring they get the best service and quality of service, and that we have a viable, safe and highly regarded industry.

Family and Community Development Committee: development of body image among young people

Mrs POWELL (Shepparton) — I wish to comment on the government's response to this inquiry by the Family and Community Development Committee. The report has a fairly long title but it was a very important inquiry. During the inquiry the committee met with care providers and a number of health professionals, including doctors, psychologists and experts in eating disorders. Some of the most sensitive material we heard was from those who had suffered from anorexia or bulimia themselves. We also spoke to a number of family members and friends of the sufferers. We heard about the dreadful experiences of the sufferers and the effects it had on the whole of the family. We also heard evidence of the lack of understanding about eating

disorders by some GPs. As a rural member of Parliament what I found more important was hearing about the lack of resources for those sorts of eating disorders in rural and regional Victoria.

The committee was asked to identify factors which contribute to the development of body image and to consider the role of the media, the family, peer groups and any other factors as well as the impact on the community and the family of people with eating disorders. We looked at gender differences. People think eating disorders are female disorders, but it also affects males as well when steroid use and over-exercise are concerned. We looked at health issues and their link with mental health, such as suicide, depression, the impact of bullying and the lack of self-esteem which some of these sufferers experience.

The committee made 12 recommendations to the government. I am really pleased to see the government has agreed to six of those recommendations and partly agreed with the other six. I would like to deal with the government's response.

The first two recommendations were really important. The first one, as outlined in the government response, says:

State government to fund an Australian centre for research into body image and eating disorders.

The committee felt it was important to give eating disorders a high profile. Unfortunately the government has only partly agreed with this. It has stated that it understands the need for greater research but:

... does not support the establishment of a new state-funded research centre. Government will direct its efforts to extending collaborative cross-discipline research partnerships and will seek agencies with the capacity to undertake partnered research programs.

We also called for a new state-funded centre for excellence in eating disorders to assist in producing professional development and training programs. The government has partly agreed to this:

Government supports the important role played by the Centre for Excellence in Eating Disorders.

It is unfortunate that the government's contribution of \$1.2 million over three years, which began in 2002, will cease in 2005. We are wondering whether there will be a commitment to continue that funding.

On the issue of the need for country services, I was pleased to see that the government agrees with the mapping of existing eating disorder services. What we

need to do is to look at where the services are and where they are needed. The government has said:

Government supports the undertaking of a service mapping exercise and acknowledges that it would need to be comprehensive as eating disorder services include general practitioner, acute hospital, paediatric, community health, outpatient dieticians, private allied health, private psychiatrists, adult and CAMHS services as well as the specialist mental health eating disorder services.

Further:

Government supports the establishment of an advisory group that would also include community stakeholders.

...

Government supports the undertaking of an evaluation, monitoring and implementation program of health promotion in primary schools.

The committee also asked for Eating Disorder Awareness Week to be part of a broader health promotion in body image. The government response was:

Government supports the better coordination of health promotion, body image and eating disorders messages.

It shows the level of importance that eating disorders now have. We know that obesity is bad for your health. We also found out during the inquiry about the importance of healthy lifestyles and education programs and the necessity for them to start in the schools. I understand a number of schools have healthy eating programs, but we found that it is more important to give people choices rather than to arbitrarily tell them what they can and cannot eat. We are hoping to get that message out into the schools in the first instance to show people that healthy bodies start with healthy eating and exercise and to then continue that process in the media. We ask the media to be more responsible in their portraying of body image.

Road Safety Committee: country road toll and crashes involving roadside objects

Mr LANGDON (Ivanhoe) — I would like to acknowledge the great work of the parliamentary Road Safety Committee in tabling two reports — on the inquiry into the country road toll and on the inquiry into crashes involving roadside objects. Both have been tabled in this parliamentary session. I acknowledge that all the committee members worked exceptionally well together, and we had great staff. I take this brief opportunity to acknowledge Alex Douglas, who has been involved as executive officer for some time. She has taken 12 months leave from the committee, and I would like to thank her for her outstanding work.

Public Accounts and Estimates Committee: budget estimates 2005–06

Ms ASHER (Brighton) — I wish to comment on the Public Accounts and Estimates Committee's report on the 2005–06 budget estimates. I keep making the observation that this committee provides me with some excellent data, and I again thank the Labor-dominated committee for it. In this instance the committee probably will not help me, but I want to comment on a chart located on page 316 entitled 'Overview of the major projects portfolio'. I note the source for this chart is indeed the minister, and I quote:

Mr J. Lenders, MLC, Minister for Major Projects, 2005–06 Budget Estimates hearing, 31 May 2005, presentation slides 4–14.

I want to single out a couple of items in this chart. The first one relates to the Melbourne showgrounds development. In the material provided to the committee there is a reference to 'completion on target for September 2006'. This is from material provided by the minister. I want to draw to the committee's attention the Auditor-General's report entitled *Finances of the State of Victoria 2004–05* dated November 2005. At page 131 of that report the Auditor-General commented:

The showgrounds redevelopment was originally forecast to have commenced in April 2002 and to be completed in time for the 2005 Royal Melbourne Show. Due to delays in the tendering and commercial arrangements —

there is that word 'delays' —

the works are now expected to be completed and ready to use for the 2006 Royal Melbourne Show.

I would advise the committee — and I very pleased to have the member for Box Hill here as well — that the material provided by the minister with 'completion on target for 2006' is at odds with the assessment of the independent umpire, the Auditor-General, of when the project is due to be completed.

I further refer to the Australian Synchrotron. This chart provided by the minister says that it is 'on schedule to open in 2007'. My source in this instance for pointing out the error in this is not the Auditor-General but the Premier. I reckon the Premier is a pretty good source for a member of the ALP. He issued a press release on the synchrotron dated Thursday, 21 June 2001, headed:

Victoria to establish Australia's first synchrotron.

In it he said:

The synchrotron is expected to be fully operational within five years.

Based on that the project is one year late. The minister has seen fit to go before a parliamentary committee and put to it material saying that the project is on schedule to open in 2007. It is not on schedule at all.

I want to draw the house's attention to the Melbourne Exhibition and Convention Centre project. The minister advised the committee that 'work is due to begin after the Commonwealth Games in 2006'. I want to add to the committee's knowledge on this particular project. I have a document in front of me called the Melbourne Exhibition and Convention Centre feasibility report. It was released to me on the eve of a Victorian Civil and Administrative Tribunal hearing for a freedom of information case and is dated 31 October 2002. On the time line in this document January 2005 is listed as the date for the commencement of construction. It then goes on to point, beside March 2006:

Commonwealth Games (work suspended for 2 weeks).

Then it goes on to say for June 2007:

Construction completes centre, project opens.

The minister has provided to the Public Accounts and Estimates Committee a chart which says that works are due to begin after the Commonwealth Games in 2006 when the minister's own feasibility study, which the government tried to argue was cabinet in confidence and could not be provided to the opposition, indicates that work was meant to be suspended for the Commonwealth Games for two weeks and that construction was meant to have commenced in January 2005.

I am happy to provide committee members and indeed the Parliament with that update on this chart at pages 316 and 317 of the Public Accounts and Estimates Committee report. I further note that the minister has invented some new language — 'rescoping' and 'rephasing' — in describing what he has provided to the committee. I suggest in future that he provides correct information.

The ACTING SPEAKER (Mr Delahunty) — Order! The member's time has expired.

**Public Accounts and Estimates Committee:
legislative framework for independent officers
of Parliament**

Ms CAMPBELL (Pascoe Vale) — I wish to address the report of the Public Accounts and Estimates Committee on the legislative framework for independent officers of Parliament, which was recently tabled in this house. It has some significant

recommendations in relation to the independent officers of Parliament. The officers referred to in the report are the Auditor-General, the Ombudsman and the electoral commissioner.

Officers of Parliament occupy an absolutely unique position in Victoria's constitutional framework. They play an extremely important role in assisting the Parliament in discharging its scrutiny and accountability functions and in protecting various rights of individual Victorians. Central to their effectiveness is a legislative framework that upholds their independence and authority and clearly establishes their relationship to the government and Parliament.

Our committee acknowledged that these roles are now enshrined in the constitution and that resources for the officers have increased. But of particular interest to our committee was the fact that we believed more consistency was required in a number of areas for each of those officers — for example, issues relating to their employment, tenure, budgets, operational autonomy and accountability obligations.

The Public Accounts and Estimates Committee is the champion of the Victorian Auditor-General's Office and also the Auditor-General. We have a unique relationship with both the Auditor-General and the office, and we believe that model is worth exploring and adapting in relation to the Ombudsman and the electoral commissioner, who have very few formal links to this Parliament. We as members are brought up to date by the Auditor-General's and Ombudsman's reports. They have a unique place in this house and within the Victorian political system. It is important from parliamentarians' points of view that as a Parliament we get involved more directly, through the bipartisan approach of a parliamentary committee, with the Ombudsman and electoral commissioner in the same way that we do with the audit office and the Victorian Auditor-General.

The committee made 17 recommendations to protect and support the operational independence of those three officers of Parliament and their agencies and to recognise and reinforce the principle that the primary relationship of officers of Parliament in terms of accountability and responsibility should be with this very Parliament. The committee also recommended that the following principles be adopted by the government and the Parliament for the creation of new officers of Parliament. We outlined those principles because we believed that, in examining a range of jurisdictions, there were some parliaments which in our view spread the net a little too broadly in relation to who they

wanted to appoint as an officer of Parliament. There was quite a degree of variation.

In the committee's press release we state:

that the following principles be adopted by ... this Parliament for the creation of new officers of Parliament:

officers of Parliament must be created only to provide a check on the executive's use of power;

officers of Parliament must discharge only those functions that the Victorian Parliament, if it wished, might carry out;

Parliament should consider creating officers of Parliament only on rare occasions; and

Parliament should review the appropriateness of the status of each officer of Parliament from time to time.

If these recommendations are accepted, it will be yet another step in Victoria being a leader in implementing constitutional and parliamentary reform that promotes good governance. I highlight recommendations 1 and 2 in particular.

The ACTING SPEAKER (Mr Delahunty) — Order! The time allocated for statements on committee reports has expired.

SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Environment) — I move:

That this bill be now read a second time.

The purpose of this bill is to provide for the continued management of the remaining sawlog and pulpwood licences in the west of Victoria by the Secretary of the Department of Sustainability and Environment.

Currently, the Sustainable Forests (Timber) Act 2004 provides that sawlog and pulpwood licences in the west of Victoria are to be transferred to VicForests for management by 1 July 2006 until their expiry.

There are currently 11 licences to which these provisions of the Sustainable Forests (Timber) Act 2004 apply.

Of these 11 licences, the government has already determined that 5 will not be transferred to VicForests.

This decision was made as part of the government's commitment to cease logging and wood chipping in

native forests in the Otways by 2008, and to establish a greatly expanded national park in the Otway Ranges — the Great Otway National Park.

These five licences will remain under the control of the Secretary of the Department of Sustainability and Environment until their expiry.

Of the remaining six licences due to transfer to VicForests, one licence has already expired. The remaining five will progressively expire over the next four years, with the last to expire on 30 June 2009. These five licences are located in the Midlands and Mid-Murray Forest management areas.

The government has committed to examining the current management practices in parts of the Midlands and Mid-Murray Forest management areas. As part of this commitment, the government:

has requested the Victorian Environmental Assessment Council to undertake an investigation into river red gum forests along the Murray River Valley, to be completed by 1 February 2008; and

is considering different scenarios for the management of the Wombat State Forest in consultation with the community.

In these circumstances, it is appropriate that the management of the five remaining licences in the Midlands and Mid-Murray Forest management areas remains with the Secretary of the Department of Sustainability and Environment.

This will allow sufficient time to clarify the implications of the Victorian Environment Assessment Council investigation and the community forest initiatives in the Wombat State Forest before consideration is given to the management of timber harvesting in the west of Victoria being transferred to VicForests.

It remains the government's position that VicForests be the responsible agency for managing timber harvesting in Victoria. However, it is appropriate for the management of existing commitments to remain with the Secretary of the Department of Sustainability and Environment pending the outcome of investigations into timber harvesting in the west of the state.

Accordingly, the bill provides for the repeal of those provisions of the Sustainable Forests (Timber) Act 2004 that provide for the transfer of the remaining licences in the west of Victoria to VicForests. The repeal of these provisions will make redundant the provision of the National Parks (Otways and Other

Amendments) Act 2005 effecting this decision in relation to the five remaining licences in the Otway Ranges. Accordingly, this provision will also be repealed.

The bill also includes a statute law revision clause repealing the Forests (Dunstan Agreement) Act 1987. The Dunstan agreement was signed in 1987 by the government and A. Dunstan Timber Sales Proprietary Limited for the supply of softwood. The successor parties to the agreement agreed to its termination in November 2004, effective 1 July 2004. The termination of the agreement was notified to Parliament on 14 June 2005 in accordance with the requirements of the act. There are no outstanding obligations to be performed under the act, and accordingly it may now be repealed.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPHTHINE (South-West Coast).

Debate adjourned until Wednesday, 15 March.

ROAD SAFETY (DRUGS) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

This bill makes important amendments to the Road Safety Act 1986 to support the government's Arrive Alive! strategy. It will enable enforcement of the prohibition against drug driving by allowing continued roadside drug testing to continue beyond 1 July 2006, and will include the illegal drug 3, 4-methylenedioxymethylamphetamine (otherwise known as MDMA, or ecstasy) in that roadside drug testing regime.

This bill also includes an amendment to the Road Safety Act to remove a reference to obsolete commonwealth legislation about heavy vehicle registration and permit fees.

The drug-driving problem

During 2003 and 2004, drugs other than alcohol were found in approximately 30 per cent of drivers/riders killed on Victorian roads. The results for earlier years are similar. This indicates that drug use is a factor that may contribute to approximately 100 motor vehicle accident fatalities in Victoria each year. Drug driving and resulting casualties can cost the community

millions of dollars and also cause grief and distress for the victims as well as their families and friends.

The Bracks Government has led the way in initiatives to address the drug-driving problem. In 2000 legislation was introduced to allow for the detection and prosecution of people found driving while impaired by a drug. These provisions are especially effective when a driver is clearly impaired by drug use. However, use of drugs before driving can have a substantial effect on a driver's ability to drive safely and avoid risks without significant physical impairment being apparent. For that reason, when appropriate technology to allow roadside testing for drugs became available, the government introduced the roadside drug testing laws.

The roadside drug testing laws introduced into this Parliament during 2003 discouraged the practice of drug driving by the use of random testing procedures. In particular, random testing was expected to deter users of THC, which is an active ingredient in cannabis, and methylamphetamine, commonly known as speed, from driving and to prevent users of these drugs escaping detection despite the hazard they present to themselves and other road users. These illicit drugs were chosen as there was clear scientific evidence that drivers using them were at increased risk of causing accidents and that they were the most common substances, after alcohol, found in the blood of fatally injured drivers.

Roadside drug testing results

Roadside drug testing commenced as a trial on 13 December 2004, and the trial period was subsequently extended by this Parliament by one year to 1 July 2006. This bill will allow the continuation of roadside drug testing by repealing the relevant sunset provisions.

The roadside drug testing operations have been extremely successful, revealing a much higher level of illicit drug use by drivers than had been expected. These results have shown the value in conducting roadside drug tests and have confirmed the government's concern that drug driving is a serious road safety problem.

In the first year of the trial 13 176 roadside drug tests were performed by Victoria Police. Evaluations of the results of the trial show that 2.1 per cent of those drivers drug tested at the roadside were positive and were also positive to the second screening device in the drug bus. These positive results were confirmed by laboratory analysis at the Victorian Institute of Forensic Medicine. Thus approximately 1 driver in every 46 tested was

positive to methylamphetamine and/or THC. This drug use is more than four times as prevalent as the incidence of an illegal concentration of alcohol in drivers tested under the roadside breath testing program.

It is pleasing to note the high level of accuracy of the results so far obtained from the roadside drug testing program and the level of support for the program expressed through assessments undertaken by the Monash University Accident Research Centre, Victorian Institute of Forensic Medicine and the Transport Accident Commission.

An evaluation by the Monash University Accident Research Centre has found that there was no evidence that the introduction of roadside drug testing had any adverse effect on Victoria's random alcohol testing program. The random alcohol testing program will continue to be an important part of the road safety campaign and will be supported by the continuation of roadside drug testing.

Ecstasy

The devices used in roadside drug testing also detect MDMA or 'ecstasy', which is a popular drug, particularly in the 'rave' scene. MDMA is considered by scientific experts to impair driving ability. The number of drivers killed in road crashes testing positive to this drug tripled between 2002 and 2004. Moreover, MDMA is illegal in Australia, and there are no legitimate reasons for a driver to have traces of MDMA in his or her saliva or blood. This bill adds MDMA to the list of prescribed illicit drugs for which a driver may be prosecuted if detected by roadside testing devices.

Heavy vehicle registration and permit fees

The bill also reflects proposed changes to the way in which registration and permit fees for heavy vehicles are set.

Registration and permit fees for heavy vehicles in Victoria are currently capped by section 95A of the Road Safety Act 1986 at the fees set for the Australian Capital Territory under a commonwealth act, namely the Road Transport Charges (Australian Capital Territory) Act 1993. Victorian regulations apply these fees by reference to the commonwealth act.

Under a national agreement, each state and territory will in future set registration and permit fees for heavy vehicles directly rather than by referencing the commonwealth legislation. For this reason, section 95A, which limits fees by reference to the commonwealth legislation, should be repealed.

Conclusion

Over 30 per cent of driver fatalities in 2003 and 2004 had drugs other than alcohol in their system at the time of their death. Continuing roadside drug testing for methylamphetamine and cannabis, and the inclusion of MDMA, will deter users of these drugs from driving when affected by them, thereby reducing the number of road deaths and serious injuries arising from drug driving.

I commend the bill to house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Wednesday, 15 March.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The Bracks government is committed to protecting the health and welfare of Victorian families. As part of this commitment, this government has initiated a range of drug prevention and treatment initiatives to reduce the impact of licit and illicit drugs on the community.

In 2003, the government committed a further \$176 million for the next four years to continue its drug strategy.

Significant government investment to date has enhanced the drugs service system to better meet contemporary need. In particular, the following achievements are of note:

Access to alcohol and drug treatments in Victoria continues to improve. Between 1998 and 2004 there has been a nearly 30 per cent increase in the number of clients accessing drug treatment services.

A youth alcohol campaign and an alcohol awareness campaign targeting tertiary students has been conducted.

A code of practice for running safer dance parties has been developed to assist organisers of festivals and dance parties to plan, run and manage events safely.

Innovative responses to volatile substance abuse have included the introduction of legislation and the development of protocols to facilitate its implementation, research into the feasibility of adding bittering agents to volatile substance products subject to abuse, the production of a Koori information kit on inhalant abuse and the production of a retailers kit on the responsible sale of solvents.

The Premier's Drug Prevention Council has been appointed for a second term. Major initiatives during this term include ongoing support for the DrugInfo Clearinghouse; the promotion of Directline, a 24-hour telephone counselling service, and an employment, training and mentoring program for young people at risk of developing alcohol and drug problems.

An important further initiative addresses the use of cocaine. Cocaine use is dangerous, and can cause a range of serious medical conditions. Deaths have been known to occur. The selling of cocaine kits is seen to promote the use of a drug of dependence, being cocaine.

In August 2005 the Premier announced that the state government is taking further action in continuing its tough stance against drugs by banning the sale of 'cocaine kits' in Victoria. The Premier indicated that amendments to the Drugs, Poisons and Controlled Substances Act 1981 will prevent cocaine kits from being displayed and sold in Victoria.

Cocaine kits vary in their contents and packaging. Typically, they contain some of the following items: a small metal tube, a razor blade, a small scoop, a small glass bottle, and a mirror. These items are usually packaged in a wallet or a metal compact.

It is not desirable to legislate against the sale of each individual item in a cocaine kit, as these items have legitimate uses. However, this legislation will prevent items being displayed and sold as a package to promote the use of cocaine.

I now turn to the detailed provisions of the bill.

Clause 2 is the commencement clause. It provides that the amendments to the act will commence on the day after the day on which the bill receives royal assent.

Clause 3 inserts a new part VA into the act to deal with cocaine kits. Most importantly, a definition of a cocaine kit is included in the bill in a new section 80A. The items included in cocaine kits identified are normally items with other everyday uses when not included in such a kit. It is not intended to make it an offence to sell the items individually. Accordingly, the definition

provides that a cocaine kit is constituted only when two or more of the relevant items are packaged for use as a unit for the purposes of preparing for introduction, or for introducing, cocaine into the body of a person.

New section 80B makes it an offence to display a cocaine kit in a retail outlet. A retail outlet for this purpose includes market outlets as well as shops. The offence is limited to display in retail outlets because it is not intended to make it an offence to display such a kit in a museum or an organisation that has an educational function in relation to drugs.

New clause 80C creates a new offence of selling a cocaine kit. The decision to create an offence to sell cocaine kits is made out of concern about the sale of a set of items that is obviously intended to promote the use of cocaine. As the kits consist of everyday items, it is not intended to make it an offence to possess a cocaine kit.

This new offence created is to sell a cocaine kit to another person if the seller knows or is reckless as to whether the kit is sold for the purpose of introducing cocaine into the body of any person.

The word 'sell' is already defined widely in section 4 of the act to include wholesale or retail sales, agreements to sell and offering or exposing for sale.

The maximum penalty for the new offence will be 60 penalty units. The maximum penalty for a body corporate will be 300 penalty units. This is in line with other similar offences.

Division 2 of the new part VA sets out the powers the police force will have in enforcing the new offences. The new division provides the police with appropriate seizure powers in relation to kits that the police suspect are displayed or for sale. In addition, provisions allowing the police to retain the kits and to destroy the kits in certain circumstances are also included. A cocaine kit will generally only be destroyed upon a finding of guilt under the new sections 80B or 80C, or if it is not possible to find the lawful owner of the kit.

Clause 4 makes a procedural amendment to the act by substituting a new section 103. This section of the act provides for the prosecution of officers of companies that are convicted of offences. The new section 103 updates the provisions providing for prosecution of corporations and officers of corporations where the corporation is guilty of an offence. The new section 103 is consistent with other modern Victorian legislation.

As part of the communication strategy to support the new offences relating to cocaine kits, all retail outlets

likely to be selling cocaine kits will be advised of the new legislation.

This bill is another prevention measure for substance abuse, and as such, it is a positive initiative in promoting the health and wellbeing of people in the state of Victoria.

This initiative is part of the government's approach to prevent drug abuse in Victoria. Together with prevention and education initiatives and drug treatment services, it forms part of a coordinated response to reducing the harms associated with drug abuse in this state.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Wednesday, 15 March.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

The Drugs, Poisons and Controlled Substances (Aged Care Services) Bill 2006 amends the Drugs, Poisons and Controlled Substances Act 1981.

This bill extends the coverage of the state government's regulation of medication in commonwealth funded and regulated residential aged care facilities to provide protection to all high-care aged care residents, rather than just high-care residents in nursing homes as is currently the case. This will ensure that the drugs, poisons and controlled substances laws remain relevant to the new and emerging environment in residential aged care, where the barriers between 'nursing homes' and 'hostels' are breaking down. It is proposed for the first time that all high-care residents will have their medication administration professionally supervised regardless of the type of aged care facility they reside in.

The bill also amends the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct, so that nurses will not be impeded in their role under the new arrangements.

Regulation 45 of the Drugs, Poisons and Controlled Substances Regulations 1995 currently requires that only a nurse may administer medication to a resident of a nursing home. Nursing homes are the only environment in which the administration of medication prescribed for and dispensed to an individual patient is regulated. This is because it has been determined that residents of these facilities, who are often very frail, deserve a higher level of care and protection than other people. Administration of medication to residents of hostels (generally less frail or dependent people) has previously not been regulated.

The Drugs, Poisons and Controlled Substances Regulations 1995 sunset on 29 May 2006. The Drugs, Poisons and Controlled Substances Regulations 2006, which replace them as of 30 May 2006, will no longer regulate the administration of medication to residents of nursing homes. Rather it is proposed that these provisions will be transferred to the act under this bill. It is proposed to place the provisions in the act rather than the regulations, because the regulations do not have an appropriate head of power to address these detailed requirements regarding the administration of medication to high-care residents.

The commonwealth funds and regulates residential aged care under the Aged Care Act 1997. There are some 41 000 residential aged care places (or beds) in Victoria in 819 services. Of those places only 14 400 are designated high-care places in nursing homes. With the introduction of commonwealth 'ageing in place' policies in 1997 many high-care residents now reside in hostels or mixed facilities and therefore are not afforded state government regulatory protection under the current provisions. The emergence of mixed services has seen some 9500 high-care residents live in mixed or hostel services that are not covered by the existing regulation 45 of the Drugs, Poisons and Controlled Substances Regulations (as at 30 June 2005). It is imperative that our regulatory arrangements are upgraded to extend regulatory protection to these people. This bill effectively means that 23 900 rather than 14 400 aged care residents will be afforded state government regulatory protection in regards to drug administration.

This amendment will shift the focus of regulation from the setting to the resident, ensuring that all Victorian high-care residents receive the same level of protection under the legislation regardless of where they live. Under this provision, regulation of the administration of medication to residents of aged care services will be extended to all 23 900 high-care residents.

The current provision applying to nursing homes requires that a nurse administer every dose of medication in every instance. The bill will provide that the administration of medication to high-care residents is managed by a nurse rather than necessarily administered by a nurse at all times. The nurse will still determine who is appropriately qualified to administer medication and will remain in charge of the drug administration process. This approach makes better use of skilled professional resources, is consistent with nursing and other health work force trends and will improve quality of care for residents not presently covered by regulation, without requiring that a nurse administer every dose of medication in every instance.

For the purposes of this bill a nurse is a division 1, division 3 or division 4 nurse only, and only these nurses will be able to manage the administration of medication to high-care residents. Division 2 nurses will not be able to manage the administration of medication to high-care residents in residential aged care services.

The legislation will be supported by guidelines drafted by the Nurses Board of Victoria (a 'code') for the delegation and supervision by nurses to non-nurses of the administration of medication in residential aged care services. This will provide the necessary framework of professional practice standards for nurses to exercise their management of administration role proposed in this bill. The bill requires nurses to have regard to the code in making management decisions.

To ensure that it is absolutely clear that a nurse is free to make professional judgments about the administration of medication in accordance with established professional guidelines, the bill introduces a new provision into the Nurses Act 1993 to create an offence of directing or inciting unprofessional conduct. The new provision is consistent with and will have the effect of bringing forward a provision already included in the Health Professions Registration Act 2005, which will become operative from 1 July 2007.

The nature of the amendments

Clauses 1 to 3 of the bill contain purpose, commencement and definition provisions.

Clause 4 of the bill adds a new division 10A to part 2 of the Drugs, Poisons and Controlled Substances Act 1981. Section 36E of the new division provides that a person who is an approved provider of an aged care service must ensure that a nurse manages the administration of any drug of dependence, schedule 9

poison, schedule 8 poison or schedule 4 poison to a high-care resident of a residential aged care service.

Section 36F of the new division requires that a nurse who manages the administration of such a drug in accordance with the division must do so in accordance with the relevant code for guidance issues by the Nurses Board of Victoria under the Nurses Act 1993.

Clause 5 of the bill adds a new regulation-making power to the Drugs, Poisons and Controlled Substances Act 1981 to allow for the making of regulations in relation to the new division.

Clauses 6 and 7 of the bill amend the Nurses Act 1993 to make it an offence for any person to direct or incite a nurse to do anything in the course of professional practice that would constitute unprofessional conduct or professional misconduct.

The government has consulted widely over a long period with representatives of the aged care industry and with nursing organisations. Industry stakeholders strongly support the proposition to extend the coverage of regulation to all high-care residents. The new provision will allow nurses to delegate routine tasks, in appropriate circumstances, to other workers who have suitable training and experience. The provision will contribute to making better use of the professional skills of registered nurses and will provide career development opportunities for other categories of worker.

In all cases delegation of the task can only be made by a nurse, and the judgments will rest with the nurse, acting in accordance with the relevant code for guidance determined by the Nurses Board of Victoria.

This set of amendments will extend the regulation of the administration of medication to all high-care residents of residential aged care. That will occur with the support of a framework of professional guidelines to ensure that nurses delegate tasks only when it is safe and appropriate to do so. The nurse will have full control over the decision-making process, and new legislation will protect nurses from any direction to act in an unprofessional way.

This bill significantly extends the coverage of the regulation of medication in residential aged care to provide more regulatory protection to more people.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Wednesday, 15 March.

Sitting suspended 1.03 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Commonwealth Games: Labor Party calendar

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the comments by the Minister for Commonwealth Games this morning condemning the use of the Commonwealth Games logo by the Labor fundraiser Progressive Business as ‘unlawful’ and ‘inappropriate’ and I ask: does the Premier also consider the member for Bayswater’s illegal use of the Commonwealth Games logo on his campaign propaganda as unlawful and inappropriate?

Mr BRACKS (Premier) — First of all, I thank the Leader of the Opposition for his question, and I thank him for providing a calendar with a photo of Karak and a photo of the very photogenic member for Bayswater! It is true to say that there is a great enthusiasm amongst all members of Parliament about the games, as there should be. As members of Parliament would know, we are issuing flags to every school in the state and MPs who are — —

Honourable members interjecting.

The SPEAKER — Order! The opposition has asked the Premier the question. I suggest that they listen to the answer.

Mr BRACKS — Commonwealth Games flags are issued to schools, and councils and community organisations have Commonwealth Games flags. As most members of Parliament would know if they go out to schools, they have curriculum materials, and the understanding amongst students of the Commonwealth Games is second to none. I want to congratulate teachers and schools on what they are doing on behalf of the Commonwealth Games.

If, in the enthusiasm of members of Parliament and of the community for the Commonwealth Games, there is use of the logo which is not technically appropriate, then I am very happy for the Office of Commonwealth Games Coordination to issue some clarification on that.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

Mr BRACKS — Could I reiterate that, I think like all Victorians, I am very proud of the preparation for the Commonwealth Games. As the Minister for Commonwealth Games said today, we are actually ready to hold the games as of tomorrow. We have the venues finished and all the preparations have been undertaken. I know that most Victorians cannot wait for a fortnight’s time and the opening ceremony of the Commonwealth Games. It will be a spectacular and great event for all Victorians.

Finally, I urge all MPs in the lead-up to the Commonwealth Games to display proudly all the publicity and support for the Commonwealth Games. If badges are required we will certainly make them available to all MPs.

Snowy Hydro Ltd: sale

Ms BEATTIE (Yuroke) — My question is to the Premier. I ask the Premier to detail for the house how the government’s recent announcement regarding Snowy Hydro will protect the state’s environmental, agricultural and commercial interests as well as deliver a better future for schools?

Mr Perton — ‘We will never privatise water’, is what you said!

Mr BRACKS (Premier) — I thank the member for Yuroke for her question, and I thank the member for Doncaster for his interjection as well. I appreciate it! I am pleased to report to the house on the matters which I referred to in the last sitting of the house, which were the preconditions for any sale of the 29 per cent ownership share that Victoria has had in Snowy Hydro Ltd and which were set as what we required before we moved to any sale of the Snowy itself and the need to decide how those proceeds could be used to reinvest on behalf of all Victorians. I am pleased to say that all the preconditions that we required have now been agreed to by the commonwealth, the state government and also Snowy Hydro.

As a result of that agreement, we have now secured a new tripartite agreement between New South Wales, Victoria and Snowy Hydro that ensures water targets for irrigation and the environment cannot be changed without Victoria’s consent. In a sense that is greater protection than we had under the original arrangement, because it is a contractual obligation which has now been signed and can be kept, and any breach of that contract will have with it the consequential penalties.

That was important because we wanted to ensure that all the water rights for irrigators were protected in any sale of the Snowy, which the commonwealth and New South Wales were prepared to undertake unilaterally. We know that independently they indicated that if Victoria were not to sell its share they would still go ahead and establish a holding company to which they would sell their shares. That would have left Victoria effectively stranded with 29 per cent of a private company — not a public company but a private company — of which all the assets and water would effectively be retained in New South Wales. The assets would be in New South Wales and the company would be private and our investment would have been a 29 per cent share in it.

In order to get a smoother sale we bargained and negotiated to get preconditions met which meant that the environmental flows for the Snowy River, the 21 per cent guaranteed and the 28 per cent for which we now have extra funds to achieve, are all part of the new agreement and are reinforced. It means that the rights of the irrigators have been reinforced and that we have more resources going into funding for the Snowy River and the environment, with an extra amount of money coming to Victoria and New South Wales as well.

As well as that, I am pleased to report to the house that over and above the extra contribution to the Snowy River, an estimated \$600 million from the Victorian sale of the share — it may vary from that but that is the estimation — will go to reinvesting for a whole generation of Victorians into our school system in Victoria, back into assets, from one iconic asset into a new iconic asset to educate a generation of young children and to make sure the investment goes into their future as well.

I am pleased we were able to bargain and have those preconditions met. I am pleased also that in Victoria's case all the money will be reinvested both in the environment and the Snowy River but also into school buildings and maintenance throughout the state.

Commonwealth Games: anthem

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a proclamation by the then Governor-General, Sir Ninian Stephen, on 19 April 1984, when he said:

The anthem *God Save the Queen* shall henceforth be known as the royal anthem and used in the presence of Her Majesty the Queen or a member of the royal family.

Given the terms of the Governor-General's proclamation and the fact that Her Majesty will be

present for the opening ceremony of the Commonwealth Games, does the Premier agree that *God Save the Queen* should be used?

The SPEAKER — Order! I have some problems with the question raised by the Leader of The Nationals. The proclamation of a Governor-General is obviously not related to Victorian government business, but he appears to be asking the Premier for an opinion; is that correct?

Mr RYAN — Not at all.

The SPEAKER — Order! I understand the Leader of The Nationals — —

Mr Haermeyer interjected.

