PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

Tuesday, 15 November 2005

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By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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TUESDAY, 15 NOVEMBER 2005

Tuesday, 15 November 2005

The SPEAKER (Hon. Judy Maddigan) took the chair at 2.03 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Industrial relations: WorkChoices rally

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. Will the government obey the law and dock the pay of public servants on strike today?

Mr BRACKS (Premier) — I thank the Leader of the Opposition leader for his question, and I can, in answer to the member's question, indicate that there were 175 000 people in the streets of Melbourne today. Amongst those 175 000 people there would have been working families from right across Victoria. It is a self-evident truth that, if someone has taken a strike day, then they are docked money for that day. But can I say more broadly that this action today has been caused — and let us be clear about this — by the radical industrial relations policies of the federal government.

The reality is: if it's not broken, don't fix it. The reality is that we have seen significant economic growth in Australia over the past years under the current industrial relations system. If we are to have gains from a strong economy, they should go back to working families. That is why people are out today. Can I say this to the Leader of the Opposition: we remember on this side of the house what it was like when he was in government last and stripped the awards away from 400 000 workers in Victoria. We remember what that was like. We remember the words that the then Premier used, which are identical to the words the Prime Minister is currently using about guarantees that no-one would be worse off, which were never kept. It took us years to recompense those 400 000 workers who were stripped of their awards by the previous government.

Mr Plowman interjected.

The SPEAKER — Order! The member for Benambra!

Rural and regional Victoria: *Moving Forward*

Mr HARDMAN (Seymour) — My question is to the Premier. I refer the Premier to the government's commitment to making regional Victoria a great place to live and raise a family and ask him to detail for the house how the government's *Moving Forward* provincial statement will deliver on that commitment.

Mr BRACKS (Premier) — I thank the member for Seymour very much for his question. Yesterday I was pleased to launch *Moving Forward*, our plan for provincial Victoria over the next couple of years, with the Minister for State and Regional Development, the Treasurer, the Minister for Agriculture and the Minister for Education Services.

In launching our program for the next six years and beyond it is also worth noting that over the last six years we have seen something like 80 000 new jobs created in country Victoria. We have seen 66 000 new residents move to country Victoria. This is the highest population increase we have seen in some 40 years — there has been a 1.2 per cent population growth across country Victoria. We have seen a record number of building approvals — the biggest increase in building approvals we have seen in the regions for many years. We have had one-third of the total number of regional building approvals across the country.

To build on that success and to deal with issues we now face — such as not holding back the productivity of regions, making sure growth can occur and making sure there is a skills capacity to enable that to occur — I was pleased to announce — —

Dr Napthine interjected.

The SPEAKER — Order! The member South-West Coast!

Mr BRACKS — I was pleased to announce with the Minister for State and Regional Development a new $502 million package for country and regional Victoria. The key for this package is twin funds of $200 million extra for the Regional Infrastructure Development Fund and $100 million for the new Provincial Victoria Growth Fund. Those twin funds will really deal with the growth required to capitalise on the good performance of the regions in the last six years.

On this side of the house we all remember what regional Victoria was like six years ago. We remember the comments of the previous government and the previous Premier. We remember their philosophy. Their philosophy was this: if you grow the centre of the city of Melbourne, then automatically and invisibly the rest of the state will grow. We reject that unilaterally. We believe intervention is required to give a hand up, not a handout. That is what we are doing with this new package. As has been widely reported around regional

Victoria, this is a great boost for provincial Victoria for the next six years and beyond.

Commonwealth Games: public transport

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Transport. I refer to the government's belated, though welcome, decision to offer Commonwealth Games travel discounts for patrons of V/Line services, albeit for some bizarre reason at a cost of $10 for a return fare, and I ask: will the minister guarantee that travellers from more distant parts of the state will not be charged the full fare simply because they cannot complete the return trip to Melbourne on the same day of the event they are attending?

Mr BATCHELOR (Minister for Transport) — I thank the Leader of The Nationals for his question. This government is going to make sure that the Commonwealth Games, which will be held in Melbourne next year, are a huge success. We encourage people to take — —

Mr Baillieu interjected.

Mr BATCHELOR — How did your challenge go this morning? We understand the member for Hawthorn chickened out on his challenge this morning. He is not up to it. Will he be up to it next year?

The Commonwealth Games will be on next year. We have provided incentives and assistance for people to attend the Commonwealth Games in the metropolitan area and across country Victoria. We are certain that when they attend they will have a great time.

Rural and regional Victoria: *Moving Forward*

Mr NARDELLA (Melton) — My question without notice is to the Minister for State and Regional Development. Could the minister detail for the house how the government's *Moving Forward* provincial statement has been received by the community?

An honourable member interjected.

Mr BRUMBY (Minister for State and Regional Development) — I needed a wheelbarrow to bring them all in. There were that many of them, I needed a forklift truck!

The statement that the Premier and I released yesterday is titled *Moving Forward*. It is titled *Moving Forward* for a very good reason, because provincial Victoria has been growing over the last six years.

Mr Honeywood interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition!

Mr BRUMBY — And we want to continue to take it forward in the years ahead. There is one place provincial Victoria never wants to go again and that is back to the 1990s — back to the days of the former Kennett government. We are moving forward; we are not going back to the bad old days of the Liberal Kennett government. The initiatives that we announced yesterday — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster! It is the last week of a very long year in Parliament — and I am probably not in a very good mood — so I would advise members to be really quiet in question time unless they wish to be dealt with heavily.

Mr BRUMBY — It is interesting that the only contribution by the shadow minister for education on this debate has been to say that country Victorians cannot read or write. In the 1990s we had the 'toenails' and now we have provincial Victoria — —

An honourable member interjected.

Mr BRUMBY — No, the press release is on the Net — Sunday, 13 November. This is their sort of attitude. The package that was released yesterday has been extraordinarily well received by stakeholder groups and by people across country Victoria generally. I will read some of the reactions, which I was asked to do by the honourable member for Melton. Here is the *Border Mail* editorial headed 'Bracks keeps country areas moving forward':

> The Victorian government appears to have again come up with a winner with its Moving Forward program.

Here is the Ballarat *Courier*:

> The bottom line is, regional Victoria is on the money.

This means regions will get important funding in a range of areas.

> It augurs well for the future of regional Victoria.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — The *Bendigo Advertiser* carries the headline 'Package a boon for city'. The paper reports that City of Greater Bendigo mayor, Rod Fyffe, was pleased with the package and quotes him as having said, 'We think it is a very positive statement'.

The Minerals Council of Australia says that the minerals industry supports Victorian government policy. Chris Fraser, executive director of the minerals council, said that the minerals industry is particularly encouraged by the government's strategically targeted investment of $9 million at a pre-competitive geoscience data over three years in gold exploration under cover.

The Tourism and Transport Forum said that the tourism industry welcomes the Victorian funding boost. It goes on to say what a great package it is and said that TTF congratulates the Bracks government and especially Minister Pandazopoulos for the leadership that has been shown across all portfolios.

The Australian Industry Group said that increased funding for regional Victoria was a positive step. It goes on to say that the focus on exports and the Regional Infrastructure Development Fund is great for regional Victoria. The Victorian Employers Chamber of Commerce and Industry has also recognised and congratulated the government on its statement.

An *Age* article headed '$30 million dredging plan buoys Entrance fishermen' quotes the deputy and acting chairman of the Gippsland Ports Authority, Tom Davies. The Deputy Premier and I were in that area for this announcement last Thursday, when Mr Davies said, 'I feel like I have won Tatts. This is the most amazing thing that has ever happened to this port'. That is not bad!

Another article is headed 'Sand plan gets $31.5 million'. The member for Gippsland East was there with us as well. I should say that the port was strongly supported. A lot of people came out for the announcement. The Lakes Entrance Business and Tourism Association president, Darren Chester, welcomed the announcement of the project and said what a great thing it was. He is a great man and he works for the Leader of The Nationals. That is not all. Members of The Nationals right across the state are supporting this package because it is a great package. Cr Darrell Argyle rang yesterday and said what a great package it was.

The president of the United Dairyfarmers of Victoria, Doug Chant, said, 'I welcome government's positive response to the farming community. It is heartening and indicative of the value they place on farming and dairy'. We have the chamber of commerce, the Municipal Association of Victoria, the rural cities group, the fishing co-ops, the Lakes Entrance Business and Tourism Association — all of these groups — —

Mr Plowman — On a point of order, Speaker, the minister has now been going for well over 5 minutes and I ask that he conclude his answer.

The SPEAKER — Order! I remind the minister of the requirement to be succinct and I ask him to conclude his answer.

Mr BRUMBY — I do not have time to go through all of the endorsements of the package; I will have to rule a line there. But the chamber of commerce, the municipal association, the rural councils group, the tourism industry and VRFish are all out there saying that this is a great statement for the future of provincial Victoria. That is why we put it together.

I have only managed to find one critic. In the whole of Victoria — 5 million Victorians — I have only managed to find one. I saw him on television last night talking about bulldust. I thought that was apt, I was looking right at him on the TV. Out of all of that good news, all of that positive endorsement, the only person who wants to take provincial Victoria backwards and wants to criticise this package is the Leader of the Liberal Party. This is a great package for provincial Victoria. It will drive jobs, drive investment, drive population growth and improve livability.

On behalf of the Premier and the government I thank all of the groups that put in so much effort over the last year. In particular I thank all of the councils, the regional cities group, the Regional Development Advisory Committee and all the others organisations that worked with the government over the last year to develop what is a great package for provincial Victoria.

Industrial relations: WorkChoices rally

Mr PERTON (Doncaster) — My question is to the Premier. I refer the Premier to today's forced closure of more than 100 government schools because of the government's support for teachers taking industrial action and I ask: why should working families — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to be quiet to allow the member for Doncaster to ask his question.

Honourable members interjecting.

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

Mr PERTON — I refer the Premier to today's forced closure of more than 100 government schools because of the government's support of teachers taking industrial action, and I ask: why should working families and parents and carers of 300 000 students lose income or incur child-care costs because the government encouraged teachers not even affected by the federal industrial relations reforms to go on strike?

Mr BRACKS (Premier) — I thank the member for Doncaster for his question. There were some schools that were closed today. We should note that under the previous government 300 schools were closed permanently — for ever! The last time I looked Victoria was a vibrant democracy where people made their own choices. Again they made their own choices today.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr Perton interjected.

The SPEAKER — Order! I warn the member for Doncaster!

Mr BRACKS — The right of people in individual industries to take action to withdraw their labour has been an inalienable right for some time. I fully understand that the Liberal Party opposite would like to prevent that happening and stop the right to strike. That has been its long-term aim. But there is a right to protest, and there is a right to take up this matter. This has been caused, if I can repeat it, by the radical industrial relations agenda of the federal government. It has caused this action. It is stripping back awards; it is hurting working families. We are sticking up for working families in this state, and will continue to do it.

Ports: *Moving Forward*

Mr JENKINS (Morwell) — My question is to the Minister for Water. I ask the minister to detail for the house how the government is delivering a new deal for local ports as part of its *Moving Forward* provincial statement.

Mr THWAITES (Minister for Water) — I thank the member for his question. The provincial statement that was released by the Premier and the Treasurer demonstrates our commitment to grow the whole of the state. I am proud to be part of a government — —

Mr Doyle — What part of Melbourne is in provincial Victoria?

The SPEAKER — Order! The Leader of the Opposition!

Mr THWAITES — No-one listens to you on that side either, mate! They are not listening to you!

Mr Doyle interjected.

Mr THWAITES — You are doing very well!

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting in that inappropriate manner, and I ask the minister to address his comments through the Chair.

Mr THWAITES — I might say that I am proud of a government that is on about giving more opportunities, not cutting rights and not taking away the rights of working families, which the other side supports.

As the minister responsible for local ports I would like to advise the house of a major commitment in the provincial statement of $61.5 million to boost local ports around Victoria. The current Leader of the Opposition may not be aware of the importance of local ports, but we certainly are on this side of the house. They provide jobs around the state, they provide some $500 million of economic activity each year and they support our commercial fishing industry, our recreation industry, our tourism and our boating. They will all benefit from this $61.5 million overhaul. In particular, port assets will be upgraded, safety will be improved and there will be improved access. We will be able to deliver better services for local communities and support tourism and fishing. Some of the ports that are included are Port Fairy, Warrnambool, Apollo Bay, Portarlington, Andersons Inlet, Port Campbell and Port Albert. We are talking right across the state.

Mr Ingram — And Mallacoota.

Mr THWAITES — And Mallacoota. On top of the — —

Honourable members interjecting.

Mr THWAITES — I was saving that!

On top of the $30 million that is being invested in these local ports — —

Mr Ryan interjected.

Mr THWAITES — I did, I left it for the member.

Mr Ryan interjected.

Mr THWAITES — He is more influential than you are — and he is a better local member!

Honourable members interjecting.

The SPEAKER — Order! The minister, to return to answering the question.

Mr THWAITES — On top of the $30 million for ports, I was very pleased last week, with the Treasurer, to announce funding of $31.5 million for installing a sand management system at Lakes Entrance. I must say it was reported very well by the *Bairnsdale Advertiser* on its front page. This Lakes Entrance port supports about 60 commercial fishing vessels. The total economic benefit is around $150 million. There has been a major problem with sand in the port. We have now committed $31.5 million for a new sand management system that will provide security for Lakes Entrance.

Mr Smith interjected.

The SPEAKER — Order! The member for Bass!

Mr THWAITES — This announcement follows a number of meetings that the member for Gippsland East organised with the Treasurer, the Gippsland Port Authority and me, and it provides security for Lakes Entrance. I was again going to quote from the *Age* newspaper and highlight the comments of Tom Davies, Gippsland Ports deputy chairman. In fact, it is such a good quote, I think we should refer to it again. The Gippsland Ports deputy chairman said, 'I feel like I've won Tatts'. As well as saying that, he emphasised that this was the best thing to happen for many years. I am also very pleased to advise the house that many of the fishermen from the region not only are thankful but, as I understand it, are going to be coming to Melbourne at some stage to indicate how important fishing is to Lakes Entrance.

In conclusion, can I thank the Treasurer and the Premier for showing their commitment to local ports and also acknowledge the role of the member for Gippsland East in securing this great result.

Industrial relations: federal changes

Mr McINTOSH (Kew) — My question is to the Premier. I refer the Premier to his statement at the Labor-sponsored union rally this morning that the Victorian government — —

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General will be quiet, as will the Treasurer.

Mr McINTOSH — I refer the Premier to his statement at the Labor-sponsored union rally this morning that the Victorian government will mount a constitutional challenge to the federal government's industrial relations (IR) laws before the High Court, and I ask: given that Victoria is the only state which has referred its IR powers to the commonwealth, what exactly will the Victorian government be challenging?

Mr BRACKS (Premier) — I thank the member for Kew for his question, and I thank the member for asking a question on late breaking news! This was something we announced, I think, two months ago, and we have reinforced it about six times. We have enormous concern about the misuse of the Corporations Law in areas where it otherwise would not be appropriate, and that is exactly what we are going to challenge as part of the High Court challenge.

Dairy industry: *Moving Forward*

Mr MAXFIELD (Narracan) — My question is to the Minister for Agriculture. Could the minister detail to the house how Victoria's dairy industry can expect to benefit from the announcements in the government's *Moving Forward* provincial statement?

Mr CAMERON (Minister for Agriculture) — I thank the honourable member for Narracan for his question. He is certainly a very keen supporter and advocate of the dairy industry in Victoria. Victoria is the largest agriculture producing state. In provincial Victoria one in six jobs is tied up in this industry, whether on the farm or in the food processing industry. The dairy industry is a key part of that. If you have a look at exports, you find that dairying is the largest export earner for Victoria, at over $2 billion.

Yesterday the Premier and the Treasurer outlined tremendous initiatives as part of the government's *Moving Forward* announcement, and of course that is necessary. When you have record investment, record population and record building approvals, you have to keep the momentum going, and that is what the Premier and Treasurer were able to outline yesterday. Agriculture and land-holders will receive $22 million, but on top of that there is an $11 million package for the dairy industry. That covers infrastructure to boost innovation and research and improve employment practices. I will highlight some of the key parts of that.

There is a dairy industry local roads subprogram of the very successful Regional Infrastructure Development

Fund, which, members will recall, was voted against by the crowd opposite. It was only under the threat of working on Christmas Eve that they buckled at the knees. That is particularly important to improving the safety of local roads and improving access, particularly in getting B-doubles off roads and onto farms. There has been an extension of the stock overpass/underpass program, which is something the honourable member for Narracan championed earlier. There is an additional $1.5 million in that program. The new leader of the United Dairyfarmers of Victoria, Doug Chant, a very capable man, summed up the sentiment of the dairy industry and agriculture by welcoming the government's positive response to the farming community. Certainly the government welcomes that and acknowledges the UDV and the role it has played in putting this package together.

There will also be funds to promote good employment practices through Dairy Australia. It wants to see dairying as being an employer of choice. We all want to see a good and capable dairy industry. That view is in stark contrast to the view presently being put by honourable members opposite, who simply want to cut down wages and threaten the livelihoods of families.

There are funds for the dairy industry planning forum, which is so necessary in a substantially changing industry — —

Honourable members interjecting.

The SPEAKER — Order! The level of conversation is too high. I ask members to be quiet to allow the minister to continue — including the Leader of the Opposition.

Mr CAMERON — There are funds for the Cooperative Research Centre for Innovative Dairy Products and also funds to examine research and development capabilities as we move forward with research in the dairy industry. That is so important, as the honourable member for Narracan can tell you, given the tremendous work that comes out of the Ellinbank dairy research institute.

The dairy industry has changed substantially and continues to change. It is getting more and more professional. It is a growing industry, and the *Moving Forward* statement is so important to that. Whether it is 'moo-ving' forward or *Moving Forward*, what we want to see is a great dairy industry — and that is what you would expect from Labor, the party of provincial Victoria.

Hazardous waste: Nowingi

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a recent letter from South Australia's Minister for Environment and Conservation, John Hill, to the Honourable Barry Bishop in another place, in which the minister says:

> The South Australian government will vigorously oppose any development at Nowingi or anywhere else that poses any risk to the River Murray.

Given that the Premier has ignored the concerns of the communities of the north-west, will the government at least listen to its Labor mates and abandon the proposed Nowingi site for the toxic waste dump?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. Like the whole community, this government will never do anything to harm the Murray River, and that is what the environment effects statement is all about.

Industrial relations: federal changes

Mr LEIGHTON (Preston) — My question without notice is to the Minister for Industrial Relations. Can the minister outline the Victorian government's response to the federal government WorkChoices legislation, particularly in relation to job security?

Mr HULLS (Minister for Industrial Relations) — I thank the honourable member for his question. As we know, the federal government has taken the opportunity to abuse its control of the Senate to create laws that threaten the job security of every Australian. Yesterday state and territory industrial relations ministers travelled to Canberra to make submissions to the Senate inquiry in relation to the WorkChoices bill. I called on the Senate to reject the bill in its entirety because it will cause irreparable harm to employment and family relationships in Victoria.

Today I was very proud to march with around 175 000 working Victorians afraid about their future and afraid about the future of their kids. Let us be clear: security of employment is a matter of fundamental importance to Victorian families. Without secure, ongoing employment it is very difficult to get a mortgage and to pay bills including school expenses and the like. The federal legislation will create a working poverty trap for hundreds of thousands of Victorian families, with workers scrambling over each other to get to the tip jar to pay their bills. Those workers who do have jobs will have no security.

Honourable members interjecting.

The SPEAKER — Order! The level of conversation is too high. I ask members, including the Premier, to be quiet to allow the Minister for Industrial Relations to continue his answer.

Mr HULLS — The WorkChoices legislation means that those who work in businesses that employ 100 employees or less can be mercilessly sacked without any recourse, as they will have been stripped of their right to unfair dismissal protection.

Honourable members interjecting.

Mr HULLS — If that is not devastating enough, the legislation further undermines the security of all Australian families by empowering companies employing more than 100 workers to dismiss an employee for any vaguely defined 'operational' reason. Therefore, regardless of where they work, when this legislation becomes operative — —

Mr Honeywood interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr HULLS — Victorian workers will not have the security that they need to pay their bills, even — —

Honourable members interjecting.

The SPEAKER — Order! I ask members on my left to show some courtesy to the Minister for Industrial Relations and allow him to conclude his — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass was removed from the chamber on the last sitting day for behaving in an unparliamentary manner. If he opens his mouth once again when I am on my feet, I will remove him again. The minister, to continue.

Mr HULLS — This means that even employees of very large national and international corporations like BHP Billiton, AGL, Coles Myer, the Commonwealth Bank, Rio Tinto, Woolworths, Wesfarmers, Telstra and Fosters Brewing will be vulnerable. I notice the future Leader of the Opposition squirming because, as he knows, he has shares in all those companies — every single one of them.

Honourable members interjecting.

The SPEAKER — Order!

Mr HULLS — It is unfortunate that members opposite are so out of touch with working Victorians. It would have been nice to see some of them at the rally today — although perhaps Andrew Olexander was there, because he is certainly on strike.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to return to answering the question. I ask other members to be quiet to allow him to do so.

Dr Napthine interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! I warned the member for South-West Coast on an earlier occasion. He has chosen to ignore that warning. I therefore suspend him from the house for half an hour.

Honourable member for South-West Coast withdrew from chamber.

Questions resumed.

Mr HULLS (Minister for Industrial Relations) — I will just conclude by saying that it is absolutely crucial for every member of Parliament, in particular those opposite, to get out of their offices and go and meet with ordinary, hardworking Victorians and their families, including the 175 000 who marched today — —

Mr Perton — On a point of order, Speaker, the minister is clearly debating the question. I ask you to bring him back to answering the question in terms of government administration.

The SPEAKER — Order! I uphold the point of order. I ask the minister to conclude his answer.

Mr HULLS — I think it is absolutely crucial that we all understand as members of Parliament exactly how devastating the effect of the federal legislation is going to be on working Victorian families.

RULING BY THE CHAIR

Racing and Gambling Acts (Amendment) Bill: royal assent

The SPEAKER — Order! I wish to respond to a matter raised by the member for Kew in the last sitting week in relation to the Racing and Gambling Acts (Amendment) Bill. The following concern has been raised in both houses regarding the delay in granting

royal assent to the bill. I wish to inform the house that the President and I have written to the Premier seeking advice on why there has been a delay on granting assent to this bill and when the bill is likely to receive the royal assent. I will provide further information to the house when I have received a reply.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 202 to 206 and 346 to 353 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 before 6.00 p.m. today.

Mr Wells — On a point of order, Speaker, I raise a serious matter in regard to a petition that I tabled on 20 October calling for more police in the Surf Coast area.

Mr Stensholt interjected.

The SPEAKER — Order! This is a serious matter, and I ask the member for Burwood to be quiet.

Mr Wells — There are two matters I would like to raise. The first involves the member for South Barwon referring to it in an adjournment debate. The member stated that he had looked at the petition and found two particular names. I have checked the petition and found that these two names actually are not part of this petition. I would ask you to investigate whether this petition has been tampered with or whether he has misled the house.

The second issue I would like to raise is in regard to the same petition. In public comments the member for South Barwon claimed on 29 October that you, Speaker, had ruled this petition out of order. It is my recollection that on 26 October 2005 you ruled the petition in order. I ask you to investigate those two matters.

The SPEAKER — Order! I will investigate the matters raised by the member for Scoresby and respond to him.

TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL

Introduction and first reading

Mr BRACKS (Premier) introduced a bill to amend the Terrorism (Community Protection) Act 2003 to provide for the making of preventative detention orders, to give members of the police force special powers in connection with terrorist acts and to expand the circumstances in which covert search warrants may be issued, to amend the Corrections Act 1986 to provide for the detention of persons subject to preventative detention orders and for other purposes.

Read first time.

JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

> That I have leave to bring in a bill to amend the Appeal Costs Act 1998, the Constitution Act 1975, the County Court Act 1958, the Courts Legislation (Judicial Conduct) Act 2005, the Crimes Act 1958, the Evidence Act 1958, the Public Notaries Act 2001, the Serious Sex Offenders Monitoring Act 2005, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998 and the Working with Children Act 2005 and for other purposes.

Mr McINTOSH (Kew) — I ask the Attorney-General to provide a brief explanation of the purpose of the bill.

Mr HULLS (Attorney-General) — This is an omnibus bill that contains a set of minor technical amendments to all those pieces of legislation that I have spoken about, including, in relation to the Appeal Costs Act, reinstating the requirement to prove additional costs as a consequence of a criminal adjournment to enable the relevant board to accurately determine costs reasonably incurred, and an amendment to the Constitution Act restoring the entitlement to elect to retire for judicial officers appointed to the Supreme or County courts for a set period in 1995.

The Crimes Act clarifies that an appeal against sentence does not delay the execution of an order for the conduct of forensic procedures in relation to, for example, the Victorian Civil and Administrative Tribunal Act, improving the efficiency and timeliness of proceedings before the tribunal and enabling VCAT members to appear in their former list with the consent of the

VCAT president, and there are other technical amendments.

Motion agreed to.

Read first time.

CRIMES (DOCUMENT DESTRUCTION) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Crimes Act 1958 with respect to the destruction of documents or other things that are, or are reasonably likely to be, required as evidence in legal proceedings and for other purposes.

Mr McINTOSH (Kew) — I seek an explanation of the purpose of this bill from the Attorney-General.

Mr HULLS (Attorney-General) — As the honourable member would know, in deciding the case known as the McCabe case the Court of Appeal indicated that the destruction of documents to prevent their use in judicial proceedings was not unlawful unless it fell within the offence of attempting to pervert the course of justice. As a result this legislation is being brought in to create a criminal offence in relation to destruction of documents in certain circumstances.

Motion agreed to.

Read first time.

CRIMES (SEXUAL OFFENCES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958 and the Magistrates' Court Act 1989 in relation to sexual offences and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation of the purpose of this bill from the Attorney-General.

Mr HULLS (Attorney-General) — In giving a brief explanation I thank the honourable member for Rodney for being at the launch of information about this bill this morning. This bill aims to improve the response of the criminal justice system to sexual offence cases to provide a better balance of fairness between accused persons and sexual assault victims, especially in relation to children and people with a cognitive impairment. It aims to provide better legal protection from sexual abuse for children and people with a cognitive impairment.

Motion agreed to.

Read first time.

INFRINGEMENTS BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to provide for a new framework for the issuing and serving of infringement notices for offences and the enforcement of infringement notices, to amend the Magistrates' Court Act 1989, the Road Safety Act 1986 and the Subordinate Legislation Act 1994 and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation of the purpose of this bill from the Attorney-General.

Mr HULLS (Attorney-General) — This bill establishes a fairer and firmer infringement system based on putting more onus on the issuing agencies in managing their infringement environment; improved rights for the individual and improved information provision; an internal review procedure for issuing agencies; the option of an instalment payment plan for people in financial difficulties; and also improved enforcement.

Motion agreed to.

Read first time.

GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Guardianship and Administration Act regarding consent to medical research procedures and for other purposes, to make consequential amendments to the Mental Health Act 1986 and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation from the Attorney-General about this bill.

Mr HULLS (Attorney-General) — This bill will improve the process for obtaining authorisation to

perform a medical research procedure on an adult with a disability who lacks the capacity to consent to the procedure themselves.

Motion agreed to.

Read first time.

LIQUOR CONTROL REFORM (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill to amend the Liquor Control Reform Act 1998 and for other purposes.

Mr McINTOSH (Kew) — I request from the minister a brief explanation of this bill.

Mr HULLS (Attorney-General) — This bill will introduce a more transparent and simplified process for the making, varying or removal of late-hour entry declarations for a particular area or locality, and it will do other things as well.

Motion agreed to.

Read first time.

PETITIONS

Following petitions presented to house:

Racial and religious tolerance: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to the decision of the Victorian Civil and Administrative Tribunal in the complaint against Catch the Fire Ministries by the Islamic Council of Victoria, dated 17 December 2004. The decision has highlighted serious flaws in the Racial and Religious Tolerance Act 2001 which restrict the basic rights of freedom of religious discussion.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria remove the references to religious vilification in the Racial and Religious Tolerance Act 2001 to allow unencumbered discussion and freedom of speech regarding religion and theology.

By Dr SYKES (Benalla) (417 signatures)

Schools: religious instruction

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned to ensure the continuation of religious instruction in Victorian government schools draws out to the house that under the Bracks Labor government review of education and training legislation, the future of religious instruction in Victorian schools is in question and risks becoming subject to the discretion of local school councils.

The petitioners therefore request that the Legislative Assembly of Victoria take steps to ensure that there is no change to legislation and the Victorian government schools reference guide that would diminish the status of religious instruction in Victorian government schools and, in addition, urge the government to provide additional funding for chaplaincy services in Victorian government schools.

The petition of citizens of Victoria [is] concerned to ensure the continuation of religious instruction in Victorian government schools, and to provide additional funding for school chaplains.

By Ms ALLAN (Bendigo East) (144 signatures)

Ethiopian government

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

The humble petition of Aster Niguse and the undersigned citizens of the state of Victoria [expresses] our concern at the mistreatment of the people of Ethiopia by President Meles Zenawi.

Prayer

Your petitioners therefore pray that you will contact the Ethiopian government and ask them to desist from such mistreatment.

May the Lord God open our eyes to see what is going on in the world.

May the Lord give us strength to help.

May God give us power to help 70 million people suffering from one man in Ethiopia.

By Mr LANGUILLER (Derrimut) (61 signatures)

Schools: literacy

To the Legislative Assembly of Victoria:

The petition of Victorian parents, students and teachers condemns the Bracks government for creating a literacy crisis in Victoria, with more than one in five school leavers being illiterate.

The petitioners urge the Bracks government to scrap its senseless proposal to lower the VCE English standard requiring students to read only one book in their final year of school.

We request that the Legislative Assembly of Victoria resolves to force the Bracks government to reverse this ridiculous proposal.

By Mr PERTON (Doncaster) (17 signatures)

Police: schools program

To the Legislative Assembly of Victoria:

The petition of citizens of Victoria concerned about the abolition of the police schools involvement program (PSIP) draws to the attention of the house that the Bracks Labor government has blatantly ignored the safety of children in its move to abolish PSIP. The government has disregarded research and expert advice by Monash University which showed the program to be extremely effective.

The petitioners therefore request that the Legislative Assembly of Victoria support the reinstatement of the police schools involvement program to build a secure environment for the children of Victoria.

By Mr PERTON (Doncaster) (12 signatures)

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 Mr RYAN (Gippsland South) (28 signatures)

Women: reproductive health

To the Legislative Assembly:

This petition of residents of the northern suburbs of Melbourne draws to the attention of the house our conviction that women's unique health concerns must be addressed by government.