The SPEAKER — Order! I warn the Minister for Manufacturing and Export. The Leader of The Nationals appears to be asking the Premier for an opinion, is that correct?

Mr RYAN — No, I am founding the question upon the fact of an existing proclamation on which this government's decision should be based, and I am asking whether the government of Victoria will comply with it. That is simply the question.

Honourable members interjecting.

The SPEAKER — Order! Would the member mind repeating the question, but without the assistance of the government benches.

Mr RYAN — I refer to a proclamation by the then Governor-General, Sir Ninian Stephen on 19 April 1984, when he said:

The anthem *God Save the Queen* shall henceforth be known as the royal anthem and used in the presence of Her Majesty the Queen or a member of the royal family.

Given the terms of the Governor-General's proclamation and the fact that Her Majesty will be present for the opening ceremony of the Commonwealth Games, does the Premier agree that in the circumstances *God Save the Queen* should be played?

The SPEAKER — Order! The question itself is probably out of order but the explanation the Leader of The Nationals has given allows the question to be asked.

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. The matter of whether *God Save the Queen* is played when the Queen is here

to open the Commonwealth Games was a matter determined by the organising committee. The chairman of the committee met with the Queen's representatives in Buckingham Palace and this matter was raised as part of that meeting. Those decisions were made as part of the recommendations that Buckingham Palace was clearly pleased about.

In relation to the Queen's visit, we are looking forward very much to the opening of the Commonwealth Games by the Queen. When the Queen is in Australia, of course, she is the Queen of Australia and I should remind members of that. The anthem that will be played at the opening ceremony of the Commonwealth Games will be the Australian anthem. In relation to *God Save the Queen* Buckingham Palace is satisfied that the arrangements we have in place are suitable and appropriate for the conduct of the Commonwealth Games in Melbourne, which will be spectacular. I urge all members to be part of what will be a great celebration and event for Victoria.

Water: government initiatives

Ms LINDELL (Carrum) — My question is to the Minister for Water. I refer the minister to the government's permanent water saving rules and ask him to detail to the house how Melburnians have responded to their introduction and how much water has been saved as a result.

Mr THWAITES (Minister for Water) — I thank the member for Carrum for her question. One year ago the government introduced permanent water saving rules in Melbourne as part of the government's Our Water Our Future plan. In that time, in the last 12 months, there have been outstanding results in water saving. The figures for water use for Melbourne in 2005 show that we achieved record savings last year. In fact, last year we used some 22 per cent less water per head than we have been using through the 1990s. Most significantly, we kept those savings going even though we lifted stage 2 restrictions early last year.

By contrast, in 1983 after restrictions were lifted people in Melbourne largely went back to their old water-wasting habits. This year as a result of the great efforts by people in Melbourne and as a result of the government's campaign we have seen the water savings continue. Through the 1990s people in Melbourne used an average of 423 litres per person per day. Last year we used just 334 litres per person per day. That means people in Melbourne saved the equivalent of 45 billion litres last year compared to the 1990s. This clearly demonstrates the importance of the campaign that we have been running to communicate to Victorians the

importance of water saving. Approximately 85 per cent of Victorians are now aware of the permanent water saving rules as against 58 per cent in June last year.

The permanent water saving rules are commonsense and sensible. They are not difficult. They are now being implemented around the state. This means it is less likely we will need to go on to more severe restrictions in the future.

It is quite extraordinary that the new opposition spokesperson on water has come out against the permanent water restrictions and rules in his area. That is not the sort of approach the Bracks government would adopt. We will not be deterred by political opportunism.

Honourable members interjecting.

Mr THWAITES — That's what it is! We will continue to work with Victorians to save water.

Commonwealth Games: Progressive Business

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the statement by Labor's fundraiser Progressive Business that the Commonwealth Games minister gave specific permission for the Commonwealth Games logo to be used and the subsequent glib denial from the minister's office. I ask: who is telling the truth, the minister or Progressive Business?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As the Minister for Commonwealth Games in the other house has said — and by the way, the Minister for Commonwealth Games is doing an absolutely magnificent job: the recognition throughout Australia of his work is unparalleled, and I take the opportunity in this house to congratulate him for what he has achieved — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition and the Deputy Leader of the Opposition to cease that continuing interjection and allow the Premier to answer the question.

Mr BRACKS — The Minister for Commonwealth Games has made the position clear that those letters which were sent out have been reissued, and of course those arrangements that were in place were not approved. The minister has made that position clear today.

Water: agricultural use

Ms DUNCAN (Macedon) — My question is to the Minister for Agriculture. Can the minister advise the house how the government is working with Victorian farmers to make the most efficient use of our water resources?

Mr CAMERON (Minister for Agriculture) — I thank the member for Macedon for her question and for her ongoing interest in water and getting the best use of water for primary producers. As a community we have all become more aware of the importance of getting the best out of our precious water resources.

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew will cease making that noise.

Mr CAMERON — Victorian irrigators have become increasingly more productive users of water. According to the Australian Bureau of Statistics, for every megalitre of water used Victorian producers are getting three times the value compared to New South Wales or Queensland. That is a tremendous result.

The government continues to work with farmers to help promote the benefits of the efficient use of water, and of course that is ultimately good business. The very objective of producing more with less is an objective that we all have. Apart from new developments that are out on the market, the government through its science arm — DPI Science — also comes up with new techniques, which we will see developed into the future and will continue to see improvements as we go forward.

If you have a look at the dairy industry, you will see electronic water-control technology already delivering a 15 per cent benefit to users. That is also enabling farmers to have a lesser workload, and that is great for the dairy industry, which is this state's greatest export earner.

In terms of grasses, new forage species developed by the Department of Primary Industries are producing a 30 per cent saving when it comes to water, and that efficiency — as the member for South-West Coast says — is good for the dairy industry. The project with Dairy Australia to trial subsurface drip irrigation for dairy pasture to replace flood systems is important work that is continuing.

In the horticulture industry we have seen the conversion to micro irrigation — —

Mr Walsh — How is the Sunraysia going then?

Mr CAMERON — I do not know. I will ask Peter McGauran when I see him on Thursday night.

The SPEAKER — Order! The minister, through the Chair.

Mr Walsh — That would be good. We might make some progress in giving him a hand. He will have something to offer, at least, rather than you — —

Mr CAMERON — No — —

The SPEAKER — Order! The minister can either answer the question or he can sit down.

Honourable members interjecting.

Mr CAMERON — I will.

The SPEAKER — Order! I warn the minister!

Mr CAMERON — I need protection from him, Speaker.

Honourable members interjecting.

The SPEAKER — Order! The minister may need protection, but he will answer the question.

Honourable members interjecting.

Mr CAMERON — I thank you, and I take you up on the offer.

Mr Doyle — It is going very well, Bob.

The SPEAKER — Order! The Leader of the Opposition!

Honourable members interjecting.

Mr CAMERON — No, we do not want you.

The SPEAKER — Order! I ask the Leader of The Nationals and the Leader of the Opposition to be quiet. I have already spoken to the Leader of the Opposition on a number of occasions, and I do not intend to spend all of question time asking him to behave in an appropriate manner. The Minister for Agriculture, to answer the question through the Chair.

Mr CAMERON — Soil moisture equipment is being used, so what we are seeing is the minimum amount of water put out across horticulture. When we look across horticulture we now see that half of the area has already taken up that, and that is bringing about enormous producers. What we are seeing with

Victorian primary producers is a total move to get a more efficient use of water. That is something the government promotes, something the government works with and something we want to continue to see in the future.

Commonwealth Games: financial reporting

Mr SAVAGE (Mildura) — My question without notice is directed to the Premier, and I ask: the ABC’s *7.30 Report* on 30 December 2005 indicated that Commonwealth Games tickets had a taxpayer subsidy of between \$500 and \$800 each. Given that the opening and closing ceremonies collectively will cost \$50 million, will the Premier give a commitment that he will reveal the true and total cost of the Commonwealth Games before the next election?

Mr BRACKS (Premier) — I thank the member for Mildura for his question. The answer to the question is yes, we will have a full description of all the accounts and all the specifications of the expenditure in relation to the Commonwealth Games, and we will do that in a timely way as soon as we can after the completion of the games. I fully expect that will be done well in advance of the election itself.

I reiterate that the Commonwealth Games are a great event for our state. They are going to add enormous value to us as 1.5 billion people worldwide see what we do so well, and we do major events extremely well. In this case Melbourne and Victoria will shine as part of the Commonwealth Games, and we want everyone possible to see what we are doing. Of course as part of that we certainly will be accountable for the important expenditure which is leading to long lead economic benefits for our state.

Snowy Hydro Ltd: sale

Ms BEARD (Kilsyth) — My question is to the Minister for Education and Training. I refer to the government’s announcement that the proceeds from the sale of Snowy Hydro Ltd will go directly to rebuilding Victoria’s schools, and ask the minister to detail for the house how this money is likely to benefit Victorian students.

Ms KOSKY (Minister for Education and Training) — I thank the member for Kilsyth for her question and for her interest in what is happening to our schools right across the state of Victoria.

So far the Bracks government has invested an additional \$5.4 billion in education, and this has meant that we have seen one in every three schools around the state having major capital works done to them,

something of which we are very proud. The Building Tomorrow’s Schools Today fund, which is to be established from the proceeds of the sale of Victoria’s share of Snowy Hydro Ltd, is a once-in-a-generation opportunity to transform government school infrastructure. It will represent the biggest one-off investment in school building projects in this state’s history, something of which we are very proud. It is expected to deliver around an additional \$600 million, and this will allow us to bring forward many projects around the state to make sure that our schools are providing the very best education that we can to our students. The public has overwhelmingly supported the Bracks government policy of using the funds for education.

On 14 February the *Age* had a headline ‘Turning water into \$600m’. On 15 February the *Weekly Times* had a headline ‘\$600m for schools’. On 14 February the *Herald Sun* had a headline ‘Bracksy of the Overflow’. All were very positive about the investment in public infrastructure that is not only about today but about tomorrow and making sure that our children can get the very best.

Given our investment already in education infrastructure in this state, this represents a very significant increase in that investment. In fact it actually brings our investment in capital facilities in schools since we have been in office to \$2 billion, and I must say —

Honourable members interjecting.

Ms KOSKY — It is state government funding. I must say that is something the opposition could only dream about, because it spent its time patching up the schools that it had not already closed. It just did a bit of a patch-up job. We are building schools today that would have otherwise had to wait until tomorrow. Under the fund at least 100 schools around the state will have access to significant capital works, particularly those schools that were built in the 1950s and 1960s in disadvantaged areas that really are in great need of reworking. We will be able to make the commitment over a period of years which has not been able to be done before.

This is an area the previous government completely ignored, and is why this provides us with the opportunity not only to catch up but also to take us forward.

Honourable members interjecting.

Ms KOSKY — They are very ratty today, Speaker. It must be because there are some rats over there.

Also almost every school around the state will benefit from the \$50 million from this fund which will be allocated for maintenance works. This means that all schools around the state will gain some benefit from this fund; some will receive smaller amounts, while some will receive much larger amounts. But we will make sure that this is an investment that our children and families can be proud of for many generations to come.

Marine Discovery Centre: funding

Mr DIXON (Nepean) — My question is to the Minister for Education and Training. I refer to the minister's previous answer and the fact that the government is wasting millions of education dollars on self-promotion and advertising and I ask: why has \$100 000 been cut from educational and community programs at the world-class Marine Discovery Centre in Queenscliff?

Ms KOSKY (Minister for Education and Training) — It is good to get a question about education in the house as that has not happened for quite some time.

We have been making a major investment in education in our schools right around this state. This is something we are very proud of and is a far greater investment than the previous government. We have put in extra teachers, we have opened new schools and we have made that major investment.

In addition to providing funds to our schools, we also provide funds — I assume through the strategic partnerships project — for a whole range of different programs around the state where children actually visit. A lot of organisations actually applied for funding this year. There were far more organisations than there were funds, so through a committee we actually identified those organisations that had the largest numbers of students attending as part of their school curriculum. I am not aware of the particular project and how much funding it received, but I will be happy to get back to the member. We have made a major investment and have expanded that program well beyond what the previous government had invested in education, both in schools and outside schools.

Office of the Workplace Rights Advocate: establishment

Ms GREEN (Yan Yean) — My question is to the Minister for Industrial Relations. I refer to the government's commitment to protecting the rights of Victoria's working families, and I ask the minister to

detail for the house the most recent example of the government delivering on that commitment.

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for her question. Today, with a number of other members of Parliament, I launched the Office of the Workplace Rights Advocate. This is our response to the savage attack by the commonwealth so-called WorkChoices legislation on the rights of workers, on the family budget and on the time workers want to spend with their families. Along with this launch there will be an advertising — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. I ask members to be quiet to allow the minister to answer the question.

Mr HULLS — Along with the launch there will be an advertising campaign with — —

Honourable members interjecting.

The SPEAKER — Order! I have warned members of the opposition. If they persist interjecting at that level, I will remove them from the chamber. I direct my comments particularly to the member for Kew.

Mr HULLS — It will be an honest advertising campaign, unlike that of the Leader of the Opposition, who has blatantly used the Commonwealth Games for political advertising and promotion in marginal seats — under the Commonwealth Games flag!

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to desist holding up items in the air. I ask him to answer the question.

Mr HULLS — This will be an honest advertising campaign. It will not be using the Commonwealth Games flag to promote the Leader of the Opposition in a typical partisan way.

The SPEAKER — Order! The minister can either answer the question or sit down.

Mr HULLS — The workplace rights advocate will play a very important role in restoring some balance and fairness into the system. That role will include investigating unfair employment practices and providing free, independent information and advice to Victorian workers who want to get a fair deal. As a statutory body — —

Mr Doyle interjected.

The SPEAKER — Order! I warn the Leader of the Opposition.

Mr HULLS — It will have rights to intervene in court cases and tribunal hearings, report to Parliament and make sure Victorians are informed through a hotline and web site.

Mr Smith interjected.

The SPEAKER — Order! I warn the member for Bass.

Mr HULLS — Can I say that it was timely at the launch to reveal the grim findings of the Australian Research Group's workplace survey of 1000 Victorian workers. It clearly showed that Victorians fear the impact of WorkChoices: 78 percent of Victorians said they were concerned about WorkChoices; 70 per cent accepted that pay and conditions — —

Mr Smith interjected.

The SPEAKER — Order! I have warned the member for Bass. If I hear one more word from him, I will remove him from the chamber. I ask members to be quiet to allow the minister to complete his answer.

Mr HULLS — Seventy percent accepted the pay and conditions of their last job with no negotiations whatsoever. Almost half said they would trade some conditions if they had to so as to keep their job. The research confirms that most workers are not confident negotiators and would have to take — —

Mr Andrews interjected.

The SPEAKER — Order! I warn the member for Mulgrave.

Mr HULLS — They would have to take what they were offered. WorkChoices will certainly see Victorian workers thrown onto an industrial relations scrap heap as they are forced to negotiate to actually retain rights to days off, penalties and rights to spend time with their families.

Victorians actually want a workplace rights advocate. They demand information about their workplace rights and what impact the draconian legislation of the Prime Minister will have on them. I conclude on this note: despite this — —

The SPEAKER — Order! The Treasurer can either put that down or leave the chamber. He has the choice. The minister will complete his answer.

Mr HULLS — Despite this very important legislation, this important protector of the rights of Victorian workers, those on the other side oppose this legislation because they clearly support the gutting of the independent umpire, the dismantling of awards and the reduction in working conditions. On this side of the house we are prepared to stand up for Victorian workers.

The SPEAKER — Order! The time allowed for questions without notice has now expired.

STATUTE LAW (FURTHER REVISION) BILL

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The bill before the house, the Statute Law (Further Revision) Bill 2006, is a regular review arrangement for statute law in this state. This bill is vital to the orderly management of the state and its laws so that the laws remain clear, relevant and accord with the needs of the Victorian community.

The bill performs two important tasks.

First, it corrects a number of ambiguities, minor omissions and typographical errors found in acts to ensure that the meaning of acts is clear and reflects the intention of the Parliament.

Second, it repeals redundant acts. Members will note that the bill repeals a number of acts that Chief Parliamentary Counsel has identified as being redundant.

The majority of these redundant acts are amending acts or amending acts that contain transitional or substantive provisions. The amendments or repeals made by the acts are wholly in operation and have amended or repealed the provisions of acts they were enacted to amend or repeal. The transitional provisions are no longer required because of the passage of time and subsequent enactments since the acts were enacted. The substantive provisions are no longer required because they have taken effect or are spent. Any residual effect of the transitional and substantive provisions will be saved by section 14 of the Interpretation of Legislation Act 1984.

The redundant acts consist of a number of spent appropriation acts and other redundant principal acts, including the Inscribed Stock Judgments Act 1900,

Stock and Debentures Registers Act 1905, Commonwealth and States Financial Agreement Act 1934, Commonwealth and States Financial Agreement Act 1944 and Horse Breeding (Repeal) Act 1975, all of which have no further function and should be repealed from the statute book to ensure that the statute book is updated and relevant to the Victorian community.

The bill is non-contentious and should be seen as part of the orderly housekeeping arrangements of the Victorian Parliament.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Wednesday, 15 March.

VALUATION OF LAND (AMENDMENT) BILL

Second reading

Mr HULLS (Minister for Planning) — I move:

That this bill be now read a second time.

I am pleased to introduce this bill, which contributes to the ongoing enhancement of Victoria's municipal valuation system.

The Valuation of Land Act establishes the process for the administration of land valuations, including those used for rating and taxing across Victoria. The Valuer-General is responsible for certification of municipal valuations, which form the basis of local government revenue collection of approximately \$1.6 billion annually.

Victoria has a world-class valuation system which provides for fair and equitable distribution of rates for property owners. The government's *Land Information Output Review 2003* recommended review of the Valuation of Land Act to improve valuation processes.

This bill represents the culmination of an extensive review and consultation process led by the Department of Sustainability and Environment (DSE) and the Valuer-General. Stakeholder views were canvassed through release of an initial discussion paper in May 2004 and a directions paper in January 2005.

At my instigation a stakeholder round table meeting was held in June 2005. Stakeholders from the Property Council of Australia, Australian Property Institute, the Municipal Association of Victoria, the Revenue

Managers Association, the Municipal Group of Valuers, the Law Institute of Victoria and the Real Estate Institute of Victoria were invited to attend. The result is a bill that improves the operation of the current act in supporting valuation processes.

The bill will amend the Valuation of Land Act 1960 by:

introducing improvements to information exchange during the objection process;

improving an objector's rights to seek a review; and

strengthening the role of the Valuer-General in the objection process.

The bill does not change the basis under which municipal valuations are made but provides an enhanced valuation objection and review process. The bill will not cause any increase in site value or land tax.

I will now discuss each of these aspects of the bill in a little more detail.

Improvements to information exchange during the objection process for high-value properties

Setting a clear requirement for information exchange

The primary focus of the bill is enhancement of the objection process, which will encourage both the objector and the municipal valuer to enter into meaningful discussions. This is designed to encourage early resolution, or mediation, of valuation disputes without resort to litigation.

A key element in achieving this outcome is better exchange of information during the objection process. Information exchange between the council valuer and the objector will be mandatory only for higher value properties. The prescribed amount for high-value properties will be set by regulation following the completion of a regulatory impact statement.

The prescribed amount is likely to be of the order of \$1 million. However, the regulatory impact statement may result in a figure higher or lower. All stakeholder comments will be carefully considered as part of the regulatory impact statement.

Clarifying objection time frames

To enable the exchange of information between the ratepayer and the council valuer the bill amends time lines in the objection process. An additional two months is included in which to attempt to resolve matters prior to their progression to the tribunal for review. This means time frames have been increased

from two to four months. A further five months is also provided to allow the objector to apply to the tribunal to review the matter in the event of the valuer failing to make a decision.

It should be noted that these exchange-of-information provisions only apply to objections involving 'higher value properties', whilst the four-month period for the valuer's decision and the additional five-month application period in the event of the valuer's failure to make a decision will apply to all objections.

The objection and appeal process will no longer be open ended, with an application for review to be made within nine months.

Improvements to the objector's right to seek a review

Applicants to apply directly to VCAT or the Supreme Court

The bill will provide an enhanced role for objectors in seeking review of council decisions in response to objections to valuations. Under current provisions of the Valuation of Land Act objectors are often confused and must rely on councils to lodge matters for review with the Victorian Civil and Administrative Tribunal. Some councils do not proceed in a timely manner, leading to delayed resolution of objections and impact on municipal and state government revenue. As application to the tribunal is typically at the request of a dissatisfied landowner, this is hardly an ideal situation.

The bill will change this aspect by putting objectors in control of their application to the tribunal, providing them with greater ownership of the review process. Objectors retain the right to request review by the Supreme Court instead of the tribunal if they wish.

Awarding of costs

The existing provisions do not provide the tribunal or the court with flexibility in the award of costs. This has deterred councils from appropriately defending matters, as they often have to cover the costs of a case. The amendments introduced by this bill will allow the tribunal or the court to consider a number of factors when awarding costs. These factors include openness in exchanging information during all stages of the objection and the behaviour of parties throughout proceedings.

The bill also provides the tribunal and the Supreme Court with the ability to not award costs if this is the best outcome. Again these changes have been designed

to encourage parties to openly discuss a matter, share information and avoid the need for litigation.

Strengthening the role of the Valuer-General in the objection process

To improve the valuation processes of the rating authority, generally a municipal council, the bill includes changes to the role of the Valuer-General.

Valuer-General decision to allow or disallow a recommended adjustment

Although the current provisions require the Valuer-General to confirm or disallow adjustments resulting from successful objections, this provision is further clarified and simplified. The Valuer-General will make a decision about whether a specific valuation is correct. The Valuer-General must then advise the council of the decision in writing.

Valuer-General certification of supplementary valuations

The Valuer-General is currently required to certify the quality and correctness of all parts of the revaluation process, except for supplementary valuations. A supplementary valuation is undertaken when there has been a change to a property which significantly impacts upon its value, such as major renovations or recent fire damage.

To ensure that supplementary valuations meet required standards, the bill introduces a requirement that all supplementary valuations must also be certified by the Valuer-General prior to their use by an external rating authority such as a water authority or the State Revenue Office. A council is still able to use a supplementary valuation prior to its certification by the Valuer-General.

Certification of supplementary valuations by the Valuer-General will not cause any time delays or result in the loss of council revenue.

Valuer-General to be given notice of applications to VCAT/Supreme Court

When an objector applies to either the tribunal or the Supreme Court, both jurisdictions are to advise Valuer-General Victoria so that it can determine if it wishes to become a party to any matter. The Valuer-General will not join all valuation matters but will generally become involved in complex cases which relate to important or significant statewide issues.

In drafting the bill the opportunity has also been taken to make a number of minor amendments to make language more accessible and simplify complicated valuation concepts.

In conclusion, this bill provides improvement to the council valuation process which will:

encourage mediation rather than litigation;

provide fairer processes for awarding costs;

strengthen the Valuer-General's role in the objection process, including the certification of supplementary valuations;

provide councils better mechanisms to manage objections; and

provide objectors with more control of the objection process, including the mandatory exchange of information for high-value properties.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Wednesday, 15 March.

MELBOURNE SAILORS' HOME (REPEAL) BILL

Second reading

Ms GARBUTT (Minister for Community Services) — I move:

That this bill be now read a second time.

The Sailor's Welfare Fund was established by statute in 1986 as a way of redirecting the state's share of the proceeds from the sale of the Melbourne Sailors Home in 1964.

This occurred under the auspice of the Melbourne Sailors' Home Act 1986.

The fund was intended to allow the minister to make payments to promote the welfare of sailors and people working in the Victorian fishing or maritime industries.

Only three payments have ever been made from the fund between 1989 and 1991. These three payments totalled \$84 000, leaving a residual of approximately \$350 000 in the fund at the end of December 2005.

For the past 15 years the only transactions involving the fund relate to interest received from Treasury Corporation Victoria.

To enable the government to use these funds productively for the welfare and benefit of the Victorian community it is proposed that the Melbourne Sailors' Home Act 1986 be repealed and that the Sailors Welfare Fund be closed.

Since the funds were originally set aside to promote the welfare of seafarers and others from the maritime industry, the funds should be used in a way that is consistent with the purposes of the fund.

It is therefore proposed that the funds be used to:

assist in the distribution of food to Victorians in need;

expand the capabilities of volunteer lifesaving;

support sea search and rescue operations;

promote the welfare of seafarers and maritime personnel;

assist in the development of the Southern Cross chaplaincy.

VicRelief + Foodbank has a key role in building partnerships with food manufacturers, distributors and retailers to achieve increased donations of food and groceries for distribution to emergency relief agencies and people in need. Without VicRelief + Foodbank many Victorians would be experiencing significant hardship in obtaining adequate food for their families.

Commencing operations on 1 February 2006, VicRelief + Foodbank is the successor organisation to the Victorian Relief Committee and Foodbank Victoria.

VicRelief + Foodbank would utilise additional funding to expand the distribution of food and material aid to rural Victorians and improve refrigeration at the Dandenong distribution centre that services this area of high need.

Such a use of the funds would be in the spirit of the original intentions of the fund but applied more broadly to the whole population on the basis of need.

The government proposes to apply \$165 000 from the closure of the fund to assist VicRelief + Foodbank in the provision of food to people in need.

Royal Life Saving and Surf Life Saving have merged to establish Life Saving Victoria.

Live Saving Victoria receives funding from Sport and Recreation to promote lifesaving as a sport and for the promotion of nippers, the junior lifesaving program.

The government proposes to apply \$60 000 from the closure of the fund to Life Saving Victoria to expand the capabilities of volunteer lifesaving by developing the capability of the 12 small member clubs around the bay to recruit club members and develop leadership with programs such as nippers, lifesaver skill development and youth leadership.

A one-off grant of \$60 000 is proposed for the Australian Volunteer Coastguard (Victoria Squadron) to purchase important equipment to assist their search and rescue operations.

The Victorian squadron is the largest dedicated bay and coastal volunteer marine search and rescue organisation in Victoria, comprising approximately 500 volunteers. In 2005 they assisted almost 2000 persons in distress, and they provide important support to the water police.

The Australian Ports Welfare Foundation is a non-denominational, not-for-profit service organisation which promotes the quality of life in the workplace of seafarers and all other maritime personnel.

A grant of \$55 000 is proposed so that the foundation is able to undertake a feasibility study for the implementation of a 24-hour welfare service to provide medical, psychological and pastoral care services to seafarers and other maritime personnel using the Melbourne port.

A number of community and private organisations are currently working to develop a multicultural, interfaith spiritual and learning community centre under the Southern Cross at Docklands. The centre is being established to nurture spiritual, cultural and intellectual initiatives within a supportive environment. A grant of \$10 000 is proposed to support this initiative.

The five grants proposed by the government will provide for the welfare of the Victorian community and in particular the quality of life and wellbeing of Victorian sailors and maritime workers.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Wednesday, 15 March.

DISABILITY BILL

Second reading

Ms GARBUTT (Minister for Community Services) — I move:

That this bill be now read a second time.

International human rights standards and the increasing promotion and protection of the human rights of people with a disability has resulted in significant changes in the understanding of disability. In the past, people with a disability were often regarded as passive recipients of welfare services. This led in some instances to the exclusion of people with a disability from many of the activities of mainstream society and was reflected in the establishment of segregated settings such as institutions. There has been increasing recognition that strengthening the protection of human rights plays an important role in minimising the impact of disability.

People with a disability have the right to enjoy the range of civil, cultural, economic, political and social rights available to all Victorians. This right means people also have responsibilities, and people with a disability should be supported to exercise these responsibilities.

The development of the Disability Bill has involved extensive consultation with people with a disability, parents, families, carers, disability service providers, peak bodies, advocacy groups, lawyers and legal centres, unions and other government departments and statutory authorities. The development of the Disability Bill has also been undertaken over a number of phases.

Phase 1 began with the release of a discussion paper in May 2003 titled *Review of Disability Legislation in Victoria* and was followed by three months of consultation involving close to 1200 individuals and organisations.

The development of recommendations and the release of the *Review of Disability Legislation — Report of Recommendations* in October 2004 formed a part of phase 2. A consultation period that followed gave individuals and organisations a further opportunity to provide feedback on the recommendations. More than 500 people participated in focus groups held across Victoria, and 80 organisations submitted comments during the consultation period.

Phase 3 has involved preparing the Disability Bill to introduce into Parliament. The government agreed to release the exposure draft of the Disability Bill in November 2005 to communicate the changes that had

been made since the report of recommendations and in acknowledgment of the complexity and diversity of matters covered in the bill. Seventy-seven submissions were received from individuals and organisations.

The Disability Bill has been developed within a broader government policy agenda, ensuring that all Victorians have the opportunity to realise their human rights and their full potential through:

the social policy action plan *A Fairer Victoria*, released in April 2005, which provides a framework to guide the government's approach to addressing the causes and consequences of disadvantage and to support people to realise their full potential;

the Growing Victoria Together — A Vision for Victoria to 2010 and Beyond policy released in March 2005, which expresses the importance of protecting rights, building cohesive communities and reducing inequalities;

the Attorney-General's justice statement released in 2004, which identifies the need to ensure that human rights and values are protected and that issues of inequality and disadvantage are demonstrably addressed by the justice system:

Human rights are essential to human dignity, freedom and tolerance, and are a vital prerequisite for a free and democratic society. They represent the fundamental protections afforded to all members of a society and are a statement of value that is attached to our common humanity.

The state disability plan 2002–2012

In 1999, as part of our community services policy, we announced our intention to develop a state disability plan. In 2002, following extensive consultation with the Victorian community, the Victorian state disability plan 2002–2012 was released.

The state disability plan outlines our vision for the future, a future in which Victoria will be a stronger and more inclusive community — a place where diversity is embraced and celebrated and where people with a disability have the same opportunities to participate in the life of the community and the same responsibilities towards society as all other citizens of Victoria.

The plan provides a new attitude to disability based on principles of human rights and social justice, and a whole-of-government, whole-of-community approach. In doing so we recognise that services for people with a disability extend across all aspects of living, including housing, transport, education, employment, income, support and recreation.

As part of the release of the state disability plan, we announced our intention to review the legislation for disability in Victoria. Our 2002 election policy — Access, Support and Participation — reaffirmed this commitment to develop a legislative framework that includes principles and objectives that are sound and meaningful, mechanisms to monitor services, and mechanisms to protect the rights of people with a disability in Victoria.

Legislation is important for many reasons. It provides the framework for a just and civil society. It incorporates the values that are important to that society, and changes to legislation over time are equally important because they recognise and reflect social change.

The current legislation, the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, provide for the planning, funding and delivery of supports and services to people with a disability.

These acts, and particularly the Intellectually Disabled Persons' Services Act, were landmarks in recognising the rights of people with a disability in Victoria.

However, these acts were both introduced more than a decade ago. Since that time, there have been many changes and advances in a number of areas. Some of these include changes in community attitudes and expectations, changes to the delivery of supports and services; and the growth of a commitment to ensuring that people with a disability can exercise their rights and responsibilities as citizens.

All of these changes have placed greater demands on the existing legislation.

In addition, each of these acts has a very different approach. Over time these different approaches have made the administration of the two acts more difficult, and have sometimes created confusion and inconsistency in their application.

As a result, the current legislation does not support service delivery as we know it today and will not sustain the range of flexible supports that are envisaged for the future.

The review of the current disability legislation has been conducted over a three-year period to ensure that the interests and concerns of people with a disability, their families, carers, advocates, disability service providers and the broader community could be heard and considered.

The disability sector is diverse, and expectations regarding the Disability Bill differ across different disability groups. We have listened to what people have said, and the bill reflects a balanced and considered view of the feedback received. Some matters that people raised throughout the review are not addressed in detail in the Disability Bill. Many of the matters raised during the consultation process were of a technical or operational nature. Other instruments, such as regulations, policies and guidelines, are more appropriate to deal with these matters and will complement the Disability Bill.

The Disability Bill aims to develop a future legislative framework that will:

- support the principles and objectives of the state disability plan;
- support the development of a strong and stable disability sector that is sustainable into the future;
- provide a more integrated approach to disability; and
- provide a fairer and more equitable system of supports for people with a disability.

The bill also aims to strengthen the rights of all people with a disability. In doing so, we will ensure that the achievements and progress made in the last decade are not lost, but built upon.

In order to ensure a successful transition to the new legislation, the act will commence on 1 July 2007 or an earlier date to be proclaimed. This is because the changes required to implement the new legislation are substantial. The supporting documentation regarding technical and operational matters, establishment of the disability services commissioner and senior practitioner, information and education for people with a disability, their families and carers, and disability providers will require a considerable implementation time.

The intent of the Disability Bill is to enact a new legislative scheme for people with a disability, repeal the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991 and make consequential amendments to other acts. The purpose of the Disability Bill is through legislation to reaffirm and strengthen the rights and responsibilities of people with a disability and recognise that this requires support across the government sector and within the community.

The DEPUTY SPEAKER — Order! Members are having a little difficulty hearing. Could I ask the minister to speak closer to the microphone?

Mr Thompson — On a point of order, Deputy Speaker, there are also people in the galleries, so an adjustment to the microphone might make things audible for others in attendance.

Ms GARBUTT — The key areas of the Disability Bill, which will be discussed in more detail, are the provision of:

- clear statements of objectives and principles to underpin the way that disability services and supports are provided for people with a disability
- a stronger framework for ensuring the support of people with a disability is recognised across government and the community
- a fairer system for access to disability services and supports
- a system of planning that recognises the individuality of the person
- better structures for ensuring the quality and accountability of disability services
- an improved system for dealing with complaints about disability service providers
- better protection of the rights of people with a disability who are accessing disability services
- a system for regulating restrictive interventions and compulsory treatment

Clear statements of objectives and principles to underpin the way that disability services and supports are provided for people with a disability

These objectives and principles emphasise both our commitment to a whole-of-government, whole-of-community approach for people with a disability, and our commitment to providing quality services through the disability services program.