Health is not merely the absence of disease or infirmity but it is a state of complete physical, mental and social wellbeing.

In particular, we believe that women should be supported in their reproductive health choices.

The petitioners therefore request that the Legislative Assembly of Victoria:

amend section 65 of the Crimes Act to provide that no abortion be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned;

fund ongoing research into preventing unwanted pregnancies;

support women's reproductive choices by ensuring equity of access to assisted reproductive technologies to all women;

cease the involuntary sterilisation of women with disabilities, and seek alternatives;

ensure pregnancy support counselling and pregnancy loss counselling is publicly funded and freely available;

support women's reproductive choice by offering alternative termination procedures such as RU486. Lobby the federal government to allow it into Australia and include it in the PBS;

work with the federal government to ensure that emergency contraception is made easily available, e.g. over the counter for women; and

support the right of women to make their own informed decisions as to their sporting activities during pregnancy without discrimination.

By Ms PIKE (Melbourne) (450 signatures)

Tabled.

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

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

Ordered that petitions presented by honourable member for Doncaster be considered next day on motion of Mr PERTON (Doncaster).

OFFICE OF THE PUBLIC ADVOCATE

Report 2004–05

Mr HULLS (Attorney-General) — By leave, I move:

That the report of the Office of the Public Advocate for the year 2004–05 be tabled.

Mr McINTOSH (Kew) — I am certainly happy to give the Attorney-General leave, but could he explain why he needs the leave of the house to table the report?

The SPEAKER — Order! I can explain that, but I am not quite sure whether the member is asking the Chair or the Attorney-General. As I understand it, it was believed that the report was covered by the Financial Management Act, but it was not, so to be brought into the Parliament it needs to be tabled in

another way, and to table it by leave is the easiest way to do that.

As there is no dissenting voice, leave is granted.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 13 of 2005 on:

Commissioner for Law Enforcement Data Security Bill
Crimes (Family Violence) (Holding Powers) Bill
Crimes (Homicide) Bill
Duties and Land Tax Acts (Amendment) Bill
Firearms (Further Amendment) Bill
Gambling Regulation (Miscellaneous Amendments) Bill
Health Professions Registration Bill
Investigative, Enforcement and Police Powers Acts (Amendment) Bill
Prahran Mechanics' Institute (Amendment) Bill
Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
Superannuation Legislation (Governance Reform) Bill
Transport Legislation (Further Miscellaneous Amendments) Bill
Veterans Bill
Workplace Rights Advocate Bill

together with appendices and extract of proceedings.

The SPEAKER — Order! The question is:

That the report, appendices and extract of proceedings be tabled.

House divided on question:

Ayes, 58

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, 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
McTaggart, Ms
Marshall, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Robinson, Mr
Savage, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Wilson, Mr
Wynne, Mr

Noes, 23

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Walsh, Mr
Wells, Mr

Question agreed to.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

2007 World Swimming Championships Corporation — Report for the year 2004–05

Accident Compensation Conciliation Service — Report for the year 2004–05

Adult, Community and Further Education Board — Report for the year 2004–05

Agriculture Victoria Services Pty Ltd — Report for the year 2004–05

Australian Centre for the Moving Image — Report for the year 2004–05

Australian Grand Prix Corporation — Report for the year 2004–05

Commissioner for Environmental Sustainability Act 2003 — Direction under s 10(3)

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders)

Corangamite Catchment Management Authority — Report for the year 2004–05

Country Fire Authority — Report for the year 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17B licences over Mordialloc and Mentone Beach Park

East Gippsland Catchment Management Authority — Report for the year 2004–05

Eastern Regional Waste Management Group — Report for the year 2004–05

Education and Training, Department of — Report for the year 2004–05

Emerald Tourist Railway Board — Report for the year 2004–05

Emergency Communications Victoria — Report for the year 2004–05

Emergency Services Superannuation Scheme — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 — Ordered to be printed

Essential Services Commission — Report for the year 2004–05

Film Victoria — Report for the year 2004–05

Financial Management Act 1994 — Quarterly Financial Report for the Victorian General Government Sector — 30 September 2005

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2004–05 annual reports of the:

Murray Valley Citrus Board

Phytogene Pty Ltd

Report from the Minister for Agriculture that he had not received the 2004–05 annual report of the Northern Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay in tabling

Report from the Minister for Environment that he had received the 2003–04 annual report of the Trust for Nature

Reports from the Minister for Environment that he had received the 2004–05 annual reports of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Dandenong Development Board

Heritage Council

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

Gambling Research Panel — Report for the period 1 July 2004 to 22 December 2004

Geelong Performing Arts Centre Trust — Report for the year 2004–05

Geoffrey Gardiner Dairy Foundation Limited — Report for the year 2004–05 (two documents)

Glenelg Hopkins Catchment Management Authority — Report for the year 2004–05 (two documents)

Goulburn Broken Catchment Management Authority — Report for the year 2004–05

Government Superannuation Office — Report for the year 2004–05

Judicial College — Report for the year 2004–05

Legal Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed

Legal Practice Board — Report for the year 2004–05

Legal Practitioners Liability Committee — Report for the year 2004–05

Library Board — Report for the year 2004–05

Mallee Catchment Management Authority — Report for the year 2004–05

Melbourne and Olympic Parks Trust — Report for the year 2004–05

Melbourne Convention and Exhibition Trust — Report for the year 2004–05

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2005

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns — 30 September 2005 — Ordered to be printed

Metropolitan Fire and Emergency Services Board — Report for the year 2004–05

Mitcham-Frankston Project Act 2004 — Variation Statement under s 17(3)

Museums Board — Report for the year 2004–05 (including CD)

National Gallery, Council of Trustees — Report for the year 2004–05

North Central Catchment Management Authority — Report for the year 2004–05

North East Catchment Management Authority — Report for the year 2004–05 (three documents)

Parliamentary Contributory Superannuation Fund — Report for the year 2004–05

Parks Victoria — Report for the year 2004–05 (two documents)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C32 Part 1

Cardinia Planning Scheme — No C74

Greater Geelong Planning Scheme — No C106

Greater Shepparton Planning Scheme — No C53

Hepburn Planning Scheme — No C27

Horsham Planning Scheme — No C20

Maroondah Planning Scheme — No C41

Melbourne Planning Scheme — No C103

Northern Grampians Planning Scheme — No C13

Whitehorse Planning Scheme — No C65

Yarra Planning Scheme — No C92

Yarra Ranges Planning Scheme — No C51

Police Integrity — Report of the Office for the year 2004–05 — Ordered to be printed

Port Phillip and Westernport Catchment Management Authority — Report for the year 2004–05

Premier and Cabinet, Department of — Report for the year 2004–05

Primary Industries, Department of — Report for the year 2004–05

Queen Victoria Women's Centre Trust — Report for the year 2004–05

Residential Tenancies Bond Authority — Report for the year 2004–05

Sentencing Advisory Council — Report for the year 2004–05

Shrine of Remembrance Trustees — Report for the year 2004–05

State Electricity Commission — Report for the year 2004–05

State Services Authority — Report for the period 4 April 2005 to 30 June 2005 (incorporating the Public Employment Office — Report for the period 1 July 2004 to 4 April 2005)

State Sport Centres Trust — Report for the year 2004–05

State Trustees Limited — Report for the year 2004–05 (together with Financial Statements of the Common Funds) (two documents)

Statutory Rules under the following Acts:

Adoption Act 1984 — SR Nos 130, 133

Electricity Safety Act 1998 — SR No 131

Metropolitan Fire Brigades Act 1958 — SR No 132

Supreme Court Act 1986 — SR No 133

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 133

Sustainability and Environment, Department of — Report for the year 2004–05

Tourism Victoria — Report for the year 2004–05

Transport Accident Commission — Report of the year 2004–05

Tricontinental Holdings Limited — Report for the year 2004

VicForests — Report for the year 2004–05

Victoria Grants Commission — Report for the year ended 31 August 2005

Victoria Legal Aid — Report for the year 2004–05

Victoria Police — Report of the Office of the Chief Commissioner for the year 2004–05 (two documents)

Victorian Arts Centre Trust — Report for the year 2004–05

Victorian Catchment Management Council — Report for the year 2004–05

Victorian Coastal Council — Report for the year 2004–05

Victorian Curriculum and Assessment Authority — Report for the year 2004–05

Victorian Electoral Commission — Report for the year 2004–05

Victorian Energy Networks Corporation — Report for the year 2004–05

Victorian Funds Management Corporation — Report for the year 2004–05

Victorian Institute of Forensic Medicine — Report for the year 2004–05

Victorian Institute of Sport — Report for the year 2004–05 (two documents)

Victorian Institute of Teaching — Report for the year 2004–05

Victorian Law Reform Commission — Report for the year 2004–05 — Ordered to be printed

Victorian Learning and Employment Skills Commission — Report for the year 2004–05

Victorian Managed Insurance Authority — Report for the year 2004–05

Victorian Privacy Commissioner — Report of the Office for the year 2004–05 — Ordered to be printed

Victorian Qualifications Authority — Report for the year 2004–05

Victorian Relief Committee — Report for the year 2004–05

Victorian Urban Development Authority — Report for the year 2004–05

Victorian WorkCover Authority — Report of the year 2004–05

West Gippsland Catchment Management Authority — Report for the year 2004–05 (two documents)

Western Regional Waste Management Group — Report for the year 2004–05

Wimmera Catchment Management Authority — Report for the year 2004–05.

ROYAL ASSENT

Message read advising royal assent on 2 November to:

Congestion Levy Bill
Defamation Bill
Primary Industries Acts (Further Amendment) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Commissioner for Law Enforcement Data Security Bill
Duties and Land Tax Acts (Amendment) Bill
Health Professions Registration Bill
Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
Superannuation Legislation (Governance Reform) Bill
Workplace Rights Advocate Bill.

BUSINESS OF THE HOUSE

Legislative Assembly: Geelong sitting

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That so much of standing orders be suspended so as to allow, on Thursday, 17 November 2005 —

(1) The house to invite Cr Shane Dowling, mayor of the City of Greater Geelong, to attend on the floor of the house at 10.30 a.m. to address the house, and to remain on the floor of the house, save in the event of a division, until the conclusion of all responses.

(2) The Premier, the Leader of the Opposition, and the Leader of The Nationals to speak for no more than 10 minutes each in response.

(3) At the conclusion of the addresses the house will proceed with business as set out in standing orders.

Motion agreed to.

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That so much of standing and sessional orders be suspended so as to provide that the house, at its rising on Wednesday, 16 November 2005, adjourns until Thursday, 17 November 2005, at Costa Hall, Geelong, the Speaker taking the Chair at 10.30 a.m.

Motion agreed to.

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 10.00 p.m. on Thursday, 17 November 2005:

Commissioner for Law Enforcement Data Security Bill

Crimes (Family Violence) (Holding Powers) Bill

Duties and Land Tax Acts (Amendment) Bill

Health Professions Registration Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill

Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill

Superannuation Legislation (Governance Reform) Bill

Transport Legislation (Further Miscellaneous Amendments) Bill

Workplace Rights Advocate Bill.

This government business program identifies nine items which the government would like Parliament to consider, debate and vote on by the end of this parliamentary week.

At the outset it must be acknowledged that this is an unusual parliamentary week. We will be celebrating the 150th anniversary of the commencement of democracy here in Victoria in the provincial city of Geelong, which is Victoria's second city apart from Melbourne. In that context it is worth pointing out that on that day in Geelong, on Thursday, the adjournment debate will commence at 10.00 p.m. unless there is some earlier agreement by dint of dealing with the workload prior to that time.

In terms of the work program for this week, there are nine pieces of legislation plus a ministerial statement on Thursday, as foreshadowed by the Premier earlier today. For the advice of the house, the order that is proposed at this stage is such that today, Tuesday, we will be proposing to deal with the Transport Legislation (Further Miscellaneous Amendments) Bill and also the Investigative, Enforcement and Police Powers Acts (Amendment) Bill, the Health Professions Registration Bill and the Commissioner for Law Enforcement Data Security Bill.

It the intention of the government to deal with these matters today. In that circumstance we may well sit past 10 o'clock. We will deal with the bills sequentially on the understanding that we are able to progress from one to the other. If there is a desire to spend further time debating individual bills, we will accommodate that by adjourning them until later in the week. But we will endeavour to respond to the request by the manager of opposition business, the member for Benambra, to deal with things sequentially.

I remind members that there is no matter of public importance debate on Wednesday. I remind the Treasurer in particular that we will be debating the Duties and Land Tax Acts (Amendment) Bill early in the day on Wednesday, to be followed by the debate on the Superannuation Legislation (Governance Reform) Bill. We are also endeavouring to do as many of the second-reading speeches as possible on Wednesday. The bills will have to be printed, but we will do any that are available on Wednesday to avoid the logistics of having to take them to Geelong. As members will know, we will be commencing the adjournment debate at around 5.30 p.m. on Wednesday so the house can adjourn and people, particularly the staff, can prepare to go to Geelong earlier in the evening than would otherwise be the case.

In Geelong on Thursday we will start with the road safety legislation and then deal with the Workplace Rights Advocate Bill. The last item will be the Crimes (Family Violence) (Holding Powers) Bill. As the Premier indicated today, there will be a ministerial statement straight after question time. In the context of the extra time available tonight and on Thursday in Geelong, we believe that there should be sufficient time in this last parliamentary week to deal with the nine items that are in the motion before the house today. I commend the motion to all those in attendance.

Mr PLOWMAN (Benambra) — The opposition opposes this business program without any hesitation at all. How we can do justice to nine bills, given the amount of time that is available to us, as well as the ministerial statement? The fact that the last day of these sittings is to be outside this house in the city of Geelong is absolutely nonsensical. The opposition does not oppose going to Geelong — —

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Ingram) — Order! the member for Narracan!

Mr PLOWMAN — The opposition does not oppose the suggestion of going to Geelong, but having the last day of these sittings of the house in Geelong is just nonsensical. We will be sitting till about 11 o'clock on the Thursday night in Geelong. For very many of our members that means coming back to Melbourne at 11 o'clock at night. How often have I heard the member for — —

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member for Narracan that he was warned by the Speaker.

Mr PLOWMAN — The member was complaining about the fact that, as a member from that area of the state, she had to drive home late at night. This government is just playing with members by saying that it is good enough for metropolitan members to have to come back at that hour on the last night of the sittings. It is just silly. Why can the house not sit on the Friday? That would be perfectly all right. But we have written off Friday anyway, because we will be back here only after spending the night in Geelong or driving back late that night. Certainly country members will not get the opportunity to get home that night. I understand and

accept that, but why should the last sitting day be in Geelong? It just does not make any sense at all.

As I said, being an ardent Geelong supporter, I have absolutely nothing against Geelong, and I certainly have nothing against visiting Geelong. But having the last sitting day there is just rank stupidity. We will also have on the last sitting day a ministerial statement that will take about 30 to 40 minutes. Mayor Shane Dowling will be addressing us for a further 10 minutes, and again this bites into the time and means debate will be limited.

I implored the Leader of the House to take one bill off the notice paper for the last sitting day. That would have at least allowed a reasonable time for members to get home and then get back to Melbourne. It would also possibly have allowed country members to get back to their country electorates. But no, that is not on; we still have to have nine bills going through with a late night in Geelong on the last day of the sittings. I cannot understand the sense in doing this.

I looked at the hours it is possible for the house to sit, and we have about 6 hours available today if we go through until 11 o'clock at night. We have 4 hours tomorrow, of which $1^1/_2$ hours will be taken up with second-reading speeches. So effectively we have little more than 2 hours for debate tomorrow. If we sit until 10.00 p.m. on Thursday we will at the most have 6 hours of debating time. Look at that for nine bills! They are nine important bills that need to be debated properly. We need to have decent and adequate debate on those nine bills, but that will be frustrated by this business program.

In good faith I again ask the leader of government business to consider dropping one of those bills. This would accommodate the opposition's concerns about fitting the business program into the allotted time. It is a shame that we are sitting under these circumstances during this last sitting week, and I reiterate that the opposition opposes this business program.

Mr NARDELLA (Melton) — It really does demonstrate how lazy — —

Mr Plowman — On a point of order, Acting Speaker, I believe the precedent in this house is that the call always goes to The Nationals next in this debate.

The ACTING SPEAKER (Mr Ingram) — Order! On the point of order, I have been informed by the Clerks that the call normally would have gone to the member of The Nationals, so I call the honourable member for Rodney.

Mr MAUGHAN (Rodney) — The Nationals will not be opposing the government business program. I share many of the sentiments expressed by the member for Benambra. The Nationals are also concerned about the fact that there are nine bills on the program this week and inadequate time has been allowed for debate.

It is becoming the pattern in this house that sufficient time is not provided to debate bills or we sit for long hours. The government was very strong in opposition on family-friendly hours, but we find, as with so many of these things, that the rhetoric far outweighs the performance. This week we are again going to be sitting late. It will almost certainly be late tonight and we will definitely be late on Thursday night in Geelong. Whatever time we finish there, it will certainly be late by the time members get back to Melbourne, and country members have again got no chance of getting back to their electorates on Thursday night.

Nonetheless, it is the last day of the sittings and we can, with cooperation, get through the nine bills on the government business program. We also have a ministerial statement to deal with on Thursday, but it is not an impossible task. However, I remind government members of their promise in opposition to have family-friendly hours. We would like to see a bit more consideration, now that they are in government, to actually doing something about it, rather than complaining as they did when in opposition. They are now in government and can do something about it. They ought to live up to their rhetoric.

Mr NARDELLA (Melton) — This really does demonstrate how lazy the Liberals are. There are two primary quotes from the honourable member for Benambra that he will rue to the last day he is in this house. One of them is 'written off Friday anyway'. He said that because it is very hard being in Parliament and having to do some work. So what do the Liberals do? They write off their Fridays because they have had to spend three days in Parliament.

The second thing the member for Benambra said was, 'Why should it be — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! Would members of the government and the honourable member for Benambra please assist the Chair and stop interjecting in that vein.

Mr NARDELLA — The member for Benambra asked, 'Why should it be Geelong?'. Government members find that incredible, because Geelong is a provincial area. The Geelong community wants to

experience Parliament, and that is why it is Geelong. That is why we are going there on Thursday. But the Liberals find this very hard to cope with. It means they actually have to go into the country. They have to get out of their comfort zone here at Parliament House — where nobody listens them — and that is why they oppose this business program.

I support the business program. If members of the Liberal Party had wanted to do some real work, they would not have been debating this motion when they could have actually been debating bills.

Ms ASHER (Brighton) — The Liberal Party opposes the government business program for two reasons. The first is that we are now seeing a propensity for very late hours. I know this happens periodically towards the end of a parliamentary session, but I think there is a fair amount of goodwill on all sides of politics to work out a more sensible program. The second reason for the opposition's objection to the government's business program is that there are too many bills crammed into too little debating time. This week the government wants to have nine bills, plus a ministerial statement, all rammed through the Parliament by 10.00 p.m. on Thursday.

I want to highlight the bad management of today's government business program by way of example. The government wants to deal with four bills today, and it has basically said that it is going to sit until it gets through the four bills or alternatively the opposition can surrender its debating rights on those bills. I note that the Health Professions Registration Bill is one of those bills that the government wants debated today. I am sure all honourable members would have received a vast amount of correspondence, both by email and in hard copy, containing a number of significant objections to this bill. Likewise, the Transport Legislation (Further Miscellaneous Amendments) Bill is another one that the government wants debated tonight. That bill has had a number of objections mounted against it, and I am sure it will be the subject of some debate in this chamber.

My point is this: it is all very well for the government to say, 'We want these four bills. If you guys would like to go home before 1 o'clock, then you better surrender all of your speaking rights' — —

Mr Haermeyer — They are already asleep at half past three!

Ms ASHER — The Minister for Manufacturing and Export seems to think that is just fine. I do not think it is fine. The principles of this Parliament are that members have an entitlement to debate various issues — and indeed, we have an entitlement to debate these issues in a manner that is riveting for our colleagues! I think the government is being far too bolshie in saying 'We want four bills tonight'.

I note that we were forced to sit until 1.00 a.m. last Wednesday, again to debate a contentious bill. The government has developed this propensity of saying, 'Either you buckle and surrender your speaking rights or you will not have sensible working hours'. I find it incredible, and I am incredulous, that the people opposite have made such a fuss over the Howard government's changes to industrial relations and are now seeking to foist a work program on this Parliament that is well in excess of any community standard, well in excess of anything rational and far different from what this mob promised when it was in opposition.

I note also that the government intends to guillotine debate at 10.00 p.m. on Thursday in Geelong. Again, if you look at what is regarded by the community as a long day, you realise that there will be a number of particularly long days this week. That will affect both staff and members, who will have to drive considerable distances in a condition that I would suggest they are not really fit to drive considerable distances in.

Regarding the member for Melton's flippant comment — and he and I are both city based — in relation to the member for Benambra's talking about writing Friday off, I would remind him that it actually takes about 4 hours to drive to that member's electorate. I accept the flippancy of the comment, but some city members need to expand their horizons and take into consideration that there are country members in this Parliament who have to drive very long hours once Parliament rises.

The Liberal Party has made it very clear that this government business program — particularly in this last week — is way too ambitious. Putting up nine bills, a number of which are contentious, is way beyond reasonable. It all comes down to the fact that the government cannot manage the business program. The late hours are not what we were promised when government members were in opposition. There have been way too many bills crammed into too few hours. We oppose the government's business program.

Mr LOCKWOOD (Bayswater) — I rise to support the government business program.

Honourable members interjecting.

Mr LOCKWOOD — You have to love the Liberal Party! Its members come in here, whining and whingeing, moaning and groaning, every time the government business program is moved. All they want is more time that they never use! They are afraid of hard work; they are lazy good-for-nothings. They cannot get in there and do the hard work. They always nick off early even when the time is available to them. They are absolutely afraid of it. They cannot even preselect a candidate for Bayswater!

We are commencing celebrations for the 150th anniversary. We are going to Geelong, but they do not want to go to Geelong. Here is the bad news: we are going to Geelong, and we are going to do a bit of hard work this week to facilitate that. They should get on board and join in the hard work — if they want to — instead of opposing everything. The Liberal Party is afraid of hard work.

The government has given up its matter of public importance debate to provide extra time. We are prepared to work a little bit later to provide time for extra debate, but the Liberal Party does not want that. It is complaining on behalf of country members. The Nationals support the program; surely they would be the ones to object to long-distance travel. The Labor Party has plenty of country members as well. The Independents have much further to travel than Liberal Party members. Yet here they are moaning and groaning, whingeing and whining all the time. They never stop. Nine bills! They cannot get off to the gents' club. That is what they want — to get back there for a couple of drinks.

Nine bills is certainly achievable. There is plenty of time for debate. It is commonsense from The Nationals and nonsense from the Liberal Party. We will get all the work done Tuesday, Wednesday and Thursday. There is plenty of time for hard work and debate, plenty of time to get on with it, plenty of time to finish the year in Geelong, to celebrate the 150th anniversary of Parliament and to do a great job for this state and a great job for Geelong while we are down there. The Liberal Party should get on board and stop whingeing and moaning and do a bit of hard work for a change.

House divided on motion:

Ayes, 63

Allan, Ms
Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Beattie, Ms
Bracks, Mr
Brumby, Mr
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
D'Ambrosio, Ms
Delahunty, Mr
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Green, Ms
Haermeyer, Mr
Hardman, Mr
Harkness, Dr
Helper, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Jasper, Mr
Jenkins, Mr
Kosky, Ms
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Marshall, Ms
Maughan, Mr
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Morand, Ms
Munt, Ms
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Perera, Mr
Pike, Ms
Powell, Mrs
Robinson, Mr
Ryan, Mr
Seitz, Mr
Stensholt, Mr
Sykes, Dr
Thwaites, Mr
Walsh, Mr
Wilson, Mr
Wynne, Mr

Noes, 18

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Dixon, Mr
Honeywood, Mr
Ingram, Mr
Kotsiras, Mr
McIntosh, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Thompson, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Kate DeAraugo

Ms ALLAN (Minister for Education Services) — Last night Kate DeAraugo, with the support of all of Bendigo behind her, made it through to the final two of the hugely popular show *Australian Idol*, securing a spot in next week's grand final at the Sydney Opera House. Kate is a born and bred Bendigo girl who has been performing around the city for many years with members of her family, including at the wedding of one of my closest friends less than two years ago. Kate has an enormous talent that has already made her a star of *Australian Idol*. Kate's family also deserves a special mention for the huge support they have given her, not just throughout the competition but throughout her life in the way they have nurtured her talent and supported her ambitions over the years.

Kate has already made Bendigo a very proud city, not only with her singing but with the way she has carried

herself with great poise and dignity throughout the competition, which is not always an easy task considering some of the ill-considered comments she has had to endure. Kate is already a winner, and Bendigo is a very proud city that can call Kate its own. I urge all of Bendigo, and, of course, all of Victoria, to get behind our Kate — our state's home-grown talent for next week's grand final — and to support great Victorian talent as they go on to what is a hugely popular talent program throughout Australia.

Police: Lilydale

Mr WELLS (Scoresby) — This statement condemns the Bracks government for its failure to ensure that enough police are available in the Lilydale area. I visited Lilydale police station on 31 October, accompanied by the Liberal candidate for Evelyn, Mrs Christine Fyffe. In 2002 there were 32 effective full-time (EFT) positions on the Lilydale police roster. Some three years later there are only 29 effective full-time positions on the roster — a net loss of three police. What is even more disturbing when you examine the roster is that you find a further deterioration of police numbers.

With 29 official EFT positions, you have 6 on leave, 1 on temporary duties at Croydon, 1 on temporary duties at Healesville, 1 on maternity leave, 1 on leave without pay and 1 about to commence maternity leave. In addition the Lilydale police station facilities are simply appalling and are in a disgraceful situation. In most cases they fail occupational health and safety requirements. Police are sharing desks and computers and are severely overcrowded. How police members can operate under such conditions is beyond me. Even doorways are blocked into the kitchen area due to the shortage of space.

Lilydale police are a very dedicated group of officers who are reaching out into the community to provide the very best service they can. However, it is time the Bracks government recognised the poor working conditions at Lilydale and provided a new police station to ensure that the Lilydale area is effectively policed with a full complement of police numbers.

Post-Goughists exhibition

Ms DELAHUNTY (Minister for the Arts) — Last Friday, 11 November, was the 30th anniversary of the most tumultuous political event in contemporary Australian history — the sacking of a democratically elected Prime Minister, Gough Whitlam, and his democratically elected government by an unelected, trumped-up Governor-General. A few weeks ago the Post-Goughists, a group of 20-plus artists, approached me about hanging their work in the front window of my electorate office. These artists call themselves Post-Goughists as evidence and in commemoration of Gough Whitlam and his government's principles and policies that allowed them to have access to tertiary education and to undertake studies in fine art.

Last Friday, 11 November 2005, I launched the Post-Goughists 'Oh my Gough' at High Street, Northcote. Earlier I had sent a note to Gough Whitlam suggesting a letter of support for their exhibition. In return mail he wrote:

> I warmly applaud the Post-Goughists exhibition commemorating the 30th anniversary of the conspiracy by Governor-General Kerr, Chief Justice Barwick and opposition leader Fraser to remove my Labor government which had been re-elected 18 months previously.
>
> The Post-Goughists admirably continue the arts policies that were initiated in the national Parliament.

The ACTING SPEAKER (Mr Ingram) — Order! The minister's time has expired.

Preschools: funding

Mr WALSH (Swan Hill) — Despite its rhetoric the callous Bracks government has never been in touch with living in country Victoria. You may ask what the reality is. For some it is about endlessly fundraising from cake stalls, fashion parades and raffles. It is about kinder mums at Pyramid Hill struggling to raise $17 000 to keep their preschool going because next year it will only have nine children attending. Nine is one short of the magic number of 10 decreed by the government to ensure sufficient funding.

Many young parents in my electorate have to raise thousands of dollars to cover kindergarten teachers wages and running cost shortfalls because they live in small communities. This may be small stuff for the Melbourne-focused Labor government, and it will not make the front pages of the metropolitan dailies, but the best start any child can have for successful, lifelong learning is a year at preschool. In our society preschool access is a basic right. These nine children at Pyramid Hill deserve the same good start in life as kids anywhere in Victoria. The Bracks government's dismissive contempt for country people comes down to this. It means young mums, often with other, smaller children, have to raise vast sums of money in their small communities to give their children a right that city kids take for granted.

Norwood Association: 20th anniversary

Mr LANGUILLER (Derrimut) — On Wednesday, 9 November, I attended the 20th anniversary celebration of the Norwood Association in the good company of Clare Aimes, Isabel Collins, Robyn Duff, Denise Massa, who is the chairperson of the Norwood Association and who was handing out the fritters, and comedian Rod Quantock.

Norwood was one of the first psychiatric disability rehabilitation and support services established in Victoria. Over 20 years it has developed into a vital service provider continuously demonstrating a commitment to helping people with mental illnesses become well and lead active lives within their communities. Norwood has developed during a period of significant change in the way we as a community understand and support people with mental illnesses. These changes in the provision of mental health services since Norwood's inception have positively contributed to the development of a comprehensive, community-oriented, public mental health system. The development of models of service like day programs and in-home support are vital components of an effective community-based response.

Norwood was and will continue to remain a leader in the development of these models of service delivery in Victoria. By localising its clinical service responses it has enabled people with mental illnesses to access clinical treatment in the communities they live in. I commend Norwood, I celebrate with it and I ask members to join in the 20th-anniversary celebrations.

Greenvale secondary college: site

Mr PERTON (Doncaster) — On Sunday I attended a rally of some 250 residents of Greenvale on the site reserved for a Greenvale secondary college. The unanimous resolution of that crowd was for the construction of a high-quality secondary school. At the moment many Greenvale secondary students are having to leave home at 6.30 a.m. Many parents are putting their children on the waiting list for the local independent school, which is at full capacity.