In relation to a whole-of-government, whole-of-community approach for people with a disability, the objectives of the act include advancing the inclusion and participation of people with a disability in the community, and promoting a strategic whole-of-government approach in supporting the needs and aspirations of people with a disability.

The principles reinforce our belief that people with a disability have the same rights and responsibilities as other members of the community and should be empowered to exercise these rights and responsibilities.

People with a disability have the same right as other members of the community to:

respect for their human worth and dignity as individuals

live free from abuse, neglect or exploitation

realise their individual capacity for physical, social, emotional and intellectual development

exercise control over their own lives

participate actively in the decisions that affect their lives and have information and be supported, where necessary, to enable this to occur

access information and communicate in a manner appropriate to their communication and cultural needs

services which support their quality of life.

In addition to these broader objectives and principles the Disability Bill also outlines our commitment to a quality disability service system. The objectives outline a requirement to facilitate the planning, funding and provision of services, support the provision of high quality services, promote and protect the rights of people accessing disability services, make disability service providers accountable, and ensure the efficient and effective use of public funds.

The commitment to a quality disability service system is also underpinned by principles specific to disability service providers. These principles specify that disability services should:

advance the inclusion and participation in the community of people with a disability, with the aim of achieving their individual aspirations

be flexible and responsive to the individual needs of people with a disability

maximise the choice and independence of people with a disability

be designed and provided in a manner that recognises different models of practice may be required to assist people with different types of disability and at different stages of their lives to

realise their physical, social, emotional and intellectual capacities

enable people with a disability to access services as part of their local community and foster collaboration, coordination and integration with other local services

as far as possible, be provided in a manner so that a person with a disability need not move out of his or her local community to access the disability services required

be of high quality and provided by appropriately skilled and experienced staff who have opportunities for ongoing training and development

consider and respect the role of families and other people who are significant in the life of the person with a disability

have regard for the needs of children with a disability and preserve and promote relationships between the child, their family and persons significant to the child

be provided in a manner that respects the privacy and dignity of people accessing disability services

be provided in a way which reasonably balances safety with the right of people with a disability to choose to participate in activities involving a degree of risk

have regard for any potential increased disadvantage which may be experienced by people with a disability as a result of their gender, language, cultural or indigenous background or location

be designed and administered in a manner so as to ensure that people with a disability have access to advocacy support where necessary to enable adequate decision making about the services they receive

be accountable for the quality of those services and for the extent to which the rights of people with a disability are promoted and protected by the provision of those services

if a restriction on the rights or opportunities of a person with a disability is necessary, the option chosen should be the option which is the least restrictive of the person as is possible in the circumstances.

The Disability Bill also outlines some principles specific to people with an intellectual disability. These

principles specify that disability service providers should remember that people with an intellectual disability:

are able to develop skills and have the right to develop these skills through supports that meet their individual needs and choices

should not be controlled by service providers, and

should be supported to move from institutions to community-based living situations.

A stronger framework for ensuring the support of people with a disability is recognised across government and the community

This government has outlined a comprehensive approach for enhancing the community inclusion of people with a disability through the policy documents discussed earlier. The Disability Bill supports this approach by setting out ways for people with a disability to participate in some key areas of decision making and policy development.

Decision making

By prescribing the establishment of the Victorian Disability Advisory Council in the bill we enshrine the rights of people with a disability to participate in all levels of decision making. The Victorian Disability Advisory Council provides a direct means of raising the issues that matter to people with a disability with the Minister for Community Services on whole-of-government policy issues.

The bill ensures that the council is broadly representative by specifying that people appointed reflect the diversity of people with a disability and have appropriate knowledge and experience in matters relevant to people with a disability.

The bill outlines the key functions of the council as:

providing advice to the Minister for Community Services on issues such as whole-of-government policy and planning for people with a disability;

raising community awareness of the rights of people with a disability; and

monitoring strategies to increase the inclusion and participation of people with a disability in the community.

Role of government

The Disability Bill prescribes the leadership role of government in making itself and its services accessible to all members of the community. Disability action plans are used by government authorities to plan for changes to address barriers for people with a disability in accessing public services. A disability action plan enables an organisation to:

benefit from the expertise, knowledge and commitment of people with a disability as they gain increased opportunities for employment and participation in decision-making;

ensure that information, infrastructure and services are as accessible for people with a disability, their families and carers, as they are to anyone in the community.

We have already stated a commitment to the development of disability action plans in the 10 Victorian state government departments. The development of these action plans is now substantially completed, and most departments are now moving into implementation of these plans.

A number of other government bodies too have developed action plans and committed themselves to eliminating discrimination against people with a disability in critical areas of community life, including in the arts and electoral processes. However, by including disability action plans in the bill in this way, we are providing a clear mechanism to keep public services accountable to the community.

In relation to local government, the bill recognises the requirement for flexibility for local government and that work is currently under way to reduce the number and complexity of state planning requirements on local governments, as outlined in A Fairer Victoria. However, the bill recognises the importance of access to local services for people with a disability. The bill specifies that if a local government does not develop a disability action plan, the components required for a disability action plan must be addressed in the council plan provided under the Local Government Act 1989.

A fairer system for access to disability services and supports

The Disability Bill provides clarity regarding the target group for disability services and supports, and confirms the future directions for providing disability services for people with a disability in Victoria.

The bill defines 'disability' as —

- (a) A sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which —
 - (i) is, or is likely to be, permanent; and
 - (ii) causes a substantially reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and
 - (iii) requires significant ongoing or long-term episodic support; and
 - (iv) is not related to ageing; or
- (b) an intellectual disability; or
- (c) a developmental delay.

The definition of ‘disability’ in the bill is consistent with the target group for the state disability plan 2002–2012 and the requirements of the commonwealth-state territory disability agreement (CSTDA). The target group is also consistent with the target group used Australia wide.

Importantly, the bill provides recognition of people with a neurological impairment or acquired brain injury who receive services funded through disability services but have not had the same legislative rights as people with other types of disability.

The inclusion of ‘psychiatric impairment’ in the current Disability Services Act has created confusion, as in Victoria these people receive services through mental health services rather than disability services. To provide clarity, people with a psychiatric impairment are no longer included in the target group in the Disability Bill. However, people with a psychiatric impairment may continue to access disability services where they also have an intellectual, physical or sensory disability, neurological impairment or an acquired brain injury.

There has been some feedback during the consultation processes that autism should be included in the target group for disability services. A study undertaken by Latrobe University in 2003 titled *Autism in Victoria — An Investigation of Prevalence and Service Delivery for Children Aged 0–6 Years* indicated that approximately 75 per cent of children diagnosed with autism have an intellectual disability and could access disability services. The definitions within the Disability Bill enable people with a range of functional impairments to access disability services, but not all.

However, we recognise there is a need to undertake further work across government in this area to develop appropriate supports and interventions for people with autism and ensure that government as a whole has a better capacity to respond to people with autism.

The bill provides for a streamlined system to determine whether a person has a disability, rather than the current system, which is complex and based on disability type. The provisions in the bill reflect current practice but create greater flexibility and accountability.

Under the current system people with an intellectual disability are required, under the Intellectually Disabled Persons Services Act, to be assessed as having an intellectual disability by the Department of Human Services in order to register for access to disability services. Where a person with an intellectual disability has had previous assessments, for example, through a school, the department is still required to assess the person to register for access to services. The bill will enable that where a person’s intellectual disability has already been determined it is unnecessary for the individual to undergo additional assessment and for the Department of Human Services to direct time and resources towards the reassessment process.

People who are found ‘ineligible’ for services can appeal to the intellectual disability review panel, who can then make a recommendation to the secretary.

Currently people with a disability other than an intellectual disability are also required, by policy, to establish they have a disability under the Disability Services Act in order to register for access to disability services. In this case however, a letter from a school, doctor or service provider is in many cases sufficient for the department to establish that the person has a disability. There is no external appeal mechanism regarding this decision.

Under the Disability Bill the same system for deciding that a person has a disability and can register for disability services will be used regardless of the type of disability a person has.

A person or a person on their behalf can request access to disability services and supports from any disability service provider. Where the disability service provider is satisfied the individual has a disability, the request may be agreed to without the need for an additional assessment.

If the request is denied, the disability service provider must notify the person making the request within 14 days. Where the request is denied because the disability service provider does not believe the person

has a disability (as defined by the bill), the person may appeal to the secretary and subsequently to the Victorian Civil and Administrative Tribunal. VCAT may uphold the decision of the secretary or make a new decision that is binding on the secretary. This external review creates a greater level of transparency and scrutiny regarding the fundamental issue of whether a person is in the target group for access to disability services than is currently available to people.

The bill, while streamlining access to the system, also reflects current practice arrangements where people, particularly people with a disability other than an intellectual disability, often seek assistance directly from disability service providers.

The bill will establish a framework for access to disability services that will:

ensure a system that is simple and consistent for all people regardless of their disability type;

reduce multiple assessments for people whose intellectual disability has already been determined;

reflect current practice and streamline the process to register for access to disability services by involving disability service providers at an early stage;

ensure the Department of Human Services remains ultimately responsible for ensuring only people with a disability (as defined under the bill) are registered for access to disability services.

The framework for access will also ensure that resources are not directed to undertaking unnecessary assessments, which are often stressful for a person, where a person clearly has a disability. Only when there is some uncertainty will further assessment be undertaken to determine if they have a disability as defined in the act.

The bill also increases transparency regarding the process for prioritising access to disability services and requires that criteria for priority of access must be fair and publicly available. This is an important step in increasing accountability for decision making regarding access to disability services.

A system of planning that recognises the individuality of the person

In a similar manner to the provisions regarding access the Disability Bill provides a framework for a system of planning which allows a more flexible and individually tailored response while providing consistent requirements that are not dependent on disability type.

Planning in the bill is consistent with the principles and objectives of the Victorian state disability plan 2002–2012, specifically:

dignity and self-determination;

pursuing individual lifestyles; and

reorienting disability supports.

Individual planning is an important way of identifying what a person needs and how those needs are to be met. Planning reflects the person's membership of their community and draws on a range of supports to assist the person to meet their goals and aspirations.

Planning in the bill encompasses a range of responses from a brief discussion and agreement about actions required, through to an extensive process and the development of a plan across a whole range of life areas, documented in a format that is meaningful to the person and their network. Planning should consider community-based and informal supports as well as any specific disability services which may be required.

The planning provisions in the bill will be underpinned by the Department of Human Services policy framework individualised planning and support which is about self-determination, community membership and citizenship and includes a focus on people with a disability directing the planning process to the greatest extent possible.

This approach to individualised planning is consistent with international movements towards planning based on individual goals and needs rather than a prescriptive 'one-size-fits-all' approach.

The bill includes planning principles which outline the individualised nature of planning, the role of the individual in directing that planning, and the right of the individual to exercise control over their own life including exercising maximum choice, which ensures the bill places Victoria alongside national and international movements towards self-determination.

Currently, the Intellectually Disabled Persons' Services Act specifies that people with an intellectual disability, regardless of their individual needs and circumstances, are required to undergo a general planning process to develop a general service plan (GSP). This plan is completed by the Department of Human Services (DHS) and must be reviewed once in every five years. Where a person with an intellectual disability is receiving a disability service, an individual program plan (IPP) must also be developed. There are no legislative requirements for planning for people with a

disability other than an intellectual disability, although these people may have support plans established when accessing a specific service.

Many people have told us that they often did not want or need a GSP or that the requirements in relation to planning did not meet their needs. The new approach to planning means that disability service providers can target time and effort to those people who want assistance with planning and also ensure that planning happens in a way that is meaningful to the person.

Under the bill, a person regardless of their disability, can request assistance with planning from a disability service provider. The disability service provider must provide, or arrange for the assistance to be provided within a reasonable time frame.

As a safeguard to ensure that people with an intellectual disability can understand their right to assistance with planning, where a person with an intellectual disability requests a service from a disability service provider, they must be offered assistance with planning.

Assistance with planning in both of the above circumstances is designed to be individually tailored and responsive to the person. Rather than prescribing how and when planning should occur, the general planning principles contained in the act provide the basis for planning with people.

Assistance with planning will focus on the goals, needs and aspirations of people and consider a range of responses such as community services, informal support and disability services to meet those goals, needs and aspirations. Assistance with planning may or may not result in the development of a plan and is dependent on the individual needs of the person.

Where planning results in a person accessing ongoing disability services, the bill specifies that the disability service provider must, within 60 days of their commencement, develop a support plan. The support plan can be reviewed at any time (via request from the person or the disability service provider), however, no less than once in every three-year period.

Where a person with an intellectual disability is residing in an institution, their support plan must be reviewed every 12 months.

A support plan should form the basis of how the specific service or support will be provided to the person and the plan should again occur within the individualised planning and support framework. The disability service provider has responsibility for the delivery of the service to the individual. While the

Department of Human Services, as the funding body, retains responsibility for the delivery of quality services, the disability service provider is best placed to work with the person in the development of the support plan and this reflects current practice.

Planning in the bill will provide a consistent framework that can be tailored to the needs of each individual. Rather than a prescriptive format, people with a disability can be assured that planning will take place as they request or require it, rather than imposed on them when they may not need or want it, and be flexible and responsive to their individual needs and circumstances.

The responsibility for planning will be shared between the department and other disability service providers which reflects what currently takes place in practice for most people with a disability. The department as the funder of disability service providers still retains ultimate responsibility for planning for people with a disability, however, recognises, through the bill, that sometimes, disability service providers working directly with people with a disability may be best placed to support them with planning.

Better structures for ensuring the quality and accountability of disability services

The Disability Bill provides for enhanced mechanisms to ensure the quality and accountability of disability services. These mechanisms include provisions regarding:

- registration of disability service providers;
- standards and monitoring of performance;
- provision of information to service users;
- management of money; and
- strengthening the work force.

Registration of disability service providers

As part of the framework for ensuring quality and accountability, service providers funded to provide disability services will be required to register under the bill. The registration process ensures that the accountability mechanisms in relation to the senior practitioner, disability services commissioner, provision of information, management of money requirements, standards and monitoring, and restrictive interventions apply to the provision of disability services under the legislation.

The secretary has been provided with the power through the registration provisions to impose any

conditions or restrictions that the secretary considers appropriate on the registration of a disability support provider.

Registration of a provider is effective for a period of three years and a provider may apply for renewal of their registration after that period. The secretary has the power to revoke a provider's registration and the revocation of a provider's registration is a reviewable decision by the Victorian Civil and Administrative Tribunal.

Standards and monitoring performance

Standards and performance measures are a component of the work that is being undertaken in relation to improving the quality of disability services. Quality is about continual improvement. It is also about ensuring that supports and services are responsive to the needs and expectations of people with a disability, as service users.

As previously highlighted, there were some matters that people raised as part of the legislative review that are not addressed in detail in the Disability Bill. One such area was the administration of medication. The government considers the administration of medication a very important operational matter, which is more appropriately addressed in policy development and practice guidelines that takes into account the Drugs, Poisons and Controlled Substances Act 1981. However, the bill provides a framework for establishing monitoring and accountability mechanisms in relation to standards, to address important policy matters, such as the administration of medication.

The bill provides that the Minister for Community Services must determine standards to be met by disability service providers providing services under the Disability Act. The bill specifies that these standards may include standards regarding support plans and complaint management.

The secretary must specify performance measures to meet these standards and may monitor service providers for compliance with the relevant performance measures. Monitoring for compliance against the standards will occur through both annual organisational quality reporting and independent quality monitoring. Independent quality monitoring will objectively verify the quality of support provision and will involve the participation of people with a disability, their family members and carers in all aspects of the process.

The bill provides for actions and consequences to be implemented to ensure that disability service providers comply with the standards. This will make both

Department of Human Services and funded non-government disability service providers more accountable to government and people with a disability, their family members and carers.

Provision of information to service users

The provision of accessible information to people about the support they are accessing and their rights under the bill is a key way of ensuring that disability service providers are accountable to people with a disability.

The Disability Bill requires disability service providers to provide information to people with a disability which is relevant to the service they are providing. This information includes how services are delivered, including any cost, any conditions under which support is to be provided, the procedures for making a complaint, and information regarding a person's rights under the bill.

The bill requires that this information and other statements and notices that are required to be provided to people with a disability under the bill are in a format that is accessible and most likely to assist the person's understanding. The bill specifies that wherever possible, information should be provided orally as well as in writing. However, the bill also acknowledges that some people with a disability may still not be able to understand the information provided. In these instances, the bill provides for information to be given to a family member, guardian, advocate or other person chosen by the person with a disability.

Managing money

The bill will specifically forbid disability service providers from managing the financial affairs of people with a disability for whom they are providing support. 'Managing financial affairs' in the context of the bill means controlling a person's personal bank account or making decisions on how the person's money should be spent. If a person with a disability is not able to manage their own financial affairs, they should be supported to obtain the services of an independent financial administrator.

The bill will also ensure that where disability service providers providing residential services hold money on behalf of people with a disability or handle that money, they have a system in place that records transactions, both receipts and expenditure, and can produce a statement of these transactions on a monthly basis. The bill will continue the operation of the Residential Trust Fund from the Intellectually Disabled Persons Services Act to enable the secretary to hold money in trust in her

role as a disability service provider when providing residential services.

Strengthening the work force

A strong and stable work force — across both government and non-government sectors — is crucial to improving quality outcomes for people with a disability.

If we are to support people with a disability to achieve their goals and aspirations, then we need to strive for a disability sector that gives priority to staff training and development and that continues to develop a culture of valuing staff and providing opportunities for their development.

The bill provides recognition of the importance of training and development by a principle which emphasises that staff have opportunities for ongoing learning and development. The bill also provides that the secretary should promote the establishment of appropriate training courses for staff providing services to people with a disability.

In addition, the bill also specifies that the secretary can impose requirements with respect to staffing and qualifications as a condition of registration as a disability services provider.

The provisions of the bill reinforce the progress we have made in staff training and development. These include implementing competency-based learning and development across the government and non-government sectors. We are also developing relationships with universities and training providers to align training with the needs of the work force.

In addition, we are developing an industry plan for provision of support to people with a disability. The industry plan will address a range of areas including:

- continuing the development of an industry-wide work force plan;

- models and practices to support staff in implementing flexible approaches to service delivery;

- industry-wide standards and mechanisms to promote continuous quality improvement.

All of these strategies will combine to ensure that people with a disability are able to access high-quality supports through disability services.

An improved system for dealing with complaints about disability services

Another key component to enhance the quality of disability services is an improved complaints-handling process. People with a disability or their representatives have the right to make a complaint and to have the complaint handled quickly, fairly and confidentially, without fear of losing the service.

The bill requires all government and funded non-government disability service providers to have clear, accessible and well-documented internal complaints management and resolution processes. These processes will be aligned with the Australian standard on complaints handling and will require disability service providers to:

- develop and document an internal process for managing complaints; and

- provide information about the complaints process to service users in a format which meets their communication needs and is accessible, relevant and assists understanding.

We recognise, however, that sometimes people do not feel comfortable complaining to their disability service provider or a complaint has not been resolved or the person is unhappy with the way a complaint has handled.

In recognition of this, the bill includes the establishment of Victoria's first disability services commissioner to review and conciliate complaints and monitor outcomes to ensure the best quality disability services.

The disability services commissioner will be established as an independent statutory body which reports annually to Parliament pursuant to the Financial Management Act 1994.

The establishment of the commissioner is a major reform in the provision of disability services and means that people with a disability will have the right of complaint to an independent body, as currently exists within health services through the health services commissioner.

The bill outlines the disability services commissioner's roles and functions, which are closely modelled on the roles and functions of the health services commissioner. The commissioner will have a broad range of powers, including the power to investigate, conciliate and review complaints and monitor outcomes of any recommendations made.

A key difference, however, from the health services commissioner is that the disability services commissioner has the capacity to address complaints made by any complainant, not just the person who is receiving the service. This recognises that some people with a disability may have difficulty in exercising their right to lodge a complaint with the disability services commissioner.

The model of conciliation and investigation used by the disability services commissioner is the most appropriate to the provision of disability services. The commissioner is able to look into complaints about any aspect of the provision of disability services, and this will include the review of support plans similar to the current review process by the intellectual disability review panel.

The bill also specifies that disability service providers must report annually to the disability services commissioner on the number of complaints they have received and how these complaints have been resolved.

The bill also establishes a Disability Services Board as a new authority to advise the minister on the disability complaints system and the operation of the disability services commissioner, as well as directly advise the commissioner on matters referred to them. The board will consist of 11 members appointed by the minister and will include representation of people who are able to express the interests of disability services providers and disability services users or who have expertise in matters that would benefit the board. One member will be a representative of the health services commissioner and one member will represent the secretary. At least one member of the board must have the experience and capacity to represent the interests of children with a disability.

The establishment of the Disability Services Board will further strengthen the role of the disability services commissioner by providing expertise to assist the work of the commissioner.

The development of this independent system for dealing with complaints is a major reform for disability services which has been strongly supported by stakeholders and will lead to enhanced outcomes and better quality services for people with a disability.

Better protection of the rights of people with a disability who are accessing disability services

In addition to the provisions already discussed, the bill provides better protection of the rights of people with a disability through:

residential rights;

strengthening provisions regarding community visitors;

expanding privacy provisions to cover all people with a disability accessing disability services; and

allowing for review of certain decisions by VCAT.

Residential rights

Disability service providers provide a range of supported residential services to people with a disability. This includes community residential units, respite houses, transitional and emergency accommodation, and residential institutions. People who reside in disability services accommodation are not subject to residential rights under the Residential Tenancies Act 1997.

Some stakeholders have commented that community residential units should be included in the Residential Tenancies Act, with similar provisions to those for rooming houses. These stakeholders have acknowledged that there are unique issues associated with community residential units which would require the development of significant underpinning policy.

The key issue is that unlike a normal tenancy, where entry is based on an arrangement between a landlord and prospective tenant, entry to a community residential unit is part of a statewide vacancy coordination system managed by the Department of Human Services. This system, which covers residential services both funded and directly provided by the department, is based on matching people with a disability to the supports provided in a particular community residential unit.

Unlike an owner/landlord, the disability service provider is on site at all times in which residents are at home, due to the support the person requires. In many circumstances the disability services provider is also not the owner of the property.

In working through the various complex issues, we came to the view that the provisions under the Residential Tenancies Act are not suitable for the majority of people living in community residential units, and in fact would potentially make some people more vulnerable to eviction.

In addition, we believe that having key provisions determined by policy direction would provide less certainty for residents than if they were prescribed in

legislation. As such, residential rights have been included in the bill.

By including residency rights in the bill, the role that the disability service provider plays in nomination to vacancies and in daily affairs of the residence can be appropriately recognised and, where necessary, prescribed or regulated.

By including residential rights in the bill, we are also able to strengthen rights for all people residing in disability services residential services, as all residential services, with the exception of residential treatment facilities, will be subject to some common provisions.

These include:

the right to receive a residential statement;

clarity about roles and responsibilities of the resident and the disability service provider; and

prescription about the circumstances and manner of entry to a resident's room.

In addition to these common provisions, the bill will ensure that people living in community residential units have residency rights similar to those enjoyed by other members of the community who live in rental property, while acknowledging the role of the disability support provider. This will include the capacity for disability service providers to:

ensure that staff and residents respect the privacy and dignity of their fellow residents;

determine the residential charge payable for the provision of housing and support;

deal with damage or other behavioural issues that might affect a person's tenure;

balance the need to respond to one resident's issues while maintaining duty-of-care responsibilities to other residents;

make decisions about whether a person's support needs can continue to be met within a particular community residential unit;

communicate to the owner the need for repairs or maintenance;

ensure all residents have appropriate access to their room and shared facilities.

In addition, disability service providers must ensure that residents receive clear information about any fees or

charges they are required to pay and what they receive in receipt of this payment.

Placing residential rights in the bill removes the capacity for owners to require payment of a bond and acknowledges that significant numbers of residents of community residential units are not able to enter into an agreement or understand the consequences of their actions.

The bill replaces an agreement with the requirement for disability service providers to issue a residential statement that describes the rights and responsibilities of both parties and details the service and supports that will be provided.

The bill will ensure that some specific matters related to the residency of a community residential unit can appropriately be taken directly to the Victorian Civil and Administrative Tribunal. These matters relate to increases in fees or charges and the issuing of notices to vacate.

The Residential Tenancies Act provides for a notice to vacate to be issued in certain circumstances. However, this act does not have a mechanism to recognise that many situations that may meet the criteria for a notice to vacate are disability-related issues that the disability service provider has responsibility to address.

Locating residential rights within the bill has allowed us to include provisions that can recognise that people may be in breach of their residency, due to disability-related issues. As such, we have included a notice of temporary relocation to allow time for planning or behavioural intervention to occur prior to a person being issued with a notice to vacate. This is to ensure that, if the issue cannot be resolved within the residence, the disability service provider can temporarily relocate a person to allow the time and capacity to review the circumstances and introduce necessary measures where possible, that will enable the person to return in safety.

The bill also provides that with the issuing of a notice of temporary relocation or a notice to vacate, a disability service provider must notify both the Public Advocate and the Secretary of the Department of Human Services. This process is to ensure some external accountability and protection of rights.

In addition, residents will be provided with greater access to dispute resolution in relation to matters that are, more often than not, related to their support rather than their residency. The avenue to have these matters addressed is through the disability services commissioner who will be uniquely placed to provide

expertise in conciliation in relation to matters of support provision.

By including residential rights in the bill, we have created a strong balance between protecting these rights and ensuring that support can be provided within community residential units.

Residential institutions

As mentioned, the bill outlines some common residential provisions that will also apply to residential institutions. The bill also specifies that people who reside in residential institutions have the right to a high quality of care and development opportunities while they continue to reside in the residential institution.

The bill also specifies that for people residing in residential institutions services should be provided to maximise opportunities to live in a community-based residential service.

In line with our intent for people to reside in the community with the appropriate support, the bill specifies that admission to an institution is a decision which is reviewable by the Victorian Civil and Administrative Tribunal.

Strengthening provisions regarding community visitors

The community visitors program is part of the Office of the Public Advocate and plays an integral role in providing protections and safeguards for people with a disability residing in disability services residential services.

The provisions in the current legislation have been strengthened in the bill, in recognition of the important role community visitors play in ensuring the rights of residents under the act are being met. The bill requires that a disability service provider must notify the Community Visitors Board within 72 hours that a request to visit a residential service has been made. The Community Visitors Board is now required to respond to that request to visit within seven days.

Expanding privacy provisions to cover all people with a disability accessing disability services

The bill includes and strengthens the requirements of the Intellectually Disabled Persons' Services Act in relation to information disclosure and handling, but expands these provisions to all people with a disability who are accessing disability services. These provisions provide protections about the use and disclosure of information about people who are accessing disability

services and who are not able to provide consent for the release of information.

The provisions also provide clarity for disability service providers regarding when information can be released. Where a person with a disability is involved in a range of programs and supports, the bill enables the disclosure of personal information by a disability service provider to facilitate coordinated and planned provision of services.

The bill is consistent with the broader privacy principles set out in the Information Privacy Act 2000, which protects people's personal information, except health information, and the Health Records Act 2001, which specifically protects people's health information, including personal information that is collected by organisations about people with a disability.

Allowing for review of certain decisions by the Victorian Civil and Administrative Tribunal (VCAT)

The bill strengthens the protection of the rights of people with a disability by the inclusion of a range of reviewable decisions through applications to the Victorian Civil and Administrative Tribunal. Under the current legislation, people with a disability have not had the capacity to appeal decisions made by disability service providers to a body that can make enforceable decisions.

People with an intellectual disability have had the capacity to apply to the Intellectual Disability Review Panel on a small range of decisions. Reviewable decisions under the Intellectually Disabled Persons' Services Act have included eligibility for services, admission to a residential institution, the content and review of a general service plan and the decision to use restraint or seclusion.

The bill provides that all people with a disability will be able to apply to VCAT on a range of reviewable decisions. These decisions include whether or not a person has a disability within the meaning of the act and decisions that impact on a person's liberty such as the use of restraint or seclusion. The decisions also include the residential issues already discussed.

In feedback received through the extensive consultation process, the majority of stakeholders supported the review of decisions by a body with decision-making powers. VCAT has advised that they have the expertise to hear the matters outlined in the bill. VCAT's ability to hear these matters stems from its broad experience in administrative review and dispute resolution, and in dealing with people with a disability through a number

of their lists including their antidiscrimination and guardianship lists.

In addition to the review rights available to people with a disability, disability service providers will also have the capacity to apply to VCAT to review a decision in relation to the secretary's registration powers. A person or disability service provider may apply to VCAT for a review of a decision by the secretary to refuse an application for registration or the renewal of registration and the decision to revoke the registration of a provider. This also applies in relation to a decision by the secretary to approve a disability service provider to use restrictive interventions or supervised treatment.

A system for regulating restrictive interventions and compulsory treatment

The provisions in the bill regarding restrictive interventions and compulsory treatment follow on from the recommendations made by the Victorian Law Reform Commission (VLRC) in their report *People with Intellectual Disabilities at Risk* (November 2003). They are also in line with the earlier *Report of the Review Panel Appointed to Consider the Operation of the Disability Services Statewide Forensic Service September 2001*, which was chaired by Justice Vincent.

The components of the bill based on these reports are:

Establishment of the senior practitioner

The bill establishes a senior practitioner who is responsible for ensuring that the rights of people subject to restrictive interventions and compulsory treatment are protected and that appropriate standards in relation to these practices are met. The senior practitioner will provide a transparent and accountable system for regulating the use of these practices.

The senior practitioner has a range of general functions in relation to restrictive interventions and compulsory treatment including to:

- develop guidelines and standards
- provide education and information
- provide advice to disability service providers to improve practices
- develop links to professional bodies and academic institutions to improve the knowledge and training of workers
- undertake research and provide information to disability service providers

monitor and evaluate the systemic use of these practices and make recommendations to the minister and secretary.

The bill provides that the senior practitioner must publish an annual report.

The bill also provides the senior practitioner with additional powers in relation to the use of restrictive interventions and compulsory treatment. These powers include inspecting premises and investigating, monitoring or auditing the use of these practices. The senior practitioner may by written order direct that a practice, procedure or treatment is discontinued. In this case, the senior practitioner must assist in developing alternative strategies for managing the behaviour of the person affected.

The senior practitioner will be established as a position under the direction of the Secretary of the Department of Human Services. The establishment of this position as an internal office means the senior practitioner will not just be a monitor but able to have a greater impact on quality improvement and better outcomes for people with a disability subject to these practices.

Restrictive interventions

Restrictive interventions are practices used by disability services providers that are designed to prevent a person with an intellectual disability harming themselves and others or destroying property, which may result in harm. Restrictive interventions include mechanical and chemical restraint, seclusion and other practices, which restrict the rights or freedom of movement of a person with a disability.

The Intellectually Disabled Persons' Services Act provides some guidance in relation to the use of restraint and seclusion; however, we believe the current provisions do not adequately protect the rights of people subject to these interventions. In addition, during the consultation feedback was received that disability service providers sometimes use these interventions with people with other types of disabilities, to prevent them harming themselves or others. There are currently no protections for these people under the Disability Services Act.

We are keen to ensure that disability service providers, meet their duty of care obligations and that better safeguards are provided to protect the rights of people subject to these practices.

To this end, the bill specifies a range of increased protections. These include:

That a disability service provider must be approved by the secretary to use restrictive interventions, as part of this approval an authorised program officer must be appointed.

That the use of restraint and seclusion must be included in a behaviour management plan.

That the authorised program officer must approve the use of restraint or seclusion in the behaviour management plan.

The authorised program officer must ensure that an independent person has explained the use of restraint or seclusion to the person and the person's right to review of this decision by VCAT.

Where people with a disability do not have access to an independent person through their personal support network, a person will be provided through an independent person program. This program is being established in recognition that a right to review is not meaningful unless a person can understand this right. The independent person is also able to inform the public advocate if the person does not understand and the use of restraint or seclusion does not meet the requirements of the bill. The public advocate can then investigate and refer the matter to the senior practitioner or initiate an application for review by VCAT.

The authorised program officer must also notify the senior practitioner that they have approved the use of restraint or seclusion. The senior practitioner is then responsible for monitoring the use of these interventions. The senior practitioner may also specify requirements or monitor the use of other interventions that the senior practitioner believes to be restrictive.

Strengthening the requirements regarding the use of these interventions in the bill provides better protections and safeguards for the small number of people with a disability who are subject to these provisions.

Compulsory treatment

There are a small number of people with an intellectual disability who are subject to compulsory treatment. The bill seeks to provide better regulation for these people by providing for transparent and accountable criminal and civil orders.

At this time these provisions relate only to people with an intellectual disability. This is because the provisions seek to regulate what is already occurring. It has been suggested that the provisions should be extended to people with an acquired brain injury. Currently, there is little evidence regarding the involvement of people with

an acquired brain injury in the criminal justice system and whether there are appropriate treatment models available. It is premature for people with an acquired brain injury to be subject to compulsory treatment in the absence of this evidence. An undertaking has been made to the public advocate to commence research into this matter prior to any future inclusion of people with an acquired brain injury under these type of provisions.

People with an intellectual disability who are involved in the criminal justice system

The bill seeks to provide regulation around services provided through the Statewide Forensic Service (SFS). This service provides intensive therapeutic treatment to people with an intellectual disability who are involved in the criminal justice system and display dangerous antisocial behaviour. Through these services the SFS aims to reduce the risk that these people place on themselves, other clients and the general community.

Currently there is no integrated statutory framework regulating the restrictive services provided through the SFS. People placed within this setting may be subject to either the Sentencing Act 1991, Guardianship and Administration Act 1986, or the Corrections Act 1986.

The bill provides clear criteria for admission to this service. These criteria include that the person must be subject to an appropriate criminal order.

The bill makes consequential amendments to the Sentencing Act to create a new sentencing option for people with an intellectual disability — a residential treatment order. This order requires that the person receive treatment in a residential treatment facility.

The bill provides comprehensive provisions regarding compulsory treatment in a residential treatment facility. These include overview of the treatment provided to the person by the senior practitioner and regular reviews of the person's treatment plan by VCAT. These reviews must occur at least annually, but an application for review can be made by the person subject to treatment, at any time.

These provisions significantly strengthen the rights of people receiving compulsory treatment and make more transparent the services provided through the SFS.

People with an intellectual disability who are living in restrictive environments in the community

Concerns have been raised about a small number of people with an intellectual disability who live in restrictive environments, when they are not subject to a criminal order. These people reside in restrictive living

arrangements in residential services due to concern that they might pose a serious risk of harm to members of the community. There are currently no safeguards to protect the rights of these people.

The bill provides for a new civil order — a supervised treatment order, which can be made where a person resides in a restrictive environment because they pose a significant risk of serious harm to others.

The bill outlines a range of provisions in relation to supervised treatment, which are aimed at protecting the rights of people subject to this treatment. These include that:

A disability service provider must be approved by the secretary to use supervised treatment. As part of this approval, an authorised program officer must be appointed.

That the authorised program officer can only make an application to VCAT for a supervised treatment order if a treatment plan has been prepared and approved by the senior practitioner.

The authorised program officer must notify the public advocate that an application has been made.

The public advocate also has the power to apply to VCAT for an order directing the authorised program officer to make an application. This would occur where the public advocate believes that a person is being detained to prevent a significant risk of serious harm to others and an application for a supervised treatment order has not been made.

The bill outlines a range of requirements that must be met for a supervised treatment order to be made by VCAT, these include that it is the least restrictive option and it is necessary to detain the person to provide treatment and prevent a significant risk of serious harm to another person.

A supervised treatment order is for a maximum of twelve months.

The senior practitioner is responsible for the supervision of the supervised treatment order. An application can be made to VCAT at any time to review, vary or revoke the order.

These provisions provide clear regulation and transparency around situations which are currently occurring without adequate external scrutiny. The bill will ensure that the rights of people subject to this form of treatment are adequately protected.

In conclusion, we are at the forefront of a new era — an era in which people with a disability will have the same rights, opportunities and responsibilities as all citizens of Victoria.

This future will also be characterised by a significant shift in service delivery, from a focus on disability-specific programs to a focus on how people can get individualised supports of their own choosing to enable their individual participation in the community.

The Disability Bill will:

support the principles and objectives of the State Disability Plan;

support the development of a strong and stable disability sector, that is sustainable into the future;

provide a more integrated approach to disability; and

provide a fairer and more equitable system of supports for people with a disability.

Most importantly, the bill will strengthen the rights of all people with a disability. In doing so, we will ensure that the achievements and progress made in the last decade are not lost, but built upon. The bill will however provide a legislative framework to take Victoria forward.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Ms GARBUTT (Minister for Community Services) — I move:

That the debate be adjourned for two weeks.

Mrs SHARDEY (Caulfield) — On the matter of time for this important piece of legislation, I move:

That the word 'weeks' be omitted with the view of inserting in its place the word 'months'.

This is an important piece of legislation. This bill will replace two current acts and is of importance to a very large number of people. The bill itself will not come into effect until 2007, and it is my belief that a much longer period of time other than the next sitting day is needed, not just for the community but also for the large number of disability groups to be able to examine this final piece of legislation. I appreciate that the process for this bill coming into the house has been long and there has been a draft piece of legislation, which I know was appreciated very much by the community and by disability groups. However, now we

are at the pointy end of the business, so to speak, in relation to this piece of legislation, it is my view that two months is required rather than two weeks for all the groups to be able to look at this legislation and to be able to make some assessment.

The minister well knows that the Liberal Party is happy to do the work. We have done a great deal of work on previous large pieces of legislation, so this is not a matter of our being unwilling to do it. Of course we are prepared to do it. In reference to the needs of the community and, in particular, the needs of disability groups, the minister should be cognisant of the fact that they too will want to have the opportunity go through the large amount of detail of this legislation. It has taken the minister well over an hour to read the 40 pages of this bill. Therefore she too realises there is a lot of detail to be considered. We want the opportunity, along with community groups and disability groups, to consider each detail of this important piece of legislation.

While I do not wish to have a big argument or disagreement, I think the government should consider this issue and agree to defer debate on this bill for two months rather than just two weeks.

Ms GARBUTT (Minister for Community Services) — Regarding the matter of time, I am somewhat surprised by the attitude of the opposition. I am very proud of the extensive consultation period that we have undertaken on this bill. It has been almost three years — we started in May 2003 and it is now March 2006 — so there has been extensive consultation. We have recognised that people with disabilities do not always want to sit down to read discussion papers and bills, so we have had forums, focus groups and workshops and invited submissions. There have been many stages in this process, and they are detailed on pages 1 to 5 of the second-reading speech that I have just read. It is a pity that the member for Caulfield did not stay and listen to that speech. She might well have heard it, but she was not reading pages 4 to 41.

However, these are serious issues. When we got down to the pointy end, as the member for Caulfield called it, in November 2005 we released an exposure draft that had all the detail in it. People again attended sessions, focus groups and forums and sent in submissions about it. We briefed the Liberal shadow minister at that stage on the exposure draft. The opposition has had many months now to get across this bill. I have presented a bill with no surprises. It has been talked about for nearly three years. The detail has been known about for a long time by everybody who is interested in it. Yet

now we have this delaying tactic by the Liberal Party. Everyone who is interested in disability issues in the state, except for the member for Caulfield, would be well and truly across this bill by now.

It is important bill, and I do not want to hold it up any longer. There is a lot of expectation about and confidence in this bill, and I want to see it go forward. I point out to the member for Caulfield and those who might support her that Parliament will not sit for 27 days between the end of this sitting week and the beginning of the next. We are probably unlikely to debate the bill on the first day of the next sitting week, so that allows plenty of time for the member for Caulfield to get across the detail, which is something she should have already done. In addition, I will offer a comprehensive briefing to her and to anybody else whom she wants to bring along to advise her about the detail of the bill. I feel that three weeks, after almost three years of work, is plenty of time for her to be across the detail. Certainly everyone else is, and we have talked extensively to them and listened to and consulted with them. We do not want a delay the bill any further. Let us just get on with the job of doing it.

Mr MAUGHAN (Rodney) — As has already been indicated, this is a very important piece of legislation. People have looked forward to it with a great deal of anticipation. I have listened to what the minister has had to say, but I think she is being unfair in expecting those various interest groups to get their minds around the detail of this legislation in a period of two weeks. She says they have already discussed it, but we have heard this before. We heard it with the Children, Youth and Families Bill, but there were things in that bill that were not in the draft legislation.

If we are going to be fair dinkum in this house about consulting with the community, we need to be able to talk to the people who are really interested and receive their views. It is not a matter of the Liberal Party or The Nationals wanting to play games and delay this bill. To benefit people with disabilities we clearly want to see this legislation pass through the Parliament as quickly as it can. Based on previous experience we have some concerns when complex and comprehensive legislation such as this comes into this house and the minister says, 'There are no changes and the community has had plenty of time to discuss it'.

If that is the case, why have the disability groups not been in touch with us and said, 'We want to get this through as a matter of urgency.'? They have not. I have not had any communication from disability groups saying that this is an urgent matter and they want to get it through very quickly. It is complex, and it is

important that we get it right. We are having time off because of the Commonwealth Games, and that is going to delay the process of dealing with the bill. It is important to get it right.

The adjournment of two weeks proposed by the minister is insufficient time to talk to all those groups, particularly those people in disability groups who have limitations on their time and on their ability to get together. Those groups need adequate time to think about the bill and then come back to the opposition parties and express their views. Two weeks is too short. I support the comments of the member for Caulfield that we should have a period of eight weeks to consider this bill.

Ms BEATTIE (Yuroke) — Regarding the question of time, this bill has been a long time in the making and in the consultation process. Consultations began in May 2003. That was followed by further consultation, forums, focus groups and workshops. Some 1200 individuals and organisations were represented. Over 100 submissions were received, and a report on those consultations was released in October 2004.

Mrs Shardey interjected.

Ms BEATTIE — If the member for Caulfield would actually listen to the timetable I am setting down rather than talking across the chamber, she might understand why those groups want this bill to go through as quickly as possible.

Another 90 submissions were received following that report and around 500 people attended those forums and workshops during that period. In November 2005 an exposure draft was released, and about 80 responses to it were received. The opposition has already been briefed on the bill but really has shown very little interest in it. We have had no submissions or feedback from the Liberal Party or from the member for Caulfield. So the consultations have been held.

The member for Rodney implied that the various groups involved have not been in contact with The Nationals. Of course they have not; they have been in consultation for almost three years now and there is an expectation from the disability community that this bill will go through this house without impediments being put in its way. I know they are looking forward to this bill going through. It is most important. These are the biggest reforms for people with disabilities in about 20 years. I do not think we need delay things any further. We need to get on with the job. This bill should be passed in two weeks, as asked for by the minister.

The DEPUTY SPEAKER — Order! The minister has moved that debate be adjourned for two weeks, to which the member for Caulfield has moved that the word ‘weeks’ be omitted with a view to inserting in its place the word ‘months’.

Amendment defeated.

The DEPUTY SPEAKER — Order! I advise the house that the provisions of standing order 131 will apply to this bill when it is next before the house, and the time limits for the lead speakers from the opposition and The Nationals will be in accordance with the standing order.

Motion agreed to and debate adjourned until Wednesday, 15 March.

JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 16 November 2005; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Justice Legislation (Miscellaneous Amendments) Bill is essentially an omnibus bill that makes a number of relatively minor amendments to a list of 11 acts which all deal with the justice area and most of which do not require any detailed commentary. It is a matter that the opposition has been fully briefed about, and we support the legislation.

I wish to make a couple of passing remarks in relation to a couple of the acts. I want to mention the amendments to the Crimes Act which deal with forensic procedures and the ability to obtain those even during an appeal process. Those amendments are necessary but they underscore the importance of forensic procedures, particularly DNA testing or the determination of drugs of addiction that could be being trafficked, supplied or sold contrary to the Drugs, Poisons and Controlled Substances Act.

Most importantly, and it is something I have raised in this house on a number of other occasions and is certainly something the opposition has called upon the government to consistently address, if the government is committed to the proper forensic procedures and the utility of those procedures such as DNA testing or determination of illicit drugs in association with criminal offences, then it should be putting its financial commitment into producing a system that is expeditious and useful.

Chief Magistrate Lisa Hannon of the Melbourne Magistrates Court, on three occasions in the last 12 months has been forced to adjourn a criminal proceeding for up to 18 months because the proper forensic testing was unavailable at the time. In his second-reading speech the Attorney-General made the point that this demonstrates the government's commitment to reforming the law to make it more workable. The house will make a minor amendment to the Crimes Act in relation to forensic procedures, but as I have said before, an 18 month delay to obtain the results of a forensic test from the police forensic laboratory is unacceptable in cases involving serious drugs offences.

This is so particularly when on three occasions in the last 18 months the senior criminal magistrate of the Melbourne Magistrates Court has been forced to release a person charged with a very serious offence of trafficking in a commercial quantity of drugs, which everybody in this house knows is a show-cause offence — that is, the defendant is required to show cause why they should be released on bail. They go up there and say, 'There will be an 18-month delay until my trial can proceed because of delays in forensic procedures brought about by chronic delays in our forensic laboratories in this state'. The magistrate is forced to release them.

It is not as if it is novel or something new, but on three occasions in the past 12 to 18 months the senior criminal magistrate has been forced to release a prisoner on bail from a show-cause offence such as trafficking in a commercial quantity of drugs simply because of the delays in our forensic procedures. If the Attorney-General is fair dinkum in his commitment to reforming the law to make it more workable, as he said in the second-reading speech, then he should be doing something about the forensic procedures laboratories and the chronic delays. Given that there is utility in most tests in relation to drug-related crimes in relation to DNA testing, an 18-month delay in receipt of those procedures is unacceptable. It is a demonstration that when it comes to the commitment to make these things work on the ground, this government is not fair dinkum. It is all rhetoric.

Also there is an amendment to the Serious Sex Offenders Monitoring Act, which I have mentioned in this place on numerous occasions. The bill was passed about this time last year and was introduced to protect the community from situations similar to that of the Mr Baldy case. I understand there are now three sex offenders who are subject to extended supervision orders. This minor amendment relates to a recent change to the commonwealth Criminal Code to deal

with the trafficking in children as an offence against children. It may or may not be associated with a sex act but it is an offence against children. Certainly the amendment is supported by the opposition and it should be included as part of the schedule of offences.

I implore the government to think about the big picture. It is not about recidivism rates; it is not about statistics; it is about a demonstrable danger to the community in relation to all serious offenders and not just child-sex offenders. Yes, I can understand our abhorrence of that particular act and the community's agitation at the release of someone like Mr Baldy, but it should also relate to those prisoners who remain a danger. It is not about statistics; it is about those prisoners who remain a danger. The opposition has called for this act to be amended to include all serious sex offenders. At the least rape should be included as one of the scheduled offences under this act, but it should be extended to all serious offences. The government has twice had the opportunity to include rape in the bill, but it has chosen to vote against an opposition amendment and a private member's bill introduced by the Honourable Richard Dalla-Riva, a member for East Yarra in another place.

There is a typographical error in the Sex Offenders Registration Act. That act provides for voluntary registration with the onus put on the offender to register. The opposition has been critical of the way that has been implemented. The Sex Offenders Registration Act should operate in conjunction with the Serious Sex Offenders Monitoring Act and with the operation of the Adult Parole Board. They should all be linked. It should not be left up to an offender to register only once a year under this act. They should, if it is necessary, be constantly monitored, and that information should be provided to Victoria Police and to the Adult Parole Board so that part of registration actually has some teeth. It is a cosmetic solution to a significant problem.

It seems to me that if we pass legislation that says a person should be required to register and if we have the information in government agencies or otherwise, then that should be provided to the police. If we are passing a piece of legislation that says a particular offender has committed such a horrific act that they should be registered with their local police so they can monitor them, the obligation should not just rest with the offender. It should be placed with the government agencies to pass on that information to all relevant agencies associated with corrections: Adult Parole Board, police and the prison authorities themselves. It seems to me a very half-baked solution to a significant problem.

Amendments to the Victorian Civil and Administrative Tribunal relate to acting judges. I have said on previous occasions that it is a demonstration that this government is not fair dinkum when it comes to dealing with the issue of an independent judiciary. Indeed the Attorney-General, textbook style, said that an independent judiciary is founded on two principles — that is, permanency of tenure and security of income. There is a permanent appropriation from consolidated revenue in relation to the salaries of judges, which has been part of parliamentary democracy since the bill of rights in 1689 as a result of the so-called Glorious Revolution of 1688. It has been the only permanent appropriation against consolidated revenue.

The second issue is that of the security of tenure. Judges are appointed for the tenure of life, which is defined as having a limitation of 70 years of age in this state. After 70 there is automatic retirement. Everybody accepts there has to be a retirement age, but until then there is permanent tenure.

The idea of acting judges strikes at that very issue of an independent judiciary. In the space of 12 months we saw this Attorney-General and this government say they were not going to pass on the recommendation of a judicial remunerations tribunal because it did not fit the government's wages policy. It became a political question for the government. The government intervened at the first hurdle and said it was not going to follow even the rules it had set up to protect the judiciary because it was a political question — the very issue that the Attorney-General railed against when he set up this proposition. Likewise, in relation to acting judges, you could appoint acting judges in this state, which is a matter of concern for the judiciary, the bar council and the law institute. It is matter of profound concern that with this government it is, 'Do not do as I do, but do as I say'. The rhetoric does not match the actions in its commitment to the independent judiciary, because the two principles that the Attorney-General himself enunciated have fallen in the space of 12 months.

This amendment very much strikes at the heart of our independent judiciary. Yes, it is just regularising the Victorian Civil and Administrative Tribunal by putting in place the mechanism to enable acting judges to be appointed to the tribunal, but it is the underlying policy that the opposition is implacably opposed to. Yes, it merely extends the appointments of acting judges from three months to six months, which is a consequence of something that has already been passed. But as I say, the opposition remains implacably opposed to the idea that acting judges should be appointed.

Also there is the discretion that allows former VCAT members to represent parties in lists they have presided over. This will create a great deal of tension in relation to the operation of the law, notwithstanding the Attorney-General's attack upon the Victorian Bar Council's apparent change of rules. Certainly as a member of the bar council for 10 years I was well and truly aware, and it often exercised our minds, that where a judicial officer actually retires and comes back to the bar, under our rules they have to seek leave to appear before a court or tribunal of which they have been a member. Again, the simple reason for that goes to the nature of an independent judiciary. It is about people being able to put their cases fearlessly on behalf of their clients in our courts and in tribunals.

If a tribunal member happened to be associated with another person who is appearing before them, and indeed may have actually been their senior on the bench, it may not necessarily upset the fine balance of an independent judiciary. However, there is the element that just leaves a bad taste in your mouth — the feeling that it may not be completely fair. On top of that, you could have the ludicrous situation where former members of a court or tribunal are citing their own decisions in support of their cases. Or do they criticise themselves and say, 'The decision that I was involved in was wrong.'? That would be an absurd situation. Again, it leaves an unpalatable taste in your mouth in relation to an independent judiciary.

It will no longer be left up to the profession to set its own rules of conduct or otherwise; it is to be given to the President of the Court of Appeal. I have said on a number of occasions that the President of VCAT, Stuart Morris, notwithstanding his political associations before he was appointed, has been an outstanding president. He certainly has my full support, and I certainly welcomed him at the time. My experience of his sitting on the bench is that he has discharged his office eminently fairly and justly. This is not a criticism of Stuart Morris. I just think it is inappropriate that we are making this amendment. It really should be left as a matter of practice. The only exception should be the situation where the person is not a lawyer — for example, a planning person — and is not governed by the exigencies of the profession. It should only be in that case that you would leave it up to the President of VCAT to determine it.

Finally, I will just mention the Working with Children Act, which the government has made another sensible amendment to, which will exempt those people who have been registered and accredited by the Victorian Institute of Teaching (VIT). If you have already gone through police checks in relation to this matter, there is

no point in having to go through them again. It seems to be an anomaly that it was not dealt with in the first place, and we agree that it needs to be done — notwithstanding the profound concern we expressed at the time that the Working with Children Bill was gobbledegook.

It is almost incomprehensible to the ordinary person to think that non-lawyers are actually going to have to make applications to work under the different tier structures, the different appeal processes and all the other different criteria, depending on what type of category person they are. The vast majority of people will probably get through — they would go through as a category 1 — but it remains incomprehensible gobbledegook. You could not think of a more complicated process than getting something as simple as a police check in relation to the Working with Children Act! As we said, while we supported the principle, and while we were forced to support the bill at the time, the important thing is that it should be simple. That is because in many cases it involves not professional teachers or other professionals, it involves actual volunteers. Because of its complexity and the hidden traps that this engenders it can become a great dissuader to people participating.

Accordingly, our criticism is not about the particular amendment in the bill, it is about the overall operation of the bill and the fact that we now have to amend the legislation over something as simple as the Victorian Institute of Teaching, which has been around for a long time. That again demonstrates that when the government introduced this bill, it was a case of the left hand not telling the right hand what it was doing — otherwise, this amendment would have been incorporated in the bill at the time.

Opposition is a terribly tough business; we only got the two weeks in June on this as it was regarded as a standard bill. We did not have enough time to pick this up, but the government, with its plethora of advisers — there is one sitting over there in the box now — did not pick it up at the time. This bill was half-cocked and only half thought through because we have to come back and make a sensible amendment to the Working with Children Act. It surprises me that we have to do that after the act has come into operation. That seems to demonstrate that the principles behind that act are fine, but it was operating in a completely gobbledegook way. The fact that we are now to make this simple amendment — a sensible amendment that was not picked up by anybody — demonstrates just how bizarre is the operation of this act.

With those comments, as I said, the opposition can accept all the amendments with varying degrees of enthusiasm. Essentially they need to be made, and the opposition supports the bill.

Mr RYAN (Leader of The Nationals) — The Nationals support this bill, but I want to make some comments with regard to it. The first is that the government, when in opposition, was bitterly opposed to the notion of omnibus bills and often made reference to that fact, yet here we are faced with an omnibus bill. We have become accustomed to the notion of the current government having said one thing while in opposition but conducting itself in an entirely different fashion when in government, and this is another instance of that.

The second comment I make concerns the amendments to some of the 11 items of legislation now under discussion. The first of those is with regard to amendments to the Appeal Costs Act as set out in part 2. In essence this will provide a measure of relief from the strictures which otherwise apply to the forms of proof that have to be provided to enable the relevant certificate to be issued, and we welcome that process. It is often difficult to satisfy the actual approved form as is currently set out under the legislation, and the amendment will provide the proof of relevant costs that have been incurred in a manner that does not necessarily satisfy the stricter form as it is now established but rather, from a practical point of view, will satisfy all concerned that those costs have been incurred.

That is important from another perspective, because the issue of these certificates is vital in the interests of justice. It sometimes happens that trials, particularly in the criminal sphere, have to be adjourned for any one of a number of reasons that very often apply to some elements within the management of the prosecution. The defence comes to court ready to go; the prosecution applies for an adjournment through the absence of a witness or of amendments of some sort or other, or illness on the part of a witnesses, or any one of a number of other reasons; the trial has to go to another day, and the defence is there, having incurred its own costs, and is entitled under the terms of this legislation to a certificate to provide it with the appropriate indemnity. It is important legislation, the amendment is equally significant and we therefore welcome it.

It is also significant because it highlights a point about these omnibus bills in that an apparently small change made in a line or two, or it might only be a word, can have far-reaching consequences. That is a point to be emphasised when one is considering these forms of

legislation. Often we see that the apparently smallest change to a bill can have ramifications at a later time that were not necessarily anticipated by the public at large or indeed by the opposition parties, that may have been intended by the government, yet may not have been spoken about overtly at that time.

I highlight that point in the context of this debate, particularly as part 3 deals with an amendment to the Constitution Act 1975. Of all the items of legislation that are imperative to the way in which this state functions, the most important is our Constitution Act. Therefore it is necessary that when amendments concerning the Constitution Act are being introduced to this place they should be introduced properly in a transparent manner and all the implications associated with those amendments should be fully explained.

Section 4 of part 3 concerns the commissions of judges. Section 5 deals with salaries, allowances and pensions of judges in the Supreme Court and so on; and all those issues bear the appropriate degree of careful scrutiny. I will return to that in a moment, but first I will highlight the significance of these apparently minor changes by reference to a previous instance where an amendment to the Victorian constitution was apparently explained to all and sundry at the time but is now found, years later, to be different from what we thought.

In 2005 the Premier introduced an amendment to change the terms of our constitution concerning the delivery of water services. That went through, the government published its intention, apparently to secure the situation where water services and all the assets associated with them would be protected by the amendment. What was not said at the time with any particular detail was that when the amendment incorporated the term 'public statutory authority' that amendment was defined as meaning:

... a body, whether corporate or unincorporate, that is established by or under an Act for a public purpose but does not include a company (within the meaning of the Corporations Act) in which all the shares are not held by or on behalf of the State ...

This is an important example to highlight the significance of these apparently small amendments to legislation of the nature of those before the house, because we now find that Victoria owns a 29 per cent interest in Snowy Hydro Ltd and that the government said nothing about it at the time. As it happens, the government is not the complete shareholder in Snowy Hydro, so it is using the provisions of the amendment to slide out from a commitment which it made to the people of Victoria not to sell those assets which are associated with the administration of water services as

defined. It is just an instance of where some of these apparently minor changes materialise later on as entirely different.

The clear implication when we look back now, having regard to current events, with this asset having been sold off by the state of Victoria with no further ado, is that the government knew full well that its shareholding of 29 per cent in Snowy Hydro was probably going to be sold. I do not say 'actually', because at the moment I have not been able to find another instance where the Snowy Hydro equivalent applies, so I suspect Snowy Hydro was the only entity in which this 29 per cent shareholding interest was ever going to assume any proportions. But the implication is that the government knew full well back when it amended the constitution, which it did in 2005, that it was going to be sold. It knew that then, and that is why it drew the provision in the way it appears in the legislative amendment we debated in this place in 2005.

Mr Mildenhall — On a point of order, Acting Speaker, as entertaining as this fanciful exploration of trying to relate the events and amendments of a couple of years back to current events might be, it has almost nothing to do with the bill before the house, and I ask you to require the Leader of The Nationals to return to somewhere near the vicinity of the bill.

Mr RYAN — On the point of order, Acting Speaker, I am the lead speaker for my party on this legislation. So far as the lead speaker is concerned, historically that contribution to the debate is allowed a wider compass than that which applies to contributions by other speakers. I have almost concluded the remarks that I wanted to make on this issue in debate, and then I will move on. But I believe I am justified in making that commentary, particularly as even in his view of things the member for Footscray acknowledges that what I am talking about relates in part to the bill now before the house.

The ACTING SPEAKER (Mr Ingram) — Order! I do not uphold the point of order. As has been indicated by the Leader of The Nationals, lead speakers are allowed some scope, and at the start of his contribution he related to the provisions of omnibus bills.

Mr RYAN — I simply make the point, in a manner that I appreciate disturbs the government, that these pieces of legislation, which contain amendments to 11 acts of Parliament and on which, in the case of The Nationals, we are given 20 minutes to speak highlight the fact that it is very important for the house to fully

examine the import of these pieces of legislation to make sure the full story is being told.

Equally, it is incumbent upon the government to explain fulsomely to the house what it had in the back of its mind at the time the amendments were introduced. As a final point on this I simply reiterate that the forms of amendment that were introduced — not a couple of years ago, as the member for Footscray suggests, but in May last year — go to highlight that what the government then had in mind, in my opinion, was blatantly to sell its interest in Snowy Hydro and be able to slip it through in a way that did not enable Parliament to debate the issue properly at the time. We are now reaping the results of that carefully planned intent by the government.

The comment to be made about the provision in part 3 of the bill — which, as I said, deals with commissions of judges and the like — and the other provision contained within part 11 is that they are of a similar ilk and are reflective of some of the commentary made by the member for Kew. Despite all the rhetoric by the government in past times, it has a very less-than-transparent view about the true definition of the separation of powers.

For all his commentary in past days about the nature of executive government versus the Parliament versus the judiciary, in assuming his role the Attorney-General has conducted himself in a manner which many in the judiciary, because of the role they fulfil, feel constrained about being able to discuss. In large part it has been left to the Chief Justice to talk and be in the public eye, particularly in the course of last year over the sorry saga which led the government to bring amendments into this place over its blatant interference in issues concerning salaries.

Ultimately the Attorney-General was forced to recant; he had to retreat, flag in the air, and in turn the correct thing was done and appropriate provisions made for the judiciary with regard to their salaries and monuments. So it should be — of course it should be — and for the Attorney-General to have ever interfered in that process was an appalling act of conduct on his part. To think that ultimately the judiciary had to speak out in its own defence over that issue was an equally appalling state of affairs. The ultimate testament of all of this was that the Attorney-General withdrew, and eventually the right result was obtained.

I support the amendments which are set out in parts 3 and 11 of the legislation. They also touch upon the notion of part-time judges. We have been trenchantly opposed to that throughout, and we remain so opposed.

It does not serve the basic tenet of the separation of powers to have part-time judges operating at any level of our judiciary in Victoria.

Part 6 contains amendments to the Crimes Act to deal with forensic sample offences. This is a very important part of the administration of justice in Victoria. Late last year I had the pleasure to participate in a panel discussion at the police summit. The Minister for Police and Emergency Services came and opened the forum — and spoke well, if I might say — and then had to depart to do other things, and that is fine. Then a panel, including me and a number of other people, participated in discussing different issues raised with it by about 200 police officers who were present. Among the leading issues raised was the extent to which the police simply do not have enough support within the important area of testing forensic samples.

A number of police stood that day to express the frustration that goes with doing their job as police officers, of arresting people for given offences only to then have to suffer those people being held without bail while endeavours are made to have forensic tests returned, only to then find that ultimately bail has been granted because the accused — quite rightly — have been able to assert that there have been delays of an inordinate degree.

The court is therefore left in the invidious position of having to make a very difficult choice — namely, should a person who, under the Bail Act in circumstances where all things were equal, you would not let out be kept behind bars; while on the other hand, how long can such a person be retained without bail in a situation where the court and the parties do not have available to them the outcome of forensic tests?

It is just a straight-up issue of funding. It is a lamentable state of affairs on the part of the government. It simply has not committed enough resources to that important aspect of policing. It is an ongoing problem for police officers, because again and again they are met with the frustrations that go with these processes not being available to them.

This morning the house discussed the waste of money which could and should otherwise be devoted to these very proper ends so that provisions as reflected in this amending bill could have their full force and effect. Yet the police are being robbed of being able to apply the provisions with their full force and effect because the government will not fund forensic testing properly. And it will not fund it properly because it is busy fiddling around trying to tell everyone what a great job it thinks it is doing — to the tune of about \$80 million of

taxpayers money — on top of the other \$60 million, which goes to the spin doctors within the respective departments. It is nothing less than a tragedy. Police officers, among others in the community at large, have to bear the direct responsibility for the government's inactivity over such important issues.

Part 7 of the bill contains amendments to the Evidence Act dealing with the lists of persons who may witness statutory declarations. One amendment is devoted to chapter 20 of the Patents Act 1990. I make the observation in passing that in this day and age the whole issue of who can actually be a witness to a statutory declaration should probably be revisited. The definition of those who can be involved, particularly in the country perspective, should be broadened.

At the moment the list is broader than the list of those who can witness affidavits, but for all of that I would encourage the Attorney-General to revisit this issue because with the number of instances in today's world of documents needing to be witnessed, the more people we can reasonably have in that role, the better it will be.

In part 9 there are amendments to the Serious Sex Offenders Monitoring Act. We support the position that has been taken by the opposition. This legislation should apply to all serious offenders, not just to those who are subject to the current legislation, and certainly the offence of rape should be included within that broader definition.

In part 12 there is the amendment to the Working with Children Act. We as a party opposed that legislation at the time it was introduced, because we felt we were going to end up with a ridiculous two-tiered system. Had we been able to get something like the blue card system that operates across all jurisdictions in Queensland, we would have been more minded to support it.

The amendment we have here, as has been reflected upon by the member for Kew, highlights how that legislation was deficient in part. It also highlights the fact that although we are curing one instance where teachers are having to go through the process twice for the purpose of satisfying the requirements of the principal act, they are not the only ones who until now have been subject to this process of duplication.

With those few words I confirm that The Nationals support this bill. It is, as I said at the start, an omnibus bill, which Labor has historically always opposed. What a strange world we live in, Aunty Jack!

Mr MILDENHALL (Footscray) — That was probably an appropriate way for the Leader of The

Nationals to finish that contribution, I would have thought.

Dr Napthine — No, it's farewell to you, Aunty Jack!

Mr MILDENHALL — And farewell to The Nationals, and farewell to your faction's ambitions too, I might say. They have gone down in a screaming heap!

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Footscray, through the Chair. Members should assist the Chair by not inviting interjections.

Mr MILDENHALL — The meandering perambulations of opposition speakers in their explorations of some of the issues in this bill remind me a bit of the route that Captain Cook took to get to Australia, with its S-bends and loop-the-loops around the South Pacific.

It strikes me that there cannot be much that is contentious about this bill when opposition speakers — the Leader of The Nationals, in particular, and the member for Kew — feel compelled to canvass such issues as the sale of Snowy Hydro Ltd, the independence of the judiciary and the level of resources provided to the forensic section of the police force. It shows that they are struggling to find matters of substance, but I will respond to some of the matters they have raised.

One of the first was the inaccurate observation that when in opposition this side of the house had unreasonable complaints about omnibus bills. This miscellaneous amendments bill contains a series of reasonably consistent provisions within the legal affairs portfolio. The issue that we were particularly concerned about in opposition — and I would hasten to add that we have been keen to avoid doing it since being in government — was the inclusion of totally unrelated matters from a number of portfolios and a number of ministerial areas in one piece of legislation, particularly in cases where there were a number of significant provisions. I would classify these as moderately significant provisions, all within the one — legal affairs — portfolio. I do not think the criticism the government made in opposition about omnibus bills can possibly be applied to this piece of legislation.

I also note the complaint that is often made, particularly by The Nationals, about 20 minutes being insufficient time for making a contribution on legislation like this. That can be shown to be nonsense by a couple of observations that I will make. One is that it was fairly obvious that the Leader of The Nationals was running

out of items to make a contribution on, given the range of comments he made to pad out the time. There is also the observation that, as I understand it, he was the sole contributor from The Nationals. One would have thought that if there were additional comments to make, other members of The Nationals would have made themselves available to make a contribution.

Probably the most galling comment that was made by the lead speakers for the opposition was about the issue of judicial independence and in particular about acting judges being a fundamental attack on the concept of judicial independence. I would have thought that an Attorney-General inviting a Director of Public Prosecutions around to her house and there having the Premier on the phone putting the hard word on the DPP was a far greater assault on judicial independence — or sacking half a dozen judges from the Accident Compensation Tribunal or monsterring the lead judge of the Children's Court or the Equal Opportunity Commissioner — and that he should turn his attention to — —

Dr Napthine — On a point of order, Deputy Speaker, the honourable member for Footscray earlier took a point of order with respect to relevance. I know there is the opportunity for lead speakers to range more broadly, but the honourable member for Footscray is not the leader speaker — that speech has been given by the minister — so it is up to the honourable member to confine himself to remarks on the bill and not digress into areas that are not related to the bill and are not factual in an attempt to completely rewrite history.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for South-West Coast diverted from the point of order in that last comment. I will uphold the point of order in the sense that whilst lead speakers are given the latitude to canvass a range of issues outside the scope of the bill, other members are not, so I ask the member to remain on the issues raised in the bill.