The question raised by the Greenvale residents was where their local member of Parliament, the member for Yuroke, was. Indeed, where is the member for Yuroke now? She was not at the meeting, standing up for her community; in fact, she dismissed her community. But that was not what made the residents of Greenvale angry. Instead it was the fact that the local member of Parliament tried to sabotage the meeting. The local fire brigade had agreed to attend with its appliances to provide entertainment for the children and to show its support for a Greenvale secondary college, but the local member of Parliament rang the minister and made sure that, under a government directive, the fire brigade did not attend. Not only did she stop the fire brigade demonstrating its support for the local community, but she then sought to have the sign publicising the rally taken down. The people of Greenvale had to get a planning permit to put up the sign advertising the rally. The member for Yuroke is a disgrace — —

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

Schools: Macedon electorate

Ms DUNCAN (Macedon) — I am pleased to report to the house that three secondary schools in the Macedon electorate have received Leading School funding. Gisborne Secondary College, Sunbury Downs Secondary College and Sunbury Secondary College will all receive additional staff and facilities funding. Sunbury and Sunbury Downs secondary colleges have collaborated in their submission to make sure that Sunbury schools are leading the way in education. This collaboration demonstrates how government schools are working together to deliver a first-class education system. The Bracks government, unlike the previous government, which sought to pit schools against each other, supports and encourages cooperation between schools. Both schools will receive six additional teachers and $800 000 for the refurbishment of classrooms.

Gisborne Secondary College will receive an additional 3.5 teachers and $600 000 for new buildings and the refurbishment of existing classrooms to create learning neighbourhoods for all year 7 students. The school will develop further learning neighbourhoods and enable a teacher mentor to be linked with each student, effectively creating a small learning community within the larger college community. This funding will allow these schools to provide more flexible learning environments, utilising the latest in classroom designs.

This fund rewards schools that are already working well to help students learn in different specialty areas and will assist them in continuing their efforts to improve student outcomes. I congratulate principals John Flanagan, Peter Hendrickson and Graham Brown and their staff for their work in putting these submissions together. The Bracks government continues to invest in education, and this is a further demonstration of that fact.

Major projects: management

Ms ASHER (Brighton) — I wish to draw to the house's attention two documents tabled in Parliament in the last sitting week, the Department of Infrastructure's annual report and budget information paper no. 1, which again show further blow-outs in major projects. Fast rail will not be delivered until mid-2006, even though originally it was promised for the government's first term. The Spencer Street railway station was, according to the Department of Infrastructure's annual report, to be 'largely complete by the end of 2005, with final completion in mid-2006'. So we now have staged completions!

The state library is yet another year late. It will not be finished until 2008, which means there is now a six-year delay on this particular project. The small Bonegilla migrant education centre will now be opened in December 2005. The previous date was late 2005, and that is about as late as you can be in 2005. The Flinders Street concourse was previously costed at $13.5 million; it has now blown out to $15.5 million. The Melbourne Sports and Aquatic Centre originally started at $50 million, and it is now confirmed to be $60 million to accommodate a gum tree and possibly a leaking pool.

These documents confirm that every single major project is either late or over budget or both. These are sloppy standards in terms of the construction and financial management of public infrastructure. Even though it is on to its third minister, this government is still hopeless at delivering major projects.

Maribyrnong: government initiatives

Mr MILDENHALL (Footscray) — The Maribyrnong area is cooking with gas under Labor. On Sunday, 6 November, I was with the Premier when he announced $1 million for the Quang Minh temple. Congratulations to the abbot, the Venerable Thich Phuoc Tan, and his indefatigable committee for their outstanding leadership and advocacy of the Vietnamese community, especially Cuc Lam.

Last week the Minister for Education and Training announced Leading Schools funding worth almost $2 million to two great local schools — Footscray City College and Gilmore College. That was on top of $700 000 allocated the week before for capital works at two primary schools and $350 000 to the Western Region Health Centre for a chronic diseases strategy. The Bracks government has tripled funding for community health to over $12 million since coming to office. Funding to Western Health hospitals has increased by 80 per cent in that time.

Showing strong leadership the Maribyrnong City Council is completing the construction of a new $17.5 million regional aquatic centre with the assistance of over $5 million from the Bracks government. Work is about to start on the $2 million West Footscray library and neighbourhood learning centre, also assisted by $1.5 million of state funds. The Minister for Planning has just approved $250 000 for a council-based place manager and works for the visionary Transit Cities project. Labor in Spring Street and Labor in Maribyrnong council is an effective partnership delivering great outcomes to the local community. May it continue long into the future.

Boating: Bastion Point ramp

Mr INGRAM (Gippsland East) — I would like to condemn those individuals who are opposing the proposed Bastion Point boat ramp, particularly one member of the technical reference group within the Department of Sustainability and Environment who has leaked information in relation to that project to the media. Because David Scott is known to have been opposed to this project for a number of years and has made it very clear to anyone who speaks to him that he does not approve, he is hardly objective or independent and should not be on the technical reference group.

I would like to point out that this project has gone to a full environment effects statement (EES). That EES arguably was not needed, yet it has cost the community $250 000 and has come up with no conceivable reasons why the boat ramp should not be built. I would like to congratulate the government for including funding for local ports within the provincial statement, particularly recognising Mallacoota, where Bastion Point clearly is the proposed area for improvement of recreational, commercial and tourism boating facilities in that port. I would like to say one thing: Bastion Point, just build it!

Rural and regional Victoria: *Moving Forward*

Mr MAXFIELD (Narracan) — I rise this afternoon to congratulate the government on its strong initiatives for provincial Victoria. We have heard today how well received they have been. On top of the funding we have given to education with the Leading Schools Fund I have no doubt my electorate will gain quite a lot of benefit from the $100 million provincial Victoria growth fund, the $200 million extension of the Regional Infrastructure Development Fund and major investment in our economic infrastructure with $20 million for freight and distribution infrastructure as

well as $12 million for the successful Make it Happen in Provincial Victoria campaign.

There is major support for small towns, with an additional $25 million, and many small communities in my electorate will appreciate the opportunity to bid for those funds. Investment of $43 million to boost training skills is an exciting opportunity to develop additional training in my electorate, and local TAFE colleges will certainly appreciate the opportunities that funding gives. There will be a $38 million boost to regional and local bus and transport connections targeting communities like Warragul and Drouin, for example, with strong population growth. The benefits to them from this entire package is immense, not to mention the extra money for planning. There is $11 million for the dairy industry, and coming from a strong dairying area I strongly support that. I know my community is very much behind these great government initiatives and increased funding for regional Victoria.

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

Cycling: helmets

Mr COOPER (Mornington) — It seems to a lot of people in the community, particularly in my electorate, that riding a bicycle without wearing a helmet has become the norm rather than the exception. Police in my area and many others describe the fine of $25 for not wearing a helmet as a joke. Policing the offence is simply a waste of police time and resources. This is a serious issue because failure to wear a helmet can be the cause of head injury or even death. Many young people do not wear helmets and are aware that they are most unlikely to be dealt with under the existing law. They simply flout it because they know the likelihood of their being caught and fined is virtually non-existent.

Increasing the $25 penalty is one way of underlining how seriously this issue is regarded. In relation to children — that is, those legally defined as children, being anyone under the age of 19 years — fining parents should be considered, and in the case of repeat offenders the confiscation of bikes should also be considered. The requirement for cyclists to wear helmets is not some idle issue. It is a major safety and health initiative that must be taken seriously by both the government and cyclists, and I urge the government to do that. Making penalties for non-compliance a lot tougher than they are today will go a long way towards increasing the number of cyclists wearing safety head gear.

Chelsea Concert Band

Ms LINDELL (Carrum) — I had the pleasure on Sunday, 23 October, of hearing the Chelsea Concert Band at its annual concert. I would like to congratulate the band, conducted by Mr Trevor Cartwright, on its performance, which was greatly enjoyed by everyone who attended. Awards were presented to Bronwyn Kent and Scott Bloomfield for their musicianship and commitment to the band for the past 12 months.

This year the Chelsea Concert Band had as its special guests the brass ensemble and the stage band from Patterson River Secondary College. I would certainly like to congratulate the conductor, Mr John McCabe Buckley, and the instrumental manager, Mr Paul May, as well as the band members on their contribution to the annual Chelsea concert. It was a new innovation for the Chelsea Concert Band to invite the Patterson River secondary students to participate in their annual concert. It was a great success, and I would like to congratulate all involved. It was an afternoon of great musical harmony and was certainly enjoyed by everyone who attended.

I know it took a lot of organisation, and I congratulate the organisers and Chelsea Concert Band president, Mr Trevor Beswick, on all their hard work.

Seniors: national card

Mr JASPER (Murray Valley) — I wish to highlight to the house the urgent need for action by the state government to achieve a universal Seniors Card to operate throughout Australia and to indicate the difficulties for seniors living on the border between two states to be able to fully utilise the card. The Seniors Card has generally been a great success story for older people in the community, enabling them to receive appropriate discounts for goods and services. However, I have received extensive representations from seniors who are not able to fully utilise the cards when travelling interstate.

Approximately three years ago the federal government confirmed that $47 million would be provided over four years to investigate and implement an Australia-wide universal Seniors Card. I understand discussions took place between representatives of the federal and state governments without apparently achieving agreement between all the parties.

My latest information is that the federal government has now withdrawn the funding to implement a universal Seniors Card. I find this to be an absolutely ridiculous situation: money was put on the table by the

federal government; states including Victoria procrastinated; no agreement was concluded; and the money has now been withdrawn. The ironic feature of this is that the discounts for goods and services available to seniors are often provided by people in private enterprise and are not entirely provided by state governments.

I call upon the Minister for Aged Care in another place, Mr Gavin Jennings, to become proactive and to negotiate with all the governments, including the federal government, to achieve a universal Seniors Card to operate throughout Australia.

Stonnington Primary School: energy efficiency

Mr LUPTON (Prahran) — I want to congratulate Stonnington Primary School on its participation in an energy efficiency program being funded by the Bracks government across schools in Victoria and its commitment to saving energy in the school. The Bracks government energy efficiency program is part of our commitment to improving energy efficiency in government facilities by 15 per cent by June 2006. This investment at the primary school will be a smart investment; it is expected that under the program energy savings will exceed the cost of the investment in less than three years, and energy savings at the school are expected to be around 30 per cent. We can clearly cut energy usage in our schools and educate students about tackling climate change and the need for conserving energy at the same time.

We are also encouraging waste reduction and water saving as lifetime habits in helping to create a sustainable future and making Victoria the sustainable state. I certainly look forward to Stonnington Primary School becoming a showcase for energy-efficient technology. The energy-efficient solutions that will be applied at the school as part of its program include more efficient lighting, technology controls, timers for appliances, changes to the heating and cooling system and automated computer shutdown mechanisms. Across Victoria this would save 16 800 gigajoules per year — enough to power around 260 homes.

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

Industrial relations: WorkChoices rally

Mr SMITH (Bass) — Again we have seen the trade union thugs standing shoulder to shoulder with their pinko puppets from this Parliament at today's industrial relations rally. If ever there were concrete proof that this state is run by the liars from Lygon Street, it was today, with Premier Steve Bracks and the loony lefties in the parliamentary Labor Party supporting their red-ragging trade union mates.

The Howard government proposes excellent changes to the country's industrial relations laws to allow greater flexibility in the labour market and to allow the workers greater flexibility in the way they can work, yet we have these trade union thugs led by Sharan Burrow and Brian Boyd lying to the workers, lying to the public and beating up a lie that has encouraged gullible people to go to a rally that will achieve nothing but exposure for a few of the lefties from Lygon Street and for some of those weak-gutted ministers who live in this place on lies and smoke and mirrors.

What a disgrace. What a waste of manpower. What a waste of time, and what a waste of money. No wonder Victoria is seen as being the industrial relations basket-case where the unions run rife and the Labor politicians do as they are told by their union masters. We saw in yesterday's *Age* a list of people who were supporting that rally. It is not so much the names of the people who are on the list, it is the names of the people who were not on the list.

Commonwealth Games: community participation

Dr HARKNESS (Frankston) — There will be fun and action aplenty in Frankston on this Sunday, 20 November, because Frankston is set for a feast of sporting events, food and entertainment for Warming Up for the Games Day, a community-based event showcasing the best of the activities the region has to offer. It is a fantastic opportunity for the local community to come together and celebrate what is on offer locally.

Warming Up for the Games Day will present everyone in Frankston of whatever age and sporting ability with the chance to participate in the build-up to the state's biggest sporting event ever. Hosted by football superstar Robert 'Dipper' Dipierdomenico, the day will include come-and-try activities, mini Commonwealth Games events, clinics and demonstrations.

Eight Frankston people are already warming up for the games, having been selected as Queen's baton relay runners. To be chosen to run with the baton is a fabulous honour, and I congratulate these people on their selection: Luke Bo'She, Chris Page, Kelly Anne Sherry, Noel Ferguson, Nicola Frey, Tom Newman, OAM, Janice Smith and Judith Smith. Each of these people was nominated by local residents for their important and tireless work in the community. They

truly are local heroes and will represent our community as the eyes of the world look on via the Internet and the international news media. I am delighted that all the hard work the runners have done in the local community is being recognised on a large scale. The baton will pass through Frankston with much fanfare on Thursday, 3 February 2006, and I encourage the whole community to come out and cheer on our local heroes.

Another 253 Frankston residents have been selected as Melbourne 2006 Commonwealth Games volunteers. Volunteers are certainly the unsung heroes of everyday Australian life through their unselfish service to the community, and I also congratulate them on being selected.

Club Kilsyth

Ms BEARD (Kilsyth) — The broader Kilsyth community and I were greatly saddened to learn about the devastating fire which destroyed Club Kilsyth in the early hours of last Wednesday, 9 November. For the 12 000 members like me, Club Kilsyth was much more than a gaming venue. It was our local bistro, with three bars and function and meeting rooms and it provided for the first time in our local community a comfortable and welcoming gathering spot. Locals embraced the seven-year-old Club Kilsyth knowing that, as it was a non-profit facility, the local community would benefit from its success. This was evidenced by the large groups visiting the now vacant site after the fire. Many of the 120 staff have been offered work at other venues.

We can be thankful that no-one was injured in the fire, and due to the magnificent efforts of the Country Fire Authority the enormous fire was prevented from spreading to adjacent properties. Club Kilsyth is in the very capable hands of chief executive officer Sue Munro — in 2003 Sue was the Tabaret club manager of the year and received the prestigious manager of the year award — and Paulla Harmshaw's cheerful and efficient work at the club is appreciated by all. Sharon Maloney and her daughter and Julien Ludowyke are among the friendly staff. The club offers financial support to many local sporting and welfare groups. In seven short years the club has made a considerable contribution to the people of my electorate. May Club Kilsyth be back and functioning soon!

Public transport: Gembrook electorate

Ms LOBATO (Gembrook) — I wish to inform the house about the major improvements to public transport in my electorate that have been recently announced by the Minister for Transport. This week the minister visited Pakenham to announce $2.6 million in funding for new and improved bus services to the Cardinia shire area — the largest ever single commitment to public transport for these residents. This will mean that many people, for the first time, will have easy access to public transport. When these new and expanded services are implemented 71 per cent of Cardinia residents will have public transport available within 400 metres of their front door, compared to 39 per cent currently.

A similar momentous announcement was made last week when the minister announced new services plus extensions to existing services across the Yarra Ranges. The extra evening services have been particularly welcomed, as commuters who are returning home from work, school or university now have extra options available to them. Martyrs Bus Service declared the announcement as the biggest injection of funding for services along the Warburton Highway since the 1980s. Building more convenience and frequency into the bus services system is a step that will not only increase patronage of these services but will provide a better level of service to those who rely on them for accessing essential facilities.

I especially want to congratulate the minister for providing funding for a bus service between Warburton East and Warburton. This is giving people in a more isolated area access, for the first time, to basic services. Inroads are being made into improving public transport services across the state, and particular attention is being paid to outlying areas of Melbourne and to the growth corridor areas. I commend the minister for his commitment to the metropolitan transport plan and thank him on behalf of the numerous grateful residents.

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

Industrial relations: federal changes

Ms MORAND (Mount Waverley) — Today I joined with an estimated 175 000 marchers to protest against the Howard government's industrial relations reforms — draconian laws that will adversely impact working Australians. I think you only need to look at one aspect of these new laws to give you a sense of what they are about — that is, the new sick leave rules in the WorkChoices legislation. This new law will allow employers to demand a sick leave certificate for each single day off. This provision is a reflection of how mean-spirited these laws are, how they demean the worker, how employees will not be trusted in the sick leave they take and how they will not be given the benefit of the doubt.

If you have gastroenteritis, you will have to get yourself to a doctor, get a certificate and prove that you are unwell. If you have a cold, you will have to go to the doctor, spread the virus or bacteria around the doctor's surgery to prove to your employer that you are sufficiently unwell not to come into work. Even if you have to take a day off to care for a sick child you will be required to visit a doctor and waste the doctor's time when the doctor could be seeing people who need diagnosis and treatment. This new law will clog up doctors' surgeries with people who do not need to see a doctor, who know what is wrong with them and who are not seeking any treatment. It will also mean unnecessary costs for the family to pay to see a doctor they do not need to see, and it will ultimately cost the federal government money in the Medicare rebate for a service that is not needed.

The Australian Medical Association does not support this change and its president, Dr Mukesh Haikerwal, was quoted in the *Herald Sun* of 10 November as saying that doctors were already overworked and access — —

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

TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 19 October; motion of Mr BATCHELOR (Minister for Transport).

The Nationals amendments circulated by Mr WALSH (Swan Hill) pursuant to standing orders.

Mr MULDER (Polwarth) — From the outset I advise the house that the Liberal Party will be opposing the Transport Legislation (Further Miscellaneous Amendments) Bill. The main provisions of the bill deal with the change of name from 'Spencer Street station' to 'Southern Cross station', a matter that the Liberal Party has in the past indicated to be a complete and total waste of money and a confusing exercise, and it can see no benefit deriving to the state from that action.

Further, the bill gives VicRoads and the police a device to download data from vehicle engine management systems, and it enables a tow truck to remove a vehicle from a freeway or arterial road without reference to the tow-truck allocation process. It enables Bus Association Victoria to be accredited in relation to employing authorised officers, and it allows authorised officers to work across the public transport network and not just for those entities employing them. Authorised persons will be given limited power, along with authorised officers being given additional powers. The bill enables the director to direct the removal of a tree that he considers poses a risk to the safety of anyone using the railway track. It provides a register to enforce parking restrictions at railway stations, including barriers and devices, to control parking. It reintroduces public interest tests in country Victoria for hire-care licences.

In relation to the first point, Spencer Street station, the provision could not have come at a worse time for Victoria. Recently I attended the metropolitan transport forum at Melbourne town hall where it was confirmed that our capital city, Melbourne, had lost its reputation as the world's most livable city. The reason given for that is the appalling state of our public transport system in Victoria. It is confirmed by international experts operating throughout Australia, who put together a comprehensive report.

It must have been the most embarrassing moment in the Minister for Transport's life to have to launch a report that was so critical of Melbourne's transport system. The report noted a shortage of drivers, late-running trains, cancelled trains and an antiquated signalling system that should have been updated in 2002. The minister at the time described the signalling system in Victoria as adequate. So $12 million was put aside for its upgrade, Bombardier had the job to carry out the work, and it was going to be done in 2002 — and in describing the system as adequate, the Minister for Transport cancelled the upgrade.

Now he has the absolute gall to put that particular work back out to tender. You only have to travel on that system to understand why it is in such an appalling state at this time. Last week I jumped on a train at Parliament station. The problems started when I got into the lift and the doors closed, after which I was told, 'Stand by, the lift doors are now closing.'! When I got down to the platform to look for a train to Frankston, the overhead sign said 'Flinders Street'. When I got to Flinders Street I put my head out of the door and saw that I was on the Frankston line. I got out at Ormond station, where I was rained on, to wait for the 8.33 train, which was cancelled. The 8.48 train, which followed, was running late. I got onto the train and talked to a lady who was travelling into the city. She works six days a week, and she has to leave home half an hour early every day, which means she loses 3 hours of her leisure time and home time every week, because of the state of the transport system here in Victoria.

Yet the only initiative we have seen from the Minister for Transport has been to change the name of Spencer Street station to Southern Cross station. Add to that his other great achievement for the year, which has been to top up the profits of Connex's French parent company to the point where it says in its annual report that it has recovered its financial position because of its Melbourne contract, while people wait around for late and cancelled trains and are inconvenienced on a day-to-day basis.

The change of name from Spencer Street station to Southern Cross station will have a devastating effect on Victoria's reputation, even more so than losing our standing as the world's most livable city. We have slipped below Vancouver, and indications are that unless something happens with our metropolitan transport system we will slip even further. Can you imagine the confusion that is going to reign among our tourists given that the tourist guides and brochures that are out and about have 'Spencer Street station' shown on them?

Yet the Bracks Labor government has decided, at a point in time when we can least afford to have anything go wrong with our tourism industry or indeed our public transport system, to change the name of our principal station. All I can say is that it will cause anarchy, chaos and confusion and cost a lot of people a lot of money — and what for? For absolutely nothing. We will get zilch out of this. It is a stupid idea and that is the reason why the Liberal Party is so opposed to it. It is not just about the money and it is not just about the mess we already have in our public transport system. I feel our tourism industry is going to suffer dramatically as a result of this crazy decision by the Minister for Transport and the Premier of this state.

The Liberal Party supports some elements of the bill. We have issues with some of the provisions in the legislation, including the engine management systems provision. Currently there is no mechanism available to the police or to VicRoads to test the accuracy of any engine management system, and the systems can be tampered with. That has been recognised for some time now within the heavy transport industry, and we agree that it is a concern. The device to be used in carrying out the test, which is to be prescribed by regulation, allows for the information on the system to be downloaded in order to indicate whether it is accurate. In my briefing with the department the device has been described as a 'tune-up tool'. That was as near as I could get to finding out what is going to be used to download the information.

The regulations must address the calibration, testing, storage and maintenance of the device, given the current problems with the speed camera network and the lack of maintenance of speed cameras. We could have another disaster such as the one we had on the Western Ring Road with the lack of calibration certificates for speed cameras. The government was forced into an embarrassing backdown, having to hand back millions of dollars to motorists because of a stuff-up in their maintenance. I can see it happening again.

I asked questions about this particular issue at the briefing. In response to questions in relation to how the equipment works, who is responsible for the calibration of the equipment, who is going to issue the certificates of calibration and what guarantees we have that this is not going to fail in court, I got some fairly blank stares. We were told, 'This is just a tune-up tool; it is not actually used like that'. Any piece of equipment that is used to verify the accuracy of another piece of equipment is a piece of inspection, measuring and test equipment, so it must and should be calibrated. In his summing up I ask the minister to explain to the house how this is going to take place, because it raises some very serious concerns for the Liberal Party.

The bill will enable a tow-truck driver to remove a vehicle from a freeway or an arterial road without having to refer to the tow-truck allocation process. This only involves moving a truck or a vehicle off the road for safety reasons and does not allow the tow-truck driver to take a vehicle to a depot. The allocation process kicks in once a vehicle is off the road and the next tow truck available takes the vehicle away. The question I would ask here is how insurance companies view this and whether there is an additional cost for a motorist who breaks down or has an accident on a freeway or an arterial road. Will they be billed twice for the towing of the vehicle? I am not sure whether this is picked up under the current insurance cover.

If you have comprehensive car insurance, most of the time towing and repair costs are covered, but now there will be a mechanism for two tow trucks to arrive — one to get the vehicle off the road and another, through the allocation process, to take the vehicle away. I do not know how that will be addressed and whether there has been any consultation with the insurance industry. In its comments on the bill the Royal Automobile Club of Victoria felt it was a good move, but I am not sure how well this aspect of the bill will be dealt with in terms of the insurance cover the RACV offers to members and others who wish to take on board its insurance.

Authorised persons and officers are covered under the legislation. There has been considerable criticism of the fact that authorised persons — those who give direction, including V/Line conductors et cetera — do not have any power in relation to ticketing infringements. The bill provides authorised persons with limited powers, but it does not spell out what the limitations will be. It is envisaged that officers will have the power to ask for names and addresses, but there is no indication that their power will go beyond that. Proof of name and address would perhaps be a starting point. Based on that information we are not really sure how far the powers of an authorised person will be extended.

The Bus Industry Association is to be accredited for the purpose of employing its own authorised officers. Currently the larger bus operators employ a limited number of authorised officers, which I believe is of the order of six or eight. The level of fare evasion on buses is guesswork, as drivers rarely ask for proof in relation to passengers travelling on concession tickets. It is not known how much fare evasion takes place on our bus system. People who buy concession tickets and climb on and off buses are very rarely asked to produce any form of identification as to whether they are valid concession ticket-holders. Provisions will also allow authorised officers to work across the public transport network, not just for their employers.

I believe there is the potential for raids. I can see some benefits in authorised officers being allowed to work across the network. At the moment fare evasion across Victoria is of the order of $50 million a year. This legislation enables groups of authorised officers, particularly some of those newly authorised officers who are employed through the bus industry association, to go out as a gang, I suppose, and undertake crackdowns and perform major operations in areas where they believe there is rampant fare evasion.

Authorised officers will be able to ask for proof of identification. As a matter of interest we asked about the number of infringement notices that go out to people who have been found to be travelling without appropriate tickets, and the nearest figure we could get is that the percentage that are returned due mainly to incorrect or false information having been provided to authorised officers is in the teens. The information provided to the Liberal Party would indicate to me that the figure is in the high teens, possibly closer to 20 per cent than 10 per cent.

However, we do not have that information with us. Provisions within this bill deal with the removal of trees and rail safety, whereby the director may direct a person to remove wood or a tree that poses a danger to rail safety. Previously this was prescriptive; it said only 60 metres, but this is now up to the discretion of the director. We think that is a good move. Anything that deals with rail safety and its appropriate handling would naturally be supported by the Liberal Party. That will come into effect, for example, if the view of a driver were affected, or if a tree were near a signal box or causing damage to rail infrastructure.

I note also the comment of the Royal Automobile Club of Victoria that it has concerns about the provision granting power to remove a tree on the grounds of the safety of the railway track. It asks whether this provision could be extended to VicRoads to remove trees that are a danger to motorists, particularly on country roads. That issue was raised with the Road Safety Committee, and it seemed to me at the time that it depended on which part of the state you lived in as to how local councils and Department of Sustainability and Environment and VicRoads local offices would treat that matter. The further north you went, a dangerous tree would be bowled over and people would be told about it. As you came south into areas highly sensitive to the retention of vegetation there would be a convoluted process by which the tree would often take precedence over the potential for loss of life.

There are very interesting provisions in this bill that deal with parking controls. There has been a high level of complaint, particularly from commuters in the Camberwell, Heidelberg and Frankston railway station car parks, that persons other than commuters are parking in the car parks throughout the day. At the Camberwell car park the staff of the Qantas call centre have been identified as regular offenders. The Liberal Party recognises that this is a problem. Car parking is provided at railway stations for bona fide travellers and it must be terribly annoying for regular commuters, who turn up early in the morning in the hope of parking their cars in a reasonably safe area rather than in a side street, to find it full because people from adjoining businesses who are not bona fide travellers have taken over the car park for their own use.

Time-based parking signs, along with signs for disabled drivers' parking, are enforceable, but the signs that say 'rail commuters only' have up to now been very difficult to enforce. The government says it needs to give these signs meaning, but it is not sure how to do it. It is working on a policy and a regulation that will be announced at some later date.

There are also provisions in the bill that allow for the erection of barriers and devices to restrict entry or exit. Connex, under its franchise agreement with the Bracks

Labor government, can improve car parks and recoup the cost from commuters, and it appears to me that this bill is about legitimising the process of paid car parking for rail commuters along with park-and-ride commuters who use the Doncaster facility. The Connex agreement clearly spells out that Connex can charge $2 per car for parking at a railway car park. The government says, 'Trust us. We will work out the policy and the regulations at a later date. Trust us. We will not impose parking fees at railway station car parks'.

I turn to the bill. The government has a franchise agreement with Connex that says it can charge commuters to park their cars at railway stations controlled by Connex. That is what the bill says in clause 34 under the heading 'Additional regulation-making powers, which amends section 56(1) of the act by inserting:

> (ga) in relation to the parking of vehicles on any place belonging to, or under the control of, Rail Track, a passenger transport company, a rail freight operator or a bus company —
>
> (i) regulating the circumstances in which the parking may occur, including, for example —
>
> (A) specifying the conditions and restrictions to which the parking is subject, or to which it may be made subject (including the payment of fees and whether owner onus applies);
>
> (B) providing for different provisions or conditions and restrictions to apply to different areas of the place;
>
> (ii) providing for signs and marks, and for control devices such as barriers and devices to restrict entry or exit;
>
> (iii) specifying the legal effects of signs, marks and devices, and the evidence that is sufficient to prove their existence and effect …

I understand that this provision has two objectives. The first is to prevent the situation we have at Camberwell where people from the call centre who are not bona fide travellers park their cars in the railway station car park. That is one part of the provision. The second, of course, is to allow Connex to charge. This is all about smartcard technology and having a card reader as you go in and out. Yes, you will be a bona fide traveller and yes, you will be charged. It is in the franchise agreement, and the provisions are here in the bill to ensure this takes place.

I turn to an article in the *Herald Sun* of Wednesday, 4 May 2005, headed 'Off the rails'.

> The Bracks government repeatedly urges people to dump their cars in favour of public transport.
>
> It has already announced a $40 million tax on motorists who park all day in the city. Acting Premier John Thwaites said this would make commuters use public transport, walk or cycle.
>
> This week the *Herald Sun* reported that, under a deal between the state government and Connex there is a proposal to charge $2 for motorists who park in station car parks.
>
> This absurd proposal is likely to have exactly the opposite outcome to that which an evidently confused government says it wants to achieve.
>
> Commuters who drive to the station to catch the train will not only have to pay increasingly higher fares, but these would carry a $2 surcharge.
>
> The government must abandon the proposal immediately if its commitment to public transport is to retain credibility.

Another article from the *Herald Sun* of Sunday, 8 May 2005, states:

> Victorian train commuters will be forced to pay $10 a week extra in hidden fees under a deal that allows Connex to charge car parking fees at stations, the state opposition claims.

It is not just members of the opposition who are claiming it; the government, through these provisions in the legislation, is ensuring that it will take place. Commuters will be paying to park their cars at railway station car parks. It is simply a matter of when. We would certainly not expect the government to introduce this prior to an election, but the money-hungry Treasurer here in Victoria will ensure he gets his pound of flesh from commuters. He has already done that in terms of long-term car parks in the city. Those who abided by the spirit of that announcement and said, 'Okay, we will not use long-term car parks. We will support public transport', will find themselves caught up in another net in suburban areas as they record their parking with their smartcard. Connex, which, it has been reported, will get a windfall of something of the order of $13 million a year out of this proposal, thinks it is worthwhile to stand a man at the gate with a leather change bag until the smartcard technology becomes available.

To see that you only have to look at the number of car park spaces at railway stations across the metropolitan area and some of the regional centres: Frankston has 420, Mitcham has 800 — that would be a good little earner — Cranbourne has 200, Camberwell has 80, Blackburn has 120, Bayswater has 370, Ferntree Gully has 200, Croydon has 400, Mooroolbark has 410, Lilydale has 500, Bentleigh has 130 and Mordialloc has 220. Marshall, the new station in Geelong, is ideally set up for boom gates, and you would actually say looking at that station that the car park was designed for boom gates and designed to charge. I understand Geelong has more than 200 spaces, but the web site that has

information about railway stations around the state does not have that information for a number of the Geelong stations. Ten dollars a week, $500 a year, for a battling commuter is one hell of a hit. As I have said, the Liberal Party has no doubt in any way, shape or form that this is where the Bracks Labor government will be heading.

The Liberal Party will of course support issues that relate to safety of the rail network. Earlier in my contribution to the debate I raised issues in relation to the danger of trees and the need to make our rail system safer. You would not believe it, but there is a media release from the office of the member for Ripon, which is quite extraordinary. I would have thought that a major rail safety initiative and announcement such as this would have come from the office of the Minister for Transport. It states:

> Member for Ripon, Joe Helper, today announced a $1 million statewide advertising campaign to improve rail crossing safety …
>
> 'This campaign is the centrepiece of a comprehensive plan by the Bracks government which involves a combination of education, engineering and enforcement initiatives', Mr Helper said.
>
> 'In addition to these measures, we will be assisting local shire councils in exploring the possibility of closing low-volume railway crossings where appropriate.
>
> '$200 000 has been allocated this financial year to assist councils to close selected crossings'.

I am not sure whether these are ones that councils have nominated or the government has nominated at this point in time. The release further states:

> 'Councils will also receive up to $25 000 cash bonus for every railway crossing closed'.

This is out-and-out bribery. This is bribing struggling councils to go head to head with their communities to shut down railway level crossings, to close roads and to make it impossible during fire seasons for fire trucks to get to the head of a fire as soon as they need to. It is about rerouting all our school buses. It is about devaluing properties and downgrading roads. But of course the Minister for Transport has not got the guts to go out there and say, 'I am nominating these level crossings for closure'. He has gone around and found a couple of poor, struggling councils and offered them a bribe to go head to head with their communities. He is after any road he can find that has a handful of farmers and a handful of properties on it. A council will have a look at it and think, 'We desperately need $100 000 for a swimming pool', or 'We desperately need $100 000 to upgrade of some other roads in our community' — this government is not going to help them with any of that — 'so we will take the bribe. We will take the $25 000 for closing a crossing'.

Why did he not make this announcement himself? The poor old member for Ripon had to float this particular announcement. We know that the fast rail project is really behind it all. On each of those four regional lines, depending on which one you are on, there are around 29 to 35 crossings — and one may even have up to 45. The government has all of a sudden realised it is going to send trains hurtling through some of those old level crossings at speeds of 160 kilometres an hour. I know the minister's answer to that — seatbelts on fast trains! That is what he has flagged; that is his idea of rail safety. As it goes along and discovers the problems it has created the government is saying, 'We will try to deal with them, but we will not deal with them ourselves. We are going to lump councils with these decisions'.

I do not know how many level crossings the government intends to close on the Latrobe Valley, Bendigo, Geelong and Ballarat lines. I think it needs to be up front and come out and say, 'We recognise that the project has blown out from $80 million to $800 million for a saving of between $2^1/_2$ minutes and $4^1/_2$ minutes across the state. We know we have got about $530 million worth of hot rods — supercharged trains — that have all had to go back to the factory because they are so noisy that people cannot even travel in them. We know that we have made a mess of the project'.

Every which way you turn you find that the government has made an absolute abortion of the project. The government's idea of dealing with the safety issues on those lines is to bribe the poor old councils that are struggling to make ends meet. Week after week there are more rules, more regulations and more cost shifting onto councils. Whenever the government is looking for a soft way out it goes straight for the councils. The government should take as an example the Liberal Party and its $127 million policy to assist local government. If councils wished, they could put some of that money into upgrading the safety of level crossings. The Liberal Party is not going to dictate how they spend it. If they want to use that money for a project to make their roads safer or to make level crossings safer, we will support them — but we will not bribe them. It is not on, and it should not be happening. I hold this government in contempt for what it has done. We oppose this legislation.

Mr WALSH (Swan Hill) — The Transport Legislation (Further Miscellaneous Amendments) Bill amends various transport-related acts. Before going into

detail, I point out that the bill is notable for two things. The first is the belief by the Bracks government that changing the name of an infrastructure project will actually absolve it from any guilt for its broken promises, its cost overruns or its inability to deliver projects on time. There seems to be smugness coming from this government, which believes that if it just changes the name of something it will be able to spin its way out of trouble.

The government thinks the people of Victoria are so gullible that with a change of name and a whole heap of spin they will not know it has broken its promise and will not see that it cannot deliver this project on budget and on time. I believe the people of Victoria are a lot smarter than this government gives them credit for and that they will hold them accountable for projects that they have not been able to manage well.

The bill is also noticeable for the things that are not included in it, especially when it comes to some amendments that are needed in the transport-related legislation. The first of those goes back almost 12 months, when we in this house and those in the other place were debating some transport legislation and we were talking about the grain harvest management scheme. The Nationals moved some amendments to try to have a grain harvest management scheme included in the chain-of-responsibility legislation. I would like to revisit a commitment that was given by the Minister for Local Government in the other place on behalf of the transport minister. Talking about the grain harvest management scheme, she said:

> I should reiterate —

and this is in response to a question from Mr Baxter, a member for North-East Province in the other place —

> that I have been advised that legislation is not expected to be necessary, and that this can be done by gazettal. The commitment to have this in place by the 2005–06 grain harvesting season is a firm commitment so I do not wish to speculate about circumstances which the government does not expect to be necessary. But the commitment is there that the government will do everything that is necessary, if required, to have this in place for the 2005–06 grain harvesting season.

I probably do not need to remind the Acting Speaker that there are probably people in his electorate who have already started harvesting, but I cannot find anywhere that we have a grain harvest management system in place for this harvest, let alone for the last harvest. There was a categoric commitment from the Minister for Local Government in the other place 11 months ago that this government would put one in place. It needed legislation — let us be clear about that and let us say it. We are now dealing with a whole range of amendments to transport legislation so it would have been an ideal time to put in place a grain harvest management scheme. But, again, evidently this government cannot keep its promises. A categoric promise given by the Minister for Local Government in the other place 11 months ago that we would have a grain harvest transport system in place for this harvest has not been kept. As I said, this government just cannot keep its promises. How can the people of Victoria ever trust the Premier or this government into the future?

Part 2 of this bill amends the Melbourne City Link Act 1995. In my time in the Parliament during this term of government this would have to be probably one of the most amended pieces of legislation in this place. Every time we do anything related to transport there seems to be another range of amendments to this act. I would have thought that by now — and this legislation has been in place for something like a decade — we would have actually got it right and we would not need to be coming back to it all the time; but again we do not seem to be able to get legislation right. The government does not seem to be able to include all the detail that is needed at the time the bill is introduced. It seems to need to come back again and again with amendments to pieces of legislation and, as I said, this one is probably the most amended piece of legislation we have had during this term of government.

Part 3 of the bill deals with the first of the name changes I mentioned when I started my contribution to this debate. Certain clauses of the bill replace references throughout the Mitcham-Frankston Project Act 2004 to the ‘Mitcham–Frankston’, the ‘Mitcham–Frankston Freeway’ or ‘Freeway’. All of those are now going to be replaced with ‘EastLink’. As I said, changing the name will not wash away the guilt of a broken promise. As has been said in this house numerous times when dealing with this legislation, the Premier gave an absolute commitment before the 2002 election that that road would be built as a freeway, not as a tollway. It was an absolutely categoric commitment to the people of Victoria that that road would be built as a freeway, not as a tollway.

As we all know, that election promise was broken — I think it was some 11 months later — much to the horror of the people involved, particularly those who live along that corridor. As I also said when we dealt with that legislation, it was an absolute act of treachery in respect of the people of Victoria that that categoric commitment, put in writing by the Premier, could be broken 11 months later. It has since been reported that

there has been some contention as to whether the government actually knew before the 2002 election that it may not have been able to keep that promise but went on and made the promise anyhow and subsequently broke it.

Part 5 of the bill deals with another name change. It amends the Rail Corporations Act 1996 and the Transport Act 1983. It also changes the name of Spencer Street station to Southern Cross station. Spencer Street station has been part of Victoria's heritage for a long time — I do not know how long, but it is a long time.

Dr Sykes — Since it was built!

Mr WALSH — Since it was built; but how long ago was it built?

An honourable member — A long time ago.

Mr WALSH — A long time ago — great! Here we have something that is part of Victoria's heritage; something that is part of the folklore of Victoria. Country people coming to Melbourne for generations have gone to Spencer Street station. At the whim of the Premier it was decided that the name would be changed to Southern Cross station.

If we wanted to pull down or remodel an historic building or do anything like that we would have bucketloads of red tape thrown at us. We would have to go through studies; we would have to go to Heritage Victoria. I had an issue in Murtoa in my electorate where the Murtoa Sump Oilers Group wanted to make some changes to preserve some of the history of that town and its meatworks. There was a concrete structure in the area that was obsolete and dangerous, but it took us months and months before Heritage Victoria would allow it to be pulled down. But here we have a key part of the heritage of Victoria — Spencer Street station, an icon — that is being changed at the whim of a Premier. The name will be changed just like that. There is no need to go back and relate anything about what the heritage of Victoria is. Again, the government believes it can change the name of something and people will forget how badly it has actually managed the project.

There is a propensity of members on the other side of the house, particularly the Treasurer, to talk about newspaper clippings, but if we look at newspaper clippings on Spencer Street station, soon to be named Southern Cross station, we see in the *Herald Sun* of 7 May 2004 the headline '$50 million station blow-out'. The article continues:

> Work on the Spencer Street station revamp is six months behind schedule and the cost could blow out by more than $50 million.

The *Age* of 15 July 2004 carries a heading 'Station fiasco heading to court'. Wal King, the chief executive officer of Leighton Holdings, is quoted in a newspaper report that states:

> … while there had been better cooperation by the government recently, 'our feeling now is they are retreating back to their snake pit'.

That is a great commendation from Wal King.

Another headline, this time in the *Age* of 16 July 2004, is 'New delay looms for station project'. The article commences:

> The troubled Spencer Street station redevelopment faces a new hurdle — construction work could be delayed for months because of a train driver shortage.

The *Age* of 17 July 2004 carries a huge headline 'Nightmare on Spencer Street'. On 28 October 2004 the *Age* carried another headline 'Travel "nightmare" on Spencer Street'. The article states:

> Poor signage and insufficient customer service at the Spencer Street railway station have been blamed for confusion among passengers, leading to missed trains and delays.

I can attest to that, having had personal experience when catching a train back to Swan Hill — or rather catching the bus at Spencer Street station to get to Bendigo to then catch the train to Swan Hill. The signs were not very good and I very nearly ended up on the express to Sunbury rather than to Bendigo. There were no signs and it was just fortunate that someone I talked to told me that I was in the wrong line.

The list goes on and on about the disaster that has befallen Spencer Street station, the cost overruns and the fact that the project cannot be delivered on time. That word 'nightmare' continually comes up.

The last thing I would like to touch on in regard to Spencer Street station is Batchelor's Bash. The Minister for Transport had a bash down there that most people would be extremely jealous of, if you look at the costs incurred. It goes back to this issue of the Romans and how they would have bread and circuses to keep the masses happy. If you look through the details, you see that it cost $1100 to have Thomas the Tank Engine there to entertain the kids. There was over $3000 worth of balloons and ribbons. There was $1100 for Max the Magician. Banners cost $6000; photography to keep everyone happy cost $3000; printed calico bags — we will give out calico bags to show how great it is down there — cost $30 000. Posters and stickers cost $4500;

more posters cost $3000. It all came to a grand total of something like $170 000 to have Batchelor's Bash down at Spencer Street station to try to keep the masses happy and to mask the fact that this project is over time and over budget and will not deliver what it is really all about.

Mr Honeywood — That's a Liberal Party media release!

Mr WALSH — It is a Liberal Party media release, yes. All this prompts my next issue. We have had this disaster at Spencer Street, and the government is going to change the name of the station to try to spin its way out so that people will not remember what the government has not achieved down there. We also have the issue of the not-so-fast train project. We have seen that the regional fast train project — or as we like to call it, the not-so-fast train project — is now behind time and way over budget. Before the 1999 election we had the then shadow Treasurer saying this project would be built for something like $80 million. It has now blown out to something like $750 million for the actual project and another $400 million or $500 million for the trains. I can see a time in the future when we will probably have legislation introduced into this house to change the name of the not-so-fast train project to something else so that people might actually forget that it probably involved 10 times the expense that was originally intended.

If we keep moving on with the bill, we go to part 5, which is quite interesting. It gives the rail transport operators power to remove any trees, roots or timber that may be considered dangerous for the train track. We would absolutely support that concept — that people's safety is far more important than any tree or piece of timber or whatever. This bill will enable operators to do those removals without the need to obtain a permit under any relevant planning scheme under the Planning and Environment Act 1987, despite anything to the contrary in that act. To make sure of safety the operators quite rightly have the power to chop down a tree or chop off a branch or take out a tree if the roots are starting to grow under the train tracks.

The query I have with this is: why can we not have the same right for roads? We have this provision in relation to train tracks that if a tree is dangerous, if a limb is dangerous, if roots are growing under the train track and it is considered dangerous, rail operators can take action without having to get a planning permit under the Planning and Environment Act and without having to go to the expense of offsets or to do any of the things people have to do in other such cases. I agree with that; it is a great concept. But why can we not have it with roads?

I turn to the Road Safety Committee report about roadside objects and the government's response to that. One of the report's recommendations was that VicRoads and municipalities be exempt from planning permits for the clearing of roadside trees and hazardous native vegetation within defined distances from the edge of the road and heights above the road. This is a good recommendation, but the government response to it was that these recommendations are supported in principle in regard to VicRoads but are not supported in regard to municipalities.

Why would the government in principle support it for VicRoads, which again is a good thing, but not support it for our rural municipalities? There are literally thousands of kilometres of roads along which I believe local councils should have the power to remove trees or lop branches without having to revert back to getting planning permits, without having to do offsets and without having to incur any of those costs, because people's safety on country roads is as important as it is on VicRoads roads or the train tracks.

I pose the rhetorical question: why does the Bracks government hate local government? What has local government done to be treated so differently from the train industry, which has the power to take away trees or, if these recommendations are adopted by the government, from VicRoads. Why do they have that power but local government does not? This is a major injustice that we would like to see corrected into the future.

Part 6 of the bill deals with the Road Management Act 2004. Here we have another glaring example of what is not in this legislation rather than what is. One of the serious and unforeseen consequences of the Road Management Act 2004 has been the shifting of responsibility for irrigation infrastructure from the water authorities to the local government authorities. There is some conjecture as to whether this is an unforeseen consequence of that legislation or whether it was a deliberate act by the government to make sure that local government bore the cost of those structures into the future rather than the water authorities.

We asked that question of the Minister for Transport in this place. His answer was effectively to say that the legislation is the legislation, and so be it. I put it to this house that if it is an unforeseen consequence of the Road Management Act that responsibility for irrigation infrastructure on roads has been transferred to local government, amendments should have been included in

this legislation to clarify that situation so that the responsibility for that irrigation infrastructure would revert back to the people who should be truly responsible for it — that is, the rural water authorities.

Actions speak louder than words on this. If the government admitted that there were unforeseen consequences and that it should go back to the water authorities, amendments would have been introduced — and this would have been an ideal time to do that. There are literally thousands of pieces of irrigation infrastructure on the road network throughout Victoria, and it will be a huge cost burden for local councils if into the future they have to maintain that as part of their infrastructure database and then somehow come to an arrangement with the water authorities to manage it into the future.

Part 7 of the bill deals with the downloads from data-recording devices on trucks and puts in place a process whereby the data can be used to make sure that there is general compliance and that people are doing the right thing.

Clause 17 of the bill provides for those people with good driving records to get a discount on their drivers licence fees. The bill also puts in place provisions to make sure that a person who pays an infringement penalty is taken off the list that enables them to get access to that discounted drivers licence. It is interesting, in looking at that, to see that the government is now giving this discount for drivers with good driving records when in the last budget it took away the $80 pensioner discount on car registration fees. The government seems to be giving with one hand and taking away with the other.

The last issue I would like to touch on in the time I have left is the VicRoads registration and driver licensing database. I have had constituents telling me of experiences where these things have not been handled well. One truck operator was pulled up and classed as being unregistered in New South Wales because VicRoads had been tardy in keeping its paperwork up to date. That particular driver received a fine in New South Wales, but with our assistance he had that fine reversed. If he had had an accident before that was all sorted out, there was a real risk that he would not have had insurance, as he would have been technically classed as unregistered because VicRoads had not been keeping up its paperwork. This bill is about spin and name changes to get the government off the hook.

Mr CARLI (Brunswick) — It is with pleasure that I rise to speak on the Transport Legislation (Further Miscellaneous Amendments) Bill. This is essentially an omnibus bill which makes a number of instrumental improvements to our public transport system in Victoria. Other parts of the bill are targeted more towards road safety. It demonstrates the commitment this government has to road safety and roads and also to public transport.

I feel very pleased to be able to again demonstrate the great support the Bracks government has given to public transport. I was a bit surprised by the comments of the member for Polwarth, the shadow Minister for Transport, who continues in this house to bag public transport. He did it today, as he has done so often in this house. He said that the renaming of Spencer Street station as Southern Cross station will have a devastating effect on tourism and will generally cause anarchy. That is a pure nonsense. Southern Cross station has been restored and renovated in a massive investment. It will become a major transport node of great benefit not only to metropolitan Melbourne but, more importantly, to regional and provincial Victoria.

It is also nonsense to say that things should not be renamed. The members for Swan Hill and Polwarth argued that Spencer Street should remain Spencer Street because that is its name. I recall that the South Eastern Freeway was renamed the Monash Freeway by the previous government. I remember that Tullamarine Airport was renamed Melbourne Airport. One of the areas I represent in Parliament was called Pentridge, became Coburg and is now called Moreland. Things change, and the reason the government has chosen to change the name to Southern Cross is that it wants to highlight the great investment that it has made in the station and the importance it will have for transport throughout Victoria. It is, as I said, an incredibly important transport node. It will also be a world-class railway station, and that is what needs to be emphasised.

This is a bill which is fairly instrumental in its proposals, one of which is to improve the ticketing provisions and make them more robust and easier to use and understand. That clearly is important in terms of the system as it is now and, more importantly, as it will be as we move towards a smartcard system. It will also enhance enforcement on the public transport system by allowing authorised officers to operate across the system as a whole. Importantly it will allow the bus association to also have authorised officers. That will enable people to police the bus system, which is currently not well policed. I would have thought that, from the opposition's point of view, ensuring that station car parks are used by public transport users would be a good thing. Opposition members seem to be

against it, just as they are against all public transport improvements.

Certainly it is a good thing, because it is a major improvement and because there has been an incursion of non-public-transport parking into public transport areas. The provision dealing with hire car licences, which has not been mentioned yet in the debate, is essentially about ensuring that in non-metropolitan areas there is protection for local communities, and particularly their taxi services, so that we do not find hire cars, which do not provide a universal service, coming in and cherry picking those services. I know that The Nationals are very interested in the review of country taxi services which has been undertaken by the government. I must say we have been working very closely with The Nationals to ensure that the review is done and that we take forward the recommendations that will come out of that review.

The most important of the road safety issues is the ability to download data from the engine management systems of heavy vehicles, essentially to ensure that heavy vehicles can be audited. It can be demonstrated that they have not been excessively speeding and that no-one has fiddled with the electronics or the computer system of these vehicles. That is another important plank, if you like, in what has been a fairly comprehensive commitment by this government to regulate road transport and ensure that our heavy vehicles are safe and that we reduce the number of accidents that occur as a result of speeding, tiredness or other factors that have arisen in the heavy vehicle industry.

Another important issue is the possibility of reducing licence fees. Every 10 years, as one has to take out a licence, the system will take into account good behaviour by good drivers to reduce their fee. The government is taking a carrot-and-stick approach to ensure we have cultural behavioural change in the industry. We have been criticised as a government on the issue of fines, but there is no doubt that fines, particularly those aimed at speeding drivers, have fundamentally changed behaviour. This is a carrot to improve behaviour and reward good drivers and people who do the right thing in terms of the system.

There are a number of provisions in this omnibus bill which improve and build on the government's commitment in terms of public transport and road safety. I want to pick up on something the member for Polwarth said about the Metropolitan Transport Forum session last week. There was discussion about the world's most livable cities. Essentially what the MTF came up with was that part of livability and of being one of the world's best cities is having a good public transport system. It was not there to bag the system but to say we need to build on it. We have a very powerful and strong tram system, one of the largest in the world. We have a very large train system. Clearly there have been major improvements in the bus system under the Bracks government.

The forum was about the need to continue and improve on that. If there were levels of criticism, it was because the system at the moment cannot sustain its current level of growth. If we want to move towards 20 per cent modal share, basically we have to invest in public transport. That is no different to what the government has been saying. We need to invest in public transport. We want to increase modal share and change people's behaviour in terms of car use.

The Minister for Transport was there launching the MTF document because we share so much of a common view. There are areas of difference — there will be differences about particular investments and priorities — but when it comes to the objectives and principles behind the livability of the city and the importance of public transport and where it fits, then there is agreement with the Metropolitan Transport Forum, which I should say is essentially local government. I disagree with the member for Polwarth's view that it was a session that bagged the government and said the public transport system was atrocious and was the reason the government lost Melbourne's place as the world's most livable city to Vancouver. It is not true. Basically our public transport system is sound, but it needs to grow as we increase modal share.

The livable cities rating is done by the *Economist* magazine, and the reality is that it fluctuates. Whether you are first, second, third or fourth depends virtually on the year. What is important is that if you are amongst the world's most livable cities, it is a pretty good place to be. That is where Melbourne is. Whether Melbourne is first, second or third, it is amongst the world's most livable cities. There are a whole host of reasons for that, and no doubt that good position has been further entrenched by the performance of the Bracks government and the types of investments it has made not only in transport but also in social infrastructure, public welfare and public safety. I really support this legislation, and I wish it swift passage through this house.

Mr HONEYWOOD (Warrandyte) — In rising to join this debate I would like to point out to the house that the Liberal Party opposes this legislation for a number of reasons, but the primary one that I want to deal with today relates to the provision in the legislation

that will enable Connex and Yarra Trams to introduce parking fees in line with the franchise agreements signed off by the Minister for Transport.

I refer specifically to clause 34 in part 9, which inserts proposed section 56(1)(ga)(i). Before going into the implications for the environment of this particular subparagraph, it is worthwhile pointing out to the house that in just the last two weeks we have had some damning evidence against the Bracks government reported in both the *Age* and the *Herald Sun* newspapers in terms of its record on the rhetoric about public transport versus the reality. Firstly, the *Age* did a special investigation into Victoria's failing public transport system. In the first of several articles, headed 'Too slow, too infrequent' and 'Grinding to a halt', according to Professor Peter Newman, a well-known transport academic, the Victorian government has invested less in expansion and improvement of its public transport network in Melbourne than any other comparable Australian or overseas city. If we are investing less than Sydney, given Sydney's recent appalling record on public transport safety, then on safety issues alone based on the comparative analysis of spending done by the *Age* and Professor Newman we have serious concerns about where this government is taking us.

The current government will provide us with glossy proposals but no real commitments.

The *Age* article also notes:

> The government's metropolitan transport plan — released last year — contains a long list of public transport projects but no costings and no commitment to implement them. But 90 kilometres of new freeways or tollways are discussed, all with attached completion targets and funding commitments.

On public transport the government preaches the rhetoric but does not provide funding or target completion dates. On tollways it preaches the rhetoric and provides completion dates and budgets. There is a contrast here in terms of commitment. Given that public transport is much better for the environment than vehicle transport, particularly in relation to greenhouse gas emissions, where is this government's priority when it comes to environmental management? State government spending continues overwhelmingly to prioritise the needs of roads ahead of those of public transport — and cycling, for that matter. This flies in the face of the government's stated policy objective to reduce private vehicle use and put in place alternative modes of transport.

Only two days ago a report released by the Evatt Foundation, which is after all a Labor Party-friendly think tank, highlighted that Victoria's spending on environmental protection is the worst in the country. According to the Evatt Foundation report during 2003–04 the Bracks government spent a measly $8 per head of population on national parks and wildlife compared with $96 per head spent in Tasmania. The State of the States report noted that water sanitation, national parks management and wildlife services are of serious concern. That comes as no surprise to the opposition. It is shameful that the Bracks government places so little value on our environment. Accordingly this is reflected in its environmental funding allocation which is — and I quote from the Evatt Foundation report — 'an extraordinary 58 per cent below the average of the other states'.

The government's poor performance in environmental protection is all too common. The most recent Australian Bureau of Statistics figures have also revealed that during 2002–03 the Victorian government was way short on funding for the environment compared to other states. In fact again the ABS statistics show Victoria is the worst funding state in Australia. We all know that the Bracks government's environmental and transport credentials are below appropriate standards, and parts of this proposed transport legislation provide a timely reminder of how woeful they are in both these crucial policy delivery areas.

Referring specifically to section 56(1)(ga)(i), to be inserted by clause 34 of the bill, this legislation will enshrine the ability for Connex and other privatised transport organisations to charge fees at railway stations. In essence, whilst Victoria is faced with shameful transport and environmental funding deficits which have left our public transport system at the brink of total collapse and our environment without the proper care it needs to ensure its survival for generations to come, all this government can do is put in place legislation that not only fails to offer solutions to today's public transport and environmental problems but will inevitably ensure that these problems are accelerated by discouraging people from using public transport and forcing more vehicles onto the road.

The government is going to start out with a supposed $2 parking fee, but we know what this government does; as soon as it introduces any new parking fee or levy it then jacks it up in subsequent years way above the consumer price index and then ensures that consumer price index minimum increases occur thereafter. This will be a disincentive for Melbourne and Victorian commuters to hop on a train and use public transport instead of their vehicles, particularly in suburban train stations such as in my electorate, where

there is already a shortage of railway station-associated car parking places. If they have to go through a boom gate while rushing to try to catch the morning train but there is a queue of cars a mile long at the boom gate, the drivers waiting to get a parking ticket out of the machine which they are required to put in the car, they are going to make a decision to keep on driving to work. They are not going to take a place in the queue to try to find a limited parking space. It is not good for the environment and is just another example of the government's rhetoric on the environment not matching the reality of its policy delivery.

This government has in effect forced Victorian commuters into the horrendous position of deciding whether to face an ineffective and unreliable transport system or deal with high levels of frustrating traffic congestion on our roads. The Bracks government has imposed this dilemma on Victorians and offers nothing to fix it. It offers no other option but to cop it day after day. The Leader of the Opposition recently joined commuters to see how bad the rail transport system was. He queued up at the station to catch a train which was cancelled, and he had to wait 20 minutes before the next one arrived. That is a typical example. Now they propose that even if you want to use Victoria's crumbling public transport system, they are going to make sure you are slogged at the train station before you even hop on the train. Before you even buy your ticket to catch the train you will be paying for car parking.

In the current financial year — 2005–06 — the total budget allocation for new public transport infrastructure was only $47.6 million whereas the total budget allocated to run the system, including massive subsidies paid to Connex and Yarra Trams, otherwise known as handouts to David White and his mates, is $1.54 billion — $47.6 million for infrastructure and $1.54 billion in subsidies to David White and friends to run the system.

In comparison, with regard to vehicle traffic we have $3.5 billion in private and government money allocated to roads, with an additional $700 million from the state budget allegedly already spent on road maintenance. There is the contrast in terms of the priorities this government gives to public transport and cycling versus encouraging vehicle traffic. The government in its infinite wisdom prioritises funding allocations to roads in circumstances where — and I quote again from Professor Newman in the *Age* article previously mentioned:

> … there will be very serious problems piling on top of each other … You have got a system grinding to a halt, land use spiralling out of control, new roads that do not work because they fill so quickly, fuel prices, greenhouse gases and communities lost in the outer suburbs who are car dependent. All of these things are coming together.

The member for Doncaster, who is at the table with me, and I have electorates that are virtually totally reliant on the car. There is no fixed rail option to Doncaster or Warrandyte.

Mr Perton — It was sold by John Cain!

Mr HONEYWOOD — The reserve was sold off by former Labor Premier John Cain. There is no public transport option other than a bus to get you to and from — —

Mr Maxfield — What is wrong with buses?

Mr HONEYWOOD — You try catching a bus, the member for Narracan. Try catching a bus in the electorates of Doncaster and Warrandyte.

Mr Maxfield — You open the door and you step in.

Mr HONEYWOOD — Funding has been taken out of our electorates to give to you to prop up your marginal seat! That is your problem.

Of late, the best this government has to offer to resolve Victoria's problems with traffic congestion and increasing levels of greenhouse gas emissions is to implement a revenue-grabbing congestion levy disguised as an environmental initiative. This will do nothing to reduce traffic entering the city and evidence from other states that have implemented similar legislation, including New South Wales, has proven that a car park levy does nothing to solve spiralling congestion levels. In fact evidence from New South Wales shows that traffic to the central business district remained unchanged or had increased in the 10-year period from the time its car park levy was introduced. It is time that the government got its priorities right. It is failing Victorians and failing our environment.

Mr HOWARD (Ballarat East) — I am certainly pleased to speak on this transport legislation bill which, as we have heard, focuses on two issues. One is upgrading issues associated with public transport and the other issue is to do with safety of roads, whether it be trucks or other aspects of road use. I will talk about some of those issues later.

In regard to public transport one of the issues that residents of my electorate of Ballarat East will be very pleased to see is that this bill incorporates issues which will be improving and redistributing ticket provisions so that the system is easier to understand and easier to

use. I say residents in my electorate will be pleased about this because often people from country Victoria are not regular users certainly of the Met system and it is only on occasion that they will come down to Melbourne and use the public transport system, and then when they get onto the Met they want to know how to use that ticketing system. So they will be very pleased to see upgrades in the ticketing system which will make it easier to use and to understand.

In terms of the road safety changes I am also pleased — and it is one that is of particular interest to me — that we are providing a positive scheme whereby motorists who have demonstrated good behaviour and therefore have had few fines will be able to have reduced licence fees in the future. I think this is a very good balance for the other actions which we have taken as a government to try and reduce the road toll — actions whereby we have reduced speed limits, where we have clearly been quite aggressive in pursuing people who exceed the speed limit by imposing fines and at the same time have had a well-established public advertising campaign to try and get people to drive more safely. So this new scheme whereby good drivers will be able to pay less for their drivers licences in the future is a positive measure that adds to the other measures we have in place to promote good driving and safer driving on our roads.