Mr MILDENHALL — I must say, Acting Speaker, that I was sorely tempted by the contributions by the lead speakers for the opposition and thought they ought not be able to stand on the record in the outrageous condition in which they were offered, but I will certainly adhere to your ruling.

I would say in passing on another matter — the resourcing provided to the forensic section of the police force, which is referred to in the forensic testing procedures in the amendments to the Crimes Act involving DNA appeals against sentence — that there has been a significant increase in the resourcing

provided to that area of police operations. That was widely recognised as an issue that required some attention.

This bill contains a series of moderately significant provisions. It does, as other speakers have said, amend the Constitution Act 1975, but it does so in a relatively minor way, even though it requires an absolute majority of the members of both houses to be passed.

There are a number of either typographical or technical errors that are dealt with by the bill, but the Serious Sex Offenders Monitoring Act — this strong, bold and determined piece of legislation that gives the state much greater powers in the monitoring of serious sex offenders — is now being slightly widened to ensure consistency with offences covered by the commonwealth that prohibit trafficking in children.

I also note the sensible provision amending the Working with Children Act to allow teachers who may not be formally qualified but are recognised and registered by the Victorian Institute of Teaching to be exempt from the act.

The amendment to the Public Notaries Act 2001 is also an obviously appropriate provision. Given the requirements that to be appointed a notary a person must be a lawyer of five years standing and must have completed a notaries course, an application fee of \$285 is obviously far more appropriate than the figure of \$2.90 that was set inadvertently. I believe that the house and the community will be well satisfied with rectifying the amount of the contribution required.

This is good housekeeping legislation. It shows a degree of attention to detail and maintenance of the statute book that stands the house in good stead.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member's time has expired.

Mr HUDSON (Bentleigh) — It is a great pleasure to rise and speak in support of this bill. In the short time available to me I will focus on some particular provisions of the bill in relation to the trafficking and exploitation of children. The bill makes some amendments to the Serious Sex Offenders Monitoring Act 2005. The amendments ensure that a conviction for an offence of trafficking in children or domestic trafficking in children under the commonwealth Criminal Code is a relevant offence under the Serious Sex Offenders Monitoring Act — a piece of legislation passed by this Parliament last year — where the purpose of the exploitation is to provide sexual services.

All members would agree that trafficking in children and the sexual exploitation of children is abhorrent. It is not only degrading and damaging to the children involved but is also a criminal act. It is extremely regrettable that some Australians have participated in those criminal activities both here and overseas, particularly in parts of South-East Asia such as Thailand and the Philippines. It is good to see that both the commonwealth government and the state government through this legislation are cracking down on that totally unacceptable and criminal behaviour.

While talking about the amendments, I acknowledge the outstanding work of Bernadette McMenamain and Child Wise, an organisation set up specifically to tackle and prevent child abuse. Bernadette has worked in the field of child abuse prevention and advocacy for more than 20 years and is well known for her work in preventing the sexual exploitation of children both in Australia and overseas. When Bernadette started on that work she was a lone voice. Over the years people have come to recognise that the trafficking and sexual exploitation of children is a serious matter that needs to be dealt with by government. Now we have much more robust and comprehensive legislation in place to do that.

Bernadette is now so highly regarded for her expertise in the area that she is invited to run training programs in organisations all around the world to prevent child abuse and exploitation. Just recently, a meeting of the Association of South-East Asian Nations tourism ministers passed a resolution announcing their unanimous support for the ASEAN regional education campaign, which is an initiative of Child Wise and is supported by the Australian government through AusAID. The aim of the campaign is to combat the sexual exploitation of children. So we are making progress in the area. I am pleased to be part of a government that will bring those offenders who would sexually exploit and traffic in children within the regime of the Serious Sex Offenders Monitoring Act to ensure that those people are not in a position to offend that way again.

As has been noted by other speakers, the bill makes a number of other amendments. I note in particular that the Working with Children Act 2005 will be expanded in its definitions so that all registered Victorian teachers will be exempt from the requirements of the working-with-children scheme. All members are aware that teachers have to pass their own rigorous and independent police checks. Some teachers have failed to meet the requirements of the new regime of police checks, and that is appropriate. The government has set some high standards and wants to ensure that the

community has absolute confidence in the operation of our professional teaching work force. The government has spent a significant amount of money in investing in new teachers and upgrading the qualifications and in-service training of those teachers. We want to make sure that every teacher is suitable to work with our children. The fact that a rigorous check is undertaken through their registration scheme means that it is not necessary to bring them within the regime of the working-with-children scheme.

The bill makes some small but important amendments. They strengthen the regime in relation to those who would stoop so low as to traffic in and sexually exploit children. The bill makes some sensible technical amendments to a range of other pieces of legislation. I commend the bill to the house.

Mr HERBERT (Eltham) — The bill makes a number of technical amendments to a number of important pieces of legislation. The amendments seek to make improvements to a broad range of issues related to Victoria's justice system. The amendments will ensure greater consistency between a number of related pieces of legislation. They provide greater clarity of intention and rectify some minor and unintended omissions from legislation. In themselves the amendments are minor but taken as a whole they will ensure that our justice system will work efficiently and effectively.

I do not wish to add a great deal to some of the excellent contributions, particularly those made by the members for Bentleigh and Footscray, that we have heard today. I do wish to take the opportunity to say a few words on the technical amendments to the Victorian Civil and Administrative Tribunal Act. In 2000 the government proposed a number of amendments to the act to enhance the ability of VCAT members to make independent and impartial decisions. Those amendments were supported by members of the house.

The amendments have been quite successful in improving the timeliness, efficiency and cost effectiveness of VCAT. However, in their current form they can be seen to act as a disincentive to attracting to VCAT new members of the highest calibre. The amendments in the bill address that issue by giving the VCAT president discretion to consent to allowing former members to appear in their former list in appropriate cases. In my local area VCAT decisions attract significant interest, particularly as they apply to what is considered inappropriate development.

The Eltham electorate is a strong community with a tradition of environmental protection, family living and opposition to inappropriate developments that impact on neighbourhood character and the area's wonderful tree canopy. This is particularly the case in parts of Montmorency, where infill developments in some streets are causing considerable concern to residents. For instance, right now a proposed development in Astley Street, Montmorency, has caused great angst and has resulted in a petition against the development with more than 80 signatures on it. When VCAT overrules council planning decisions in support of large developments, the community's confidence in the administrative appeals system is tested.

Only this week, as part of the community consultation process, I was approached by residents absolutely convinced that the Victorian Civil and Administrative Tribunal (VCAT) was increasingly pro-development with little regard for the concerns of local residents and local council planning decisions. This is clearly and absolutely not the case. In many ways it is a product of the more independent and efficient operation of VCAT. I believe it is extremely important to improve the public's perception of VCAT's role so that local residents feel they can have a real say before the tribunal. Any measures that strengthen the representation on the tribunal and result in greater community confidence I fully support. I welcome the bill and commend it to the house.

Ms DELAHUNTY (Minister for the Arts) — I am pleased to sum up on this significant piece of legislation. As the member for Footscray said, the Justice Legislation (Miscellaneous Amendments) Bill is wide ranging, and I am pleased to see that it is supported on both sides of the house. I thank the members who contributed to this debate, including the member for Kew, the Leader of The Nationals, the member for Footscray, the member for Bentleigh and the member for Eltham.

This comprehensive bill makes amendments to the Appeal Costs Act, the Constitution Act, the County Court Act, the Courts Legislation (Judicial Conduct) Act, the Crimes Act, the Evidence Act, the Public Notaries Act, the Serious Sex Offenders Monitoring Act, the Sex Offenders Registration Act, the Victorian Civil and Administrative Tribunal Act and the Working with Children Act. It is an important piece of legislation, and I thank members for their support and wish the bill a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The ACTING SPEAKER (Mr Cooper) — Order! It is my view the bill is required to be passed by an absolute majority of the members of this house. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL and RAIL SAFETY BILL

Second reading

Debate resumed from 20 October 2005; motions of Mr BATCHELOR (Minister for Transport).

Mr MULDER (Polwarth) — In relation to the Transport Legislation (Safety Investigations) Bill, I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's draft Rail Safety Bill and that further discussion has been entered into via invitation from the federal government to simplify regulation for rail operators in all states'.

In relation to the Rail Safety Bill I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's draft Rail Safety Bill and that further discussion has been entered into via invitation from the federal government to simplify regulation for rail operators in all states'.

The ACTING SPEAKER (Mr Cooper) — Order! Members will now be debating the motions moved by the minister and the reasoned amendments.

Mr MULDER — As has been indicated, the bills are being debated concurrently, and the Liberal Party has moved amendments to have them withdrawn until further consultation and consideration has taken place. The reasons are as follows. The National Transport Commission has developed a model bill for rail safety throughout Australia and is still in the process of consulting with industry groups and state governments. Victoria has jumped the gun and decided to go it alone. As indicated in the second-reading speeches, the government proposes to tidy up the legislation as it moves forward. That is a sloppy, arrogant, incompetent and out-and-out useless approach by the Minister for Transport in relation to rail safety in this state. It is totally inconvenient for the National Transport Commission to have two processes running at the same time. It is also costly for rail operators to be subject to continual changes as the other states and the National Transport Commission put the final touches on the model bill. As I said, the whole process has not been completed.

The Prime Minister gave a commitment to the Council of Australian Governments to work with the rail operators in the states to simplify rail regulation across the country. The framework holding the bill together is one of safety management systems and the reliance on hazard identification and control measures, and it includes each and every person and organisation who plays a part in rail safety, right back to the manufacturers. The provisions in the bill put an onerous obligation on each and every one of these players for detailed documentation and auditing processes. It is a new accreditation system that is heavily reliant on hazard identification and hazard control.

It would seem that these processes can face ongoing changes as the minister powers ahead, stopping and starting like one of his fast trains. The minister's sloppy and erratic approach will cost industry dearly. The question needs to be asked of the minister: what is the hurry with these two bills?

Dr Napthine interjected.

Mr MULDER — Certainly. The Liberal Party is opposing the legislation, and in doing so shows that its members take rail safety in Victoria very seriously. I will touch on a number of concerns as I work through the bill, but I have little doubt that the haste associated with both bills is to protect the hide of the minister.

We only have to look at the structure of the bills, the erratic approach and the haste with which they are being rammed through the Parliament to see that the process has all indications that the minister is preparing

himself a parachute for what he regards as being significant problems facing the Victorian rail industry as we move forward.

You only have to look at the problems faced by his flagship project — that is, Victorian regional farce rail. I call it 'farce' rail, because that is what it is known as out in the communities, particularly in regional Victoria. The minister, the Premier and their entourage have turned up to cut ribbons on their flagship new V/Locity trains in Ballarat, Bendigo and Geelong, and we have all seen the empty buses at those openings, parked around the corner — just in case the trains do not run. That is how confident the minister is in his fast trains.

The Bendigo line has already opened and is up and running — a hallmark event for the people of Bendigo — but on Monday the signalling system collapsed, and people were herded off the train and back into buses. Again they were late for work, for school and for doctors appointments. The same happened in Geelong when the train got the stitch halfway out of the station and stopped. People had to be herded onto buses.

I had a phone call today from a Macedon newspaper about the problems now being experienced with the fast train service from Ballarat — signalling problems and cancelled and late-running trains. As I said, the question that needs to be asked is: what is the hurry? I think the minister needs very quickly to build a brick wall around himself and his fast train project in this state — —

An honourable member interjected.

Mr MULDER — And Spencer Street, but of course we do not own that any more. He sold that to his mates at the trade union superannuation fund. We lease that now; it is no longer the property of the state of Victoria. As we start to move forward we get an understanding of what is behind this legislation — that is, a sense of fear from the minister that the fast trains will literally run off the track, and we are going to have a problem in relation to that.

The bills in effect create two new authorities — a specialty of the minister of the day — or two new castles for the minister to sit in and lord it over everyone. You have to wonder whether there will be another group of bureaucrats ready to fatten up on dinners costing \$130 a head as the minister goes on his merry way creating these transport authorities.

The Office of the Director of Public Transport Safety has 52 staff, which is 10 more than the number currently within that unit within the Department of

Infrastructure. That is one new authority. The second is the office of the chief inspector, public transport and marine safety investigations, which has 10 new staff. These two new authorities are to be created by the bills now before the house. I wonder how these two new, you-beaut authorities will stack up against some of the existing authorities created by the minister.

You do not have to look too far to find the Transport Ticketing Authority, another you-beaut authority created by the minister which is currently subject to an investigation by the Auditor-General into the corruption surrounding the smartcard ticketing process, which cost some \$500 million of taxpayers money. The entire tender process is now under a terrific cloud, thanks to the Minister for Transport and the way he has handled the setting up of and appointments within that authority.

Rail safety is of paramount importance in Victoria, as it is in other states. The Liberal Party is greatly concerned about the safety of the travelling public. What is the minister hiding and what is he afraid of which led to his introduction of the transport bills before the house today? As presented, the bills reek of the minister being able to mothball safety recommendations and carry out investigations by his own authority into rail accidents in Victoria. As I said, the minister wishes to have in place a brick wall should his B-class train protection warning system fail or his fast trains run off the tracks. That is what is behind the haste of these bills coming into the Parliament.

The minister also wants his own people to investigate circumstances surrounding fatalities at level crossings on his fast train routes should they occur.

Proposed section 83C in clause 4 of the Transport Legislation (Safety Investigations) Bill provides for the chief investigator to act independently. It states:

Subject to section 85B, the Chief Investigator is not subject to the direction or control of the Minister in performing or exercising his or her functions ...

However, the chief investigator will be appointed by the minister. Proposed section 85B, which is headed 'Minister may direct that investigation be conducted', states:

- (1) The Minister may direct the Chief Investigator to investigate a public transport safety matter or a marine safety matter.
- (2) A direction takes effect on it being published in the Government Gazette.
- (3) The Minister must also ensure that a copy of the direction is laid before each House of Parliament on or

before the 3rd sitting day of the House after the direction is published in the Government Gazette.

- (4) The Chief Investigator must comply with a direction made under this section.

It appears that the minister will make the direction, set the terms of reference of the investigation and decide what is to be investigated. I would like the minister to clarify that issue in his summing up the debate.

I turn to proposed section 85H of the Transport Legislation (Safety Investigations) Bill, which is headed 'The chief investigator may ask Commonwealth official to investigate accident or incident'. It provides:

The Chief Investigator may —

or may not —

ask the Executive Director of Transport Safety Investigations appointed under section 12 of the Transport Safety Investigations Act 2003 of the Commonwealth to investigate any accident or incident that has occurred in Victoria that is a public transport safety matter or a marine safety matter.

Already in place is the Australian Transport Safety Bureau, which conducts investigations into train accidents in Victoria. Perhaps in the minister's summing up he could give the house an idea of what is wrong with the ATSB conducting independent investigations. Is the hasty introduction of the legislation such that the minister wants to have his particular authority in place should something go terribly wrong with his B-class train protection warning system? We know that the system never underwent a full assessment process and that its suppliers were walking away from the system, because it was a matter of investigation at a committee hearing into rail safety in the United Kingdom Parliament. They discussed at length the B-class train protection warning system that Victoria has purchased for its regional trains. We know that that system was not given a full and comprehensive assessment process.

What is even more alarming in that regard is that the rail safety regulator, which the minister blamed for the purchase of that system, has jumped ship midway through the commissioning of the train protection warning system in Victoria. When it was discovered that Victoria had indeed purchased this multimillion dollar system from the Poms — who saw the minister coming and sold him a dodgy piece of equipment — such was the minister's embarrassment that he forced the rail safety regulator into the public arena. The minister of the day would not come out. He forced Graham Edkins, the director of public transport safety, out and said, 'This is your purchase. You explain it to the public because I, as the minister, am not going to

take any responsibility for the purchase of this B-class train protection warning system that is currently being fitted to our trains’.

At the moment we have obvious problems with the signalling systems of the fast train project. There have been failures. On Monday a weather event caused the signalling system to fail. In metropolitan areas there have been problems with Metrol. Every time we have a significant weather event Metrol seems to go down. The purchase of a brand new state-of-the-art signalling system, which has been fitted to our regional lines, should mean we will not have those types of problems at this very early stage. But as I pointed out earlier in my contribution, we already have this situation because of the failure of the signalling systems.

Obviously there are some teething problems with the trains. Political pressure is being applied to the contractors and to the builders of the trains to get the trains out on the line to save the government’s hide and prevent further embarrassment. We have some real difficulties and concerns about whether or not safety is being compromised to save the hide of the minister of the day. We feel that a political agenda and not safety is running the fast trains. In this regard we have safety concerns for Victorians.

In reality the rail industry is looking for and wants a single regulator. It wants simplification and regulations which are uniform across all states. As I have said, the minister was not prepared to do that. I understand that the Victorian government has agreed to follow several provisions of the model bill. But there are other parts of the model bill that the minister has not seen fit to follow. This has all the hallmarks of the Victorian government trying to take the agenda away from the National Transport Commission, putting in place a process and trying to drive the agenda from that point forward.

As I have said, when you go down the pathway of accreditation systems, safety management systems, hazard analysis and hazard control, and you impose all these regulations and systems on operators and everyone else within the operational chain, you impose an enormous cost burden on operators. I know you cannot put a dollar figure on public safety. But the minister of the day has dragged these bills into Parliament before they have been properly considered. Yesterday I was informed there were five amendments to the Rail Safety Bill. This was a ridiculous situation. There was little or no time to get an understanding of what those amendments were about. I received a briefing and did not see the amendments until late yesterday, yet there has been little or no time to

scrutinise rail safety and public safety. The way these amendments have been brought into Parliament fully illustrates that the minister is not ready and is acting in great haste. We have to ask ourselves: what skeletons are in his cupboard in relation to rail safety here in Victoria? What will come out — —

Dr Naphthine — Premature legislation.

Mr MULDER — Premature legislation! Do not say that too quickly! What will come out as we move forward? Obviously there is a parachute being prepared.

A couple of issues in relation to rail safety have been raised during my consultation with various groups on the bills. The legislation aims to make enforceable rules from the contents of the individual rail safety accreditation approved by the Department of Infrastructure. It has had difficulty in the past, but the bill does not spell out what difficulties it had. What were the past difficulties regarding enforcement? When the minister sums up, it would help if we knew why we have gone down this pathway and what enforcement difficulties there were.

The legislation also promotes the concept that companies must continue rail safety identification of risk and management and the continuous improvement of rail safety. I would argue that these objectives are currently in place by the fact of the companies operating today. Without a real open access regime, as there is in Victoria, you would have to ask what the point is of enacting these requirements.

The realities of life are that rail and tram accidents happen every day. They are recorded by each operator and investigated by the operator as part of their rail safety accreditation management plan. Most serious accidents do not attract attention and are usually designated as needing no further action. More serious accidents are subject to investigation by police, occupational health and safety officers and the Department of Infrastructure. The access agreements provide for joint investigations or inquiries if needed.

These legal rights were difficult to implement, particularly when one of the operators was expecting to be found to have contributed to or caused the accident. We accept there is some need for an independent investigation. But I cannot imagine that you could call an authority independent when it is set up, manned and staffed by the minister of the day. As I have said, if there is a problem with the train protection warning system or fast trains, the minister of the day is going to have to ask his investigator to step aside and bring in an

independent operator, being the federal agency which would normally carry out that independent investigation.

The bill states the existing legislation does not work, but it does not point out what part of the existing legislation does not work. As I see it the bill is generally enacting current practice and empowering the director to take legal action, which at the moment he cannot take. I think the description of the bill needs to clarify what is new and what the changes are. It does not do that.

The bill makes a monumental change in law from a self-regulatory safety system with some legislative intervention where needed to a regulatory safety system where the rail safety plan has to comply with set requirements. The result is going to be an incredible increase in costs to operators and the issue gets back to: who pays? These bills are going to impose an enormous cost burden on the operators. Has the minister and his department worked out what these costs are going to be? If he continues to introduce further amendments to alter the legislation and thereby impose further cost burdens on operators, who will pick up the cost?

Had the minister waited until the model bill had been completed and agreement reached with all the states, operators could have gone about the process of implementing the requirements of the legislation knowing very well they were not going to be hit with further changes and costs down the line. I know what consultants who work in that area are like — I have worked in that area myself — and the greatest thing you can do is find a customer who is disorganised. The Minister for Transport is disorganised and will cost people an awful lot of money.

The bill does not throw any light on how to improve or better rail safety. The bill is all about power and enforcement. It does not highlight any particular rail or tram problems that it aims to rectify or improve. It is focused on the establishment of management of the principle of rail safety and operational regulations.

The bill refers to the outcome of the inquiry into the New South Wales Waterfall accident as the justification for the changes needed to the law. But nowhere does it refer to the real causes of accidents in the system on a daily basis. To introduce a further punitive regime and add regulation is going to further confuse an already complicated legal environment. Most rail accidents and incidents on Victoria's network are related to infrastructure, and no amount of operational regulation is going to solve these problems. You only have to look at the infrastructure that our rail operators work with on

a day-to-day basis to understand the rationale behind that comment.

When you look at Yarra Trams and the situation it faced in November and December with significant numbers of cancellations and late-running services, you must ask about public safety; has the minister invested a single cent in a new tram for Yarra Trams, since the government's election? The answer is no, he has not purchased or ordered a new tram for Melbourne in that period.

I was travelling down Collins Street on one of the very old trams. The emergency brakes were applied, and people sprawled across the floor; some had to be picked up. It is very old and inefficient infrastructure. You only have to look at the metropolitan system and the safety concerns surrounding Metrol. That particular signalling system was supposed to have been upgraded. All the work was done, but the minister cancelled it in either 2002 or 2003, saying that our current system is adequate. Yet each and every time we have a major weather event, Metrol goes down and the trains stop.

There has been little or no investment in the metropolitan area in relation to grade separation. The last grade separation works that were undertaken were in Boronia Road, Boronia, by the Liberal Party when in government. The present Minister for Transport promised grade separation works at Middleborough Road but nothing has happened there. A shovel has not been put in the ground out there — there is nothing there at all. At the last election the Liberal Party made a commitment to improve the Springvale Road crossing. You only have to look back at our record, because had we been elected to government, that project would have been completed.

There is a real problem in having the minister commit to improving rail safety. He sends his staff off to love-ins and fattens them up at dinners costing \$132 a head, yet at the same time — and I cannot work this out — the government is running a \$500 000 weight loss program for taxi drivers. It is sending all its bureaucrats off to listen to Jim Betts give a lecture on rail in Victoria — at a total of \$6500 for the meal. The government looks after them well. That would get you dinner for two and a good bottle of wine at Florentino. I do not know what they were eating but I will say the minister's department staff eat well!

In an email to me, dated 18 October 2005, Don Gibson says:

If real safety is to be achieved and not just a way to move the blame to an operator/ management personnel, then a real analysis of the accident data is required. Recorded accidents

happen every day. Thankfully most are not serious and end in tragedy, but many result in delay, damage to property and sometimes injure employees and passengers. This investigation work is to be done under the accompanying bill for safety investigations.

He expresses further concerns when he says:

The bill could lead to further confusion at an accident site. It is part of the plan to have the Department of Infrastructure (DOI) involvement increased with the introduction of a new chief investigator, as well as the continuation of the safety director. This bill is about bureaucracy and process and not about real safety improvements.

Currently a crash site could have personnel representing police, the State Emergency Service (SES), ambulance officers, fire department, rail operator personnel, rail infrastructure personnel, commonwealth transport investigation team, occupational health and safety personnel, union representatives, contractors to the above, sometimes DOI but now the chief investigator — —

Dr Napthine — WorkSafe.

Mr MULDER — Yes.

and last but not least the Coroner —

and WorkSafe. You would need to put in a temporary car park and sell tickets — —

Dr Napthine — For Progressive Business!

Mr MULDER — For Progressive Business if you are going to get a turnout like that, and of course afterwards you would have to shunt them off to a lunch costing \$132 a head.

Mr Gibson continues:

This means the site is confused and why people are there is often not understood.

That is a fairly concise description from someone who works within the rail industry as to how he sees an accident being handled by the Victorian government under the legislation now before the house.

Mr Gibson makes the point that:

The introduction of enabling power for a further government-appointed director to further regulate the operators of transport will not make it safe. Improved infrastructure will help reduce the opportunity for accidents such as separation of rail and road interface —

and as I mentioned earlier —

better fencing of the rail network and upgraded signalling control of trains.

I have touched on all of these in the past, but they are the issues that people within the industry are talking to

me about. If the government wants a safer system, it is going to have to invest in it. Unfortunately the fast trains with their \$750 million-plus cost to the Victorian taxpayer have gobbled up almost each and every one of these other vital rail projects that should have been delivered to the state.

We support money being invested in regional rail, but there is no doubt, particularly when you consider what has happened in the last two to three weeks now that the V/Locity trains are starting to run on the upgraded line, about the utter disappointment of and concerns now being raised by a lot of people.

Other issues related to rail safety have been raised with me. One that I will touch on was raised by a suburban train driver. In an email he says:

As you would know, part of the regional fast rail project involves a new signal system known as a train protection warning system (TPWS). Someone has decreed that if locos are not equipped with TPWS, they have to be manned by two persons, fair enough.

The driver says that is fair enough. But, he continues:

... did you realise that driver-only suburban trains are going to have three safety systems: pilot valves (deadman's, train stops and Vigilance control) and yet Mr Batchelor thinks it is fine for driver-only V/Line trains to operate over the same tracks with just a 60-second Vigilance control.

He cannot believe that we have a rail system and a safety system in Victoria where two trains share the same infrastructure, one with three safety mechanisms built into each train but with the new V/Locity trains having only one. I understand that all sorts of difficulties are being experienced with the installation of that equipment in the sprinters, in the old locos and in the V/Locity trains as they try to get the equipment calibrated to work with the signalling. Two contractors have installed signalling with some degree of difference in terms of their application, and an overseas train protection warning system is supposed to be adapted to what we are trying to use it for here in Victoria.

I believe they are the reasons surrounding the minister's haste in bringing in this legislation. He is looking to protect himself if something goes wrong with the train protection warning system or if one of the fast trains happens to run off the rails. This is a very poor and shabby attempt by the government of the day to hoodwink the debate from the National Transport Commission, to try to push forward with its own proposals, but more so to avoid at every corner any form of scrutiny over rail safety in this state.

Mr WALSH (Swan Hill) — As has already been said, we are debating two bills concurrently: the

Transport Legislation (Safety Investigations) Bill and the Rail Safety Bill.

The pivotal issue in dealing with such bills is that, as the policy setters for Victoria, we should make sure we put in place a framework whereby which the public has confidence in the safety of the transport system in Victoria, particularly in the public transport system, which is used by the people.

We have seen very serious accidents at times overseas and close to home in New South Wales. Tragically lives were lost, so we need to have systems in place in Victoria so that people have faith that we are not going to have accidents like that. I admit I do not understand the technical issues in rail safety, but we should not be expected to because very complex and particular skills are required there, which is why we need the right framework.

Also we need a framework that does not become too bureaucratic for the rail operators. We do not want to burden them with undue red tape or costs. We need to balance having the best possible safety system with having one that is not too expensive and too bureaucratic for the operators.

Let us deal with the Transport Legislation (Safety Investigations) Bill first. The principal purpose of the bill is to put in place an independent, no-blame investigation process to look at accidents. No blame will be apportioned in the findings of the investigation. The bill establishes the statutory offices of chief investigator, public transport safety, and director of marine safety to undertake safety investigations into accidents and incidents. The chief investigator must act independently in carrying out his or her functions and will not be subject to direction or control by the minister, although the minister can actually instruct the officers to carry out an investigation.

This bill evolved out of a review of the role and accountability arrangements of public transport and marine safety regulation in Victoria. A consultancy company, TFG International Pty Ltd, carried out that review. It contains an interesting clause that the minister might like to enlighten the house about later on. The bill sets up an independent person who will not apportion blame, and the explanatory memorandum at the front says:

The investigations will be independent of the relevant industry and the current areas of government (the director, public transport safety, and director of marine safety) which regulate safety in those sectors.

But proposed section 85A, headed 'Consultation before report finalised', says:

However, before reporting the results ... to the Minister, the Chief Investigator must —

I emphasise the word 'must' —

consult with —

- (a) the Director of Public Transport (in relation to an investigation into a public transport safety matter); and
- (b) the Director of Marine Safety (in relation to an investigation into a marine safety matter); and
- (c) the Safety Director; and
- (d) the Secretary; and
- (e) any person or body who has assisted the Chief Investigator with the investigation; and
- (f) any person or body to whom the report may be relevant.

I would like to be enlightened by the minister as to why he would set up an independent investigator who must consult with the other regulators in the system before making a report. I would have thought that an independent investigator would actually do their investigation and present their report without effectively colluding with other people in the chain who could effectively influence what they put into their report. That is the Transport Legislation (Safety Investigation) Bill.

Turning to the Rail Safety Bill, I will express The Nationals' disappointment. It is quite a large bill that has lain over since the spring session in 2005. At 5 minutes to midnight, with the bill coming into the house, significant government amendments have been introduced — 47 of them in total. Those amendments are not just corrections of typos or numbering issues of the sort that are often picked up when bills are tabled. There are quite substantial changes to text in particular clauses, and the last pages of amendments are actually headed 'New clauses'. We have supposedly had a very extensive consultation period with the industry and we have had the gestation period during which the bill was being developed — it has lain over since last year — but two or three days before the debate is brought on we find substantial amendments being circulated and new clauses being brought in.

I suppose the issue here is about having a quality control system in the government business program to make sure that any legislation that comes in is correct and does not need substantial house amendments before it is debated. The rhetorical question to the Premier is: when is he going to hold his ministers and his

departments accountable to ensure they introduce legislation that has been checked, is accurate and does not require amendment at the last minute? If the Victorian government were a public company listed on the Australian Stock Exchange and in reporting to the exchange or to its annual general meeting it brought forward papers like this that were incorrect and required substantial change, it would soon be suspended or held accountable. I think the government of the day has a responsibility to make sure that what it brings before this house is accurate, because otherwise it would not be at all acceptable in private enterprise.

We have a number of concerns about the Rail Safety Bill. We support the Liberal Party's reasoned amendment that seeks to have the bill withdrawn and brought back after the national model bill is introduced. The purposes of the Rail Safety Bill include providing for the appointment of the director of public transport safety as a statutory officer and establishing performance-based rail safety duties for rail operators and managers, including drivers and maintenance providers. It puts in place a robust safety accreditation scheme for all rail industry participants, the rigour of which will be increased by requiring the documentation of hazard identification, risk assessment and controls. It introduces a graduated hierarchy of sanctions and penalties. It provides the power to issue improvement and prohibition notices linked to penalties for non-compliance.

One of the important things, which I touched on when I was speaking earlier, is the process whereby the director of public transport safety and the director of public transport must undertake cost-benefit analyses of mandatory rail safety decisions so that we do not become overly bureaucratic and put too much cost onto the rail operators. The bill also introduces an internal and external review process for the director of public safety in making safety decisions, with provision for an external review by the Victorian Civil and Administrative Tribunal. As an aside, we pass numerous bills that include a provision to refer matters to VCAT as a sort of default mechanism. I have never had the pleasure of going to VCAT, but I imagine the building down there must be getting bigger by the day because of the number of things that could potentially be referred to it. The bill introduces approvals for codes of practice and provides for a seamless interaction with the Occupational Health and Safety Act. It also deals with the appointment of transport safety officers with powers of entry, inspection, search and seizure.

As I said, we support the reasoned amendment that seeks to have the bill withdrawn until the National Transport Commission's draft rail safety bill is

available. Last year we passed transport legislation to do with mass accreditations for road transport, but the Victorian legislation was not exactly the same as the federal model bill, which was disappointing for the road freight operators that I know. There are real issues to deal with when you start moving between states, because you have to operate under different rules.

I am not sure if I have used this example before, but the Pickering transport group operates a very large transport business in Swan Hill. It carries its own fuel from South Australia to its depot at Murray Downs in New South Wales, which is just over the river from Swan Hill. It operates legally in South Australia and Victoria, but its drivers have to drive on 500 metres of road in New South Wales, and they have been booked there because a different set of rules applies. The reason I use that example is to illustrate why The Nationals would like to see this bill withdrawn until we have the national model in place so there is not the potential to have different rules in different states.

As we move to the brave new world, which I know my colleagues would support, of a truly national rail system that can compete with road transport, we need to make sure that the whole system is Australia-wide and not state-specific in some of its rules. If we do not do that, we will find that we will get more and more freight travelling on the road system.

As to the particular clauses in the bill, clause 42 talks about the fact that safety accreditation should not be unreasonably withheld for an above-track operator who is not part of the rail infrastructure manager system. There is the situation where the owner or controller of the track system can quite often use a number of rules and impediments to prevent other people from having access to the track system. One thing that we would like to see in the future is a number of rail operators running on the rail system so that there is true competition in the rail system, and there is actually the opportunity for them to compete with road freight.

From memory the figures are that by 2020 there will be a doubling of the tonnage of freight that is shifted around Australia. If we are going to have that doubling of freight, we are not going to be able to build the roads and freeways that are necessary to do that, so it is important that we have a competitive rail system. The best way to do that will be to open the system up to multiple users so we can actually have people owning their own trains and running their own systems onto those tracks.

Clause 161 is interesting. We have addressed the issue of other infrastructure providers and how the safety

things are put in place — the issue of water authorities and power authorities et cetera and how they deal with the issue on rail land. It is an issue that we did not get right at the time in the Road Management Bill, which has created some dilemmas. As I understand it, that bill will come back to the house for future amendment because local government and VicRoads have some substantial problems as to who owns the water infrastructure on roadways. I would read clause 161 as trying to sort out some of those issues.

One of the other things included in the bill is the reasonable steps defence. People can actually use a reasonable steps defence in taking the printed weight on containers as being the actual weight, with respect to penalties and so forth. That was not included in relation to the mass accreditation provisions in the Road Management Bill, which we believed was one of the faults with it. It was actually in the national model bill, but it was not included in the Victorian bill, which put operators in Victoria at a disadvantage.