I would like to direct attention to the various upgrades that this government has made to the public transport system in the state. People in my electorate of Ballarat East living along the Bendigo-to-Ballarat corridor, which takes in the towns of Malmsbury and Kyneton, and along the Ballarat-to-Melbourne corridor, which takes in a large chunk of my electorate, recognise that the Bracks government is the first government to undertake a very significant upgrade of rail services into Melbourne. They know that this is going to be of great benefit to them as future users and to our regions which will also see a greater use of the public transport system, a greater understanding that it will not take as long to get to Kyneton, to Ballarat, to Ballan and to other places in my electorate from Melbourne — and of course, vice versa.

The opposition has been very negative about this project, which has been undertaken by the Bracks government and not by a previous government. Certainly during the Kennett government years no work was undertaken to upgrade the rail lines in my electorate. Victorians are very pleased to see that the Bracks government has undertaken significant work on both lines. Rail users have seen that the lines between Ballarat and Melbourne and Bendigo and Melbourne have undergone significant physical works to date, with new sleepers and new ballast being laid, providing much smoother travel. Now that the line has been re-opened between Kyneton and Melbourne, Kyneton residents are very pleased to be able to use their train service again.

Residents along the Ballarat corridor have also used their upgraded rail line, and they are looking forward to December, when they will be able to use the rail line again once the signalling upgrade has been completed. They understand that there has been some discomfort. During the months in which the work has been done they have been using coaches to travel to Melbourne and back again. I have used the coaches myself — as I have used the rail service over the year — to see how the system is running. I find that the coach service has been run very well. People who have used those services appreciate that while they may take a little longer, they have been well managed and generally well received.

Yet the opposition continues to want to deride this government for the good actions which were never undertaken in the Kennett years. The member for Polwarth in particular has regularly criticised and misrepresented many aspects of this work. It got to a point where the editorial in the Ballarat *Courier* newspaper earlier this year made the point that point-scoring attempts by the opposition are achieving nothing down the track. I will read from some of that editorial:

> The constant carping of the state opposition about disruptions to the Ballarat line during development of the fast rail project achieve little.
>
> How does any government undertake such a massive project without there being disruptions?
>
> The track has had to be upgraded, a new signalling system installed, crossings improved and bridges built.

It goes on to say that there could be:

> … no turning back on this project and the essential thing is that it is completed in a way that delivers for rail travellers the absolute best they can expect for the price.
>
> If that involves further disruptions on the line then so be it.
>
> That is unfortunate and obviously frustrating for all rail users …

The article finishes by saying:

> … progress it is. Trying to score cheap political points at every twist and turn of the development in the way the state opposition appears to be does nothing to ease the frustrations and is lamentable to say the least.

The *Courier* and the rail users understand that the Bracks government is doing a great job upgrading public transport into country Victoria. I commend this government for those actions and for the other changes within the bill.

Mr PERTON (Doncaster) — It gives me great pleasure to follow my friend, the member for Ballarat East. As it is the first sitting day since his 50th birthday, may I send him best wishes on behalf of both sides of the house. The member was in a position of some embarrassment in having to defend the government — —

Honourable members interjecting.

Mr PERTON — I said he was in a position of some embarrassment! He is not the Minister for Transport. I suspect that if he were the Minister for Transport a better job would have been done on the so-called very fast train to Ballarat. Most people are amused by the fact that the very fast train to Ballarat will be slower than the old steam train to Ballarat was. A great opportunity has been lost.

Mr Maxfield interjected.

Mr PERTON — The member for Narracan is very loud, but he will recall that prior to the last election the government suggested that the very fast train was an $80 million project. I remember it said the project had been fully costed by Access Economics. The project will now cost in excess of $800 million. I would have thought that for $800 million we would have something like a French TGV train that would take 25 to 30 minutes off the trip from Melbourne to Ballarat or Melbourne to Bendigo and change the entire economy and social infrastructure of the state. But a train that takes 2 or 3 minutes off the trip and leaves out a whole lot of towns along the way remains a disappointment not only for the people of Ballarat and Bendigo but for the people of the whole state.

I join with the member for Polwarth and the opposition in opposing this bill. The member for Polwarth has put the case very well in respect of the change of name of Spencer Street station, and I shall leave it at that. The bill changes a number of acts, and a number of the changes are of concern to my constituents. The first I would like to address is the change to the statute to allow people to be charged for parking at railway stations and park-and-ride facilities. The park-and-ride facility at the corner of Doncaster Road and the Eastern Freeway has had its share of problems.

The house has heard me speak about vandalism, hooning and loud noises at night troubling the residents of the area. I commend the bus company for engaging with me and with constituents and resolving some of those problems. The people of Doncaster-Templestowe and the surrounding district will feel betrayed if the park-and-ride facility, which is designed to reduce congestion by inducing people not to drive their cars into the city, suddenly has a parking charge applied to its use. I register a very strong protest on behalf of the people of the electorate of Doncaster. I know my colleague the member for Bulleen feels the same way. Here is a loud warning to the government: do not impose a fee on the use of the park-and-ride facility in Doncaster.

As the member for Warrandyte, who spoke before me, stated very clearly, public transport in our area is problematic. That is because the Cain government, rather than extend the heavy rail network to East Doncaster, sold the rail reservation along which it was always designed to run. Indeed its consultant, Bill Russell, who was engaged on many occasions to comment on the Eastern Freeway, said the government should build a heavy rail service to Doncaster. Now there will be no train to East Doncaster and no train to Doncaster, because the Labor Party's great hero, John Cain, stymied the ability of any government to do so.

The need for it is substantial. The Committee for Melbourne and the Victorian Employers Chamber of Commerce and Industry at the VECCI summit last week proposed fixed-rail solutions to the public transport problems of the cities of Manningham, Doncaster, Templestowe and suburbs further out. The problem lies in finding land that is available for the project. It would be a very expensive project, costing some $600 million. If the people of Doncaster or Manningham were offered $600 million to solve their public transport problems, I doubt that they would want a heavy rail solution. If we had $600 million, improvements to the bus service would be very high on the agenda. Just last week I received a letter from a young disabled constituent who likes to travel to the city to meet his friends from his special school. He is now in his early 20s and finds it difficult on a Sunday to make the necessary transport connections. The people of Doncaster and the surrounding suburbs would certainly be seeking improvements in the bus service.

This legislation also relates to the Mitcham-Frankston Project Act 2004. It is in this area that the people of Doncaster feel particularly betrayed, because the Kennett government had allocated the money for the extension of the Eastern Freeway from Springvale Road to Ringwood. The money was allocated, the project was ready to start and the tunnelling questions had been fixed, but some six years later we find that there is still no roadway to travel on, and the roadway

that will be built will be tolled. More particularly the extension of the Mitcham–Frankston project will deliver between 40 000 and 80 000 new vehicles onto the Eastern Freeway of a morning.

Acting Speaker, I do not know if you or the Minister for Agriculture have travelled on that freeway in the morning, but even today the delay from Springvale Road to Hoddle Street was some 33 minutes. There is very serious congestion at the end of the road. Getting onto Hoddle Street is not the solution, because Hoddle Street and the streets of Collingwood and Fitzroy are packed. The Committee for Melbourne, the Victorian Employers Chamber of Commerce and Industry and other people who have looked at the problem say that we need to build a tunnel. We need to extend the Eastern Freeway to link with CityLink and the Tullamarine Freeway to relieve part of that pressure and to allow traffic to flow. I would go further and say we probably need to improve the capacity of Hoddle Street and Punt Road. One of the solutions we see in other countries, whether it is in France, the United States of America or in other places, is a tunnelling under the road surface to add a couple of lanes on each side that run traffic-light free.

If $600 million could be spent on public transport in the Manningham area, perhaps VicRoads could provide a global positioning data service that would allow people to use navigation control to find the most efficient means to travel. They might find that avoiding the freeway and Hoddle Street and taking alternative routes was appropriate. The technology is not expensive now. The devices are certainly below $1000 per vehicle, and there are alternatives such as using mobile phones that would allow those data services to be used, thereby improving the commuting time for Doncaster residents and improving the efficient use of the road infrastructure.

In the very short time available to me let me conclude by saying that this legislation is opposed by the opposition for a number of reasons. The most pertinent reason for my electorate is the imposition of new parking levies at the park-and-ride facility in Doncaster and the potential imposition of parking levies on any further park-and ride-facilities — and you would have to hope that some would be built, given that the one that already exists is at capacity. Perhaps it might be appropriate to build one at the junction of the Eastern Freeway and Hoddle Street, allowing people to use trains to get onto the inner circle service.

We oppose the legislation. We believe it does not solve the problems of public transport for metropolitan Melbourne. I do not believe it solves the problem for my constituency, and I think a hell of a lot more work needs to be done to solve those problems.

Mr MAXFIELD (Narracan) — I rise to support the Transport Legislation (Further Miscellaneous Amendments) Bill. It is disappointing to hear the member for Doncaster opposing the bill and opposing some of the initiatives the government has put in place. As we know, when he was a member of the previous Liberal-National party government he was a strong supporter of the closure of country railway lines and of the shutting down of bus services in my electorate and in the Latrobe Valley. As a result of those sorts of initiatives the Bracks government has had to rebuild the transport legacies that it was left. The previous government sold off our rail services, which meant that maintenance and upgrading stopped, and we have a massive maintenance backlog not only in metropolitan Melbourne but across regional Victoria. One of the reasons why it closed railway lines was that what little money it spent was spent in metropolitan Melbourne and not in country Victoria.

This legislation is about tightening up one of the problems we have — fare evasion. This legislation will ensure that, as fare evasion is reduced, we can put that money into upgrading rail services and the public transport system in the state. I noted with interest some of the criticisms made of the upgrading of regional rail. The fact is that the opposition is embarrassed. It ran down rail and closed country lines. We are reopening rail lines. If members want to know about our record on country rail, they should go and stand at Ararat or Bairnsdale railway stations and ask: what has the government done in rail?

Some people have been inconvenienced by the upgrading of our rail lines to Ballarat, Bendigo and the Latrobe Valley, but we are going to end up with a magnificent rail service. The Premier, the transport minister, the member for Morwell and I travelled at 160 kilometres an hour in the new train. It was quiet, beautiful and comfortable. What a magnificent trip it was. A lot of rail users will travel on our new trains and say, ‘Isn’t that impressive! Isn’t that wonderful!’. And of course we will have more frequent rail services.

The other issue is reliability. When you look at the unreliability of our country rail lines, you see that there are numerous breakdowns in signalling because it was not upgraded for many years. Maintenance was neglected in the sell-off of our rail services. Here we are getting new state-of-the-art signalling with fibre-optic lines which will deliver significantly increased reliability for our rail users. They will have a more

reliable and comfortable service and the security of knowing that it will be extremely safe.

Whereas the previous coalition government closed our rail lines and shut down our public transport system, we are expanding it. For example, bus services used to run at the weekend in the Latrobe Valley, but the Kennett government cut them out. The other day, with the member for Morwell, I proudly stood beside a bus when we announced that we had brought back bus services after lunch time on Saturdays, on Sundays and on public holidays. Not only are we rebuilding rail services, we are now rebuilding our bus services as well.

On top of that, we have put extra money into rebuilding the Latrobe Regional Airport precinct and are now seeing the return of some passenger aircraft. We are seeing increased country transport services. This legislation will certainly help to enhance our support of rail and public transport generally right across the state. I am pretty proud of a government that is not only putting more money into improving roads, including building the Pakenham bypass — in the last 10 months alone the government has spent over $10 million on upgrading roads in my electorate — but has also introduced so many public transport initiatives. That is a very proud record, and I commend the bill to the house.

Ms ASHER (Brighton) — The opposition opposes the Transport Legislation (Further Miscellaneous Amendments) Bill. I want to focus most of my comments on clause 9, which enacts a name change, changing Spencer Street station to Southern Cross station and changing the name of the Spencer Street Station Authority to the Southern Cross Station Authority. Interestingly, the second-reading speech only talks about the authority's change of name rather than the station's change of name.

The opposition opposes the name change, and it is interesting to look at a press release from the Premier announcing this change of name on 18 December 2001. The Premier said:

> The old Spencer Street station would be renamed 'Southern Cross station' when the redeveloped precinct opened in 2005 …

The Premier then went on to make some comments in relation to the naming of Spencer Street station, which was built in 1859 and named after Lord Spencer, formerly Viscount Althorp, an English parliamentarian. That was in the press release put out by the Premier in 2001. It gives the impression of the abolition of something archaic, rather than the reasons that have been advanced by members of the Labor Party in this house today.

The opposition opposes the change of name of Spencer Street station because it is not necessary; it is a rather pointless exercise. Everyone knows Spencer Street, and regional Victoria obviously has a real focus on it, given that it is the centre for regional trains. Interstate rail travellers know it. It is probably one of Melbourne's most identifiable landmarks for metropolitan and regional travellers alike. Any name change incurs significant costs, so from our perspective it is a well-known landmark and there is no point to this particular name change.

Spencer Street is yet another one of those major projects which is over budget and late, something we are coming to expect from this government for every single major project. I note that this project was meant to be opened on 27 April this year, and according to the annual report of the Department of Infrastructure tabled in the last sitting week of Parliament the latest state of play at page iii is that:

> The main station works will be largely complete by the end of 2005 with final completion in mid-2006.

At this stage the station will not be complete until mid-2006 — even though it was meant to have been completed on 27 April, 2005 — a damning indictment of this minister's management of major projects and the government's management of major projects overall.

I put in a freedom of information (FOI) request to the Department of Infrastructure asking for documents relating to the opening date for Spencer Street and was told there were no documents in existence at all relating to this original opening date because the station has been operational to some degree during the construction, therefore it was not closed and therefore there are no documents at all relating to an opening date.

I have changed my FOI request to a request for a completion date, and I am now told there are 5000 documents, with a departmental officer querying why I wanted to know about the botched major project opening. It is interesting that in the press release I just read out the Premier in 2001 referred to the project opening and the minister himself in a press release I just happen to have here dated 7 May 2004 also refers to when the project is to open.

This project was announced 13 times by this government before construction began. I wonder if the overall embarrassment in relation to the Spencer Street major project is why the government wants to change

the name. It is a very unusual way of changing the name of a major landmark in Melbourne. The usual way name changes occur is not by legislative means, by a bill before Parliament. The usual way name changes occur is under the Geographic Place Names Act 1988, which requires a policy to be produced, which the government has done, and a process involving a significant amount of public consultation to be gone through. I refer to the 'Guidelines for geographic names' of October 2004, the government's own guidelines in relation to name changes. I quote from page 26 of that document:

> The Registrar of Geographic Names, acting on the advice of the Geographic Place Names Advisory Committee, has responsibility for the registration of names of places with a regional, state or national significance.

Basically this policy documents the fact that the panel should be consulted and that the original name change should be placed in the *Government Gazette.* Page 44 of the guidelines states:

> The input of all appropriate parties will be sought and considered by this committee before making recommendations.

Indeed, there is a process for lodging objections to name changes. However, the government has short-circuited all those usual procedures. The government has deliberately chosen not to adhere to its own policy. The government has deliberately decided there will be no method for hearing objections to the change of name. The government has chosen to avoid the panel process, and the government is clearly avoiding the involvement of the registrar.

I wrote to the registrar of geographic names on 24 May 2004 and on 28 June 2005, asking whether the government had lodged an application to change the name of Spencer Street station. Interestingly enough, rather than the registrar writing back to me, in both instances the Secretary of the Department of Sustainability and Environment, Professor Lyndsay Neilson, who often does the government's bidding, wrote back to me. On 13 July he wrote:

> The registrar has advised that, to date, a formal proposal to rename Spencer Street station to Southern Cross station has not been submitted to his office for registration. The Spencer Street Station Authority and the Department of Infrastructure have been informed of the requirements of the Geographic Place Names Act 1998 in relation to the submission of a name change proposal prior to the opening —

there is that word 'opening' again —

> of the redeveloped station.

Basically the government has made a very deliberate decision to avoid the usual process for name change. Again, you have to ask why. One thing is for sure: there will be a very big event with a lot of spin for the opening of Spencer Street station and this name change. We can all recall the Batchelor party, the Spencer Street open day where $170 000 was spent, featuring Spaghetti the Clown, Max Magician, Thomas the Tank Engine, and indeed the minister himself. It was very difficult to tell the difference between the minister and Spaghetti the Clown, let me tell you. No doubt there will be a further waste of taxpayers funds when we have the opening of the Spencer Street project and the renaming of the precinct to Southern Cross.

I will conclude by making a brief observation on the issue of paid parking at railway stations as it impacts on my electorate. Clearly, more parking is needed at Brighton Beach railway station and at Brighton North railway station, and I have written to the minister about those needs. Brighton Beach railway station is at the end of zone 1, so, of course, a range of people from neighbouring suburbs justifiably use that car park, and it is very difficult after 7.30 in the morning to get a park there. I indicate to the minister that if paid parking were introduced it would be a disincentive to use the public transport system. There is enough disincentive now on the Sandringham line, which is the worst performing line in the whole metropolitan system, according to the number of cancellations on it. It is an untenable service at the moment and the minister needs to lift his game. If on top of this the minister wishes to introduce a regime for paid parking, he is kidding himself if he thinks this will achieve the government's objective of increased public transport use over time, which is part of the government's 2030 policy. In conclusion, it is a farce that the government has chosen to ignore the processes for the Spencer Street station name change and I oppose the paid parking proposal in this bill.

Mr Perton — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr WILSON (Narre Warren South) — Of particular interest to the commuters in my electorate and in fact to the commuters in the south-eastern growth corridor is the amendment in relation to the parking of vehicles at railway stations in any place under the control of Rail Track, a passenger transport company or a bus operator. By the year 2020 Melbourne's population is expected to increase from 3.5 million to 4.2 million and 55 per cent of this growth, some 420 000 people, is forecast to occur in the outer suburbs of Melbourne.

Much of that growth, some 70 to 80 families a week, is expected to come into the south-eastern growth corridor including Cardinia and Casey municipalities, focused on the rail corridors of Cranbourne and Pakenham. Travel surveys in the outer metropolitan area show that on weekdays between 50 per cent and 80 per cent of trips start and finish within the same municipality, and some 90 per cent of trips start and finish within either the same or an adjoining municipality. From the city of Casey typically less than 5 per cent come into the central business district of Melbourne.

The rail network is vital in serving the mass people movements in the morning and afternoon peaks, between predominantly residential areas in outer Melbourne and the inner Melbourne areas rich in jobs and services. Patronage of Melbourne's train service has been growing about 3 per cent a year for the past decade and this growth is projected to continue, perhaps at a faster pace. But I note that the Cranbourne and Pakenham lines over the past few years have had an even faster pace again. Victoria's environmental sustainability framework, which is a great document, provides direction for the government, business and the community to build environmental considerations into the way we work and live. One of the very important objectives of this framework is to increase the use of public transport to 20 per cent of all motorised trips by the year 2020.

To meet that target the government needs to ensure that the infrastructure and regulations are in place to support the increase in public transport patronage. A very important aspect of these infrastructure improvements is the provision of adequate and well-defined parking at railway stations. I note that the Bracks government has spent $510 000 in my electorate to expand car parking at the Narre Warren railway station by 185 spaces as well as to provide additional parking spots at the Berwick railway station. This infrastructure has seen a marked increase in the number of vehicles parked at Narre Warren railway station and even more people utilising the railway station and the shops nearby. The amendments improve the regulation-making powers, enabling the development of better controls at car parks at railway stations to allow these facilities to be more widely used by genuine commuters.

Another amendment in the bill which is of interest to me and my constituents involves public transport ticketing. Fare evasion is a serious issue that is estimated to account for losses of around $50 million on the public transport network annually. Fare evasion impacts on us all, given that the money that is lost could be spent on a myriad of service improvements. Fare evasion is unfair to us all. The amendments in this bill clarify the definition of fare-evasion offences and the powers officers have to enforce the law in relation to this.

Another concern of mine and my constituents is speeding trucks. This bill provides for the use of heavy vehicle speed-limiting devices which allow for the downloading of the speed history and other data from an engine's operations. This information includes mileage, fuel consumption, idle time and engine hours. The changes will allow the authority to ascertain if the speed limiting device is operating at peak efficiency. Furthermore, the data may show that the device is set at either too high or too low a speed. I note that information from the engine management system cannot be used directly for the issuing of infringement notices, but the speed at which trucks, especially heavy trucks, travel is very important to my constituents. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on the Transport Legislation (Further Miscellaneous Amendments) Bill. I wish to support the amendments circulated by the member for Swan Hill that seek to prevent the change of name from Spencer Street station to Southern Cross station. The Bracks government has a penchant for rewriting history, especially to cover its mistakes and mislead the public. It is much simpler for vets: we have to bury our mistakes. But if the Bracks government tried to bury all its mistakes, then all the cemeteries in the Melbourne metropolitan area would be full of bodies.

The completion of the work at Spencer Street station is going to be over time and over budget. What is next on the hit list? Will it be another icon in the city — say, Flinders Street station and its clocks? Will the government paint it orange and call it Clockwork Orange station? Why stop there? The Melbourne Cricket Ground is facing a cost overrun. Are we going to rename the MCG the MPP, or Minister Madden's Paddock? Let us stick with our history: let us see Spencer Street station remain Spencer Street station, because that is the name many Victorians, particularly country Victorians, know it by. Let us just stick with a little bit of history so that we are all comfortable.

The second issue I would like to touch on is the inconsistency of the government's approach to the management of track-side and roadside vegetation. New section 9C(1) of the Transport Act inserted by clause 32 of the bill relates to the clearance of trees. It says:

> This section applies if any tree or wood in the vicinity of a railway track operated or maintained by the Director on

> behalf of the Crown poses a risk to the safety of anyone on, or using, the railway track.

New section 9C(5) says that that tree or wood can be removed:

> … without the need to obtain a permit under any relevant planning scheme …

If we consider the Road Safety Committee's *Inquiry into Crashes Involving Roadside Objects* report, then we see an inconsistency in the government's response to recommendation 33, which is:

> That VicRoads and municipalities be exempt from a planning permit for the clearing of roadside trees and hazardous native vegetation within defined distances from the edge of the road and heights above the road —

in other words, a very similar proposition to what is included in this legislation as it relates to railway lines. Recommendation 35 is:

> That requirements under the Planning framework of the Planning and Environment Act 1987 be amended to exclude the need for a road authority to obtain a permit for removal of roadside vegetation which the authority considers poses an unacceptable risk to the safety of road travellers.

The government response is that it supports the recommendation in principle in relation to VicRoads but not in relation to local municipalities. What is going on in the minds of the legislators? Don't they talk to each other? How can we have one sound proposition in relation to the safety of rail travellers and rail transport and another similar arrangement in relation to people travelling on the main arterial roads — that is, those managed by VicRoads — but be unable to apply the same provision to the management of trees and roadside vegetation in relation to the many thousands of kilometres of roads managed by local municipalities? The government has got it wrong again. For the sake of commonsense and safety, in country Victoria in particular, let us have some consistency in our approach to the management of roadside vegetation.

The other issue I would like to touch on very briefly which has been raised by The Nationals many times in this Parliament is another inconsistency of this government in relation to public transport — that is, the so-called free travel for the Commonwealth Games. It was touched on by the Leader of The Nationals in question time today. The answer from the minister indicated clearly that this government is still going to discriminate against country Victorians, expecting them to pay a $10 fee for something that is available for nothing in Melbourne. More importantly, many country Victorians who would need to travel long distances to get to the games will not be able to avail themselves of the cheaper transport option.

With those remarks I reiterate that I support the member for Swan Hill's amendment to prevent the change of name from Spencer Street station to Southern Cross station.

Mr LOCKWOOD (Bayswater) — I too support the Transport Legislation (Further Miscellaneous Amendments) Bill. It is another great piece of legislation from the Minister for Transport, making Victoria a great place to live and raise a family. The bill upgrades ticketing provisions to make the processes better and easier to use and to reduce fare evasion, and it makes improvements to road transport legislation.

The bill enhances enforcement, allowing authorised officers to operate across the public transport network, and makes it easier to verify names and addresses. It allows Bus Association Victoria inspectors to move across the system. It enables the making of regulations to ensure that railway car parks are for public transport users only. It is not, as the member for Brighton said earlier, a way to charge commuters extra money — that is not the intention at all. It is there to make sure the car parks are there for public transport users only. Of course that is the sort of misinformation I would expect from the member for Brighton, who told me that Gordon was coming to get me. He is no longer coming to get me.

Ms Allan — He will if he has something to do with it!

Mr LOCKWOOD — Yes, he is trying. If the Liberals allow democracy to mean anything, he may yet.

The legislation will enable tow-truck drivers, without getting allocation clearance but at the direction of VicRoads, to clear from freeways and other roads vehicles that are in a hazardous position. That is being done to make our roads a safer place, which is what we want from our road system. It will allow the use of devices which download data from the engine management systems of heavy vehicles to see if the operators have been doing the wrong thing — if the engines or the systems have been tampered with or are defective in any way. It is a reading system only; it does not do anything but obtain information from the engine management system, which is an onboard computer. For example, it will look at the speed limiting information to see if the vehicle is exceeding the 100-kilometre-an-hour speed limit.

There is a good driver discount for those who renew their driving licences. Those who receive infringement notices will not get the good driver discount. We do not want that to go to people who incur driving infringement notices. The legislation allows the disclosure of data held by VicRoads to other jurisdictions so that Victorian drivers who break the law interstate, for example, can have their infringements followed up and can be properly prosecuted for breaking the law in that state. We, in turn, will receive the same information from those other jurisdictions. It will not be safe to speed anywhere!

One thing in the legislation that pleases me is the change of name from 'Mitcham–Frankston Freeway' to 'EastLink', a great project under way right now. There is a provision in the bill to stop on-demand bus services from coming into conflict with scheduled services with an exclusive contract. This means they will not interfere with that contract. There are also new ticketing offences to prevent the counterfeiting, falsifying or altering of tickets for the purpose of fare evasion.

There has been much railing and rattling from the Liberal Party and The Nationals about the name change for Spencer Street station. But what's in a name? A rail station by any other name would still be a rail station, and 'Southern Cross' is a great name. What better name could we have for the great station we have at Spencer Street? It is in keeping with the great new development down there. People do not just want good services and service improvements, they want to use those services in relative comfort and stay dry and out of the elements. The construction down there is a great improvement in that respect. It is a great new name to reflect a great new construction.

Public transport has been attacked by the Liberal Party, but in my electorate alone coming up Stud Road there is the Wellington Road Smart Bus. As well as that the Knox transit link is already operating. These are improvements in public transport that were never put in place by the Liberal Party when it was in government, and they are being put in place right now by the Bracks government. In fact they were opposed by the Liberal Party. I remember going to many meetings over the years where local Liberal Party members argued heavily against some of these improvements. They are now being done, to the appreciation of people in my electorate and other electorates in the outer east. Areas like the outer east suffer from a lack of services. They developed before the infrastructure, the services and the public transport were put in place and now it is necessary to provide services right across those areas that did not get the public transport.

EastLink, as I mentioned, is not Halflink, and it is not half a freeway. It is a freeway and it is a full road, so there is no half-baked half-tolls policy. It is a beautiful road. It is a freeway, it is a tollway and it is being built by this government. The people of the outer east wanted it. They wanted the road. They said, 'Just build the thing. We do not care if you have tolls on it, just build and finish what you are doing'. This road has been in the *Melway* for 40 years or more and this government is getting on with the job of building it and making Victoria a great place to live, work and raise a family, as we have heard many times. It is also a great place to use public transport. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to oppose this legislation, and particularly to oppose clause 9 of the bill which proposes to change the name of Spencer Street station to Southern Cross station. This is a retrograde step, designed by the Bracks government to cover up its total inadequacy in transport management under the failed Minister for Transport. It is absolutely stupid and illogical to change the name Spencer Street station — a well-known and well-recognised name for this station — to Southern Cross station. It throws out over 125 years of heritage, and it is an absolute waste of time and money, because an enormous amount of money will be involved in just re-signing, re-badging and re-identifying what is already a well-known station.

But the most significant thing of all is that it is absolutely illogical. The reason Spencer Street station is named Spencer Street station is that it is on Spencer Street! You can actually find it. If you ask somebody to go to Spencer Street station they look for it on Spencer Street. In the same way, Flinders Street station is on Flinders Street, Warrnambool station is in Warrnambool and Parliament station is near Parliament. There is a history around the world of stations being named according to their location so that visitors to the area, tourists and locals can actually find the station. It assists people to find the station. You call it Spencer Street station because it is on Spencer Street and people can find it. It is a stupid, illogical and harebrained idea and only a harebrained minister in a harebrained government would even think about renaming such a well-known station as Spencer Street, 'Southern Cross'.

I must say that the people in my electorate are offended by the name change because there is a community by the name of Southern Cross in western Victoria. It is in my electorate of South-West Coast. It is situated between Koroit and Mailer Flat to the north-west of Warrnambool and its postcode is 3283. The community

of Southern Cross is outraged that the Minister for Transport wants to purloin its name without any recompense or compensation and to use it to name his disaster of a station redevelopment. Southern Cross is a well-recognised community in south-west Victoria. It is proud of its name, proud of its heritage and proud of its location. People in that community do not want people to be confused about where they live. They do not want people thinking they live at a station in Melbourne. They want people to know that they are proud to live in Southern Cross in south-west Victoria, which is a highly productive and effective community.

I ask the Minister for Transport to give serious consideration to the confusion that could arise by having two places by the name of Southern Cross in Victoria. If the minister had gone through the process he should have gone through with the Place Names Committee, it would have told him that that name had already been taken for a precinct in Victoria between Koroit and Mailer Flat, near Warrnambool.

There is another potential for confusion because Southern Cross is also the name of a major media group that owns radio stations 3AW and 2UE and Southern Cross Television. Has the minister done a financial deal, as he did with the Watergardens station out at Sydenham, where he sold the naming rights for $4 million so he could put it in his government's kick?

Is the minister proposing to get the Southern Cross media group to pay for sponsorship of the station he is naming Southern Cross; or is he looking for sponsorship from the Southern Cross organisation, which is a large health insurance company in New Zealand, or Southern Cross University, which has campuses in Lismore, Coffs Harbour and Tweed Heads? People will be confused about that. Probably the real reason the minister is renaming it is that the *Southern Cross* is a well-known South African Catholic weekly magazine which is circulated widely in that country.

I think 'Southern Cross' is a totally inappropriate name for the station. There is a community in south-west Victoria that is already named Southern Cross, and we do not want to confuse the station with that community! The last thing we need is to confuse tourists and visitors and other users of Southern Cross station. What we want to do is call it Spencer Street station, because it has always been Spencer Street station, it is known as Spencer Street station and it is actually on Spencer Street.

An honourable member — Google 'Southern Cross'!

Dr NAPTHINE — If you Google 'Southern Cross', you find there are 18 pages on the name.

This is just an excuse to cover up the Bracks Labor government's mismanagement of transport. It has failed on rail standardisation; it has failed on the fast rail project; it has failed by ripping up the dual line to Bendigo; and it has completely failed to deliver on V/Line passenger services. Budget paper 3 confirms that there has been a 7.7 per cent decline in V/Line patronage over the past 12 months. If you have a look at the Warrnambool *Standard* of recent times, you will find a number of articles highlighting the problems with the Warrnambool service. An article in the *Standard* of 31 August says:

> South-west councils are collaborating to inform V/Line and the state government the region's train service is not up to scratch.
>
> …
>
> Warrnambool city mayor Glenys Phillpot said she had trouble with the way the south-west line was being treated.
>
> The South West Municipalities Group will write to V/Line and the transport minister requesting a service upgrade.
>
> …
>
> Mr Mostyn —

the secretary of the South West Municipalities Group —

> said the group was told people were concerned with the train's early timetable, particularly people travelling from Portland or from outlying areas to make the 5.45 a.m. train at Warrnambool.
>
> He said other issues raised related to the service's reliability, effectiveness and cleanliness.

An article in the *Standard* of 20 September says:

> Late trains are still frustrating loyal passengers of V/Line, which has continually missed punctuality targets on the Warrnambool to Melbourne route for the past year.

An editorial from 16 April, entitled 'Rail service frustrating', says:

> South-west train travellers are clearly being short-changed by an unacceptable quality of rail service.
>
> …
>
> Lateness is obviously one of the biggest concerns with the service.
>
> …
>
> It is time V/Line and the state government addressed the service's shortcomings and delivered a much-improved performance.
>
> …

> This government has repeatedly said it governs for all Victorians, but try telling that to frustrated passengers sick of being treated like second-class citizens.

Certainly people in western Victoria are being treated like second-class citizens by this government. There are continual breakdowns, cancellations, delays and dirty trains. Last summer there was no buffet car and no access even to running water in the whole train. The timetable is an absolute disaster. The service in south-west Victoria is not up to scratch, yet this government wants to waste money, time and effort on changing the name of Spencer Street station to Southern Cross station.

While we are talking about Spencer Street station I should say that it is an absolute disaster at the moment. I hear complaint after complaint from constituents who get continually lost on Spencer Street and get no assistance and in particular from the frail aged who have to carry their baggage for long distances. The signage has simply been inadequate, as has the help provided throughout this construction phrase. I understand it is a construction site, but the government has done nothing to assist in that process.

Finally, let me talk about clause 10, which provides for the clearance of trees. As other speakers have, I contrast the fact that this legislation allows for the clearance of trees for safety reasons along rail lines — —

Honourable members interjecting.

Dr NAPTHINE — Which I support! But it is a pity that the government will not do the same on roads. We have signs appearing on our roads in western Victoria that say 'Trees close to road', 'Overhanging branches' and 'Dangerous'. We have a proliferation of signs, but nobody is actually going out to clear the trees. When the government was told by an all-party parliamentary committee that action needed to be taken to allow councils to clear trees to make the roads safer, it rejected that recommendation. We need strong action from the government to give road users priority so that we put their safety first. The lives of road users must be paramount. We need fewer signs saying 'Trees close to road' and more action to actually clear the vegetation from roadsides and make them safer.

Clause 10 says that we can clear the vegetation on a train line without having to go through any of the stupid hoops and red tape this government has put in for native vegetation clearance, but the government will not do the same for VicRoads or councils. It is about time it did so. We need to make our roads safer.

Mr DELAHUNTY (Lowan) — I rise to speak briefly on this important bill, the Transport Legislation (Further Miscellaneous Amendments) Bill, on behalf of the electorate I represent, Lowan. There are many purposes in this bill, and for the sake of time I will not go through them, but one of the key purposes is to change the name of the Scoresby freeway to EastLink, which has been covered by others. The Bracks government broke its promise, and it should be condemned for it.

Another purpose of this legislation is to amend the Rail Corporations Act to change the name of Spencer Street railway station. I will not even use the other name, because I think everyone, as previous speakers have said, supports the Spencer Street railway station and knows where it is. It is very easy for people coming to Melbourne from across Victoria, from interstate or even from around the world: they know where Spencer Street railway station is. It does not need a name change.

The key thing I want to cover in my presentation is that the bill amends the Road Safety Act. I am extremely disappointed that it will allow the director to remove a tree beside a railway track if it poses a potential danger to rail operations but will not allow municipalities to do that with roads. We have had an all-party parliamentary committee, the Road Safety Committee, inquiring into crashes involving roadside objects. We have also had the government response to the recommendations. It was a very wishy-washy response, as has been pointed out by many speakers. I will not take up the time of the house by going through it again, but I highlight the fact that the government believes VicRoads should be able to remove trees without going through the normal planning process but will not allow municipalities to do that. Councils are also road management authorities, and importantly under the Road Management Act they have greater responsibilities.

I know of trucks that have been going along the roads and have been collected by trees hanging down above them. I know that car drivers in my electorate are very concerned about vegetation close to the road that impedes their vision in relation to animals coming across the road — it might be stock or animals like kangaroos or emus. The report highlighted the fact that roadside objects must be removed to create a safer traffic environment. When the choice is between the preservation of vegetation on roadside reservations and reducing the risk to human life, the latter must always prevail. As I said, there was a very wishy-washy response from the government. I ask the government to look at this again, because for the sake of our commuters in regional Victoria we need to make sure

our roads are safe from the point of view of visibility and overhanging trees.

The other matter is a minor amendment to the Road Management Act 2004. Here was an ideal opportunity for the Minister for Transport, who is in the house, to come forward to address concerns that have been raised by many councils in my area. Until now water authorities which have constructed bridges or culverts have been responsible for them. We have been informed that under the new Road Management Act that responsibility will now go to local government. The bridges and culverts will go onto a council's asset register and become another responsibility for it to replace or repair. I know there has been vigorous debate between the water industry, VicRoads, the Municipal Association of Victoria and local government. I have not seen any response from the minister to resolve this. This legislation would have been an ideal opportunity.

A letter I have received states:

> The Road Management Act … has been drafted in such a way as to make councils responsible for bridge and culvert structures over waterways and irrigation channels … Councils were assured these structures would be the responsibility of the water authorities and that councils would be responsible for the road pavement over such structures.

This concern has been raised by many councils, some of which are in my electorate. The Horsham Rural City Council has 505 of these structures. Southern Grampians has only 2. Hindmarsh shire has 151, but there are others which have a lot more. Yarriambiack shire has 1007, Buloke shire has 951, Gannawarra has 55, Loddon shire has 50, Northern Grampians has 217, and Swan Hill Rural City Council has 46.

Again there is major concern, particularly in the north-west, and I know there are other areas of Victoria where there is also concern. It is terribly disappointing given that the minister had the opportunity in this bill to address some of those concerns. I ask him to again take on board the concerns of the councils in my area and address those issues.

Mr SAVAGE (Mildura) — I rise to make a contribution to debate on the Transport Legislation (Further Miscellaneous Amendments) Bill. There is a fair degree of material in here which I would support, but I want to make a couple of comments on some of the clauses and put on the record my belief that there is a need for significant improvement in one area, and that is clause 18, which relates to the disclosure of information. The current system, when it comes to supplying information interstate, is flawed. Like many parents in Mildura I have a daughter who lives in Adelaide. A car she uses is registered in my name, and occasionally I get parking tickets in my name. The tickets are not sent to the postal address; they are sent to my residential address. It has only happened once. I do not want to put my daughter in a situation where she is blackguarded by her father being in Parliament, but the ticket was sent to my residential address.

An honourable member — This is cowards' castle. Say it at home!

Mr SAVAGE — No, I'm never going to reveal this to her! Anyway, the ticket was sent to my residential address, which has no mail delivery, and because the post office is very generous to me it got sent on. This is something I have raised on a number of occasions in connection with civic compliance and the issue of traffic camera fines. It still has not been resolved for me, in that the tickets are still being sent to what is defined as the car address — that is, the residential address. A lot of people in country Victoria do not have a residential address mail delivery. I have written to the Adelaide City Council, and I wish to put on the record the response I got back on this issue. I quote:

> The process for the provision of the name and address of the registered owner of the vehicle is specified by the Victorian Roads Corporation. As an interstate council, unlike the Mildura Rural City Council, Adelaide City Council does not have direct access to its database. The format of the request and the information provided is set by the Victorian Roads Corporation and we have no way of determining whether the information which it has provided is a valid postal address, or whether it has any additional information on file regarding an alternative address.

This is inadequate, and the situation needs to be resolved. VicRoads needs to be providing information, as per clause 18 in this bill, that is up to date and relevant to the needs of that agency, not just providing it with what used to be provided in Victoria — the registered address of the vehicle. With an interstate issue, that it is hopeless, because you sometimes get a notice from the sheriff saying, 'Here is a warrant', and you have to pay money. The process of trying to get a rehearing interstate is almost impossible.

I am aware that time is against us on this bill, but I want to make a couple of other comments. I do not support the change of the name of the station from Spencer Street to Southern Cross. A number of people in my electorate in regional Victoria have written to me and indicated that they do not support that and do not want to see a name change.

Whether or not car parking by payment to Connex is good or bad is a long way from where I come from, but I want to comment on the fact that we are still having

difficulties with the return of the Mildura passenger service. I can only conclude that the resolution to this would be to buy back the track access, and that is something I have certainly discussed with the Minister for Transport on a number of occasions. I notice that the Mildura service was not mentioned in the *Moving Forward* document. *Moving Forward* does mention Ararat and Bairnsdale, but there is no mention of bringing trains back to provincial Victoria. It is not in that document, and that is a concern to me.

I look forward to getting some indication of the status of that particular project. We all accept that there will be times when the track and the rolling stock are being refurbished and there are disruptions as a result, but the current trip by bus from Mildura to Swan Hill and then back on coaches without through luggage is a real difficulty for pensioners and other people who have mobility issues. I look forward to the service being put back as a continuous link. I welcome the recent announcement that there will be an extra service running out of Swan Hill to facilitate passengers travelling from Mildura. My only concern is that it is six months off. It should be brought forward to a much earlier date in view of the fact that the promise of a service to Mildura is now one year out of date, and next year it will be two years out of date.

I am aware that other members wish to speak. I give measured support to the bill, but clause 18 could be enhanced to ensure that interstate information is more up to date and accurate than it has been in the past.

Mr PLOWMAN (Benambra) — There are just two issues I wish to raise in opposition to the bill, and the first concerns car parking. We want to get people onto public transport, and clearly the way to do that is to give them an incentive to do so. One of the most obvious incentives is to have free parking so people know they can park their cars, get on a train and come back to them at the end of the day. This should be encouraged and opportunities to do so enlarged. We should be actually building car parks at railway stations rather than suggesting a charge for cars parked at railway stations.

The second issue is the Spencer Street station. Ever since I was a small boy I have travelled on the railway line from northern Victoria to Spencer Street station. Spencer Street is Spencer Street. It will never be anything other than Spencer Street. Can you ever see the railway stations of London changing their names? Why then do we, with a little bit of history, need to change the name of an icon of the railway system in Victoria? Spencer Street station should and must keep its name. If this government is determined to change the name to Southern Cross — not that I have anything against that name — I hope it is repealed with the change of government and we return to 'Spencer Street'. As a very little boy and now a retiring politician, that name has stayed and will always stay very strongly in my mind.

The thing that is really important about Spencer Street station is that at the moment it is a shemozzle, nothing more and nothing less. I quite like the design of the building — it will look damn good when it is finished — but right now people who want to catch a train at Spencer Street, particularly people from country Victoria who do not often travel through the station, do not know how to find their train. They have to hunt for someone to help them find it. I have come across people who have actually gone to the platform where their train is, but unfortunately they were not told there would be two trains on the one platform. They have got on one train and waited until the other went, only to realise they were on the wrong one. Clearly at the moment Spencer Street is not operating properly. Talking about public transport, CityLink was built with existing freeways, so why Spencer Street station cannot manage itself better than it does is a mystery to me.

The last thing I want to mention is the railway bypass at Wodonga, which is very close to the heart of the Minister for Transport and something that he and I have an affinity for. It is very disappointing that the minister is not yet able to announce a starting date for that railway line relocation. The highway bypass of the city of Albury-Wodonga, worth $500 million, is reliant on this railway line being relocated. I again ask the minister to announce when this project is going to start. I know he is desperate to do it, and I also know there is a political motive in his holding off on that decision. I await the announcement with bated breath. I am delighted to speak on this bill.

Mr BATCHELOR (Minister for Transport) — In summing up I would like to thank all those members who have spoken on the bill for their contributions. The bill deals with a number of issues, but I will also observe the time constraints that others have been observing.

Motion agreed to.

Read second time.

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

Consideration in detail

Clause 1

Mr WALSH (Swan Hill) — Deputy Speaker, I seek your guidance on whether we can deal with amendments 1 to 6 concurrently.

The DEPUTY SPEAKER — Order! We will deal with amendment 1 and then on clause 2 deal with amendments 2 to 6 concurrently.

Mr WALSH — I move:

1. Clause 1, lines 12 to 14, omit all words and expressions on these lines.

The amendment to clause 1 of the bill goes to the issue of the purpose of the bill, and the key purpose there is the changing of the name of Spencer Street station to Southern Cross station. We had a very interesting debate before dinner which brought to light a lot of information for members of the house. I learnt more than I had known before the debate started, which is always a great thing in this place. There is a lot of history to Spencer Street station. It goes back to the 1850s. There is nearly 150 years of history. If in any other place in this state we were going to change 150 years of history, we would have to go through quite a detailed process.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is far too much background conversation.

Mr WALSH — I can think of many examples in my electorate where organisations have wanted to change something, quite often to preserve history. They have had to go through a very detailed process with Heritage Victoria in most cases. Heritage Victoria sets in place some quite vigorous systems. People have to jump through hoops to pull down a bit of stuff or change or refurbish something, but here we have the renaming of an icon site in Melbourne at the whim of the Premier of the day, which is very wrong.

I found the member for Brighton's contribution very enlightening as to the Place Names Committee. This whole process has not been to the committee, and if it went there it may not pass it, which may be one of the reasons why the government did not do that. We should have some reverence for the fact that the name 'Spencer Street station' means something, and we should go through a vigorous process before we change the name, if that is to be the end result. I am quite concerned about what seems to be arrogance on the part of the government in believing that it can do this without going through due process. We should be mindful in this place to see that due process is followed, whether a government has a big majority in both houses or not. I would urge the minister to consider going through the proper process before changing the name.

The other matter I would like some comment on from the minister concerns a mural at Spencer Street Station which is an important part of our heritage. I notice the member for Ripon is screwing up his nose, but I was contacted by Dr David Freedman from Swan Hill, who is quite concerned about this because his father put a lot of work into painting that mural. It was unveiled by Sir Rupert Hamer and sets out the history of rail travel and transport in Victoria. I understand that it has not been decided where the mural is to go, but I have heard that it is not going back to the train station. This is an important issue, and as I said I ask for some comment from the minister. I know the member for Ripon does not believe our heritage is important, but it is, and particularly so to the Freedman family. We all need to be mindful of our heritage, because we can learn from history and so put a lot more thought into the future. We have some grave concerns about ramming through legislation that will change Spencer Street station to Southern Cross station and destroy part of the heritage of Victoria.

Mr MULDER (Polwarth) — I would like to point out some issues in relation to clause 1(c), which amends:

> … the Rail Corporations Act 1996 to change the name of the Spencer Street Station to the Southern Cross Station.

I refer in particular to its impact on tourism in Victoria and to the fact that, as a result of the inaction of the Minister for Transport and his government on public transport, Melbourne has already lost its reputation worldwide as the most livable city in the world. That was highlighted in the public transport forum that the minister attended. Much to his embarrassment he launched a report that showed that the inaction of the Bracks Labor government had caused us to lose that title. Across all government departments and tourism agencies the logo will have to be removed because we no longer hold that title. It now belongs to Vancouver, and Victoria continues to slip.

I put these questions to the minister, and I would like his comments on them: whom did he speak to in the tourism industry before he contemplated the name change from Spencer Street station to Southern Cross station; what cost-benefit analysis was carried out in relation to this name change; and what if it does not

work? What are we going to do about the tourists arriving from overseas with guidebooks in hand that tell them about Spencer Street station and who become totally confused when they try to book interconnecting rail links throughout Victoria? If on top of having lost our reputation as the world's most livable city we have the world's most confused transport naming network, what action is the minister going to take if that starts to impact negatively on Victoria? So the questions are about the cost-benefit analysis, whom he spoke to in the tourism industry, and what prompted the name change.

Mr BATCHELOR (Minister for Transport) — The Deputy Leader of The Nationals raised an issue about the mural, and I will come to that, but I think it is worth stating a few things about the redevelopment that is taking place at the — —

Mr Mulder — I didn't ask a question about that.

Mr BATCHELOR — Yes, you did.

The DEPUTY SPEAKER — Order! We will conduct the debate through the Chair.

Mr BATCHELOR — I think the member for Polwarth has had an enjoyable meal. The redevelopment taking place at the Spencer Street station is going to turn a tired, old, worn-out piece of infrastructure into an icon for Melbourne.

Ms Asher — A year late.

Mr BATCHELOR — In that context, as was pointed out by the member for Brighton, the government decided in 2001 — I think she indicated that that was when the first announcement was made — to change the name of the Spencer Street station to Southern Cross station. That has been on the public record for a number of years now. In fact we went to the last election with this publicly stated policy and got an overwhelming mandate from the people of Victoria — the biggest majority in Victoria's parliamentary history. This is not the first time that the train station at that location has had its name changed. In fact we are continuing the proud tradition of changing its name, because 'Spencer Street station' is not its original name.

Its first name was Batmans Hill station. Batmans Hill is a locality name for that area, a name used to describe one of the precincts at the Docklands. I would have thought that the shadow Minister for Major Projects would have been aware that that was the name of a precinct in the Docklands. Why is that the name of the precinct? Because that is the name of the locality. That is a long established name, but we do not hear anybody from the conservative forces here arguing that the name be changed back to its original name.

It has been referred to over many years as Spencer Street and this government took the decision to change the name as part of the current redevelopment. The station is going to be located on the corner of Collins Street and the corner of Spencer Street. Now Collins Street onto which it now fronts was not there before because it was — —

An honourable member — It has always been there!

Mr BATCHELOR — Not where the station is. Collins Street has never been there. Collins Street ended at the intersection with Spencer Street. Collins Street has now been extended as a result of funding provided by this government to trigger further development in the Docklands project, so we are going to have a train station that is going to have its major commuter interface with Collins Street. You can imagine the confusion that would have reigned supreme to have a station called Spencer Street that most people were accessing through Collins Street. Understanding that this would be of utmost confusion, particularly to the opposition, we took a sensible course of action to, rather than to give a hyphenated name, give it a new iconic name, a name that befits the architectural statement that the new Southern Cross station will exhibit. As I said, there were wide discussions within government. It was announced publicly and it has been in the public domain.

Mr Mulder — Who did you discuss it with?

Mr BATCHELOR — We discussed it with the people of Victoria at the last election. It was a decision we announced well before the last election, and it was overwhelmingly endorsed.

In terms of the cost-benefit analysis, in the redevelopment the existing signage that relates to the old name, Spencer Street, has to be removed and refurbished and new signage put in. So in terms of redevelopment costs there are always signage costs in a project of this type. It makes no difference what the name of it actually is, but rather that it does have the appropriate signage in place. The Deputy Leader of The Nationals expressed his opposition to the name change and I have already commented that it has been previously named.

He also made a substantial point about the transport mural that adorned part of the public area at the old Spencer Street station. It has been removed and preserved. We have been assured by the developer, the

proponent of this station, that it will go back into the complex that is being redeveloped there and they will be giving us and the heritage people the guarantee that that will occur. I will take that up with them.

As I understand it, some time ago we also spoke to the Freedman family. We have heard their concerns and we have relayed our guarantees that it will reappear as part of the complex. Of course the complex has a train station and other transport facilities. It has retail and commercial developments and Civic Nexus has given an undertaking to the government that it will ensure that it will be in some part of the facility where the public can see it.

Mr MULDER (Polwarth) — By interjection I asked the Minister for Transport, as the minister responsible for the fact that we have lost our reputation as the world's most livable city, one simple question: who did he speak to within the tourism industry to discuss whether or not this could have a negative impact on Victoria and Victorian tourism? That is the question I asked. I put it back to him again: did he speak to anybody before this decision was made?

Mr BATCHELOR (Minister for Transport) — The member for Polwarth must not have been listening. The decision to rename this station and give it an iconic name was announced to the public in 2001. It was a terrific announcement. It was widely canvassed, although I admit that there are some people who do not like change, to whom change is threatening, as has been manifested by the Parliament debate today. The Department of Infrastructure and Spencer Street Station Authority carried out the necessary consultations, but I again remind the member for Polwarth there was an election intervening between the announcement of the name change and the passage of this bill, and we have consulted with everybody in Victoria.

Mr PLOWMAN (Benambra) — I was delighted to hear the minister's suggestion that the mural would be replaced — —

Mr Batchelor — Returned.

Mr PLOWMAN — It would be returned to Spencer Street. Lionel Freedman is a personal friend of mine and has been for many years. He is the brother of the artist who designed the mural and made it. He advised me that when the mural was placed into Spencer Street the whole arrangement was that it be in the major concourse. Although the minister said it would be part of the complex, the issue is that it has to be seen to be a major part of that whole complex, and therefore it has to be in the major concourse and be evident to everyone who goes through the station.

An honourable member interjected.

Mr PLOWMAN — I take up the interjection that it will not be the same as the old Spencer Street station. I accept that, but this is something that was designed, from an artistic point of view, to be the major attractant to Spencer Street. I just ask that this be considered before the final decision is made as to where it is going to be placed in the final design of the Southern Cross station.

Mr BATCHELOR (Minister for Transport) — I thank the member for Benambra for his concern about the mural. When the mural was in its original location it was not always evident to everyone who went through the old Spencer Street station, because these sorts of complexes have very many points of entry and exit, and the same will be true with the Southern Cross station. The major Collins Street Plaza has already been finished and substantial work has been undertaken in terms of the entrance area off Spencer Street. The exact location of the mural will be, firstly, in a respectful, public place, and it will be available for viewing for people undertaking transport initiatives.

Civic Nexus has given us an undertaking that the mural will be on display. In terms of the institutional arrangements this is a project which is being developed not by the government but by Civic Nexus, and Civic Nexus will make the decision and the announcement of the mural's location. There are many alternative places that it could go. Architects have taken the requests and desires of the heritage community and the Freedman family for the mural to be included and it will be in the complex. It is not going to be in the Collins Street Plaza because essentially that is finished now. Where it will go, in accordance with those commitments that have been given by Civic Nexus, will be announced by Civic Nexus.

Mr THOMPSON (Sandringham) — I appreciate the minister's assurance that it will be included in the new complex. The Freedman family has taken a great interest in the work of art, which was originally developed as a people's painting reflecting the history of transport in Victoria. It was designed and prepared in a way that would be resilient to the atmospheric conditions where it was originally installed and it would be able to be understood by all transport users in the precinct. I am reassured, on behalf of the Freedman family, and another artist, David Jack, that it will be reinstated. One question I would like to ask is when the minister anticipates it might be reinstated by.

Mr BATCHELOR (Minister for Transport) — As the member for Sandringham rightfully pointed out, this is a transport mural, it is not a train mural. It is a mural that deals with all modes of transport over a long period of time. It will be appropriately displayed in the complex. We are building a train station. Civic Nexus is building commercial and other parts of its project, which are not part of the government project. There is also going to be a bus interchange. A series of options are being considered. I have not been advised by Civic Nexus as to when it will be making the announcement.

House divided on omission (members in favour vote no):

Ayes, 47

Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Hardman, Mr	Perera, Mr
Harkness, Dr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr
Hudson, Mr	Trezise, Mr
Ingram, Mr	Wilson, Mr
Jenkins, Mr	Wynne, Mr
Langdon, Mr	

Noes, 25

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Savage, Mr
Doyle, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr
Mulder, Mr	

Amendment defeated.

The DEPUTY SPEAKER — Order! I am of the opinion that, as the member for Swan Hill's amendments 7 to 11 were consequential on that amendment, he will not be able to move them.

Clause agreed to.

Clause 2

Mr WALSH (Swan Hill) — I move:

2. Clause 2, line 7, omit "9, 11, 12, 34, 35 and 40 to 47" and insert "31, 32 and 37 to 44".

3. Clause 2, lines 10 and 11, omit "34, 35 and 40" and insert "31, 32 and 37".

4. Clause 2, lines 13 and 14, omit all words and expressions on these lines.

5. Clause 2, line 15, omit "41 to 47" and insert "38 to 44".

6. Clause 2, lines 17 and 18, omit ", (3) or (4)" and insert "or (3)".

These amendments are just numerical changes which are consequential on the original amendment, and I do not wish to speak on them any further.

Amendments defeated; clause agreed to; clauses 3 to 15 agreed to.

Clause 16

Mr MULDER (Polwarth) — Clause 16 refers to information derived from an engine management system reading device specified by regulations. In the absence of evidence to the contrary it is to be presumed to be an accurate record of that information if the device is operated in a manner specified for that device in the regulations and the information is derived in accordance with the regulations.

The Minister for Transport would be aware of the debacle that occurred as a result of the Western Ring Road speed cameras, which are also pieces of inspection measuring and testing equipment. When that famous Datsun 180B recorded a very high speed reading going through the Western Ring Road speed cameras the transport minister denied any responsibility for the maintenance or regulation of, or anything associated with, those particular cameras, and the police minister denied that he had any responsibility. The Attorney-General may have had some role in relation to the contracts with the Department of Justice or associated relationships with some of the contracts that the department had with the private operators who installed that equipment.

When briefings were given to the opposition on this matter I asked questions about the equipment that is going to be used to download information from engine management systems. I was told that it is something like a piece of tuning equipment. Given that the results

obtained from the equipment are going to be used in court as an accurate record of what has been downloaded, I asked who is responsible for the calibration of the equipment. I asked: if it is a piece of inspection measuring test equipment, who calibrates it? Who issues the certificates? What is the equipment? There was a bit of a deathly silence. No-one seemed to know.

I would like the minister to explain to us how it works. What is the equipment? What does it do? Who is responsible for it? Who maintains it? Who calibrates it? Who issues the certificates? And can we be assured that we are not going to have a repeat of the debacle with the Western Ring Road speed cameras?

Mr BATCHELOR (Minister for Transport) — The device we are talking about is simply going to be used as a tool to print out information that has already been recorded on the engine management system. In some ways it is like a printer that just prints out information that is already recorded elsewhere. It does not measure or interpret the information that is recorded; it is simply a device that allows certain information that has already been recorded on the vehicle to be made available to a VicRoads officer or a policeman. For example, it might show that the speed limiting device has been set at more than 100 kilometres per hour or that the vehicle has regularly been reaching speeds of over a certain amount or that it has been constantly travelling at a different speed, perhaps a ridiculously low speed. But in any event, the device we are authorising the making of regulations about will be used simply to read out information that is already recorded on the trucks.

The reading device has already been subjected to independent testing by the National Association of Testing Authorities, which is an accredited body that has established the accuracy and reliability of the device. What will happen now is that Victoria Police, the Department of Justice and VicRoads will collaborate to get expert advice that will inform the regulation-making process. What needs to be clearly understood is that the device is not interpreting or analysing the information that it is given; it is simply making it available in a more accessible form so that a police officer or a VicRoads officer can read it and then as a consequence can see whether a defect notice needs to be issued.

Mr MULDER (Polwarth) — I put it to the minister that it is actually transferring information from one device to another, yet what he is saying is that the device which is receiving the information does not need to be calibrated, inspected, tested or have calibration certificates issued for it. I assure the minister that if that goes before a court it will be tested and challenged, because the information could be distorted as a result of going between one piece of equipment and another. He is dealing with a piece of inspection, measuring and testing equipment at the same time as asking for information to be transferred from one device to another. It appears to me that the rules are being made up as the government goes along. It also appears to me that no consideration has been given to the fact that information could be distorted during the transfer process.

I ask the minister to give an assurance that measures are in place to ensure that we do not end up with a debacle such as he created with the Western Ring Road speed cameras, where the appropriate maintenance of equipment was not carried out.

Mr BATCHELOR (Minister for Transport) — As I have tried to explain to the member for Polwarth, this is a device that simply reads information provided to it by an original machine, that being a device in the vehicle. That device has a range of information, and the reading device allows the officer, who could be a VicRoads officer or a policeman, to read the information so they can make an assessment. Of course advice could be sought as to what the ongoing testing and maintenance requirements are, but this is a much simpler device in that it reads others. It will not be calibrating, and it will not be interpreting; it will not be making measurements and then reporting them. That activity will have already been undertaken. I cannot say it any more simply than that. It has already been subjected to independent testing by NATA, an accredited laboratory established to do that sort of work, and I have indicated that Victoria Police, the Department of Justice and VicRoads will collaborate in seeking expert advice on what the testing and maintenance requirements of our reading device will be.

However, the issue here is the status and reliability of the engine management system which is currently in vehicles and which has been in for many years now.

Clause agreed to; clauses 17 to 33 agreed to.

Clause 34

Mr MULDER (Polwarth) — Clause 34 is a bone of contention so far as the Liberal Party's opposition to the bill goes. Clause 34 clearly sets out the legislative framework that enables Connex and other operators such as bus proprietors that have car parking facilities to charge commuters for parking their cars at railway stations and park-and-ride facilities.

An honourable member interjected.

Mr MULDER — You can scream and yell as much as you like, but you know very well that people are — —

The DEPUTY SPEAKER — Order! Through the Chair!

Mr MULDER — New section 56(1)(ga)(i)(A) refers to:

> … specifying the conditions and restrictions to which the parking is subject, or to which it may be made subject (including the payment of fees and whether owner onus applies) …

The minister has signed a franchise agreement with Connex — and the minister would know about it, since he signed it off — that stipulates that Connex can charge commuters up to $2 for parking their cars at railway stations, and it goes on to talk about improvements such as barriers and fencing and boom gates. Now we have before us legislation that talks about signs, marks, control devices such as barriers and devices to restrict entry or exit.