In supporting the amendment that the Liberal Party has put forward — and The Nationals would have put it forward if it had the opportunity to move it first — I refer to the conclusion in the minister's second-reading speech. He said:

In addition to the momentum in Victoria on rail safety matters, reform of rail safety regulation is an important national priority —

which it is —

and the National Transport Commission is developing a national model Rail Safety (Reform) Bill. There has been a high degree of cooperation between the National Transport Commission and Victoria in that process and Victoria's proposal is highly consistent with the current draft national draft bill.

He goes on to say:

However, if substantial and material differences unexpectedly emerge between the two bills, Victoria will seek to modify its legislation to the extent necessary to discharge its responsibilities for national uniformity or consistency.

I put it that we should actually withdraw this bill and see what the national model of the bill is so that we can make sure we have consistency across the state.

Speaking about rail safety, no contribution to this house would be fulfilled without putting on record the fact that rail safety is not just about the regulation or legislation that we put in place to monitor and make sure things are compliant. It is also about the provision of suitable infrastructure. In the rail system the suitable infrastructure is principally the tracks and the trains.

Road safety revolves around roads and motor vehicles whereas rail safety is associated with tracks and trains. Around country Victoria in particular the track system is in a sad state of repair. Various excuses have been given for that over time, not the least being that this government enjoys blaming the previous government for what may or may not have been done in the past. After seven years, laying blame on the previous government starts to wear a bit thin. If a government has had a three-year term and then been re-elected for another four years, with a majority in both houses, the people of Victoria ought to reasonably expect that government to get on with its legislative and budgetary process and fix whatever problems it believes were left by the previous government.

The *Weekly Times* of 30 November last year had quite an extensive article spanning three pages, which talked about the state of disrepair of the rail system in country Victoria.

Mr Mulder — You can quote me if you like.

Mr WALSH — You're in there, are you? I hadn't noticed that bit. It must have been buried near the end of the article.

In the areas that I and my colleagues in north-west Victoria represent an effective and cost-competitive rail system is vital, particularly to the grains industry, to make sure grain is efficiently transported to the ports. This article is quite a damning report on the rail system. Pacific National is saying in effect that if the government does not give it \$50 million to fix the system, it is going to start closing tracks. That would have serious ramifications for the grains industry and for local government because it would force more trucks onto roads that are not necessarily built to handle the weight of the B-doubles that would be needed to shift grain in the future.

Just the other day I received an inquiry from a constituent in Manangatang, which is quite a large receival point that fortunately has not suffered droughts as severe as in some areas of Victoria. The concern of the gentleman was that trains are not arriving at Manangatang, and grain is now being moved by road to other sites where it is to be loaded onto trains. He is quite worried that the receival site there will be closed in the future because the figures for grain being moved by train will not look good enough.

His most recent example was that the train was on its way, but because Manangatang is that much further on from Sea Lake, the drivers had used up their time, and when they got to their full time they stopped the train

at, I think, Chinkapook, got a taxi and went home. They had done their hours, and the train was left there until another crew could come along. When the next crew came along the train was derailed because the track was in such a poor state, so the train never got to Manangatang.

The point I make in raising these issues is that although we may put in place legislative and regulatory frameworks for rail safety, the provision of suitable infrastructure for rail safety is also vitally important, and I am afraid that is just not happening.

In conclusion I emphasise again that after seven years the excuse of blaming the previous government has worn out, and it is time for this government to bite the bullet and make sure that we have the rail infrastructure, particularly around country Victoria, so that rail can actively compete with road, that we can get some of the big trucks off the road and reduce the damage we are causing particularly to our regional roads which are not designed to carry those sorts of weights.

Mr CARLI (Brunswick) — I rise in support of both bills and will initially speak about the Rail Safety Bill. It seems to me that in supporting the reasoned amendment the two previous speakers have misunderstood the national process that is occurring and the important role Victoria has in leading Australia in terms of rail safety. What has been put forward is essentially part of a national agenda, a new rail safety framework which has been put together essentially by two agencies: the Department of Infrastructure in Victoria, working with stakeholders and government; and the National Transport Commission which is coordinating nationally with the various states and stakeholders.

This bill is aligned with the national rail safety bill and is compliant with the relevant intergovernmental agreement, so essentially it works in with the model safety bill that has been prepared through the national process under the National Transport Commission (NTC).

We have heard opposition members put an argument which goes off on a tangent by saying that the bill does not meet the demands of the model road safety bill. But it does, because it is aligned with it. I have a recent letter from Tony Wilson, the chief executive of the National Transport Commission, to Howard Ronaldson, the Secretary of the Department of Infrastructure. In this letter Tony Wilson talked about how well aligned the rail safety legislation is with the model safety bill from the NTC. The letter states:

Thank you for your letter of 20 February 2006 outlining the results of the fruitful discussions between NTC and DOI officers to achieve alignment of the Victorian bill and the current version of the draft national model to the maximum extent possible at this stage.

The actions taken by both teams have achieved the level of alignment I sought on the key issues when I raised them with you last December.

The letter goes on to describe the alignment between the Victorian legislation and the national model bill. That is exactly what we are trying to achieve. The process that has been chosen as part of the intergovernmental agreement is a model legislation approach, which is what the NTC has prepared, whereby each state works on its processes — and again Victoria is taking the lead. This is not template legislation, which has been used in other national scheme legislation; this has been done to align state legislation with the national model legislation.

Victoria has the momentum, and the reason why is that it put out an issues paper in 2004 that called for a new rail safety framework. Victoria has been incredibly influential at the national level in shaping the direction of thinking around rail. It is a pity that we have opposition parties that are seeking to stifle national safety legislation and to not support a very important national initiative which again Victoria is taking the lead on.

All the jurisdictions agreed through the NTC process that a new way forward was needed through the model legislation process. That is exactly what Victoria has done, and it has done it by leading the debate and helping to set the agenda — and that is important.

Mr Mulder interjected.

Mr CARLI — I have no idea why the member for Polwarth suggests it has been done in haste, because clearly it has not. The issues paper was released in 2004, and there have been national discussions ever since. As someone who represents a political party that sold off and neglected our rail system and closed our rail lines, he is now seeking to compromise safety on our national rail system.

With this legislation we are seeking to provide a temporary risk management process that has clear performance safety duties for the various parties involved and that has a system of accreditation and suitable enforcement measures. We are seeing the development of a management practice safety system that identifies risks and acts on them before there are accidents. That is what is driving this.

Victoria wants to lead and wants to ensure that there are no serious accidents. There is no doubt that in part the interest in more contemporary risk management has been driven by the terrible accidents in Glenbrook and Waterfall in New South Wales that cost lives. It is important to see that the Victorian situation is not being driven by any risks in the actual system but that we are learning from events that have occurred elsewhere and are trying to ensure that we do not have those sorts of accidents here. It is important to see that we are in alignment with the national framework and the national model legislation. More importantly, the debate has been led by Victoria. We went out early with the issues paper, we sought the new framework and we have had significant responsibility for how the model legislation has been developed.

This is a really important advance for rail safety, particularly because the rail sector has seen significant privatisation and the emergence of various players. It is important that we do not simply have reactive safety measures that only respond to accidents as they occur, but that we have contemporary legislation that puts in place a framework that all parties can meet and a framework that can meet the diversity of the players in our rail system both at a state and national level.

This bill was not directly prompted by safety concerns in Victoria; it was prompted by the desire to have a contemporary risk management practice and framework and to avoid the sorts of terrible accidents that occurred in New South Wales occurring in Victoria.

The other legislation we are debating, the Transport Legislation (Safety Investigation) Bill, is essentially linked to the Rail Safety Bill, as it is about having the capacity to quickly investigate accidents right across trains, trams and buses and in the marine sector. There has been very little discussion about the importance of this legislation to the marine sector regarding boating and shipping accidents that may occur. An important and independent position has been established. It will not interfere with the Australian Transport Safety Bureau, which also does investigations, because its investigations concern the interstate rail network and international shipping. This is very different; it is about identifying causal factors in those accidents and ensuring that safety regulators have the responsibility to recommend preventive or corrective actions. This legislation is an important adjunct. It is not about creating more bureaucracy, as was suggested by the member for Polwarth, but is critical to ensuring we have the best possible response to accidents that occur in our transport system, including our marine system.

This is an important package that takes to a new level our rail and other public transport safety and marine safety, one that is not simply reacting to accidents but one which sets a framework to ensure we have the best possible practices, that we manage risks and ensure that they are reduced, that corrective measures are taken early when there are accidents, and that regulators can move quickly to improve situations to avoid similar accidents in the future. It is very much part of a package.

I am proud to say Victoria leads Australia in this area. The entire Parliament should support this legislation, because it is about a national framework, about ensuring there are complementary safety regulations throughout the country and that these regulations ensure a very safe rail system.

Dr NAPTHINE (South-West Coast) — Clearly rail safety is of vital importance in Victoria. People having confidence in the safety of our rail system — whether it be passenger rail services or rail freight — is absolutely vital. While it is important that we have confidence in our rail safety system, unfortunately we cannot have confidence in the legislation before the house. That is why the Liberal opposition will support the reasoned amendments put forward by the honourable member for Polwarth and oppose the bill if those reasoned amendments are lost.

The fundamental reason is that we do not have confidence in this minister. And who can have confidence in this minister who is responsible for rail safety in Victoria? We only have to look at the three major projects this minister has been responsible for with rail transport during the term of his office. The first is the ‘farce’ rail project to regional centres, which has been dogged by overruns in cost, overruns in time and a failure to deliver on the promised outcomes. The people in regional Victoria are absolutely devastated by the poor performance with regard to the so-called ‘farce’ rail project.

The second major project the minister is responsible for is the redevelopment of Spencer Street station. To add insult to injury with the Spencer Street project, which is over budget and over time, those people who will visit Melbourne and Victoria for the Commonwealth Games will be absolutely lost in that project. We should be embarrassed for our visitors to be stuck with what is a bomb site. The icing on the cake is the fact that the minister and the government want to change the time-honoured name of ‘Spencer Street’ to ‘Southern Cross’, which is absolutely ridiculous.

The third project the minister was largely responsible for is rail standardisation, which was promised in the 2001 budget. Not 1 metre of track in western Victoria, which was supposed to be the first cab off the rank with rail standardisation, has been laid.

This minister has had three strikes on three major projects with respect to rail. Normally when somebody has had three strikes, they are out and should be sacked. But unfortunately the interchange bench on the government side is so bereft of talent that this minister is being held in place. Indeed, even the Premier recognises that side of the house is bereft of talent because in the preselections he has forced his will by hand-picking people outside of Parliament and parachuting them into safe seats to try to bolster — —

The SPEAKER — Order! I feel the member for South-West Coast has strayed considerably from the bills we have before us, which are the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill. I ask him to return to the subject of the bills.

Dr NAPTHINE — I am making passing — —

The SPEAKER — Order! I do not think there is anything about Labor preselections in either of these bills.

Dr NAPTHINE — The Premier is trying to bolster up his poor team.

With respect to rail safety, tragically in western Victoria over recent years we have seen a number of derailments on the rail lines, particularly on the rail freight line that runs from Mildura and the lines that run from Ararat and Maroona down to Portland. Those derailments have been costly in terms of costs to the rail operator, lost product, risks to workers and the risk to public safety. The derailments are a serious concern to the people of Victoria. It goes to the heart of what is happening and what should be happening with our rail system in western Victoria.

I refer to the Alliance of Councils for Rail Freight Development's policy position of July 2005, which states:

Victoria does not have a seamless, connective and competitive rail freight network but would make substantial progress towards achievement of these goals if it undertook rail gauge standardisation of all key freight lines and upgraded those lines to at least 23 tonne axle loading. Upgraded tracks will allow longer, faster and heavier trains, essential for competitiveness with road transport.

Further, with respect to the Mildura line it says:

One of the state's busiest rail lines [is] in very poor condition —

which leads to serious rail safety problems. The line is in poor condition, but why is it in such poor condition? The reason is that in the 2001 budget the government promised it would upgrade that line with rail standardisation, and it allocated money for that project. So the rail operator, quite rightly, said, 'Righto, let's wait and let the government get on with this project to upgrade the line to rail standardisation and lift it in terms of standards of safety and the amount of weight it can carry'. But the government has done nothing!

It left the rail operator in the lurch, left the community in the lurch, left the cereal industry in the lurch, left the port of Portland in the lurch, and failed to deliver on its promise of 2001. Let us remember that promise. The Minister for State and Regional Development said on 30 May 2001:

... a key initiative in the budget brought down in this house two weeks ago was the provision of \$96 million over the next few years for the regional freight links program to provide standardisation of the rail freight gauge right across Victoria, but particularly linking Mildura with Portland.

Not 1 metre of that track has been standardised since 2001. Is it any wonder the track is going to rack and ruin? The government misled the rail operator and the people of Victoria. It promised to standardise and upgrade that line and allocated money in the budget in 2001, but it has absolutely failed to deliver.

We have had further comments from the Minister for Transport and the Minister for State and Regional Development and Treasurer, saying they are still committed to that project. We do not see any evidence of that commitment. In the meantime while the money is not being spent and while the line is not being upgraded it is deteriorating and becoming absolutely unsafe and unusable. That is an absolute disgrace, and it is an indictment of the Minister for Transport and the Bracks Labor government because they are deserting a major project in western Victoria. The government keeps claiming it is not abandoning that project. If that is the case, let it get on with the project, standardise that rail gauge, improve safety on the rail system and make it work.

The other issue I wish to canvass is rail crossings. An essential part of rail safety is to make sure our rail crossings are safe. In western Victoria in my electorate numerous rail crossings are dangerous and are potential killers. This government is turning a blind eye to those rail crossings.

It is interesting to note that when there was a union-inspired strike in Hamilton about a dangerous rail crossing when they were establishing the Iluka mineral sands project the government acted immediately. I give the government credit for that; it fixed that rail crossing which was dangerous. But there are other rail crossings in the area that have been ignored. A young fellow was killed at the Mininera rail crossing; there is a crossing at Myamyn and three in the township of Panmure — where I was the other day — that are extremely dangerous. The government keeps saying these crossings will not be attended to for years and years and years to come. I urge the government to ensure, when it is dealing with rail safety issues, that one of the key issues is making our rail crossings safe.

The crossings to which I have referred are open crossings. They do not have any lights, boom gates or warning systems whatsoever, yet they are on major train lines: the Portland–Ararat line, which is used by the rail freight, and the Melbourne–Warrnambool line, which is used by passenger trains, two and three times a day. It is absolutely ludicrous that the crossings on those lines do not have appropriate warning systems. I urge the government, in the interests of rail safety and the safety of people who drive on our roads, to ensure those crossings are upgraded.

Finally, I refer briefly to marine safety. The legislation addresses marine safety issues. One of the key things in marine safety in south-western Victoria is the lack of a multipurpose helicopter that can effectively save the lives of people at risk at sea. The government continues to turn its back on this issue. Lives are at risk on a weekly basis in western Victoria because it does not have a south-western Victoria emergency helicopter service. When the safety investigator examines marine safety issues in western Victoria I am sure they will recommend the provision of a south-western helicopter because it is essential in terms of improving marine safety in western Victoria, as well as saving lives across a number of other areas.

Ms OVERINGTON (Ballarat West) — I am extremely pleased to speak on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill. We know these bills will further improve rail transport safety in Victoria. They will deliver a new and, I believe, better approach for regulating rail safety in line with international best standards. That is what the opposition does not seem to understand. As we know, Victoria has an excellent rail safety record despite some members opposite trying to talk up rail accidents. We need to build on our safety record and make sure that passenger travel and freight services are even safer.

During the debate I have picked up that the opposition and The Nationals are opposed to this legislation. I point out their hypocrisy after they closed rail lines in Victoria during their seven long, dark years in office, yet they say this government is doing nothing about restoring rail services to Victoria.

An honourable member interjected.

Ms OVERINGTON — You are a hypocrite.

The SPEAKER — Order! The member for Ballarat West will address the Chair.

Ms OVERINGTON — Through the Chair: he is a hypocrite! The Liberals are hypocrites, and The Nationals are hypocrites. You talk about our letting the infrastructure run down and say our projects are over costed. Do you know why it is costing so much on some of those regional lines? Because you, during your whole period in government, never spent a penny on any of that infrastructure. You sold up our railway system.

The SPEAKER — Order! The member for Ballarat West will address her comments through the Chair.

Ms OVERINGTON — I am.

The SPEAKER — Order! We will not have a debate on it, but the member is not to refer to people in the opposition as ‘you’.

Ms OVERINGTON — Sorry, Speaker, I got a bit wound up there. The unfortunate fact is that I remember the lack of services to country and regional Victoria. I remember how communities were devastated when those lines were closed. It cut some of those rural communities off from much-needed medical services; it cut those services off from job opportunities. And the opposition has the audacity to say that we are not building on that infrastructure.

We are building on that infrastructure. What a fabulous and far-sighted project the fast rail is. Do members realise the benefits that service will deliver to Ballarat? It will deliver increased job and tourism opportunities. The Liberals did not do it, but the Bracks Labor government has done it. Whether it be Bendigo, Geelong or the Latrobe Valley, the Bracks government knows that country Victoria needs those basic rail services. I am proud to be part of a government that has delivered and will continue to deliver on those services. The opposition says it is not going to support the legislation, but that simply shows it does not understand, firstly, safety, and secondly, country Victoria. I commend the bill to the house.

Mr HERBERT (Eltham) — It is a great pleasure to speak on these very important pieces of legislation, and in particular the Transport Legislation (Safety Investigations) Bill. This bill will facilitate reduced accident and incident rates on our rail and marine environments. It will improve safety performance by industry at management and operational levels; it will improve safety governance in the public transport and marine industries; and it will establish the statutory office of chief investigator, public transport and marine safety investigations to undertake safety investigations into accidents and incidents.

Whilst Victoria has a proud record of safety in public transport and the marine sectors, and whilst we currently have high levels of performance in these industries, we have had derailments and accidents in the past, so it is absolutely crucial that we continue to improve our rail safety record and plan for unexpected contingencies in the future.

Most Australians will well remember the horrific TV footage of the train that derailed and slammed into a wall near Waterfall, south of Sydney, in 2003. The death of seven people and scenes of tangled and mangled wreckage imprinted indelibly on one's mind the need for proactive safety approaches for public transport. Problems with the independence and effectiveness of the New South Wales investigative system and the commission which looked into the cause of the incident opened the nation's eyes to the need for independent and no-blame investigative practices.

They also highlighted the need for a new and more effective approach to achieving greater safety improvements and a more strategic approach to investment in public transport safety. The 2003 Waterfall accident and the earlier 1999 Glenbrook accident have resulted in a series of national discussions about ways of improving rail safety and developing a better approach to the investigation of accidents nationwide to ensure that they and their horrific results are not duplicated. The member for Brunswick spoke quite eloquently about the national process, about how Victoria is leading the way in this process and about how this is the first such nationally consistent legislation to be introduced in this country.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Mr HERBERT — As I said, the new, nationally agreed approach is embraced in this legislation. Once again Victoria leads the nation in public transport reform and safety reform — and in fact leads the nation in reform.

The centrepieces of the current regulatory frameworks for rail — that is, train and tram — and bus safety are safety accreditation regimes for rail managers and rolling stock operators and bus operators. Currently the director of public transport safety in the Department of Infrastructure is responsible for the investigation of incidents or potential breaches of safety accreditation, for both compliance and no-blame purposes, by train, tram and bus operators and rail infrastructure managers. While the existing acts provide authority for the minister or the secretary to require rail and bus incidents to be investigated, currently Victoria does not have a dedicated resource to conduct no-blame investigations. It is inconsistent with the best practice that we see nowadays and it needs to be reformed. For the most serious public transport accidents and incidents, the state has relied more recently on the Australian Transport Safety Bureau or nominated independent experts to guarantee impartiality. Those provisions are inadequate and need to be strengthened.

The legislation will give Victoria an ongoing capability for independent no-blame safety investigations of public transport and marine accidents and incidents. It will ensure that more serious occurrences, such as those involving significant collisions or where there is evidence of systemic safety deficiencies, are subject to independent investigation. The situation is similar to that in the marine sector, where, before this legislation as it currently stands was introduced, very few accidents were subject to independent investigation.

The Transport Legislation (Safety Investigations) Bill is supported by industry stakeholders. That is a pretty big task when you look at the sort of stakeholders involved in the public transport and marine industries. They have indicated a very strong preference for a separation of the accident investigation role from the statutory safety regulation role. This bill achieves that desired separation. It guarantees the independence of the new office by imposing an explicit duty on the investigator to act independently when conducting investigations, including those directed by the minister to whom the position will report.

Ms Beattie interjected.

Mr HERBERT — I concur with the member for Yuroke, who has just said that this is widespread reform which is long overdue and something on which this state is leading the nation.

In conclusion, it is quite shameful that the opposition is opposing this legislation. During the debate members opposite have cried crocodile tears about some incidents which have occurred but when they were in

government they did very little indeed to ensure public safety and public confidence. I commend the bill to the house.

Mr THOMPSON (Sandringham) — In speaking to the Rail Safety Bill I would like to make the point that the opposition does not support this legislation at the moment. We have moved a reasoned amendment to the second-reading motion which states:

That this house refuses to read this bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's draft rail safety bill and that further discussion has been entered into via invitation from the federal government to simplify regulation for rail operators in all states.

Some of the major problems with the Sandringham rail line are the availability of seats and the reliability of services. The Sandringham line has been subject to the highest number of cancellations of any line in Victoria.

Honourable members interjecting.

Mr THOMPSON — An interjection has been made that such a record is an absolute disgrace and that I should focus my comments more specifically on the bill.

I can report to the house that last week on the Sandringham line a train left the Hampton railway station on its way to the electorate of the honourable member for Brighton. The railway gates were closed but the train did not stop at those closed railway gates. Rather it crashed straight through and sent three railway gates flying into the air. It is very lucky that no citizen was decapitated. It is very lucky that no car was going through the gates at that time. It is very lucky that the people attending the crossing were not more seriously hurt.

I look forward to seeing the outcome of an inquiry into this particular incident. It begs a serious question about the balance between the preservation of historic railway gates and the more reliable operation of a boom gate system. These gates are in the electorate of the honourable member for Brighton. I elect not to comment publicly in the chamber in relation to that issue specifically, other than to say that I hold the view that public safety must be the first consideration.

Going back a number of years there was a radical transformation of the rail network in Victoria. Security was upgraded along the Sandringham line among others. There is now a bank of security cameras at the Sandringham station so that any railway commuter who is in distress on a railway platform can press a button and the operator at Sandringham can zoom in using the

cameras and see the situation at that railway station. These cameras have led to an improved level of safety.

Another major feature that has improved safety over the last decade has been the installation of better lighting on railway stations. With increased petrol prices and the resulting increased use of railway stations, other ancillary issues have arisen relating to the provision of or lack of car parking. If someone was on their way to work during the day — or even on their way to Telstra Dome to see a blockbuster game, possibly between Carlton and Richmond — they may find that there is insufficient car parking space at their local station, but that situation has been remedied to some degree in the sense that there is now good external lighting around railway stations. It is possible that this improvement has led to many successful prosecutions of people who have offended on the railway system.

Having made those brief remarks on the Rail Safety Bill, I indicate that the opposition does not support it. I await the outcome of the forthcoming division.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill. It is very important that we recognise the need not to be complacent about safety on our rail transport system and that we endeavour to upgrade, assess and perform safety audits of all of our rail systems and ensure that we are very proactive in making our transport systems safe.

I am pleased to speak on these bills as a representative of Ballarat East where the regional fast rail transport systems have been upgraded under our government. For the first time in 120 years we have seen a huge upgrade of country rail lines. Over recent months I have been very pleased to be able to travel on the new V/Locity trains on both the Ballarat line and the Bendigo line, which is also in my electorate. I have been impressed to note that on the Ballarat line, on which the V/Locity trains have been operating for a slightly longer period, all the commuters I have spoken to have said that they are very impressed and very pleased with this new service. They recognise it is a sign of this government's determination to ensure that public transport is a vital component of our transport system and that people on lower incomes and commuters are given the opportunity not to have to use their cars, if they have them, and that they see a modern transport system as a component of what the Bracks government has brought about.

Extra safety has been built into the new rail links and the systems which operate under the new V/Locity

trains. It is also interesting to look at the stations to see that the station masters can see where trains are at any point in time. The new signalling system has promoted extra safety advantages, which means that the trains can not only travel at a faster speed for longer but also pick up where other trains might be and be alerted of any safety hazards.

I am satisfied that the Bracks government is upgrading our rail transport and recognising that people want to see a modern public transport system in place. As well as wanting the system to be quick in getting people from point A to point B, we want it to be modern and very safe. These bills help to upgrade the safety of our systems, and I am very pleased to commend them to the house.

Mr DELAHUNTY (Lowan) — I would like to speak briefly on the Transport Legislation (Safety Investigations) Bill. I know we are debating the bill concurrently with the Rail Safety Bill, but I will talk about the transport bill first. The primary objective of the Transport Legislation (Safety Investigations) Bill is to provide for the no-blame investigation of train, tram, bus and marine safety incidents in Victoria, and I think that is a good move. Overall, my point of view — and the point of view of The Nationals — is that we do not disagree with the bill. However, during the debate we will raise some concerns about the Rail Safety Bill.

The Rail Safety Bill establishes the statutory office of director of public transport safety. We are not sure what the cost will be to do that. It will look at the performance-based rail safety duties of rail operators and managers, including driver and maintenance providers. I know there will be a bit of an amnesty in relation to times during the Commonwealth Games, but I hope there is no amnesty in relation to performance-based safety for the rail operators during the Commonwealth Games.

The member for Swan Hill spoke about the fact that The Nationals are keen for this debate to be held over until the National Transport Commission national model Rail Safety (Reform) Bill is available. I am disappointed that government speakers have not at this stage supported that. It is important to note that we have made mistakes and that our history with rail has not been good over many years. We could not even get the same rail links between each state, yet here we are developing legislation which should be complementary across Australia. Be that as it may, this bill is before us, and we will debate it as it is.

Rail safety is a very important issue, not only for rail users, whether they be passengers or freight

transporters, but for the community in general. They must have confidence in the system, and they must also have confidence in the government. This is where it is falling at every hurdle, at every railway crossing. First of all we have got the so-called fast rail — the f-a-r-c-e rail. We have had overruns in time and overruns in costs; we have seen the costs blow out from \$80 million to \$750 million. The community has a lack of confidence in this government on that issue.

We also have the other issue of rail standardisation. It was back in the 2001 budget that the government said it was going to put more money and effort into rail standardisation, but we have not seen one sleeper laid or one rail spike put into the ground on that. We know that the Mildura line was to be upgraded. The member for Mildura is sitting here beside me. He is keen for that to happen. I note that the federal government has contributed money to make sure that that very important Mildura rail line is not only brought up to a good standard but is also standardised. I was working in Mildura when the previous government took away the passenger service. At that time the line was very important to the transporters up there, particularly transporters of freight, whether it be grain or horticultural produce, and there was a lot of work done to try and bring down the cost of transporting freight from Mildura.

I heard the member for Ballarat West saying that the previous government closed railway lines. My understanding is that that did not happen — it was about some of the passenger rail services having been taken away. I argue strongly that it was back when Keating was Prime Minister that money was given to standardise the rail line between Adelaide and Melbourne. When that happened it disenfranchised a lot of rail lines in my area, such as the Dimboola–Yarpeet line, the Murtoa–Hopetoun line and the Ararat line, which went through Hamilton and Portland. It was then that the previous coalition government in the state of Victoria got together \$22 million, at a difficult financial time, to standardise those lines. An enormous effort was put in by the previous government and the community to make sure that we kept those rail lines open. A lot of the time it is forgotten that it was the previous coalition government that standardised the line. Since then hardly any maintenance has gone on, and now there is an enormous amount of concern —

An honourable member interjected.

Mr DELAHUNTY — They did not close down. They never closed the lines down. This is what I hear all the time, but the lines were never closed down. In fact there was money put in to standardise them —

Ms Buchanan interjected.

Mr DELAHUNTY — That is a little bit different to closing the lines. Since then no money has been put in to maintain these lines. We are now getting derailments on them, and there is a great fear in my community that these lines will be closed altogether by this government.

Mr Trezise interjected.

Mr DELAHUNTY — The member for Geelong says that is rubbish. Let us see his government put some effort into making sure the lines are kept up to a standard. Otherwise these lines are going to be closed. When that happens a lot of grain that is transported in my area will go onto country roads, and that will create other safety problems and also raise infrastructure issues for the councils.

I want again to highlight the work of the rail alliance, of which a councillor of the Glenelg shire is the chair. It has been pushing for rail standardisation, as have a lot of us. We also need to lift the capacity of the rail line. My understanding of the line — as it comes down from Mildura, it is one I know a little bit about — is that the standard is deteriorating so badly that trains have to go very slowly and the capacity of the line is diminishing. Therefore more freight, whether it be horticultural, grain or whatever else, is now being transported by road.

In the short time I have left I wish to speak about rail crossings, which are very important rail safety factors. In July and August 2005 there were two bad accidents at railway crossings in the Lowan electorate. The first was at the Mininera railway crossing. It was not the first accident to have happened on that railway crossing, which is used regularly by many cars, trucks and school buses. After the accident there I called on the government to make sure it put in flashing lights at this railway crossing. Another accident occurred at the Edith Street crossing in Horsham. At the time that crossing was signposted, had flashing lights and even had boom gates, but unfortunately a lady lost her life there.

These tragedies have a devastating effect not only on the drivers but also on the families, the community and the emergency services workers, whose lives are changed forever when they are faced with these types of accidents. Rail safety is a very important issue in the Lowan electorate.

It is interesting to note that while this debate is about rail safety, last year the house debated a road safety bill, part of its provisions being to allow the removal of trees beside railway lines if they posed a potential danger. I

only wish — and I say it again today — the same approach could be taken to vegetation that is beside roads in my electorate.

Last week, as I travelled from Horsham to Hamilton on the Henty Highway, I saw eight kangaroos which had been killed, so obviously there had been eight car accidents. Vegetation which is growing close to the road is impeding the ability of drivers to see animals, whether it be livestock, kangaroos or emus. I have always said that when there is a choice between the preservation of vegetation on the roadside and the reduction of the risk to human life, the latter must always prevail. Rail safety — and I know the member for Geelong is the Road Safety Committee chair — —

Mr Trezise interjected.

Mr DELAHUNTY — But we were talking about rail safety and railway crossings, and then I spoke about roads.

In conclusion, rail safety is a very important issue. Because trains travel interstate it is important to have complementary legislation among the states. I again call on the government to hold over this bill and make sure we have standard legislation right across Australia. If that is not going to be the case, I will oppose this legislation.

Ms CAMPBELL (Pascoe Vale) — I rise to heartily support the Transport Legislation (Safety Investigations) Bill. This legislation will provide safe rail operations. I would like to think that every member in this house, including the members for Lowan and Sandringham, will put up their hands and support the legislation.

The objectives of the bill make it particularly clear that the safety of rail operations is at its core. We want to make sure there is effective management of safety risks in rail operations and a continuous improvement in safety rail management. The result of that will be greater public confidence in the safety of rail transport and more involvement of the relevant stakeholders in rail safety.

This legislation does not stand alone; it has been backed by significant investment in our infrastructure in the two previous budgets. Billions of dollars have gone into infrastructure as a result of the Bracks Labor government. The government has not only said it should happen but provided the funding to do so.

Improvements have been made at railway crossings. The Minister for Transport and the government have made it very clear that there will be more opportunity

for grade separations, which will enhance safety. The minister has done a wonderful job in relation to wheelchair and pedestrian crossings to ensure greater safety. The money has gone in to do those things. I am very familiar with many disability advocates who have been involved in that process through the minister and his department, and they are particularly pleased.

In relation to my own electorate I want to compliment the locals who have been involved in rail safety improvement. They include Connie Genoa on the Devon Road crossing, the many advocates of grade separation at the Glenroy Road site, and one of our councillors who has been advocating strongly for greater wheelchair accessibility and crossing safety in Glenroy.

I will make a brief comment on the Auditor-General's report entitled *Regulating Operational Rail Safety*, which was tabled in this house in February 2005. His report found:

... that individual operators can lack the skills, resources and objectivity essential to undertake the more serious accident investigations to an acceptable standard. It is these incidents that will be investigated by the Office of the Chief Investigator.

That statement alone should ensure that every single member of this house supports the legislation.

I want to briefly mention costs because of my interest in this legislation through the Public Accounts and Estimates Committee. In relation to the costs to taxpayers of setting up these offices and the other reforms, it is clear that they are not expected to be significant and can be covered within existing budgets. That is an additional reason to support this legislation.

Mr PLOWMAN (Benambra) — The opposition has moved reasoned amendments to these bills, which I wholeheartedly support on the basis that rail safety is a complex issue right across Victoria. We have examples, particularly on the Hume corridor to Albury-Wodonga, where rail safety is under question. I certainly would not like to see this bill go through without due consideration of some of those issues, which are very important to constituents of mine.

Rail safety cannot be used as an excuse for further procrastination and delays in government projects. It has been said before that the main projects that are subject to outrageous delays and cost blow-outs are the so-called fast rail service to regional Victoria, the standardisation of Victorian rail tracks and the completion of Spencer Street station. What a fiasco! What an embarrassment to be approaching the

Commonwealth Games with our major country rail station in a state of chaos.

I have received correspondence from constituents of mine about the state of play at Spencer Street which just beggars belief. People have become lost in that station trying to find their way to their train because it is so disorganised. Imagine what that is going to be like when we have our Commonwealth Games visitors. Frankly I think it is a shame that we are going into the Commonwealth Games with Spencer Street station in that state. Changing its name is purely a distraction. I cannot imagine why Spencer Street station, which has been known by every Victorian as Spencer Street from day one, needs to be changed to Southern Cross station. There is no justification for it at all.