The Liberal Party understands that there are problems at stations such as Camberwell and Frankston, where people who are not bona fide travellers turn up and park their cars. That causes great concern to commuters who would like to park their cars there because they have some confidence that the cars will not be interfered with or vandalised. However, the fact is that this bill, combined with the franchise agreement that the minister has signed off with Connex, allows people to be charged for parking their cars at railway station car parks. The minister says it will not happen, and Connex says it will not happen. I want to know what handbrake the minister has to stop it happening.

Mr BATCHELOR (Minister for Transport) — The member for Polwarth is right in saying that both the government and Connex do not have any proposals to charge parking fees at railway station car parks. He is right in saying that the genesis of this car parking proposal is the franchise agreement, because it was the Liberal Party that devised it in the 1999 franchising agreement. I guess his concern and his distortions over this are generated by a feeling of guilt and by the knowledge that that was the Liberal Party's intention. The best defence that commuters have against parking fees at railway car parks is never to elect a Liberal government.

I can assure the member for Polwarth that the comments he made about this government and Connex were right. The handbrake he asked to be informed about is that no arrangements for car parking fees can be implemented without the approval of the government. These proposals seek to protect the limited number of spaces which are at car park railway stations for rail users and regular commuters. The member mentioned two stations: Camberwell and Frankston. I think there are also problems at Heidelberg station. These are stations in which non-commuters take up car parking spaces which should be made available only to commuters.

Again as a result of the Liberals' privatisation process all the old regulations which were in place to enforce those arrangements became ineffective. Now we are seeking to make arrangements to give the power to transport operators, whether they are train or bus companies, to protect regular commuters from these interlopers. You would have thought the Liberal Party would support that.

Mr MULDER (Polwarth) — Given that the minister recognises the fact that the bill provides the ability for Connex to put in place its signage, markings, barriers, boom gates and devices, which with the new smartcard technology will enable it to record people entering and leaving railway station car parks, which is a great mechanism for it to charge motorists who are coming and leaving, I ask the minister: who nominated the $2 fee for parking at railway stations in the franchise agreement and why did the minister sign it?

Mr BATCHELOR (Minister for Transport) — As I have indicated, the member for Polwarth has conveniently forgotten that the genesis of car parking under the contractual arrangements that exist between the state of Victoria and the transport operators came from a decision made by the previous Liberal government.

Clause agreed to; clauses 35 to 47 agreed to.

The DEPUTY SPEAKER — Order! The question is:

> That the house agrees to the bill without amendment.

House divided on question:

**Ayes, 47*

Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Mildenhall, Mr

Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Howard, Mr
Hudson, Mr
Ingram, Mr
Jenkins, Mr
Langdon, Mr
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 25

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

[**Division list subsequently corrected; see page 2083*]

Question agreed to.

Bill agreed to without amendment.

Third reading

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a third time.

House divided on question:

Ayes, 48

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Buchanan, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Delahunty, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Howard, Mr
Hudson, Mr
Ingram, Mr
Jenkins, Mr
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 25

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Honeywood, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Savage, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Mr CRUTCHFIELD (South Barwon) — I wish to make a personal explanation. In my member's statement on 25 October 2005 when I referred to K. Wells and R. Walker I was attempting to be humorous, and these names did not appear on the petition.

INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL

Second reading

Debate resumed from 19 October; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — The Investigative, Enforcement and Police Powers Acts (Amendment) Bill will be supported by the opposition. It seems to be an omnibus bill in the sense that there are a number of different aspects to the bill that amend a variety of acts and introduce a whole range of law enforcement measures. I will start with the easiest aspects of the bill. There are amendments to the Magistrates' Court Act 1989 that introduce payment plans under the (penalty enforcement by registration of infringement notice) PERIN fine system, as regulated by the Magistrates Court. We were informed at the briefing that it will be

operated by Tenix, and that may well be a tension point, but the purpose of the legislation is supported by the opposition.

The idea is that instalment plans be introduced as a mechanism for paying fines that may be levied. Under the current regime, either at some very late stage during the PERIN process or after a matter has defaulted and a summons has been issued for a person to appear in the Magistrates Court in response to a charge, a conviction is recorded and a fine is imposed, together with court costs. That fine may be substantially greater than the original fine. All of this adds substantially to the costs for a defendant who, through no fault of their own, may be suffering from financial difficulties or may otherwise be unable to pay an amount of, for example $150 or $200 for a traffic fine. In many cases it may be a considerable amount of money, and the delay in payment may be simply because of an inability to pay the fine in one lump sum.

If a person defaults right through the court process, although the court system provides the ability to pay fines by instalments, it also means that substantial extra costs are incurred because of the delay. They are made up of interest, together with the court costs that would be imposed. Anything that can be done up front to enable those moneys to be paid by instalment, taking into account financial hardship — for example, being in receipt of a commonwealth benefit or other circumstances — is certainly to be commended and is supported by the opposition.

The bill also introduces a streamlined process for the appointment of special constables. Special constables, as defined under the act, are police officers or law enforcement officers from interstate who, for a variety of reasons, may be required to operate in Victoria. The provisions relate particularly to a declaration that can be made by the chief commissioner and only the chief commissioner. It is a power that cannot be delegated, and again that is appropriate. In the circumstances of an emergency or a particular event such as the Commonwealth Games where there may be a particular law enforcement problem and that law enforcement problem could easily be related to a terrorist attack — and that is certainly outlined in the minister's second-reading speech — that streamlined approach enables interstate police or law enforcement officers to come into Victoria as special constables and carry out functions that would normally be carried out by Victoria Police. Essentially this provision in the bill enables them to come into Victoria and do what they have to do. If there is paperwork, particularly swearing them in, that can be done at some later stage.

The opposition agrees with the Attorney-General's comment in his second-reading speech that it is a necessity in the modern world to ensure that people have confidence that our law enforcement agencies can deal with the broad range of law enforcement issues that this state could face at any time. The idea is that the appointment procedure is to be streamlined. It is a question of matter as opposed to procedure. Obviously procedure is something that can be secondary and can be fixed up at some later stage, after an emergency has required the appointment of special constables. This is legislation that is to be mirrored in other states.

Also the bill provides that the Crimes (Assumed Identities) Act in Victoria would recognise other commonwealth law enforcement or security agencies such as the Australian Security Intelligence Organisation or the Australian Secret Intelligence Service. Members of these organisations would be able to use Victorian identity papers such as birth certificates or drivers licences in the acquisition and use of assumed identities for law enforcement purposes under the provisions of the Crimes (Assumed Identities) Act. Again this will be reflected in mirror legislation around the country, and it is something that the opposition supports.

Lastly, perhaps the most interesting aspect of this legislation is that finally the Office of Police Integrity will be given telephone-tapping powers, so this issue will be put beyond doubt. Eight pieces of legislation went through last year — I was involved in the debate about all of them — in relation to the OPI and its associated forms or guises. That is a clear indication that the announcement the Premier made back in May last year that he was going to provide telephone-tapping powers to the Ombudsman was made without any thought as to the legal consequences. Again we have seen this government cobble together a particular body and introduce a piece of legislation to bestow all sorts of powers on that body because it had not thought about the consequences in the first place.

The Premier announced that he was going to provide telephone-tapping powers to the Ombudsman, or the police ombudsman, who was then going to be charged with investigating the alleged links between the police and the gangland killings and taking up the fight against corruption in the police department at a time when it had received a lot of publicity following the death of the Hodsons, the last significant killing among some 22 Victorian gangland-related murders. Those powers were announced by the Premier during question time in this place. No thought had been given to the fact that it was not within the Premier's authority to provide the Ombudsman with those powers at that stage. That

started the introduction of a series of pieces of legislation that ultimately ended up in the creation of the OPI. As the Leader of the Opposition has said on many occasions, this is a spaghetti tree of convoluted legislation that has produced a convoluted system. Finally we have a settlement of this telephone-tapping issue.

I note that the commonwealth government made it perfectly clear from the outset that it did not believe the Ombudsman should be the person to have these police telephone-tapping powers, because he was not independent. It was the Ombudsman who oversighted police telephone-tapping powers generally, and that was the touchstone. However, through this legislation those telephone-tapping powers will now be provided by the commonwealth. As a result of an agreement they will be accepted in commonwealth legislation by the commonwealth's amendment of the federal Telecommunications Act. Similarly the telephone-tapping powers will be bestowed on the OPI by this legislation and by the appointment of the special investigations monitor and the extension of that role.

We opposed the special investigations monitor legislation, which was put through last year, because the special investigations monitor's functions did not extend to police telephone-tapping powers. That opposition at the time has obviously paid dividends, because finally the government has decided to extend the supervisory role of the special investigations monitor over the telephone-tapping powers of the Office of Police Integrity to provide a true and proper independent oversight of these powers.

In the meantime the matter that has concerned the opposition all the way through this tangled spaghetti tree of convoluted legislation — changing the Ombudsman to the police ombudsman, changing the police ombudsman to the OPI, with all the grab bag of powers and matters which went right through last year and culminated in eight pieces of legislation that still did not have all the powers that the Premier announced in this place in May last year — was the former police minister's announcing publicly that police telephone-tapping powers had been used by the OPI in August last year in contravention of the federal act.

It was a matter of profound concern, which we expressed at the time, that what the police minister was doing was effectively allowing good cops to be put in the position of being prosecuted for offences under the federal act, and certainly there was the risk that the evidence that was obtained through those telephone-tapping powers might very well not have been permitted into evidence in a criminal trial because it had been corrupted by that illegality. We were not the only ones who were expressing concern about those matters at the time. However, finally the government has moved to extend the powers of the special investigations monitor to cover the oversight of the telephone-tapping powers as exercised by the OPI.

The opposition will certainly support this bill. It is something for which we have been calling for over 18 months. It is regrettable that it has taken 18 months for this matter to come to fruition. Having said that, it has come to fruition. Although the opposition is grateful that the OPI has this power and that there is a special investigations monitor oversighting that, and although it has confidence in the special investigations monitor, retired judge David Jones, it regrets that it has taken this long. It is an indication that from the very outset the model that the government adopted and cobbled together through eight pieces of legislation over a period of six months — and it is only now finally getting it right — was an attempt to deflect the bad headlines it was achieving at the time.

A simple and easy setting up of an independent crimes commission at the very start would have been the best and most appropriate step, but it would have taken real intellectual grunt to come up with that conclusion in May of last year rather than the convoluted spaghetti tree we now have in this state.

Mr RYAN (Leader of The Nationals) — This legislation is another stage in the absolute fiasco which the government has created for itself with regard to the investigation of serious crime in the state of Victoria. Going back a couple of years now when there was slaughter amongst the criminal elements of Melbourne and murders were taking place as a matter of common occurrence in our streets, the government of Victoria panicked. For reasons best known to it, and which remain unexplained to this day, it refused to establish a standing commission on crime and corruption or the equivalent of that body, which is so evident in the other states of Australia.

The Nationals have taken the position throughout this whole tawdry debate that the proper thing for the government to do is to establish a standing commission. We in The Nationals do not believe royal commissions are the way to go, but without a shadow of doubt the structure which the government has now put in place is not the way to go either. We have said so throughout. We have never varied from that point of view. One of the things that remains a source of fascination in this whole discussion is why it is the government did not simply adopt the model which is prevalent in other states and jurisdictions around Australia and why the

government would not simply establish a standing commission on crime and corruption, by whatever name it might have accorded to it. That issue is highlighted all the more when you have regard to the content of the minister's second-reading speech. At page 1569 of *Hansard* there is reference to this fact:

> As indicated when that legislation was introduced —

and the reference there is to the Major Crime (Office of Police Integrity) Act 2004 —

> the rationale for creating the Office of Police Integrity and providing it with powers comparable to a (standing) royal commission —

I emphasise those words —

> was to enhance the confidence of the Victorian community in the integrity of its police force.

The government has consistently sought to do everything except establish a standing commission on crime and corruption. We have had these remarkable convoluted episodes over a period approaching a couple of years whereby, through a series of pieces of legislation, which as the member for Kew observes now number about eight, the government has done everything it possibly can to establish what equates to a standing commission on crime and corruption without actually doing it.

The unfortunate consequence of that is that, as The Nationals have said, the government has put at risk the independence of the Ombudsman. That has been a pivotal factor of this whole debate over these last couple of years. We have said throughout the whole of that debate that when you look at the historical origins for the rationale behind establishing the position of the Ombudsman, those reasons have nothing to do with the various tasks which the office of the Ombudsman is now being regularly asked to undertake by the government, not only in its own right as the office of the Ombudsman, but more particularly when the Ombudsman is also being asked to undertake the role as the director, police integrity.

We said from the start that this was a completely fallacious way to go about it. We said from the start that this was reflective of a similar sort of situation that used to apply when you had a lot of the water trusts around Victoria, the secretary of which happened to be equally and simultaneously the secretary of the shire in which that water trust was located. Many occasions had arisen over the years where that individual in his role as the secretary of the water trust would write a letter to the secretary of the shire, and it was the same person writing the letter and then going across the hall and responding to it. The structure which the government put in place with regard to these issues equated to that. We have the unseemly situation where the Ombudsman of the state of Victoria in his role as the Ombudsman is supposed to go across the hall and become the director, police integrity, and, of course, that was inevitably going to cause problems right from the start, and so it is that those problems have materialised.

One of the issues that arose was that this conflict in the structure was always going to present itself as an insurmountable difficulty with regard to the telephone-tapping powers. The federal legislation would simply not permit telephone-tapping powers to be provided in the manner in which the state of Victoria had intended. That is because under the commonwealth Telecommunications (Interception) Act 1979 those bodies that are entitled to receive those telephone-tapping powers are defined. Those bodies consistently are the equivalent of standing commissions on crime and corruption, by whatever name they might be known in other jurisdictions.

It was always going to be impossible in Victoria's case therefore that those powers would be conveyed to an entity which was represented in the form of the Ombudsman on one side of the hall and the director, police integrity, on the other side of the hall. Something had to be done to break the impasse. To the great credit of the commonwealth government, it has been prepared to make a concession with a view to achieving the end result which was ultimately desired by everybody, including all members of this house.

The government of Victoria, for its part, has to make the inevitable concession that the telephone-tapping powers simply could not be given to the director, police integrity because his operations in their original form were supposed to be oversighted by the Ombudsman. How stupid that structure was — it was simply wrong. What has happened now is that the government has conceded that the structure is a stupid one and has agreed that the special investigations monitor will now have the task of assuming the powers of being able to conduct telephone tapping.

If we are going to have this ridiculous structure in place, it is only correct that this is the way it should be. The very notion that the Ombudsman is supposed to be oversighting himself, in effect in another role, in the way in which these powers of telephone tapping are conducted is a nonsense. Now at least with the involvement of the special investigations monitor we will have someone removed from the immediacy of how this is to operate on a day-to-day basis. While we do not have the ideal situation and we certainly do not

have what other states have, nevertheless we will come as close to that as we possibly can in Victoria. It remains a matter of much conjecture out there in the community as to why we simply have not gone to the notion of having a standing commission on crime and corruption in Victoria.

The powers that have been now invested in the special investigations monitor in relation to telephone tapping are also to be reflected in other changes that are contained within this legislation. We are going to have amendments dealing with surveillance devices and controlled operations, and similarly the special investigations monitor is going to be invested with those powers.

There is also in the bill a capacity for assumed identities to be undertaken by the commonwealth security agencies, and The Nationals support that perspective. The bill also allows for the creation of special constables, which we also support. The fact is that in the world in which we now live, and particularly with the impending Commonwealth Games, the need may well arise where officers from other jurisdictions will need to be invested with the powers of policing in Victoria.

The legislation has been constructed in a way that is interesting, to say the least. The powers of investiture for these special constables are not timed in the sense of a particular time frame being allocated within the legislation for their appointment; rather, it works the other way around. Once they are established as special constables, they will remain as such, unless and until the chief commissioner says otherwise. The period of appointment can be curtailed by the chief commissioner even orally, although that mechanism has to be subsequently confirmed in writing within a period of 14 days. I make the observation it is an interesting way to go about it. I suppose as a matter of logic it works on the basis that once these constables are appointed they can remain so until such time as the chief commissioner believes their services may be dispensed with in the sense of their having powers under Victorian legislation.

On the other hand one might have thought that at the expiration of the Commonwealth Games the probability of requiring those additional services is likely to expire. There might have been a temptation, for example, to appoint the special constables for a period of, say, two months from about the middle of March, and at the expiration of that period the appointments would expire. Nevertheless they are not sunsetted in that sense. Rather the period of appointment will conclude when the chief commissioner makes the appropriate announcements.

Finally the legislation introduces a mechanism of instalment payment plans for infringement notices. The Nationals support this as a general principle. These issues are always a question of balance. I appreciate that many people in our community are living in difficult circumstances, but nevertheless if you break the law, then we all at some stage have to pay the piper. The point of balance is to do with the fact that a lot of people in the community battle to do the right thing. If they contravene the law, they meet their obligations, pay the fine and move on.

It will be important to watch the operation of this legislation to ensure that those who are guilty of breaking the law are not inappropriately able to take advantage of the provisions for instalment payments in a way that does not do justice to those who try to do the right thing. If they are found guilty of breaching the law, often in circumstances of difficulty, they nevertheless meet their obligations. It is an interesting issue of balance.

I note also that the minister has flagged in the second-reading speech the prospect of additional legislation being introduced next year with regard to this and other issues. We will see the operation of that legislation in the autumn sittings. That again will introduce many interesting issues concerning this very important question of balance between what the government may want to do and a social responsibility perspective. Nevertheless we must be careful to pay heed to those who do the right thing. With those sentiments, The Nationals do not oppose this legislation.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of this bill. We are finally seeing the Office of Police Integrity getting the crime-fighting powers it needs to tackle police corruption. It shows that a lot of the politicking that has been done by the Howard government and the state opposition over the granting of these powers has been just that — politicking. Ever since the government sought these phone tapping powers the commonwealth Attorney-General opposed the Office of Police Integrity having them. Even after we made it absolutely clear over 12 months ago that there would be a special investigations monitor overseeing the use of these phone-tapping powers Mr Ruddock opposed them. We find Mr Ruddock reported in the *Age* of 25 August 2005 as having said:

> … at a minimum the Ombudsman would need to relinquish his role of overseeing the exercise of phone-tapping powers by police.

This government had already offered to do that, over 12 months earlier. The state opposition claimed that these powers would never be granted to the Office of Police Integrity. It claimed that the only way they could ever be granted would be if the government established a standing commission on crime and corruption. The opposition was dead wrong on that. We had the incredible spectacle of the Police Association backing calls for the Ombudsman to have telephone-tapping powers to catch corrupt police officers.

On 16 March this year the assistant secretary of the Police Association, Bruce McKenzie, was quoted in the *Herald Sun* as having said that it was ridiculous that the federal government was denying the police watchdog these essential powers. He accused the federal Attorney-General and the Leader of the Opposition of putting politics ahead of crime fighting. Mr McKenzie basically said that Mr Ruddock and the opposition leader were consorting to prevent the Office of Police Integrity from being successful. To quote the *Herald Sun* article:

> Philip Ruddock is being petulant in relation to providing telephone-tapping powers for the Ombudsman's office.
>
> He is simply supporting his Liberal colleagues in Victoria, who still maintain a stance of wanting a royal commission when the Ombudsman's office already has all the powers and authority of a royal commission — except for telephone-tapping powers.

Here we have the assistant secretary of the Police Association in Victoria, who could be expected to be concerned about the potential misuse of these powers in relation to police officers, who could be expected to be concerned about the oversight of the use of these sorts of powers, saying he is satisfied with the independence of the regime overseen by a special investigations monitor. A police association which had previously expressed concern about some of the investigative powers being granted to the Office of Police Integrity was saying over six months ago that it was satisfied with the independent oversight of telephone-tapping powers. Belatedly Mr Ruddock has come to the same conclusion. Finally, after 12 months of procrastination he has backed down and announced that the commonwealth will grant powers to enable the Office of Police Integrity to tap telephones. But let us not forget that the opposition here has tried to make political capital out of Mr Ruddock's stubborn refusal.

The opposition has derided Mr Brouwer not as a caped crusader but as a man in a cardigan, ill-equipped to tackle police corruption. The opposition did not want to put him in a cape but in a straitjacket. They were desperate to see the Office of Police Integrity fail. They were desperate to see Mr Brouwer not have the powers he needed to tackle police corruption, despite the fact that the opposition itself has railed against police corruption and called for more extensive powers to combat it. Despite the fact that the Ceja task force as early as last year had 23 cases of alleged police corruption before the courts, the opposition still wanted to emasculate the director of the Office of Police Integrity in his bid to root out police corruption. I notice that the shadow Minister for Police and Emergency Services is nodding in agreement.

Mr Wells — Absolutely!

Mr HUDSON — Now we can finally get on with the job. Mr Ruddock has been forced to back down and grant telephone-tapping powers. With this bill the special investigations monitor will be able to get on with the job of overseeing the use of telephone intercept powers by the Office of Police Integrity.

I want to talk briefly about instalment payment plans, because they are a very important aspect of this bill. The first point to be made about penalty infringement notices is that they work well for the vast majority of people who commit infringing behaviour. If we look at the figures for 2003–04 we see that over 3.2 million people received penalty infringement notices covering traffic, parking and public transport offences. In 2004 around 90 per cent of fines were paid, more than 80 per cent without follow-up.

More recently the Auditor-General found that an average of 78 per cent of traffic camera fines and on-the-spot fines are paid within 112 days of the fines being issued. However, there is a group of people that has difficulty paying, and we have to acknowledge that. A Monash University-Department of Justice study called *On the Spot Fines and Civic Compliance* found that one of the reasons why around 6 per cent of the population do not pay fines is because they cannot afford to. One of the issues that the Law Reform Committee, of which I am chair, has been looking at in relation to warrant powers, including PERIN warrants, is the whole question of how to get more effective compliance with the penalty infringement notice system.

A criticism made of that system is that too often people who have difficulty paying their fines are not offered the opportunity up front to make instalment payments when they first receive a fine. It is only when the fine has defaulted to the PERIN court and they go before

court, when all the additional administrative costs associated with the fine have been put on top of the fine and they face an even greater financial burden, that they are offered instalment plans. One of the things we have to ensure here is that the system is seen to be fair and reasonable for everyone. The study found that one of the factors that contributes to people seeing the infringement fine system as unfair is that people with limited ability to pay fines cannot pay by instalments.

This bill recognises that problem. It provides that any agency participating in the PERIN system must offer instalment plans to people in financial hardship. Basically that is going to be a fairly limited group of people. It will be people on commonwealth social security benefits and people such as pensioners who hold a commonwealth health care card, and it may cover other people who warrant special consideration. This will basically introduce a system which will improve the compliance of people who are in poverty or of limited means.

I believe that as a by-product it will also reduce the considerable anxiety that many people feel when they are confronted with a fine they cannot afford to pay. There are people in the community who experience financial hardship, and there are people who face problems such as mental illness and the stresses caused by bankruptcy who might have those problems exacerbated by the presentation of fines that they cannot afford to pay. There are people who are seeking to overcome addictions who need a stable and stress-free environment to rehabilitate themselves and achieve their goals of getting off drugs of addiction. This instalment payment plan will assist them in that task, because whilst there are people who can afford to pay and refuse to, there are also people in the community on a couple of hundred dollars a week for whom a fine of $175 is a huge amount of money.

As the Leader of The Nationals indicated, there are a whole lot of people who rort the system. There are also people who receive multiple fines regularly and refuse to pay them even though, if they paid them initially, they could afford to do so. This legislation obviously is not designed to assist those people, and the Attorney-General has flagged that in the autumn sittings of 2006 he will be introducing tough new legislation to deal with that very small percentage of people who consistently refuse to pay their fines. However these instalment payment plans are a great advance for those people who are in financial need, and I commend the bill to the house.

Mr WELLS (Scoresby) — I rise to join the debate on the Investigative, Enforcement and Police Powers Acts (Amendment) Bill. I remember when the government brought in the Major Crime Legislation (Office of Police Integrity) Bill on 15 September last year. I have been looking back at the debate on that bill, because we had serious concerns about how the Bracks government was going to handle the Office of Police Integrity. I am amused by the last paragraph of my contribution, where I said:

> In conclusion the Liberal Party does not oppose this bill, but I believe we will be back here debating another amending bill, because this is just another patch-up job.

Here we are 12 months later back amending these bills that the Bracks Labor government put through. During the focus on police corruption and the gangland killings Liberal Party members were very clear about what we came out with. We said that the terms of reference of the royal commission should include the establishment of an independent commission against corruption.

On the other hand the Bracks government came out with an announcement that it was going to boost the Ombudsman's office by $1 million and that that was going to fix the issue of police corruption. Then it came out later and said that it was going to increase the budget by another $4.5 million. That gave us the impression that the Bracks government was going to fix it. Then it said, 'We are going to give more power to the Ombudsman'. Then it said, 'We are going to set up the Office of Police Integrity'. Once it established the Office of Police Integrity it said, 'That is not good enough. We are now going to add a special investigations monitor, and that is going to fix the problem'. Then it said, 'We are going to have telephone-tapping powers for the Ombudsman to oversee the Office of Police Integrity'. The Liberal Party did not believe any of it.

We still had trouble understanding what it all meant, because we had a problem with the issue of independence. If the Ombudsman and the director, police integrity, are exactly the same person, how in blazes can you possibly have an arms-length independent body? Of course Philip Ruddock, the federal Attorney-General, was going to say, 'I do not accept your decision to give the Ombudsman the oversight of telephone tapping'. I would have thought that the Labor backbenchers especially would have felt very strongly about who had the power to telephone tap and who had the power to oversight that. But the mushrooms on the backbench of the Labor Party made it clear that they were going along with the police minister and the Premier, saying, 'Fair is fair. The Ombudsman should have the power to oversight telephone tapping'.

Of course it was never going to work. So we have had a bandaid job on top of a bandaid job on top of a bandaid job. We still do not quite know what the Bracks government is getting at. There is a bill coming on for debate later tonight called the Commissioner for Law Enforcement Data Security Bill, which is about creating another bureaucracy. We have so much bureaucracy around police corruption, around police misconduct and around the gangland killings that it is going to choke itself. It is so inefficient that it is becoming obvious to most people out in the general community.

This Investigative, Enforcement and Police Powers Acts (Amendment) Bill is embarrassing for the Bracks government. The government made it very clear that telephone tapping would be part of the original bill and part of the Office of Police Integrity's role, but it did not have the power because the federal Attorney-General is the only person who can do that. The main parts of this bill amend the Crimes (Controlled Operations) Act 2004, the Major Crime Legislation (Office of Police Integrity) Act 2004 and the Telecommunications (Interception) (State Provisions) Act 1988, shifting the other side of telecommunications interception away from the Ombudsman, who is also, as I said, the director, police integrity, to the special investigations monitor.

If the Bracks government were up to date and on top of the issue of police corruption, it would have given the telecommunications interception powers to the special investigations monitor in the first place. But it did not. The Major Crime Legislation (Office of Police Integrity) Act makes it very clear, saying that the Ombudsman's office will continue its oversight powers:

> … over the use of covert investigative powers by Victoria Police, including phone intercepts, surveillance devices, assumed identities and controlled operations. In addition new covert investigative powers are provided to the Office of Police Integrity and these include the use of surveillance, assumed identities, controlled operations as well as an allowance for future telephone intercepts, pending changes to commonwealth legislation …

The problem was that the original bill said the Ombudsman would oversight telephone intercepts. We knew it was not going to work. This is an embarrassing situation for the Attorney-General. He got it wrong. He came out with something that did not make sense.

We believe the Liberal Party's position is very clear, and it has been consistent since May last year — that is, set up a royal commission to clean the slate and then set up, as part of its terms of reference, an investigation into how best to set up an independent body. We believe, for example, it could be a retired judge or someone else who is highly respected in the community. Members of interstate police forces could be coming in and working with a retired judge as part of an independent commission. In most of the other states it works very well.

With the leaking of 450 names of innocent Victorians to a woman in country Victoria known as 'Jenny', we started to wonder. If the Office of Police Integrity could not control its own information and ensure the security of information held by Victoria Police, then how could it be responsible for oversighting telephone tapping? It did not make sense to us. The Office of Police Integrity has a lot of clawing back to do in regard to the respect it has in the general community.

The day after the story breaking about the information being leaked to the person in country Victoria, the director, police integrity, George Brouwer, said that no-one would be sacked. How could someone in such a position say that, if an investigation had not even started? His next comment was that it was a mistake in the mail room. The question of course is how the information and the two files got down to the person in the mail room. None of it stacked up.

The director, police integrity, has asked Paul Chadwick, the privacy commissioner, to undertake an investigation into it. The events happened in August of this year. We are looking at mid-November now and we still have not seen any results. This a concern, because if we are going to get to the bottom of what happened in the Office of Police Integrity, we need the report and the investigation to be open and transparent, and tabled in Parliament so we can all see what actually happened to make sure that this does not happen again. Until that happens the confidence in the Office of Police Integrity is going to have some problems.

I noticed at the weekend there was a great spread of publicity, which I guess had been carefully designed, in the *Age* — on the front page — and the *Herald Sun* about the achievements of the Office of Police Integrity and its investigations over the last three or four months. But the reality is that it is focusing on minor corruption, which is of concern to the Liberal Party. If the Office of Police Integrity is there to get to the bottom of corruption between the underworld and the police force, then we need to be able to nail the hard end of that corruption. We are keen to see the investigation of police officers who have broken police force regulations when it comes to breaching the security of the law enforcement assistance program (LEAP) database — that is fine — but the connection between the person who is dealing drugs and corrupt police officers is the level of corruption we need to see the

Office of Police Integrity tackling. To date we have not seen it.

A report was tabled today that mentions minor things, but until it starts cracking down on larger scale corruption, the Office of Police Integrity is going to struggle with its credibility in the eyes of the Victorian community.

Mr PERTON (Doncaster) — I am pleased to join the debate on the Investigative, Enforcement and Police Powers Acts (Amendment) Bill, particularly following my colleague, the member for Scoresby.

The bill does a few things. It provides for the oversight of the Office of Police Integrity's telephone-tapping powers by the special investigations monitor. At the request of the commonwealth the bill amends the Crimes (Assumed Identities) Act 2004 to recognise the Australian Security Intelligence Organisation and Australian Secret Intelligence Service as corresponding authorities; it introduces new procedures for police command and the appointment of special constables; and it amends the Magistrates Court Act 1989 to introduce payment plans for PERIN fines regulated by the Magistrates Court.

I will confine my contribution to the area which has been well covered by the member for Scoresby — that is, the oversight of the Office of Police Integrity's telephone-tapping powers by the special investigations monitor. The bill amends the Crimes (Controlled Operations) Act 2004, Major Crime Legislation (Office of Police Integrity) Act 2004 and the Telecommunications (Interception) (State Provisions) Act 1988 shifting the oversight of telecommunication interceptions away from the Ombudsman, who is also the director, police integrity, to the special investigations monitor.