There is complete confusion on some of the platforms at Spencer Street. Often because of the shortage of platform space two trains are lined up on one platform and country travellers have found themselves on the wrong train. On a wet night there is nobody to direct passengers to the train they are supposed to go on, and frankly that is just not good enough.

There are two things I wish to dwell on, though. There is the extraordinary behaviour of this government in undermining the legal lessees of the tracks. For the first 12 months the Bracks government tried to starve Freight Australia out of its legal position in respect of its lease of the tracks. However, the government underestimated the determination of the parent company, RailAmerica. To try to force Freight Australia to sell its ownership of the rail leases for \$1 plus an administration charge of \$1 was a sign of complete arrogance on the part of this government.

Since the sale of Freight Australia for between \$80 million and \$100 million, which I believe highlights that arrogance, the Bracks government is still not working cooperatively with the new owners, Pacific National. That brings me to the final point I wish to make — that is, the position of the rail bypass in Wodonga. The rail bypass in Wodonga has the opportunity to take 11 rail crossings out of the system. Taking that opportunity will lead to an incredible increase in the safety of that railway line, which is one of the busiest in Australia, if not the busiest, other than the major freight lines. It will make that line much safer. It also takes out the sharpest bend between Melbourne and Sydney.

I will give a little background information. On 14 August 2001 the federal Minister for Transport, the state Minister for Transport, the City of Wodonga and MasterFoods all signed an agreement committing all

parties to this bypass. The project has not until now progressed to the construction phase. The Victorian government is insisting that the rail bypass occur at the same time as rail standardisation, but, as I said before, rail standardisation has been grossly mismanaged and not one metre of standardised track has been laid, certainly not on the northern line or in western Victoria.

We also had the fiasco of the state government trying to freeze out Freight Australia. Now that Pacific National is in control that company is being used as the reason for this project not going ahead. The project initially involved the construction of a single standard-gauge rail bypass, but this has since been changed. The agreement is that there will be two tracks, one being of standard gauge, to allow the commercial use of both tracks. It is estimated that it will take only two years to complete these works, and given that we have had state funding for this project for over 10 years now, and federal funding of \$20 million since 2001, it is unbelievable that this project has not gone ahead. The land sales alone will generate probably between \$20 million and \$30 million to reduce the state's commitment. There is probably \$200 million worth of commercial and retail investment in Wodonga being held up because of the reluctance of this government to go ahead with the bypass. It is a safety issue; the bypass would take out the sharpest rail bend between Melbourne and Sydney and also those 11 dangerous railway crossings. The delays in those crossings also will make an extraordinary difference to the way the city of Wodonga works.

Pacific National has advised the Victorian government and Australian Rail Track Corporation that it is prepared to go ahead with this bypass proposal. What is needed now is a commitment from the Victorian government to proceed with this Wodonga rail bypass without any further delay or reliance on standardisation of the line in the Hume corridor to proceed. We need to see an allowance in the state budgets for 2006–07, 2007–08 and 2008–09 for tenders to be called immediately and for construction to start in 2006–07. This project must be committed to by this government before the next election.

Ms NEVILLE (Bellarine) — I am pleased to speak briefly in support of the Transport Legislation (Safety Investigations) Bill and the Rail Safety Bill. This legislation is all about ensuring an independent safety investigation unit for rail, bus and marine safety. Certainly in Bellarine these issues are very important.

We have heard a lot from the opposition about rail; let us look at its record — privatisation. West Coast Rail was a great example that cost taxpayers a lot of money.

That would go down really well locally in the electorate.

These bills are very important in terms of marine safety. In the electorate of Bellarine marine safety is absolutely important. Bellarine has one of the highest rates of recreational boating across the state. That is why this government has invested some significant amounts of money in upgrading boat ramps throughout the north Bellarine Peninsula. In fact all the boat ramps by the end of this year will have been completed with well over \$1 million invested in boat ramps. I know recreational boaters in Bellarine are very appreciative; they have waited many years. These services have been run down over a period of time and upgrading of the boat ramps is very important.

I have also had the opportunity to go out with Marine Safety Victoria officers and work with some of the recreational boaters in relation to the safety equipment on the boats and their practices. This is about saving lives. It is about upgrading rail, boat ramps and infrastructure that supports our communities, but it is also about safety and ensuring we reduce fatalities in the water, on our rail and public transport system. I commend the bill.

Mr SAVAGE (Mildura) — I rise to make a contribution to the debate on the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill. The purpose of the Rail Safety Bill is quite clearly stated in the introduction. It is to provide a contemporary approach to rail safety. The bill aims to improve rail safety operations. The first comment I would like to make is that both sides have got it wrong; both sides have a legacy of failing to deliver good transport rail options in this state.

When I drive back from here on a Thursday night I am certainly put in some jeopardy by the number of B-doubles that travel south paralleling a rail line. We know the reason why. It is because the line has been allowed to decline to such an extent it takes freight 17 hours now to travel from Mildura to Melbourne. When I hark back to the days of the Victorian Railways and the Melbourne and Metropolitan Tramways Board I see state-controlled authorities with proper management that made sure safety was an imperative.

If you do an analysis now of the state of the Mildura line and those feeder lines in the northern corridor up to Kulwin and Robinvale and out to Pinaroo, you find that because there is no passenger service running in parallel they are in a very poor state. No maintenance has been done for the last seven years — not one sleeper has been inserted on a cyclic maintenance basis. If you go

to the Irymple station, where there is a decommissioned platform, you will find that half the spikes can be removed by your fingers and half the sleepers have disintegrated or are unserviceable. That is not an uncommon status of the railway tracks. If you look at the speed restrictions in the corridor between Ouyen and Mildura, you see they are down to 20 kilometres an hour.

I cannot imagine why any contract would be given to a company that would allow that sort of safety decline to occur. It is unacceptable. I have had discussions with the Minister for Transport and he has said we cannot force Pacific National or Freight Australia to do the sort of things we want because that would send the wrong business messages out of the state. It is irresponsible for any company to take over a state asset, run it into the ground and not contribute towards its maintenance. That is a safety issue. We have petrol tankers running on that line. That is something we should all be concerned about, because they carry a huge volume of petrol. You can imagine the results of a petrol tanker going off the rails in a town.

I have never found Pacific National, which has inherited this, to be anything other than completely irresponsible when it comes to its attitude towards safety on the rails. It has done nothing since it took over, and I have made complaints. It cannot even deliver petrol to Mildura on time when that petrol is needed, because it does not suit the traffic on the line.

It is a monopoly provider; why is this allowed to happen? The state government should have taken back this contract; even if it had been for \$80 million, it would have been a cheap contract. Track access should have been put back under state control so that the government could regulate the amount of investment on the line and determine the charges for the people who use the line. The system we have now is not working. The government promised rail standardisation some six years ago. We have not seen the government spend any of the money that was allocated back then, and we are now six years on from that.

I do not want to be too derogatory to the opposition, but it took away from my community a passenger service that was viable. This government promised to put it back. I know it is hard to put things back, but when the government makes such a promise it has to deliver it. It cannot hide behind the excuse that Pacific National and Freight Australia say, 'We do not want to share a track with passenger trains'. That is not good enough. If the government makes a promise, it has to deliver it.

In two weeks time the state of Victoria is going to spend \$1.1 billion that we know of on the Commonwealth Games. Not everybody is a devotee of that decision. That expenditure could have been cut to an amount that would have been more responsible. I would sooner see that money invested in infrastructure in this state, not in something that is a 12-day event. If you asked 10 people in Melbourne where the last Commonwealth Games were held, they would not be able to tell you. It was in Manchester for those who have forgotten.

An honourable member — Who cares!

Mr SAVAGE — There is a point to be made. If we cannot afford to spend money on infrastructure, we cannot afford to waste money on events that only last for 12 days. This government is probably going to go down in history as the government that squandered more money in 12 days on the Commonwealth Games than any other government in the history of this state. That is true.

Mr Trezise — What has that got to do with it?

Mr SAVAGE — It has got to do with the fact that this government promised that it was going to fix up the rail linkages and it was going to make rail safety an issue. It was also going to bring back the passenger train to Mildura, and it has not done it. That is a shameful outcome.

I want to see promises kept, because promises are very important to the people of Victoria. I know that the government has done some very good work in certain areas on linkage for public transport in this state, but the fact is that the privatised model that the opposition entered into is not working, and this government cannot say, 'We are fixing the problems caused by the previous government'. It has to fix them up. It is now six years since this government came into office and it has not fixed them. Metropolitan public transport in this state is an absolute disgrace. I believe the wrong messages are being sent.

Let us look at transport in rural communities. We have a link through Swan Hill under the current arrangements where the service is operated by bus and train legs. I know it has been difficult for V/Line passengers, but I have never seen so many complaints about the standard of service that is provided to those long-suffering patrons. It is not necessarily because of the problems at Spencer Street. It is a whole range of problems that has made it very difficult for V/Line to provide passengers with a proper service for the community.

I am hoping that come the next budget, come the next time a government is elected in this state, it invests meaningful amounts of money in infrastructure so that we see meaningful outcomes for communities in the form of irrigation, roads and, in particular, rail. If we do not spend that sort of money now, and if we do not stop selling off things so we can invest in things that we should be funding out of general revenue, this state will have a very poor future.

I know the time element is probably overtaking me, but I want to make one comment. I keep getting told that the reason we cannot standardise and improve the safety of the Mildura line is that it will cost too much money. My calculations indicate that if you put in 450 000 concrete sleepers at \$50 each between Ballarat and Mildura that will cost about \$22 million. If you put in ballast and signalling that would cost, conservatively, less than \$100 million. You would then have a first-class line. I want to know where the money is going to be spent above and beyond that. We need to see some explanation to the people of Victoria as to why rail safety is at such a poor level.

The reality is that we have a major problem, and we have seen serious derailments at Hattah, Lascelles and in the Dunolly district. There was an inquiry that looked at rail safety at Freight Australia, but we have not seen any outcomes that have said what the causes were. Is the government asleep at the wheel in terms of rail safety? This bill may be necessary, but I am sure there was legislation that preceded it that was adequate in developing and delivering proper rail safety. This is an imperative that the state has to get a grip of. Rail safety is important and rail infrastructure is important, and the government has to deliver on the promises it made back in 2000.

Mr TREZISE (Geelong) — I am pleased to be speaking in support of this bill, because it is another example of the commitment of the Bracks government and the Minister for Transport to public transport in this state and to the safety of all the users of public transport. Importantly in my mind it also strengthens the maritime industry in the state. As a former employee of Toll Geelong Port and prior to that the Port of Geelong Authority, before the Liberal Party flogged it off to the highest bidder, I am pleased to be speaking in support of this bill.

I can assure this house that in the Australian maritime industry the safe movement of vessels and the health and safety of workers are of paramount importance. This commitment to safety within the maritime industry is instilled not only in business but also through the trade union movement, including the Maritime Union

of Australia and the other unions that work on our waterfronts. Also individual employees are all committed to safety, because they understand the disastrous effects of the accidents that can occur on our bays. These effects can be potentially disastrous not only for industry but also environmentally. It is not an exaggeration to say that in Corio Bay, which large oil tankers traverse on a daily basis, any accident could be a disaster for the city of Geelong and for the operators of the port. It could be a disaster economically and environmentally. Hence the importance of this legislation.

This bill takes giant steps forward in ensuring that not only public transport safety but also maritime safety are world class. I fully support the appointment of the chief investigator of transport and maritime safety investigations. It is an important office, and I am sure it will ensure that we have best-practice safety in Australia and in Victoria. So I support this bill and wish it a speedy passage through this house.

Mr MAUGHAN (Rodney) — I simply wish to make a few brief comments on these two transport bills, which are being debated together. Firstly, I want to comment on the member for Mildura's shedding crocodile tears over the fact that the government has not delivered on his train to Mildura. I remind the house and others that it was the member for Mildura —

An honourable member interjected.

Mr MAUGHAN — I will come to that in a minute. The member for Mildura and his Independent colleagues put this government into power.

An honourable member — You need a lesson in history.

Mr MAUGHAN — I will not argue that now. The point is that the member for Mildura was one of those who put this government into power.

We have heard a lot tonight about the former government closing railway lines. I want to talk specifically about Echuca.

Honourable members interjecting.

The ACTING SPEAKER (Ms Lindell) — Order! The member for Mildura and the member for Gippsland East!

Mr MAUGHAN — The people of Echuca had not had a rail service for 20 years until the Kennett government came to power. Members should have a listen to this, because the Kennett government, under

Minister Brown, initiated those Sprinter services that ran from Bendigo to Echuca on a Friday evening.

An honourable member interjected.

Mr MAUGHAN — It actually ran from Melbourne to Bendigo to Echuca. It was a well-patronised service, because students could go home to Echuca by train and could come back to Melbourne via Bendigo on a Sunday evening. As I said, that was initiated by the Kennett government. Prior to that we had not had a passenger rail service to Echuca for many years.

I am a passionate supporter of rail travel and rail use, especially passenger travel. I am a great believer in getting people off the road and onto rail, but in order to do that you need clean, comfortable, convenient and safe travel. I support the Transport Legislation (Safety Investigations) Bill because it will lead to greater safety. In Echuca over \$1 million of public money has been spent to create a rail link between Echuca railway station and the port of Echuca. It is a very important rail link and the Minister for Transport, who is at the table, came up and launched that service with a great deal of fanfare. I was there and welcomed him; it was a great initiative.

Mr Batchelor — Every time I go to Echuca you welcome me!

Mr MAUGHAN — I do, and I want to compliment the minister again, because he recently announced \$10 million to upgrade the Bendigo–Echuca railway line. It is a pity that it got into such a state that passenger train services on that line were cancelled. It is a great pity that the line from Echuca to Murchison East is in an even worse state, and some upgrading work is going on there at the moment. I hope that in the not-too-distant future we will get passenger trains back onto that Echuca–Bendigo rail link and, more than that, that we will restore the rail link between Echuca and Murchison East. I am a great supporter of passenger travel by rail. I use rail services regularly.

This government has a lot to answer for in terms of its policy on rail use. For example, the fast rail project has blown out from \$80 million to \$1 billion, or whatever it is now, and has delivered only a slightly faster service on a few lines and slower services on others.

The Transport Legislation (Safety Investigations) Bill is an important bill which we will support. We would argue that we should wait for the National Transport Commission's national model rail bill to come in before enacting the Rail Safety Bill, hence we will support the reasoned amendments. If they are not supported, we will oppose the legislation.

Mr PERERA (Cranbourne) — I rise to support both bills and wish to speak briefly on the Transport Legislation (Safety Investigations) Bill. Victoria has a proud safety record in the public transport and marine sectors. It is one of the world's best, but it could be made better by safety improvements. The Monash University Accident Research Centre found that 32 of 40 people killed in boat accidents in Victoria between 1999 and 2002 were not wearing lifejackets. A couple of years ago a Cranbourne boy from my electorate suffered cuts and a broken ankle after being dragged 40 metres by his left foot after it became jammed in an automatic door when he was stepping off a city-bound train at Merinda Park station.

Studies have indicated that rail-related suicides have increased in the past decade. In total 567 people died in rail-related incidents between 1999 and 2002, an average of 43.6 deaths a year. About 60 per cent of the accidental deaths occurred at unmanned crossings. Unmanned stations were introduced by the Kennett government and have been identified as one of the contributory factors to the increase in the number of suicides at rail stations and lines. These accidents and incidents take place at a huge cost to the community and to the government.

A thorough review has indicated that serious rail and marine accidents should be investigated at a state level independent of existing safety regulators, to avoid potential conflicts of interest and to complement the role of the Australian Transport Safety Bureau. The Bracks government has decided to tackle it head on. This bill will establish a new statutory office of chief investigator, transport and marine safety. The operating costs are not expected to be significant and can be covered in existing budgets, and the office will have a small staff. However, this initiative will reduce the number of fatalities and their cost to the community and, of course, the pain and suffering that results. I commend the bill to the house.

Dr SYKES (Benalla) — I wish to make some brief comments on the Rail Safety Bill. I support the reasoned amendment seeking to hold off debate and hold off the introduction of this bill until we have in place a national model bill, because it is commonsense to have a national approach to the legislation and to transport throughout Australia.

There are a couple of issues in relation to safety; the first is track safety and the second is the management of the railway reserves. In relation to track safety, the main Hume corridor is an absolute disgrace when it comes to the maintenance of sleepers. Four sleepers out of five in the Euroa–Longwood section of the railway line have,

as the member for Mildura mentioned, spikes you can just pull out and walk away with. That is an absolute disgrace. It is an accident waiting to happen.

In relation to the management of railway reserves, weeds and grasses grow like Topsy in them. That creates problems for adjoining land-holders in the sense that the reserves are a haven for pest animals, particularly foxes and rabbits. They are also a haven for Paterson's curse and St John's wort. There is a particular problem in relation to safety when those weeds and long grasses grow near level crossings. We have many near misses because of the inability of road users to cross the railway line safely because the railway reserves are not being maintained properly.

The other issue that has been touched on by other speakers is, if we are going to have railways that are going to be profitable and therefore generate the money to spend on safety, then we must get people to use the railway lines and we must increase their utilisation by freight services. In relation to getting people to use the railway lines, the issue is about comfort. If we are going to have comfort, we have to have fundamental things such as airconditioning, because when you go north of the Divide, beyond the electrified railway line and the tram tracks, then it gets damn hot. If we are going to have it damn hot — 40 degrees plus — then it is reasonable to expect that we have functional airconditioning so that people can be encouraged to use the railway lines.

Another means of encouraging people to use the railway lines is to have services that reflect the needs of and are convenient for people who are continually making the shift, particularly to north-east Victoria, because it is a wonderful place to live, work and raise a family — no thanks to the Bracks government. That being the case, the trains need to be scheduled to enable people to get to and fro. The classic example is in relation to free travel with Commonwealth Games tickets. This government had to be dragged kicking and screaming to bring in the \$10 fares, but now when you look at the availability of those fares and the availability of the services to utilise those fares, you find they are very limited. It is one rule and one level of support for Melbourne-based people and another for rural Victoria, with \$1 billion a year going into Melbourne public transport services and not very much going into rural Victoria.

Finally, as has been mentioned by previous speakers, the debacle at Spencer Street station is a joke. Many passengers — older people, disabled people and people who are somewhat frail — express to me their grave concern that they find it bewildering to arrive at

Spencer Street station and be absolutely frustrated. With those few remarks I close my comments.

Ms LINDELL (Carrum) — It certainly gives me pleasure to speak on the Transport Legislation (Safety Investigations) Bill and the Rail Safety Bill. Most of my comments will be on the Transport Legislation (Safety Investigations) Bill. Many people here would know the wonderful electorate of Carrum. This is very important legislation for my electorate. The Frankston line forms the spine of the electorate, from Mordialloc station to Kananook station, through the residential suburbs of Aspendale, Edithvale, Chelsea, Bonbeach, Carrum, Seaford and Kananook, and of course we have many rail crossings to enable people to go across the line and we have many safety concerns.

There are a number of crib crossings where there have been tragic accidents. Only a few years ago a 13-year-old boy's bike was not sufficiently behind the safety barrier at the crib crossing. Unfortunately the train clipped his bike and he was killed. We cannot overestimate our very urgent need for rail safety, and the ability to have independent safety audits and inspections is at the forefront of this government's mind.

Also in my electorate is the Patterson River Launching Way, which is the busiest recreational boating facility in Victoria. Annually 50 000 boats launch from Patterson River. It has had many upgrades in recent years, and in the last budget \$500 000 was allocated to improving the safety of the car park and launching facilities. Just recently another grant of \$120 000 was allocated for further improvements to the Patterson River. We know the Bracks government takes transport safety very seriously. I commend the bill to the house and wish it a safe and speedy passage.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution on the two bills before the house, particularly the Transport Legislation (Safety Investigations) Bill. I support the concept of the bill but point out to the house some incredible inconsistencies in the current marine safety regulations. A very pertinent example which highlights some of the problems we have at the moment is the process of the implementation of a management plan for the Bastion Point boat access ramp by Marine Safety Victoria and Gippsland Ports in conjunction with East Gippsland Shire Council. Under current rules people are not allowed to swim or surf within 50 metres of a boat ramp, yet people are swimming and surfing near an existing boat ramp operated by East Gippsland Shire Council. Instead of protecting the legitimate users of a boat operating facility, Marine Safety Victoria decided

to set up a joint user zone, which means that if as a boat operator you hit a surfer or swimmer and you are doing over 5 knots, you are breaking the law. That puts all the liability back on the boat operator, which is totally unacceptable in the area of a boat launching ramp.

Before we go through this legislative process we need to sort out some of the major inconsistencies currently existing which allow unsafe practices to be promoted by Marine Safety Victoria in order to ensure that rights are protected and people who are legitimately using an access point to the ocean, the only one within 150 kilometres, can use that without the risk of being sued by a swimmer who should not be there in the first place. That is totally unacceptable, and the Minister for Transport, who is at the table, should deal with it before this legislation is passed.

Mr BATCHELOR (Minister for Transport) — I would like to thank the 19 members, led by the member for Polwarth, who have spoken in this debate: the members for Swan Hill, Brunswick, South-West Coast, Ballarat West, Eltham, Sandringham, Ballarat East, Lowan, Pascoe Vale, Benambra, Bellarine, Mildura, Geelong, Rodney, Cranbourne, Benalla, Carrum and Gippsland East. They have spoken on a landmark piece of legislation which sees Victoria leading and not following.

We are leading the way in national rail safety reform. We are achieving objectives that many state transport ministers have been attempting to achieve along with their national colleagues. Prime Minister John Howard even appealed recently to the states to deliver this outcome. The only problem for Mr Howard was that he was following us; we are delivering for that Council of Australian Governments (COAG) agenda. This is an important piece of legislation because the Rail Safety Bill will become the model legislation for all other Australian jurisdictions.

In the letter dated 22 February — a very contemporary letter — to Howard Ronaldson, who is the Secretary of the Department of Infrastructure, Tony Wilson, the chief executive officer of the National Transport Commission, thanks us for taking action which will achieve a level of alignment between the Victorian bill and — —

Mr Mulder — Read it out!

Mr BATCHELOR — The letter states:

Alignment of rail safety legislation

Thank you for your letter of 20 February 2006, outlining the results of the fruitful discussions between NTC and DOI officers to achieve alignment of the Victorian bill and the

current version of the draft national model to the maximum extent possible at this stage.

The actions taken by both teams have achieved the level of alignment I sought on the key issues when I raised them with you last December.

So there is an acknowledgment from the chief executive officer of the National Transport Commission.

Mr Mulder — On a point of order, Acting Speaker, the minister has referred to a letter, and he has read out a portion of that letter. He agreed that he would read out the response, and I ask him to continue to read the rest of it.

The ACTING SPEAKER (Ms Campbell) — Order! There is no point of order.

Mr Ingram — On a point of order, Acting Speaker, the minister was quoting from a document, and I ask him to table the document.

Mr BATCHELOR — I am happy to table the letter. I thank the member for Gippsland East for his helpful suggestion.

To assist the member for Polwarth in case he cannot read it once he has it in his possession, he concludes by saying, 'Yours sincerely, Tony Wilson'. So he can have it and we will let him look at it in due course. It goes via the Clerk, in case he does not know the process.

Together these two bills will create a comprehensive new regime of rail safety regulation in this state as well as major improvements in safety investigation requirements for the public transport, rail freight and marine sectors. They are without doubt the most significant reforms in these fields for decades. The challenge is now on other Australian jurisdictions to follow our example and bring their own rail safety systems in line with this new benchmark. With these bills the Bracks government has demonstrated yet again that it is prepared to improve the lives of Victorians in a substantive way.

We are delivering to the people of Victoria improvements in rail safety that will make Victoria's system and its framework for rail safety the best in this country. This legislation achieves that by improving the standards of safety of rail operators, further reducing the risk of rail incidents, especially major incidents, and creating independent officers to investigate the causes of rail, tram and marine accidents, thereby improving public transport safety within Victoria.

These reforms are fundamental. They will be followed by the other Australian states. In the process that will take place in developing this model legislation Victoria has led the way. We have been encouraged by none other than the Prime Minister to undertake this course of action. As indicated in the second-reading speech, if we need to undertake some minor changes to achieve that national alignment subsequently, as long as it does not undermine the integrity of these bills we will be happy to give those consideration. In that context I commend the bills to the house.

The ACTING SPEAKER (Ms Campbell) — Order! The minister has moved that these bills be now read a second time and the honourable member for Polwarth has moved a reasoned amendment to each of the bills. I will therefore put the question in relation to the reasoned amendments and the second reading separately for each bill.

TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL

Second reading

The ACTING SPEAKER (Ms Campbell) — Order! In respect of the Transport Legislation (Safety Investigations) Bill the member for Polwarth has proposed to omit all the words after ‘That’ with the view of inserting in their place the words which have been circulated and are in the hands of honourable members. The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 51

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|-----------------|----------------|
| Allan, Ms | Ingram, Mr |
| Andrews, Mr | Jenkins, Mr |
| Barker, Ms | Kosky, Ms |
| Batchelor, Mr | Langdon, Mr |
| Beard, Ms | Languiller, Mr |
| Beattie, Ms | Leighton, Mr |
| Buchanan, Ms | Lim, Mr |
| Cameron, Mr | Lindell, Ms |
| Campbell, Ms | Lobato, Ms |
| Carli, Mr | Lockwood, Mr |
| Crutchfield, Mr | Lupton, Mr |
| D’Ambrosio, Ms | Marshall, Ms |
| Donnellan, Mr | Maxfield, Mr |
| Duncan, Ms | Mildenhall, Mr |
| Eckstein, Ms | Morand, Ms |
| Garbutt, Ms | Munt, Ms |
| Gillett, Ms | Nardella, Mr |
| Green, Ms | Neville, Ms |
| Haermeyer, Mr | Overington, Ms |

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| Hardman, Mr | Perera, Mr |
| Harkness, Dr | Pike, Ms |
| Herbert, Mr | Robinson, Mr |
| Holding, Mr | Savage, Mr |
| Howard, Mr | Stensholt, Mr |
| Hudson, Mr | Treize, Mr |
| Hulls, Mr | |

Noes, 20

- | | |
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| Asher, Ms | Mulder, Mr |
| Baillieu, Mr | Napthine, Dr |
| Clark, Mr | Perton, Mr |
| Cooper, Mr | Plowman, Mr |
| Delahunty, Mr | Powell, Mrs |
| Dixon, Mr | Shardey, Mrs |
| Jasper, Mr | Smith, Mr |
| Kotsiras, Mr | Sykes, Dr |
| McIntosh, Mr | Thompson, Mr |
| Maughan, Mr | Wells, Mr |

Amendment defeated.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

RAIL SAFETY BILL

Second reading

The DEPUTY SPEAKER — Order! The minister has moved that the bill be now read a second time, to which the member for Polwarth has moved a reasoned amendment proposing to omit all the words after ‘That’ with a view of inserting in their place other words. The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 52

- | | |
|-----------------|----------------|
| Allan, Ms | Ingram, Mr |
| Andrews, Mr | Jenkins, Mr |
| Barker, Ms | Kosky, Ms |
| Batchelor, Mr | Langdon, Mr |
| Beard, Ms | Languiller, Mr |
| Beattie, Ms | Leighton, Mr |
| Buchanan, Ms | Lim, Mr |
| Cameron, Mr | Lindell, Ms |
| Campbell, Ms | Lobato, Ms |
| Carli, Mr | Lockwood, Mr |
| Crutchfield, Mr | Lupton, Mr |
| D’Ambrosio, Ms | Marshall, Ms |
| Donnellan, Mr | Maxfield, Mr |
| Duncan, Ms | Mildenhall, Mr |

Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr

Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr

McIntosh, Mr
Maughan, Mr

Thompson, Mr
Wells, Mr

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 and 2 agreed to.

Clause 3

Mr BATCHELOR (Minister for Transport) — I move:

1. Heading to clause 3, after “Definitions” insert “and interpretation”.
2. Clause 3, line 15, before “In” insert “(1)”.
3. Clause 3, page 3, line 30, omit “a person” and insert “the rail safety worker”.
4. Clause 3, page 12, after line 22 insert —

“() For the purposes of this Act, a rail infrastructure manager is deemed to carry out rail infrastructure operations supplied to the rail infrastructure manager by —

(a) a rail contractor engaged directly or indirectly by the rail infrastructure manager to supply those operations to the rail infrastructure manager; or

(b) a sub-contractor of the rail contractor referred to in paragraph (a).

() For the purposes of this Act, a rolling stock operator is deemed to carry out rolling stock operations supplied to the rolling stock operator by —

(a) a rail contractor engaged directly or indirectly by the rolling stock operator to supply those operations to the rolling stock operator; or

(b) a sub-contractor of the rail contractor referred to in paragraph (a).

() For the purposes of this Act —

(a) an accredited rail operator is deemed to carry out rail infrastructure operations or rolling stock operations supplied to the accredited rail operator by —

(i) a rail contractor engaged directly or indirectly by the accredited rail operator to supply those operations to the accredited rail operator; or

(ii) a sub-contractor of the rail contractor referred to in sub-paragraph (i); and

Amendment defeated.

House divided on motion:

Ayes, 52

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D’Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr

Ingram, Mr
Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
Marshall, Ms
Maxfield, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr

Noes, 20

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Jasper, Mr
Kotsiras, Mr

Mulder, Mr
Naphine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Shardey, Mrs
Smith, Mr
Sykes, Dr

- (b) rail infrastructure operations or rolling stock operations referred to in paragraph (a) are deemed to be accredited rail operations.”.

Amendments agreed to; amended clause agreed to; clauses 4 to 10 agreed to.

Clause 11

Mr BATCHELOR (Minister for Transport) — I move:

5. Heading to clause 11, after “Objects” insert “and principles of rail safety”.
6. Clause 11, line 11, omit “safety — “ and insert “safety.”.
7. Clause 11, lines 12 and 13, omit all words and expressions on these lines.
8. Clause 11, lines 14 to 16, omit sub-section (2) and insert —

“() The Parliament does not intend by Part 2 to create in any person any legal right or give rise to any civil cause of action.”.

Amendments agreed to; amended clause agreed to.

Clause 12

Mr BATCHELOR (Minister for Transport) — I move:

9. Clause 12, line 18, before “This” insert “(1)”.
10. Clause 12, after line 21, insert —

“() To avoid doubt, the Crown is a body corporate for the purposes of this Act or the regulations.”.

Amendments agreed to; amended clause agreed to; clause 13 agreed to.

Clause 14

Mr BATCHELOR (Minister for Transport) — I move:

11. Clause 14, lines 21 and 22, omit “That person is the rail operator carrying out those operations.”.

Amendment agreed to; amended clause agreed to; clauses 15 to 19 agreed to.

Clause 20

Mr BATCHELOR (Minister for Transport) — I move:

12. Clause 20, lines 6 to 8, omit “the rail infrastructure manager’s rail infrastructure operations” and insert “rail infrastructure operations carried out by the rail infrastructure manager”.

Amendment agreed to; amended clause agreed to.

Clause 21

Mr BATCHELOR (Minister for Transport) — I move:

13. Clause 21, lines 9 and 10, omit “the rolling stock operator’s rolling stock operations” and insert “rolling stock operations carried out by the rolling stock operator”.

Amendment agreed to; amended clause agreed to.

Clause 22

Mr BATCHELOR (Minister for Transport) — I move:

14. Clause 22, page 24, line 25, after “operations” (where secondly occurring) insert “to a rail operator”.

Amendment agreed to; amended clause agreed to; clauses 23 to 32 agreed to.

Clause 33

Mr BATCHELOR (Minister for Transport) — I move:

15. Clause 33, line 13, omit “(2)” and insert “(3)”.
16. Clause 33, lines 15 to 31, omit all words and expressions on these lines and insert —

“() If —

- (a) a rail operator is carrying out, or proposes to carry out, rail operations on land on which there are works of a utility or within the immediate vicinity of the works of a utility; and
- (b) the Safety Director reasonably believes the rail operations threaten, or are likely to threaten, the works or the safe provision by the utility of (as the case requires) gas, electricity or other like services —

the Safety Director may give the rail operator a written direction to stop, alter or not to start the rail operations.

- () If the utility referred to in sub-section (1) or (2) is a utility that provides, or intends to provide, gas, electricity or other like services, the Safety Director must consult with Energy Safe Victoria before giving a direction under either of those sub-sections.”.

17. Clause 33, page 34, line 1, omit “refuse to comply with,” and insert “refuse, to comply with”.
18. Clause 33, page 34, lines 8 and 9, omit “refuse to comply with, a direction under sub-section (3)” and

insert “refuse, to comply with a direction under sub-section (2)”.

Amendments agreed to; amended clause agreed to; clause 34 agreed to.

Clause 35

Mr BATCHELOR (Minister for Transport) — I move:

19. Clause 35, lines 8 and 9, omit “competency and capacity to manage the risks associated with major incidents” and insert “competence and capacity to manage the risks to safety associated with the rail operations for which accreditation was sought”.

Amendment agreed to; amended clause agreed to; clauses 36 to 38 agreed to.

Clause 39

The DEPUTY SPEAKER — Order! I advise the house that because the minister is proposing to delete the clause, he does not have to formally move amendment 20 in his name. Does the minister wish to speak on the amendment?

Mr BATCHELOR (Minister for Transport) — No.

Clause defeated.

Clause 40

Mr BATCHELOR (Minister for Transport) — I move:

21. Clause 40, page 40, line 1, omit “competency” and insert “competence”.
22. Clause 40, page 40, line 5, omit “complied” and insert “taken all reasonable steps to comply”.
23. Clause 40, page 40, lines 8 and 9, omit “, so far as it relates to major incidents,”.

Amendments agreed to; amended clause agreed to; clauses 41 to 48 agreed to.

Clauses 49 to 51

The DEPUTY SPEAKER — Order! I advise the house that because the minister is proposing to delete these clauses, he does not have to formally move amendment 24 in his name. Does the minister wish to speak on the clauses?

Mr BATCHELOR (Minister for Transport) — No.

Clauses defeated.

Clause 52 agreed to.

Clause 53

Mr BATCHELOR (Minister for Transport) — I move:

25. Clause 53, line 17, after “accredited” insert “rail”.

Amendment agreed to; amended clause agreed to; clauses 54 to 64 agreed to.

Clause 65

Mr BATCHELOR (Minister for Transport) — I move:

26. Heading to clause 65, omit “assessment” and insert “management”.
27. Clause 65, line 16, omit “they comply with Division 3” insert “the accredited rail operator has taken all reasonable steps to comply with the requirements in sections 50 to 52”.

Amendments agreed to; amended clause agreed to.

Clause 66

Mr BATCHELOR (Minister for Transport) — I move:

28. Heading to clause 66, omit “assessment” and insert “management”.

Amendment agreed to; amended clause agreed to; clauses 67 to 96 agreed to.

Clause 97

The DEPUTY SPEAKER — Order! I advise the house that because the minister is proposing to delete this clause he does not have to formally move amendment 29. Does the minister wish to speak to the clause?

Mr BATCHELOR (Minister for Transport) — No.

Clause defeated.

Clauses 98 to 100 agreed to.

New heading to division 3, part 9

Mr BATCHELOR (Minister for Transport) — I move:

30. Division heading preceding clause 101, omit “3” and insert “4”.

Amendment agreed to; amended heading agreed to.

Clause 101

Mr BATCHELOR (Minister for Transport) — I move:

31. Clause 101, line 30, after “under” insert “Division 2 or 3 of”.
32. Clause 101, page 128, omit sub-section (2) and insert —

“Note: See also section 51 of the **Interpretation of Legislation Act 1984**.

() If a provision of this Act or the regulations made under this Act is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.

() Compliance with this Act or the regulations made under this Act, or with any requirement imposed under this Act or the regulations, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.

() Evidence of a relevant contravention of this Act or the regulations made under this Act is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.”.

Amendments agreed to; amended clause agreed to; clauses 102 and 103 agreed to.

Clause 104

Mr BATCHELOR (Minister for Transport) — I move:

33. Clause 104, line 11, omit “Order” and insert “instrument”.

Amendment agreed to; amended clause agreed to.

New heading to division 4, part 9

Mr BATCHELOR (Minister for Transport) — I move:

34. Division heading preceding clause 105, omit “4” and insert “5”.

Amendment agreed to; amended heading agreed to.

Clause 105

Mr BATCHELOR (Minister for Transport) — I move:

35. Clause 105, after line 6 insert —

“(b) annual accreditation fees and additional fees for the late payment of annual accreditation fees;”.

36. Clause 105, line 7, omit “(b)” and insert “(c)”.

Amendments agreed to; amended clause agreed to; clauses 106 to 116 agreed to.

Clause 117

Mr BATCHELOR (Minister for Transport) — I move:

37. Clause 117, page 152, line 15, omit “Act; and” and insert “Act.”.
38. Clause 117, page 152, lines 16 and 17, omit all words and expressions on these lines.

Amendments agreed to; amended clause agreed to; clauses 118 to 124 agreed to.

Clause 125

Mr BATCHELOR (Minister for Transport) — I move:

39. Clause 125, page 177, after line 19 insert —

“228SA. Crown to be bound

(1) This Division binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

(2) To avoid doubt, the Crown is a body corporate for the purposes of this Division.”.

Amendment agreed to; amended clause agreed to; clause 126 agreed to.

Clause 127

Mr BATCHELOR (Minister for Transport) — I move:

40. Clause 127, page 233, lines 22 to 29, omit all words and expressions on these lines and insert —

“Note: See also section 51 of the **Interpretation of Legislation Act 1984**.

- (2) If a relevant rail safety duty law is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.
- (3) Compliance with a relevant rail safety duty law, or with any requirement imposed under a relevant rail safety duty law, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.

- (4) Evidence of a relevant contravention of a relevant rail safety duty law is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.”.

41. Clause 127, page 234, line 3, omit “and 2” and insert “to 3”.

42. Clause 127, page 234, line 11, omit “and 2” and insert “to 3”.

Amendments agreed to; amended clause agreed to; clauses 128 to 156 agreed to.

Clause 157

Mr BATCHELOR (Minister for Transport) — I move:

43. Clause 157, page 244, line 18, after “works,” insert “or the safe provision by the electricity corporation of electricity or other like services.”.

Amendment agreed to; amended clause agreed to.

Clause 158

Mr BATCHELOR (Minister for Transport) — I move:

44. Clause 158, page 247, line 8, after “works,” insert “or the safe provision by a gas distribution company or gas transmission company of gas or other like services.”.

Amendment agreed to; amended clause agreed to; clauses 159 to 170 agreed to.

New clauses AA to DD

Mr BATCHELOR (Minister for Transport) — I move:

45. Insert the following new clause to follow clause 38 —

“AA. Criteria on which accreditation applications by rail infrastructure managers are to be assessed

The Safety Director must accredit a rail infrastructure manager in respect of the rail infrastructure operations the rail infrastructure manager carries out if the Safety Director is satisfied that —

- (a) the rail infrastructure manager —
- (i) is accredited in another State or a Territory of the Commonwealth to carry out rail infrastructure operations of a similar kind in that State or Territory; or
- (ii) has the competence and capacity to carry out those operations safely; and
- (b) the rail infrastructure manager has —

- (i) taken all reasonable steps to comply with Division 3; and
- (ii) demonstrated to the Safety Director that —
- (A) the rail infrastructure manager’s safety management system complies with Division 4 of Part 3; and
- (B) the rail infrastructure manager has complied with section 26; and
- (iii) the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the carrying out of rail infrastructure operations.”.

46. Insert the following new clauses to follow the heading to Division 3 of Part 5 —

‘BB. Application of Division

- (1) This Division applies to every rail infrastructure manager and rolling stock operator who applies under Division 2 to be accredited under this Part in respect of (as the case requires) the rail infrastructure operations or rolling stock operations they carry out or intend to carry out.
- (2) The rail infrastructure manager or rolling stock operator must, as part of their application, include information, in writing, that evidences that they have taken all reasonable steps to comply with the requirements of this Division.

CC. Identification of incidents and hazards, and risk assessment

- (1) A rail infrastructure manager must —
- (a) identify all incidents which could occur on or at rail infrastructure or while carrying out rail infrastructure operations; and
- (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (2) A rolling stock operator must —
- (a) identify all incidents which could occur while carrying out rolling stock operations; and
- (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (3) A rail infrastructure manager or rolling stock operator must document all aspects of any identification required by (as the case requires) sub-section (1) or (2), including the methods and criteria used for identifying the incidents and hazards.
- (4) A rail operator must conduct a comprehensive and systematic assessment in relation to all possible incidents and all hazards identified in

- accordance with (as the case requires) sub-section (1) or (2).
- (5) An assessment must involve an examination and analysis of the hazards and incidents identified in accordance with (as the case requires) sub-section (1) or (2) that provide the rail operator with a detailed understanding of all aspects of risk to safety associated with the incidents, including —
- (a) the nature of each hazard and incident; and
- (b) the likelihood of each hazard causing an incident; and
- (c) in the event of an incident occurring —
- (i) its magnitude; and
- (ii) the severity of its consequences of the incident; and
- (d) the range of control measures considered.
- (6) In conducting an assessment, the rail operator must —
- (a) consider hazards cumulatively as well as individually; and
- (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazards being considered.
- (7) The rail operator must document all aspects of the assessment, and the documentation must —
- (a) describe the methodology used in the examination and analysis; and
- (b) state all the matters specified in sub-section (5)(a) to (d); and
- (c) contain judgments as to the matters specified in sub-section (5)(a) and (b), and reasons for those judgments; and
- (d) contain, in relation to the range of control measures considered —
- (i) statements as to their viability and effectiveness; and
- (ii) reasons for selecting certain control measures and rejecting others.
- (8) In this section —
- “incident”** includes major incident.

DD. Measures to control likelihood, magnitude and severity of consequences of incidents

A rail operator must adopt measures that eliminate or, if it is not practicable to eliminate, that reduce, so far as is reasonably practicable —

- (a) the likelihood of an incident referred to in section 50 occurring; or
- (b) in the event of an incident referred to in section 50 occurring —
- (i) the magnitude of the incident; and
- (ii) the severity of the consequences of the incident.’.

New clauses agreed to.

Heading to division 3, part 9, and new clause EE

Mr BATCHELOR (Minister for Transport) — I move:

47. Insert the following division heading and new clause to follow clause 100 —

‘Division 3 — Proceedings against the Crown

EE. Responsible agency for the Crown

- (1) If proceedings are brought against the Crown for an offence against this Act or the regulations the responsible agency in respect of the offence may be specified in any document initiating, or relating to, the proceedings.
- (2) In this section, the **“responsible agency”** in respect of an offence is the agency of the Crown —
- (a) whose acts or omissions are alleged to constitute the offence; or
- (b) if that agency has ceased to exist, that is the successor of that agency; or
- (c) if that agency has ceased to exist and there is no clear successor, that the court declares to be the responsible agency.
- (3) The responsible agency in respect of an offence is entitled to act in proceedings against the Crown for the offence and, subject to any relevant rules of court, the procedural rights and obligations of the Crown as the accused in the proceedings are conferred or imposed on the responsible agency.
- (4) The person prosecuting the offence may change the responsible agency during the proceedings with the court’s leave.
- (5) In this section —

“agency” includes the Director within the meaning of the **Transport Act 1983**.’.

Division heading and new clause agreed to.

The DEPUTY SPEAKER — Order! The question is:

That the bill be agreed to with amendments.

House divided on question:

Ayes, 51

Allan, Ms	Jenkins, Mr
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Buchanan, Ms	Lindell, Ms
Cameron, Mr	Lobato, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Morand, Ms
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Green, Ms	Overington, Mr
Haermeyer, Mr	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Robinson, Mr
Herbert, Mr	Savage, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Treize, Mr
Ingram, Mr	

Noes, 22

Asher, Ms	Naphine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr
Kotsiras, Mr	Sykes, Dr
McIntosh, Mr	Thompson, Mr
Maughan, Mr	Walsh, Mr
Mulder, Mr	Wells, Mr

Question agreed to.

Bill agreed to with amendments.

Remaining stages

Passed remaining stages.

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

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Schools: Bass electorate

Mr SMITH (Bass) — The issue I wish to raise is for the Minister for Education and Training. I am seeking from her an undertaking that my electorate of Bass will receive a fair share of the \$600 million Snowy Hydro windfall that is going to the Bracks government and has been promised for education facilities.

The minister will be aware that on a number of occasions I have raised with her the need for a new primary school on the Heritage Springs estate at Pakenham. I understand the land was purchased last Friday, and I trust the money for the school's construction will be in this year's budget to allow for its opening at the commencement of 2008.

The minister should also be aware that the Cardinia shire has a large influx of people, with approximately 50 families a week moving into the area. They are young people with kids who require primary and secondary education. The two government primary schools in Pakenham are currently 50 per cent over capacity, and a new Heritage Springs school would be full almost immediately upon opening.

In regard to government education in the Cardinia shire, the minister should also be aware that currently the Pakenham Secondary College has a very large number of students and that a new secondary college is needed. Funding should be made available for either a senior campus on the current site as well as a junior campus, or a new secondary college for years 7 to 12 on a separate site somewhere in the Cardinia shire.

The Cardinia shire has a number of other primary schools that need a total rebuild or a very large upgrade, including the Koo Wee Rup and Nar Nar Goon primary schools, which need rebuilds, and the Garfield, Bayles and Bunyip primary schools, which need total upgrades. The minister should also give consideration to providing funding for two total refurbishments of the Inverloch and San Remo primary schools. I am more than happy to be able to offer to the minister a tour of the schools I have spoken about tonight to ensure she understands that the local school councils, parents, staff and kids work hard to keep their schools looking good, but the schools are old and have few, if any, permanent buildings.

I am taking the new shadow minister for education, the member for Nepean, on a similar tour soon so that he understands the needs of the Bass electorate, and I trust I will be able to get some commitments from him. I do not ask much of the minister — just funding and a commitment for a new primary school at Heritage Springs at Pakenham, a new secondary college at Pakenham, school rebuilds at Koo Wee Rup, Nar Nar Goon, Inverloch, San Remo and Garfield and upgrades at Bayles, Bunyip and Clyde. The minister has the \$600 million, and I would like to see her put it to good use in the Bass electorate. Go for it, minister, we need those schools!

Laurimar primary school: funding

Ms GREEN (Yan Yean) — I wish to raise a matter for the Minister for Education and Training. I ask the minister to take action to ensure that the process can begin to establish a school in the Laurimar estate at Doreen.

The minister will be aware that the area is served by two fine schools, Doreen Primary School and Yarrambat Primary School. Both offer a fantastic quality education to the children of the district. However, Mernda is experiencing significant growth as it is positioned in the Plenty growth corridor. The Mernda–Doreen area is projected to increase tenfold to more than 20 000 people within the next decade.

The Bracks government has recognised this growth and the need of Doreen families for local services, which is why we have committed to build a primary school in the area to serve these families. The minister is aware that I recently raised with her the need for additional classrooms at Yarrambat Primary School, but we need not only those new resources but also a new school at Laurimar as the Laurimar community is indeed a community, not just a suburb. It has a vibrant residents committee, a community centre with maternal and child health services and a great cafe. The Doreen Country Fire Authority brigade has a growing membership, is headed by a new captain, Michael Roberts, and is located in a station built by this government.

I know that a new school would be not only a place of education for the children of Laurimar and the surrounding estates of Mitchells Run and The Ridge but a magnificent and well-used community centre. I urge the minister to do all in her power to support establishing the school in Laurimar.

Lake Mokoan: decommissioning

Dr SYKES (Benalla) — I rise to raise the issue of the cost of decommissioning Lake Mokoan. I request that the Minister for Water make public the true costs, identified as a result of the extensive work done since the announcement in June 2004 that the lake was to be decommissioned, and have an independent assessment made of the current level of water supply security, as this will have a major impact on costs.

It is claimed that Lake Mokoan is being decommissioned to achieve water savings of approximately 44 000 megalitres to meet political commitments to provide water to the Snowy River and the Murray–Darling Basin. There has been widespread community rejection of the project cost estimates of around \$60 million. This rejection is based on many factors, including the dubious figures contained in addendum 5 of the initial report, which shows full decommissioning to be the most cost-effective option. In particular, the cost of \$20 million for the dam wall upgrade is highly debatable, especially if a smaller storage is chosen as an option for maintaining the security of supply to irrigators.

Secondly, the work of the minister's own Broken System Reliability Reference Committee indicates a cost blow-out of at least \$10 million to maintain the current security of supply, which the committee claims to be 97 per cent, but the government will not budge from its figure of 91 per cent. Thirdly, the work of the minister's Future Land Use Committee indicates that the cost of rehabilitating the wetlands would be at least \$10 million more than the original \$1 million estimate. Fourthly, there are significant additional uncoded works to fill in the 20 or so kilometres of the inlet channel; and finally, just last week another major previously uncoded item of \$11 million for salt credits was revealed through a leaked document.

All up, the cost blow-out could easily exceed \$40 million, which would take the project cost up to \$100 million. Surely this raises doubts about the appropriateness of choosing full decommissioning and warrants the investigation of a midstream storage in part of the bed of Lake Mokoan. A midstream storage would meet irrigators security-of-supply needs, and based on the New South Wales barren box swamp project, it may be by far the most cost-effective option.

In conclusion, I again ask the minister to, firstly, endorse an independent assessment of the current level of security of water supply to irrigators, and secondly, to make public the current cost estimates of decommissioning Lake Mokoan, reflecting the

additional costs identified through the extensive work of the Minister for Water's Broken System Reliability Reference Committee and the Future Land Use Committee.

Glen Waverley Bowls Club: synthetic green

Ms MORAND (Mount Waverley) — I raise a issue for the Minister for Sport and Recreation in the other place. I seek the minister's support for an application for funding by the Glen Waverley Bowls Club for the establishment of a synthetic bowling green at the club. The Glen Waverley Bowls Club is a fantastic sporting club. It has been an active and strong part of the community for over 30 years. It has a current active membership of 400.

An honourable member interjected.

Ms MORAND — Not yet, but I am sure he will join. I have very much enjoyed my visits to the club, and I have always been made very welcome by club members on every occasion I have had the opportunity to visit. My father was a member of the club 30 years ago, and there are still bowlers there today who remember him. Last week I had the pleasure of attending the Glen Waverley Bowls Club during a visit by the members of the Malaysian Commonwealth Games bowls team, who were using the club as a practice venue. I thank Harvie Hele for the invitation to attend that day.

The Glen Waverley Bowls Club is seeking support from the Monash City Council through Sport and Recreation Victoria's community facility funding program. The establishment of a synthetic green would be a great investment in the facilities of the Glen Waverley Bowls Club and would enable those at the club to play bowls across a range of weather conditions, particularly in winter and spring.

The green will not only allow the club to provide improved facilities for its members but will enable the club to encourage the use of these facilities by disabled players, vision-impaired players, seniors, school children and other interested members of the community. A significant community asset will therefore be further strengthened and physical fitness and activity will be further encouraged in the local community. Funding for this synthetic green will enable this important local club to continue to grow into the future.

The establishment of the green is being supported by the City of Monash and by the club's own fundraising. The City of Monash is funding the relocation of the

club's car park to make way for the new green. In last year's budget the council approved \$370 000 in funding over two years to support the relocation of the car park and allow the construction of the green.

A lot of work has been undertaken by the club to provide the necessary support from within the club and from the local community, and the club has also worked hard with the City of Monash to move the project forward. With its strong membership base and well led by excellent administrations, both current and past, including Jim Pollard, Graeme Hewitt, June Ellis, Jim Ramm, Noel Waddington and Ray Carey, I support the application from the Glen Waverley Bowls Club and ask the minister to favourably consider the funding application.

Disability services: special school transport

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Education Services and it relates to the inflexible arrangements surrounding the transport and support of an autistic teenager in Apollo Bay. I am asking the minister to immediately intervene and change the rigid policy that discriminates against young people with disabilities who live in areas such as Apollo Bay having appropriate access to transport assistance to get to the nearest special development school and home in a reasonable amount of time and with necessary supervision.

Richard, who is 15 years old, is the son of Dennis Sharpels and Lee Kelly. Dennis and Lee have always tried to integrate Richard into the Apollo Bay school. However, it has become obvious that some of the programs offered by the Colac Special Development School are more appropriate to his needs. Richard has been completing three days a week at the Colac Special Development School and two days a week at the Apollo Bay school.

On school days Richard's parents leave home at 6.20 a.m. to get him to the designated Colac Special Development School bus pick-up point at Forrest. They drive back to pick him up again at night, arriving back home at about 5.45 p.m. Richard's parents were told by the department in Geelong in November last year that they would get a letter outlining his 2006 transport arrangements. The letter never arrived. For all intents and purposes the department appears to have turned its back on Richard and both he and his parents deserve a better deal.

As a stop-gap measure and to provide some relief, student transport has arranged a seat for Richard on the private Trinity College bus. However, issues of

supervision during transit are always pertinent. This arrangement was originally put in place during 2005 but was cancelled due to a seat no longer being available. The Colac Special Development School buses have adult carers who travel on them to provide this supervisory role. Richard's parents have been told that the Colac Special Development School buses are operating at their limit and cannot be changed or extended to cope with him. I am told that no-one in the Department of Education and Training will listen to transport issues facing disabled students in rural and remote locations. His parents have been told there will be no more taxis but there does not seem to be any replacement plan for students who live outside major regional centres.

Richard, a school-aged boy with a major disability, was made to endure an 11½ hour day just to attend his nearest appropriate setting. Richard was not able to cope with these arrangements, and that is understandable. Any system that allows a family with a child who has a major disability to slip through the transport net needs to be changed, and it is necessary that additional funding be supplied to ensure that Richard is accommodated in such a manner as to give him the best possible chance of getting the best out of his education opportunities. Template solutions do not always provide the desired outcomes. In this situation it is obvious that there is either a lack of funding or an inflexible policy.

I ask the minister to intervene and ensure that Richard's needs are addressed and that he is looked after and given the best possible chance to get the most out of his education prospects in the future.

Maribyrnong College: sports programs

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Education and Training. I invite her to visit the Maribyrnong College, the location of the Maribyrnong sports school, and give consideration to the next steps in the development of this innovative concept. Since it was first announced, leading schools funding of three additional teachers for three years has been provided to assist the school and to prepare for the introduction of this new concept.

In addition, an outstanding educational leader has been appointed to lead this exciting initiative at Maribyrnong. He is Rob Carroll, a former assistant principal at Ballarat High School. Rob has previous experience in coordinating specialist sports programs at Sebastopol College and Ballarat High School and has represented the Department of Education and Training on a UK exchange to specialist sports schools in

England as part of the exemplary schools program. He brings over 25 years of school and community sports experience to the position.

I envisage that we need to clarify participating sports and identify time lines and the new facility's needs so as to complete the picture and move the planning to a new phase. Many in the school are hoping for the first intake of students next year. A strategy is also needed to take advantage of the location of the school adjacent to the new \$18 million regional aquatic centre and close to the \$24 million redevelopment of the Victoria University sport and recreation teaching and elite testing centre, and close to the \$19 million Whitten Oval redevelopment. This may also involve a coordinating or reference group to include these groups and other relevant stakeholders.

I conclude by suggesting that we need the minister to mosey out to Maribyrnong to create more momentum behind the project and move it to a new phase.

Country Fire Authority: Rowville brigade

Mr WELLS (Scoresby) — I have a matter of grave concern for the Minister for Police and Emergency Services. I ask him to take immediate action and instruct the Country Fire Authority management to stand up to the United Firefighters Union (UFU) and allow only day shifts to take place at the Rowville CFA.

What has happened is that the Rowville volunteers have been told that the station will receive a group of full-time firefighters, which means that the full-time firefighters will be there seven days a week, 24 hours a day. That is not what the local CFA volunteers want. They want coverage only between 8.00 a.m. and 6.00 p.m., Monday to Friday, and the volunteers will do the rest.

They admit there is an issue with daytime coverage because of work commitments and people having young families and sporting commitments et cetera. While they accept coverage from Monday to Friday from 8.00 a.m. to 6.00 p.m., they do not accept the need for full-timers to be there the rest of the time. The problem is that under United Firefighters Union rules the union has stated very clearly that it is either full time, seven days a week, 24 hours a day, or not at all, so they cannot and will not even negotiate and say, 'Okay, we will just put in a day shift'.

I was under the impression until recently that the CFA management ran the CFA, but I am now firmly of the view that it is the UFU which dictates terms to the CFA management and that the CFA management just

continually rolls over. Let me tell members that there are ramifications, because if full-time UFU firefighters go in there, it will mean that half the volunteers in the Rowville CFA station will pack up and head off, because they will no longer be needed, and the UFU will run that station as a fully fledged union station.

The Liberal candidate for Ferntree Gully, Nick Wakeling — who is doing an outstanding job — and I have been speaking to many people in the Rowville area. There is very strong support for the CFA volunteers remaining in that area. The CFA volunteers have been there for 60 years, providing a magnificent fire protection coverage to the Rowville area, and over the years it has continued to grow. But this is a time when we need the Minister for Police and Emergency Services to stand up and not worry about his factional mates and preselection. This is about looking after the CFA volunteers. We want him and the CFA to make a stand, to put the full-timers in from Monday to Friday from 8.00 a.m. to 6.00 p.m., but the rest of the time the station should only have CFA volunteers.

Schools: Healesville traffic management

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Education Services. The action I request is that she help resolve a traffic management issue around the Healesville Primary School and St Brigid's Primary School in Healesville.

This has been a real problem for a very long time. A former teacher told me the other day that it was an existing concern when he began teaching there in 1975. The schools are opposite each other on a very narrow road on top of a steep hill. As a result the problems keep getting worse, as the trend is for parents to drive their students to school. There are now around 650 to 700 students attending the schools every day.

The schools have staggered their start and finish times and are taking various actions to address the problem, but it has not worked to date. I met with parents from both schools on Monday, 27 February, and they expressed their frustration that they have been working constructively with the schools, the Department of Education and Training and the Catholic Education Office since July 2004 in their latest bid to get this issue addressed, but to date there is no end in sight.

To cut a very long story short, following the meeting the Department of Education and Training indicated that an independent report will be completed on the parking and traffic management issues by 10 March. This is great news for the communities, but they are very keen to see the issue progress and they would like

definite time lines in order to meet the Shire of Yarra Ranges budget deadlines for 2006–07 and to give certainty to the concerned parents that their children are as safe as possible at pick-up and drop-off times. Again, it would be greatly appreciated if the minister could ensure that the Department of Education and Training will resolve this problem and the schools and parents are kept informed of its progress.

Rail: Box Hill station

Mr CLARK (Box Hill) — I raise with the Minister for Transport the latest example of deterioration in public transport services in the Box Hill central transport centre. I ask the minister to use whatever powers he has under the agreements he has negotiated with Connex to get it to improve the standard of service that it provides to travellers using the Box Hill station.

These latest difficulties being experienced by commuters come on top of the continued neglect that Box Hill has suffered, including the lack of progress on promised improvements as part of the transit city arrangements, which have become bogged down in interminable planning and buck-passing to local government; continued filthy conditions at the bus depot, only temporarily improved whenever I raise the matter with the minister; and breakdowns in the escalators that allow commuters to access public transport facilities at the terminal.

The latest case that has come to my attention is contained in a letter that was written by Ms Judith Stabernack of Belmont who wrote to the Leader of the Opposition on 2 February, sending him a copy of a letter she had written to the minister. In that letter she outlined the very severe difficulties she is experiencing:

Currently I hold a 10-week ticket from 12 January 2006 to 22 March 2006 (copy enclosed) for which I paid \$652. This ticket states my journey covers me from Marshall to Box Hill and back for 10 weeks. I have been travelling this way for over two and a half years paying approximately \$3000 per year. I face the journey on a tight schedule as do most commuters and I cannot waste time waiting at ticket barriers until it suits someone to open the gate as I miss my train to Geelong, forcing me to wait approximately 1 hour for another.

The nub of her problem is as follows:

During the past two weeks I have been stopped at the turnstiles at Box Hill and told to show my ticket at the window, thus forcing me to queue up. The reason I purchase my ticket is so that I do not have to queue. The officers selling tickets are supposed to open the gate to allow ticket-holders through, but they are not very happy about this and do it very reluctantly. I have been told twice quite rudely that I have purchased the wrong ticket! I have also been ignored when I

show my ticket at the window and have found some of your inspectors very arrogant.

It appears that these problems arise from a change of policy which involves a permanent closing of barrier gates in order to try to restrict fare evaders. The trouble is that Connex has not deployed sufficient staff or made the necessary changes to staffing arrangements and the same staff who man the ticket window appear to also have to open the barrier gate thus causing delays for holders of non-magnetised tickets such as Ms Stabernack who are therefore being held up by not being able to get through the turnstiles.

Schools: Morwell electorate

Mr JENKINS (Morwell) — I call on the Minister for Education Services to take action to ensure that parents are given the correct information about the support being provided to drought-affected school communities in Morwell as well as across the rest of the state. The schools in Morwell and the rest of the state have made a great effort in trying to work with the Bracks government to ensure that they have an opportunity to address their drought-affected status in a way that supports the school community.

Importantly Tobruk Street Primary School in Morwell, one of the schools in my electorate, has decided to ask for the support of the state government to put in place a breakfast program. The Boolarra Primary School wants to institute a water safety program, and it has also asked for support because this is a most important need in view of the school's drought-affected situation. The Glengarry Primary School, another of the great primary schools in my electorate, is looking for funding to hold a whole-community school picnic. These are just three examples of school communities across the state that are looking at ways to address their particular circumstances in consultation with the state government.

A deal of misinformation has been given by other members about the support offered to drought-affected schools by the state government and how they have implemented that support. I ask the government to make sure that all parents and school communities in the state understand fully what the government is doing and how the support is being implemented.

Responses

Ms ALLAN (Minister for Education Services) — The first matter was raised by the member for Polwarth and concerns transport for an autistic student whose family resides in that member's electorate. As I have not had a chance to receive details on this young boy's

case before tonight I am unable to respond in any detail, but I will be happy to get further information from the local member and provide a response at a later date. The issue of students with a disability — indeed all student transport matters — is something the Victorian government takes very seriously. When you consider that it provides transport for over 110 000 students each and every school day you realise that this is a significant responsibility that the government will ensure is met within the guidelines. I will follow up on this matter directly with the member for Polwarth after the house has adjourned.

The member for Seymour raised a matter regarding traffic management between the Healesville Primary School and St Brigid's Primary School in Healesville. In addition to raising the matter with me in the house this evening, the member has also raised it with me personally outside the chamber. He continues to be an outstanding advocate for schools in his local community and keeps in close contact with all of the schools in his electorate on matters they raise with him.

The Victorian government also takes very seriously its responsibility to be a good neighbour to our schools, and I inform the member for Seymour that the Department of Education and Training, in partnership with the Catholic Education Office, has commissioned a traffic consultant's report. I understand that that report is to be finalised in the next week or so, and I will ensure that my department, along with the Catholic Education Office, meets with the Shire of Yarra Ranges to develop an agreed solution to the issues at this site. I understand that it is a matter of concern to the parents, as indicated by the member for Seymour, and I will continue to make sure that the member is provided with every assistance to reach a resolution for parents in that community.

The member for Morwell raised some concerns that he and, I am sure, a number of parents across country Victoria have regarding some unfortunate claims that were made in this chamber in the last sitting week. Members of the house may recall that last year the Bracks government provided \$200 000 of additional funding to schools in drought-affected areas. It responded because it recognised that the drought had had an extreme impact in many parts of the state and many schools and families need additional support at this time. As a result of that funding, 118 schools have now been provided with additional assistance.

It is therefore very disappointing to have the Deputy Leader of The Nationals, someone who is meant to have a leadership role in this chamber, mislead country people by telling this house during the last sitting week

that this money had not been allocated. This exposes the Deputy Leader of The Nationals on one of two fronts. He is either deliberately misleading his constituents, and indeed many people in country Victoria, or he simply does not understand how funding works. He simply does not have a grasp of the issues, and that is terribly embarrassing for the Deputy Leader of The Nationals. I want to take this opportunity to reassure those parents and those schools that they do not have to worry about the deliberately misleading claims of the Deputy Leader of The Nationals.

We have provided funding to those schools, and we had provided funding at the time the deputy leader made these claims. We will continue to make sure that we support all the schools that need support at this time.

Ms KOSKY (Minister for Education and Training) — The member for Bass raised a matter for my attention about Pakenham Rise. It is interesting that he talked about additional funding for schools in his electorate and about a fair share being provided from the sale of Snowy Hydro Ltd when he and his party are utterly opposed to the sale of Snowy Hydro and therefore utterly opposed also to that money going to schools. While some schools are in need of full replacement, I think there are also some members who are in need of full replacement — but that has been suggested to me by others, and I would never raise that in the house.

In regard to Pakenham Rise and Heritage Springs we have purchased some extra land for the growing number of young families in the electorate. We are well aware of the needs of schools. There is a planning process going on to make sure that there are adequate schools for the students in that area. I have kept and will continue to keep the member informed of the work occurring there to make sure that we have schooling facilities for those children and their families as the children grow and become members of our schools.

The member for Yan Yean raised a matter in relation to the Laurimar Park primary school — in particular, the issue of land acquisition and the establishment of a school at Laurimar once we have acquired that land. I remind the house that since coming to office we have built 28 new schools and 17 replacement schools, as well as providing over 339 major renovations within our schools. I advise the member for Yan Yean that the education department is in discussion with the City of Whittlesea and the developers to acquire a suitable site for the Laurimar Park school. We are absolutely committed to building that school.

The department of education continually monitors any changes in demographics in growth areas and considers the impacts of those changes in population on education provision. A change in the developer that owned the site that we were looking at purchasing in relation to Laurimar Park primary school has meant that the identification of a school site has taken a little longer than anticipated. But we are absolutely committed to making sure that we provide a safe school in the member's electorate to cater for the Laurimar area.

The member for Footscray raised a matter concerning the construction process at the Maribyrnong sports school. I am happy to advise the member for Footscray that the sports school can proceed to planning. I intend to meet with the recently appointed sports development director, Rob Carroll, whom the member described as a very strong leader in our education sector. I am also going to meet with the planning committee next week to discuss the vision for the school and to announce the facility planning funds. I assure the member that he will be invited to those discussions. This means that the school can now work on a detailed design for its building project, with the main focus being on delivering the best educational outcomes for the students in that school. The schools have been supported through the Leading Schools Fund.

I want to thank the member for his strong involvement in this project. It is a lighthouse project within Victoria, and it is a very important project for the member but also for education across the state. The member for Footscray has played a very critical role in getting us to this stage, and I know he will be involved in getting us to the next stage so students get the benefit of the new sports school.

The member for Benalla raised a matter for the Minister for Water about Lake Mokoan. However, I notice that the member, and indeed his party, have not yet answered the question as to whether they will keep Lake Mokoan — and in fact they are not here this evening to listen to the answer. But I will pass the matter on to the minister, and I know he will respond in a very timely manner.

The member for Mount Waverley raised a matter for the Minister for Sport and Recreation in another place about a bowling club in her electorate. I will be very happy to pass that matter on to the minister.

The member for Scoresby raised a matter for the attention of the Minister for Police and Emergency Services about the Country Fire Authority Rowville brigade. I will be very pleased to pass on that matter for the minister's attention.

The member for Box Hill raised a matter for the Minister for Transport about transport services in Box Hill. While the opposition privatised transport services it now wants us to interfere with the Kennett government contract to improve the facilities. I know that the relationship that the Minister for Transport now has with the transport providers means he will be able to respond to the member for Box Hill.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.26 p.m.