As the member for Scoresby well put it, the government's position in respect of police corruption has been a complete shambles. Rather than appoint an independent commission, as has occurred in other states and countries, it provided these powers to the Ombudsman. Whilst I have a personal fondness for the Ombudsman, I think he is a terrific bloke, I do not think he is the sort of person you would be appointing to head an anticorruption commission. There is a conflict in the traditional understanding of the role of an ombudsman; it contradicts that of an anticorruption commissioner. The Liberal Party has been quite clear throughout that we need a standing anticorruption commission.

The government, on the other hand, has been in a major state of confusion. It thought it could provide anticorruption powers to the Ombudsman for the price of $1 million. Not long after that it extended the budget by another $4.5 million. We have seen legislative change after legislative change. As the member for Scoresby put very well, the Office of Police Integrity was created, but instead of the role being undertaken by a new person who had both the time and the resources to undertake that task appropriately, the Ombudsman was appointed by the legislation as the director, police integrity.

Telephone-tapping powers have been sought by the Bracks Labor government since May 2004, and the commonwealth government consistently and properly stated that the Office of Police Integrity was not sufficiently independent. The confusion is between the Ombudsman and the Office of Police Integrity, and the commonwealth government rightly said that the power would not be transferred without independent oversight of tapping powers, and of course this bill finally provides that the office of the special investigations monitor would include the supervision of telephone tapping.

Every Victorian has been concerned about the underworld killings. Many police, certainly the police in my district, are concerned about the besmirching of their reputation by corrupt police. We need appropriate powers and appropriate institutions. As the member for Scoresby said, this legislation stands tribute to the inappropriate structures that have been set up by the Bracks Labor government. Basically 'a bowl of spaghetti' best describes the structure of the legislation used to cover the powers of anticorruption officers. As articles in the *Age* and the *Herald Sun* showed at the weekend, lots of investigations have been started, but they have always been at the lower end of offence and at the lower end of corruption.

While the Liberal Party will not be opposing this legislation — indeed we support the agreement reached between the commonwealth government and the state government — we still need an independent anticorruption commission to provide Victorians with the protection they deserve.

Mr CAMERON (Minister for Agriculture) — I thank honourable members for their contributions to the debate. I thank the Liberal Party and The Nationals for their support. This is a good bill. It is a sound bill, and I wish it a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Mr Langdon — On a point of order, Acting Speaker, I would like to advise the house that in the division called on the Transport Legislation (Further Miscellaneous Amendments) Bill I recorded a total number of votes in favour of 47, but it should be 46.

The ACTING SPEAKER (Ms Lindell) — Order! I ask the Clerk to correct the record accordingly.

COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL

Second reading

Debate resumed from 27 October; motion of Mr HOLDING (Minister for Police and Emergency Services).

Mr WELLS (Scoresby) — I rise to join the debate on the Commissioner for Law Enforcement Data Security Bill. The Liberal Party cannot support this bill, because it adds another layer of bureaucracy to what we see as an already messy situation. However, the Liberal Party will not be opposing the bill. It is because of the expectation that the bill will fix the problem that we have come to the position where we will not be opposing it. I would like to thank the minister and the public servants who gave us the briefing on the bill. We appreciate it; it was an excellent briefing.

The purpose of the bill is to promote the use of appropriate secure law enforcement data management practices within Victoria Police by creating the position of commissioner for law enforcement data security and establishing a framework for the creation and monitoring of standards and protocols concerning the use of, access to and release of law enforcement data, principally relating to the law enforcement assistance program (LEAP) database.

The background is that we believe this is a reactionary policy initiative taken by the Premier without cabinet or other consultation in response to continuing and embarrassing cases of inappropriate accessing of, or unauthorised release of information from, the Victoria Police LEAP database including, firstly, Jenny's case, where the LEAP files of over 450 Victorians were incorrectly provided to a woman in country Victoria, and secondly, a corrections officer who incorrectly received 7000 pages of LEAP details of more than 1000 Victorians.

The main provisions allow for the Governor in Council to appoint a commissioner for law enforcement data security. The commissioner cannot be a member of Parliament, so maybe the member for Footscray will be disappointed by that. The appointment is for no longer than five years, but the person can be reappointed. It can be a full-time or part-time position, and the commissioner must consult the chief commissioner in the establishment of appropriate standards and protocols.

As a result of monitoring and audit activities, the commissioner may refer matters to the director, police integrity, or the privacy commissioner for further investigation or action, and the notice of referral must be provided to the chief commissioner. The chief commissioner must give the commissioner access to law enforcement data at all reasonable times. The chief commissioner may refuse access to the commissioner if such access could prejudice investigations or court proceedings or threaten the lives of law enforcement personnel. The Chief Commissioner of Police is expected to provide any assistance, including the provision of staff and facilities. The commissioner for law enforcement data security must not divulge or communicate information obtained during the normal course of performing his duties. The commissioner must report annually to the Minister for Police and Emergency Services, and the report is to be tabled in Parliament prior to 30 October each year. The Governor in Council may make regulations in relation to the commissioner for law enforcement data security.

We have a number of concerns with this bill, and as I said at the outset, we cannot support it, but we have decided not to oppose it. The main concern we have is that it is another Bracks slapstick, knee-jerk, bandaid policy made on the run. There is no question about it, and we have seen a history of it for 18 months. As I said in my speech on the previous bill, it is a bandaid on top of a bandaid, yet we are not fixing the problems. It is yet another highly paid Bracks government bureaucrat with the task of establishing standards and monitoring the use of data within Victoria Police, a task previously managed by the chief commissioner and overseen by the Ombudsman/Office of Police Integrity/privacy commissioner.

The concerns in relation to the resourcing and funding of the commissioner are yet to be decided. Will it take police away from the front line at any time? We will wait and see. We have an Ombudsman morphing into the director, police integrity, and the creation of a special investigations monitor. Now we have the commissioner for law enforcement data security with the Victoria Police ethical standards department still

continuing to perform the majority of investigations into alleged police corruption and inappropriate behaviour.

So there is confusion among the police, and I am positive there will be confusion among the general public about who is supposed to be doing what when it comes to a breach of security with the LEAP data. Is it the Chief Commissioner of Police? Is it the ethical standards department? Is it the Office of Police Integrity? Is it the special investigations monitor? Is it the Ombudsman? Is it the commissioner for law enforcement data? It could be one or all of these, and that is why we say that this far too bureaucratic and it will choke itself.

The police believe restrictions upon the use of data limiting a flow of information within the organisation will threaten or hinder investigations, and we have fears that access to LEAP and other data will be overly restrictive and police will not bother using the system because it will destroy the validity and accuracy of the data. The reason we are not opposing the bill is that obviously the continuing examples of the inappropriate accessing of LEAP data meant that some action had to be taken to improve security and public privacy issues. However, establishing another bureaucracy to monitor the use of LEAP has obviously been ill thought out. As we have said right from the start, it is just another layer of bureaucracy and it is very confusing. Let me explain why. On 22 August this year the Premier issued a press release from his office which states very clearly:

> The new statutory body will be responsible for the operation of the LEAP database until it is replaced, the security of information within it and release of any information to outside people.

That is what it says. So only it can release the information to outside people. It also goes on to say of the functions:

> Mr Bracks said the new statutory body, under the commissioner for law enforcement data security, would:
>
> > operate the LEAP database, including maintaining the integrity of the hardware, software and data …

If the Premier of the state is saying that on 22 August, how is it that the functions in the bill are different from what the Premier states in his press release? Something has not happened. Maybe the Premier was rolled in cabinet. Maybe the commissioner is not going to be responsible for the operation of the LEAP database, because the bill says quite clearly that the functions will be:

> … to establish appropriate standards for the security and integrity of law enforcement …
>
> to establish appropriate standards and protocols for access to, and the release of, law enforcement data —

not the release, it is appropriate standards. It continues:

> to conduct monitoring activities, including audits, to monitor compliance with the standards and protocols …

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr CAMERON (Minister for Agriculture).

Mr WELLS (Scoresby) — Further functions of the bill will be:

> … to refer the findings of monitoring activities conducted under paragraph (c) to an appropriate person or body …
>
> to undertake reviews of any matters relating to law enforcement data security requested by the minister or the Chief Commissioner of Police …
>
> any other functions conferred on the Commissioner for Law Enforcement Data Security by or under this or any other Act.

So we understand very clearly by the bill that it is about setting standards and protocols, monitoring and auditing, but that does not say what the Premier claimed, that it will be responsible for the operation of the LEAP database. Our understanding is that the LEAP database will continue to be run by the police, but it will not be the commissioner for law enforcement, so whether the Premier got it wrong in his press release or not, we do not fully understand.

This has been brought about by some monumental bungles by the Bracks government. The biggest bungle took place on 6 August when the information was released. That was the situation relating to Jenny in country Victoria. This woman believed her files were being inappropriately accessed by the local police officer. The ethical standards department investigated her claims and found that she was right; there had been inappropriate access of her LEAP file in country Victoria, and the police officer concerned was reprimanded. But then about 6 to 12 months later she believed the same problem was occurring again — that is, her LEAP file was being accessed by the same police officer. It seems hard to believe. She put in a complaint to the Office of Police Integrity, which said it had made a thorough investigation of the matter for 12 months and there had been no inappropriate access to her file or to her husband's file.

However, it is ironic that once the letter went out, signed by someone who you would have thought was the highest police officer in the state — that is, the person who is in charge of the Office of Police Integrity when it comes to checks and balances — said that what

she claimed was wrong. But unbeknown to the Office of Police Integrity, the two files that were part of the investigation were also sent to this woman in country Victoria. It is amazing that the letter and the investigation files said two different things. That is why the Liberal Party and this side of the house has a real problem with the credibility of the Office of Police Integrity.

We had a situation where the Office of Police Integrity made a number of claims. The facts were very clear: there was no 12-month investigation. There was a five-month investigation, because in the files, the email between the Office of Police Integrity and the police showed there had only been an investigation for five months. There was access to her husband's files. Ten pages of her husband's files were inappropriately accessed. In addition to that, you can add the names, mobile numbers and addresses of 450 Victorians in the two files. All of this was in the two files.

The Liberal Party was in a difficult situation. We understood the ABC had a part of the story, but whom could we go to? Whom can the Liberal Party go to when we have a situation like that? We could not go to the Chief Commissioner of Police, because all the correspondence I send to her is sent to the Minister for Police and Emergency Services. That is an unacceptable situation. I am sure that will change over time. But if I, the shadow Minister for Police and Emergency Services, have an operational problem, I want to be able to write to the chief commissioner and get a response from her — not have my letter sent on to the minister; then we would never get an answer.

We could not go to the Ombudsman, because he is George Brouwer. We could not go to the director, police integrity because he is also the same person. We were absolutely stuck as to where we could go with this. We did what we had to do and brought the issue to a head.

The story broke on the *Stateline Victoria* program of 5 August. I noticed some interesting comments in the *Age* of 6 August:

> Police minister, Tim Holding, said it was a regrettable incident but that initial investigations indicated the leak was the result of a one-off administrative error rather than a systematic fault.

The story was on *Stateline* the previous night. The first thing the government did that morning was to conclude that it was just a one-off incident. But that was something we just could not believe. The article also stated:

> But the woman … told the *Age* she was devastated by the incident and no longer regarded the OPI as independent, competent or trustworthy.
>
> 'I was writing to the OPI about breaches of my privacy and they had breached privacy beyond what I could possibly have imagined', she said.
>
> 'I have no faith in returning the documents to them because they are simply going to sweep the issue under the carpet and do it to somebody else at will.

The files showed sexual assaults, domestic violence, private addresses of victims of crime, sexual preferences in some cases, and mobile phone numbers. The article also states:

> The two folders of documents sent to the women also include the original police and OPI notes on the investigation into her complaint.
>
> They reveal that the OPI agreed to a police request to reduce the scope of the audit of any inappropriate access to her police files from two years to five months — but that the woman was never told.

In the letter she received she was convinced — and she trusted the OPI — that the full investigation had taken place. It just was not right. It further states:

> The files sent to the woman included 10 pages of computer print-outs relating to a police officer accessing her husband's files in April last year. But in dismissing her complaint, the OPI told the woman that the audit had revealed no record of any access to either her or her husband's files.

She claimed, and rightly so:

> I am not sure whether to perceive that as misleading, inefficient or incompetent …

The interesting situation is that the Office of Police Integrity wrote to this woman. It said none of her claims stacked up and then unbeknownst, by whatever course, files are sent to her; they investigate the files and the two do not add up. How many other Victorians have asked the Office of Police Integrity to investigate a matter against Victoria Police and have received a letter saying there is no case to answer, but like Jenny have found there has been a case to answer? Whether it is misleading or incompetent, we do not know.

This happened at the start of August. It is now the middle of November and we, as the Parliament of Victoria, still do not know how this happened. It is something that we all should take very seriously. The Minister for Police and Emergency Services went on to say:

> I maintain that the current arrangements are the best way of fighting corruption in Victoria Police … The OPI, unlike a royal commission, has the capacity to investigate issues of concern as they arise.

But the fact is that we have little or no faith in the series of investigations that have been carried out.

Paul Austin wrote in the *Age* under the subheading 'The bizarre story of how the confidential police files of hundreds of Victorians ended up with Mr and Mrs X' that the response of the woman who received it was:

> Oh my God, what on earth have they done?

The article goes on to say that it was something the people had great concerns about.

I notice also that in the *Herald Sun* of 6 August the state Ombudsman, George Brouwer, told *Stateline* that the OPI regretted 'the clerical error that occurred in the mail dispatch area'. If it occurred in the mail dispatch area, how did these sensitive files get to the mail room in the first place? It is a simple question, but we have still not received a response. The Office of the Privacy Commissioner, who asked me to respond to a number of questions, stated that it was investigating, firstly:

> How it happened that the Office of Police Integrity (OPI) sent by post to the complainant known as 'Jenny' police data relating to many other individuals unrelated to Jenny's case. How to avoid a recurrence.

The second issue the privacy commissioner was going to investigate was:

> How the OPI handled Jenny's case, which is a complaint that her privacy was breached when personal information about her, held by Victoria Police, was improperly dealt with by a member of Victoria Police.

The OPI and Victoria Police are cooperating with the privacy commissioner, which is a separate, independent statutory office. The Victorian privacy commissioner, Paul Chadwick, goes on to say he has sought and received an assurance from the Attorney-General of additional resources as he required them for this matter.

We had a similar case, although not to the same extent, when a police officer who was on a school council in Geelong went into the LEAP database to investigate other people who were on the board of the school — an inappropriate access of LEAP information. The police officer was found guilty of two charges and fined $1500. I have since written to the chief commissioner about this issue because I do not think it is severe enough. It is true that 99.9 per cent of Victoria Police members do the right thing. I maintain over and over again that we have one of the best police forces in the world — there is no question about that. But we also have to ensure that the information Victoria Police keeps on behalf of the Victorian community is kept strictly confidential. I do not think a $1500 fine is good enough. We have to send a clear message that that simply is not the case.

Then there was the classic situation with Jenny and the accessing of files. And how could 7000 pages of private information be sent to a corrections officer? That is the largest breach this state has ever seen. The situation was serious. A corrections officer put in a freedom of information request about a particular issue. The police responded to the FOI request by email, but by mistake, incompetence or whatever, they sent through 7000 pages containing hundreds of names of private citizens within Victoria. The police turned up at the whistleblower's place at midnight and demanded that he accompany them down to the police station. Of course, having a young family, he said, 'Absolutely not'. He went down the next day and started printing off all these pages, until they realised that there were 7000 pages involved. It was embarrassing.

The way the police minister handled it was even more embarrassing, because when we obtained under freedom of information the document he referred to — and it is addressed to the Minister for Corrections — we saw that the subject line reads 'Unauthorised release of LEAP data' in big, bold letters. Any minister reading that would think, 'This is very serious'. But the minister tried to tell the Parliament and the community that he only read the first paragraph and did not read any further. We do not believe that, nor does the Victorian community believe it.

Paragraph 2 of the memo, under the heading 'Background', says 'A Corrections Victoria officer …' and then gives the name. This whistleblower's name was inappropriately known to the minister. The only person who should have known that person's name was the Secretary of the Department of Justice. For the minister to say, 'I only read the first paragraph' and to write there, 'I did not' and then send it back does not make sense to us. When you read through the memo you find that it says:

> Corrections Victoria and Victoria Police agreed that a serious breach of privacy and LEAP management protocol had occurred by the IBM action and that Victoria Police were to meet with [blank] on 15 July to retrieve the electronic audit report and also to interpret the audit results for [blank] as they specifically related to [blank].

All through this memo we are talking about sensitive information that involved the Department of Justice deleting the email and about inappropriate authorisation; it is all through it. The minister became involved in this because he tried to mislead Parliament. His story simply did not stack up. The Liberal Party believed that one of two things must have happened. If

the minister read the document and lied to the people of Victoria, then he should have been sacked. If he did not read it, then he displayed the fact that he was incompetent and should have been sacked.

I move on. Quite clearly the government is now bringing in another bandaid situation; it is becoming more and more bureaucratic. The point I made at the very start was that we are unclear on who is going to investigate breaches of security within Victoria Police. Originally we had the ethical standards department and originally we had the then police ombudsman, Dr Barry Perry. When the government started to get into a mess it could not stop the bureaucratic nightmare. It wanted to boost the Ombudsman's funding by $1 million, then it wanted to increase that to $4.5 million, then it wanted to give the Ombudsman more powers, then it wanted to bring in the Office of Police Integrity (OPI), then it realised it had to have an overseer so it realised it had to have a special investigations monitor.

Now the Premier's knee-jerk reaction is to say we need to have the new position of commissioner for law enforcement data security. It is too bureaucratic, and we are unsure of who is supposed to be doing what. I am sure that if you asked ordinary Victorians or police officers, they would also struggle with this.

We contacted the Police Association and in a letter to me a number of its concerns are outlined. The first is as follows:

> 1. Under section 7 of division 1 of part 2 of the bill entitled 'Terms and Conditions', we query whether the commissioner is required to declare any or all pecuniary and/or conflicts of interest that may compromise his/her appointment.

The second concern outlined reads:

> 2. Section 11 of division 2 of part 2 entitled 'Functions' at subsection (1)(c), we query whether the 'compliance audit' is conducted for the purposes of identifying incidents of non-compliance by way of unauthorised accesses and/or releases or is it designed to monitor the level of compliance?

The third reads:

> 3. Under section 3(c) 'Definitions' the association is concerned that the term 'Tribunal' will include the Police Appeals Board or the intended Police Career Service Commission. If this is the case, there may be additional impediments for any of our members charged with discipline offences, particularly in respect of their obtaining witness statements or notes to which they are now otherwise entitled. Any such use of the proposed legislation would be against the principles of natural justice, but could be entertained as a consequence of this definition.

The fourth concern the association has reads:

> 4. The association is very concerned that the issue of resourcing does not appear to have been considered. The bill allows for personnel and other resources to be obtained from the Chief Commissioner of Police. Our concern surrounds the potential additional strain on frontline policing numbers should personnel be relocated from the Victoria Police force to the commissioner for law enforcement data security, and is a genuine concern that is self-evident.

So there are four concerns about which I am sure the Police Association has already written to the police minister.

The other concern that Liberal Party members have is that we strongly believe the police should have the right to access the LEAP system. There is no question about it. If the police force is to be effective, its members have to be able to access that system for operational matters. If we get to a situation where the LEAP system is going to be so bureaucratic that the police are going to jump through hoop after hoop to get information, that is not effective policing.

The Liberal Party wants to make it very clear that the police must have the best information available to them so they can track down criminals and chase them up for information so as to be able to crack cases — and there is a fine line between the two. If the information is required for operational matters, we strongly support it. If it is for private use or an inappropriate use, then we have a problem with it. It is for that reason that the Liberal Party will not be opposing this bill.

Mr RYAN (Leader of The Nationals) — The Nationals do not oppose this legislation. One of the realities of our community is that policing is a tough job. Police are deserving of the enormous credit they are given for the job they do, because theirs is amongst the most difficult of the jobs undertaken on behalf of the people of Victoria. As the member for Scoresby has observed, Victoria Police deserves its reputation for excellence as a police force which has no peer, certainly in Australia, and which stands up to global comparison. The unfortunate fact is that, as is the case with any organisation, there are those who will abuse the position they occupy within the community. Such has proven to be the case to greater and lesser degrees over the past few years, with regard particularly to the operation of the law enforcement assistance program, otherwise known as LEAP.

Of course, the abuse of process by the very few within the force has been aided and abetted to a degree by members of the current government. I was in the house that infamous evening prior to the election in 2002

when the then police minister blundered in and started using information in the course of debate in a way which clearly indicated that it had been obtained from someone who had accessed the LEAP program database at his behest. That issue instigated the sorry chapter of events which has led to the operation of this program assuming such notoriety over the past few years. Let it be understood from the start that that notoriety should be on this government's head. The Bracks government, through the operation and activities of the then police minister, is principally responsible for the degree of infamy that attaches to the operation of the LEAP program.

Be that as it may, the program itself is operated by police officers. This legislation is about the establishment of the commissioner for law enforcement data, but there was another stage before that. That stage saw the announcement by the government, in somewhat difficult and confusing circumstances, of an allocation of about $50 million for the replacement of the hardware used by the LEAP program.

One of the things to be said about this whole process is that that government initiative, while it was welcomed by The Nationals insofar as the replacement of equipment was concerned, did not necessarily address the core issue. We believe the core issue has more to do with the culture of the operation of the program than with the physical form of the program. To enable this program to work properly you cannot have one of those aspects operating without the other. It is of course the latter issue — namely, the culture of operation of the program — which has given rise to the legislation before the house.

I say again, and I want to make it very clear, that the criticism we make of those who have been foolhardy enough to abuse the trust of the public and cause a lot of the problems that have given rise to the public debate about all this applies to very few. Nevertheless, it is a matter of great seriousness. People give up their rights and are prepared to have information gathered and recorded in the belief that programs such as this are going to be operated responsibly and monitored carefully. It is a matter of great concern if, in the public's eye, that trust is abused in the way we have unfortunately seen over the past few years.

We now have legislation before us to establish the role of the commissioner for law enforcement data. This is another appointment by the Bracks government as part of its various endeavours, which have comprised in large part the government of Victoria stumbling from one option to another with a view to stemming the tide of constant complaint from the public about the way in which various activities to do with not only this program but many other elements of monitoring crime and corruption in Victoria have been carried out.

The legislation itself is relatively simple in its structure, and I want to briefly run through it and make some comments. The purpose provisions are contained in clause 1. They say the principal purpose of the act is to promote the use by the police force of Victoria of appropriate and secure management practices for law enforcement data by providing for the establishment and appointment of a commissioner for law enforcement data security, by establishing a regime for the monitoring of law enforcement data security management practices, and by amending the Public Administration Act 2004. Clause 2 is the usual commencement provision, with the default provision to occur on 1 July 2006 should the legislation not have come into effect by then. There are then the definition provisions contained in clause 3. Those elements are all within part 1 of the legislation.

Part 2 deals with the commissioner for law enforcement data security, and division 1 sets out the appointment and the terms and conditions of office. They run through clauses 4 to 10 and in the broad sense can be said to constitute what are the normal provisions for appointments of this nature. In division 2 of this part are the really significant operative aspects of the legislation. Clause 11 sets out the functions. They are variously:

> … to establish appropriate standards for the security and integrity of law enforcement data systems …
>
> to establish appropriate standards and protocols for access to, and the release of, law enforcement data …
>
> to conduct monitoring activities, including audits, to monitor compliance with the standards and protocols established under paragraphs (a) and (b) …
>
> to refer the findings of monitoring activities conducted under paragraph (c) to an appropriate person or body —

whoever or whatever that individual or entity might be —

> for further action …
>
> to undertake reviews of any matters relating to law enforcement data security requested by the Minister or the Chief Commissioner of Police …
>
> any other functions conferred on the Commissioner for Law Enforcement Data Security by or under this or any other Act.

There is a further subclause which says that:

> … the Commissioner for Law Enforcement Data must —

and I emphasise the word 'must' —

> consult with the Chief Commissioner of Police when establishing standards and protocols …

They are the various functions. Interestingly, the functions do not entail a capacity on the part of the commissioner for law enforcement data to operate the system on his part or her part. Let us call it his part for the purposes of the discussion. That, by exclusion, suggests that it will still be left to the police to be the ones that are operating the system. Rather, the elements of the functions that I have referred to on the part of the commissioner will be by way of oversight of the operation of the system by the police.

Clause 12 deals with the issue of the powers which the commissioner has. There are some elements of this that bear some examination by the minister and by the government, and I want briefly to refer to them. In subclause (1) the commissioner is listed as having certain powers — and they are set out. Basically, and without going through them all, he can require the Chief Commissioner of Police to give him free and full access at all reasonable times to the data.

Subclause (2) says that subject to subsection (3) of the act the Chief Commissioner of Police must comply — and I emphasise 'must comply' — with a requirement of the commissioner for law enforcement data security under subsection (1)(a) of the act. In other words, if the commissioner requires the material to be provided, the Chief Commissioner of Police has to provide it. Then we come to subclause (3), which in effect provides the exemption provision. It says that the Chief Commissioner of Police may refuse to comply with a requirement of the commissioner upon a series of bases which are set out, and there are four of them.

Firstly, the refusal can occur if it is likely to prejudice the investigation of a breach or possible breach of the law; secondly, if it is likely to prejudice the fair trial of a person or the impartial adjudication of a particular case if that data is provided; thirdly, if it is likely to disclose, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement of the administration of the law; and, finally, if it is likely to endanger the lives or physical safety of persons. They are the four exemptions, if you like.

I want to ask the minister whether there is any temporal aspect to the capacity which is vested in the chief commissioner for that refusal to occur. When the provision says that the Chief Commissioner of Police may refuse to provide the data if there is the likelihood of a prejudice to the investigation of a breach or a possible breach of the law, is that an absolute refusal that vests in the Chief Commissioner of Police? Is it intended that when that risk expires and when there is no longer the threat of any such prejudice happening, the information is handed over to the commissioner?

At the time that risk expires, is the commissioner required to renew the request for the information if he still wants to have it? At the time that risk expires, is the Chief Commissioner of Police no longer entitled to simply refuse to provide that material to the commissioner? Rather, since it is the chief commissioner who will be best advised to know that the risk of any prejudice occurring no longer exists, is it at that point in time that she hands over the information which has been sought by the commissioner without any further request coming from the commissioner? Similarly, when it says in clause 12(3)(b) that the Chief Commissioner of Police can refuse to provide the information to the commissioner for law enforcement data on the basis that the provision of such information might prejudice a fair trial, what happens once the trial is over?

Does the Chief Commissioner of Police immediately send to the commissioner the material which has been sought by the commissioner but which the chief commissioner has refused to provide because of the prospect of prejudicing a fair trial, or is there to be a process whereby the Chief Commissioner of Police will advise the commissioner that the fair trial has been concluded, 'Does the commissioner still want the information?'. How is that to happen? What are the protocols as to how that is to occur? The same applies to the other two provisions which provide the exemptions in favour of the Chief Commissioner of Police.

I say to the minister, who is now at the table — and I understand his concern about these issues in the legislation that he brought into the house — that these matters are important because the hierarchical structure of all of this is also very important: who is doing what to whom at what point in time. Unless we get some protocols established about this, the risk is that with the best intention in the world the legislation that the government brings in here is not going to be able to operate properly unless we know what are the temporal aspects of the operation of the exclusion provisions set out in clause 12(3).

In clause 13 there are provisions regarding disclosure of information to the director, police integrity, and the privacy commissioner. They say that the commissioner for law enforcement data security may disclose to either the director, police integrity, or the privacy commissioner any of the information obtained or received in the course of or as a result of the exercise of

the functions of the commissioner for law enforcement data security under this act, being information relevant to the performance of functions or duties by the director, police integrity, or the privacy commissioner, as the case requires.

Again it is important that we know the actual protocols of how this is to happen. Every time information of a sensitive nature is released, by definition there is the prospect of some risk of leakage. The public needs to be confident that there are mechanisms in place as to how this is going to happen. I would like to hear from the government about the actual operation of clause 13.

The secrecy provisions apply in clause 15. They are important in all the prevailing circumstances because this legislation is basically founded around these breaches of secrecy. It is appropriate that there be a fine of 60 penalty units. It used to be $100 a penalty unit, but with the legislation the government has now introduced we see, by subterfuge, increases in the value of a penalty unit on 1 July each year. I am not sure what it is, but under that legislation the consumer price index will have taken effect and it will be something like $102.83. Whatever it is, it is more than $6000. It is appropriate that a significant fine be incorporated in that provision in the event of anybody divulging or communicating information in a circumstance where they have access to it under the terms of this legislation. There are also provisions for the tabling of annual reports. That is a welcome and necessary element of this legislation.

In conclusion I say on behalf of The Nationals that we certainly do not oppose this legislation. In its own way it is an important element of the general framework of offering some credibility in an environment where the government has staggered from one element of mischance to another over the last couple of years, where people have lost faith in the system and where the police force itself has undergone a significant degree of criticism for the unfortunate failure of a few within the police ranks to properly observe the oath they take when they take on the role of wearing the blue. That of course is to be regretted, but nevertheless this legislation is here with a view to address these issues. We would like to hear from the minister about those matters I have raised. Otherwise we do not oppose this legislation.

Mr Perton — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Mr MILDENHALL (Footscray) — Police data is the bread and butter of any effective operational force, and the law enforcement assistance program (LEAP) has certainly provided assistance to the Victoria Police over the years. We are looking at a database that is accessed over 20 million times a year — that is, around 1.7 million times per month. It is where all sorts of information is held for all sorts of purposes — to detect patterns of activity, assist in the investigation of lost people and property, to search locations and check on individuals, particularly where potentially there are outstanding warrants or other such investigations are taking place. It is a database with more than 5 million names, 1 million vehicle records, 5 million property item records and records of more than 70 000 offenders. It can be accessed by more than 10 000 sworn and unsworn officers who can retrieve and enter data 24 hours a day.

There have been over the years controversies about unlawful access to that data for all sorts of purposes. Many were mentioned by opposition speakers in their qualified support of this legislation. Interestingly they did not mention the accessing of the database by a Liberal preselection candidate who was examining the police file of one Mr Bernie Finn, but the opposition did take the opportunity to mention a number of others.

This legislation shows the Bracks government is listening and acting in a positive, bold and decisive way to establish the office of commissioner for law enforcement data security and replace the whole database. This is taking comprehensive, robust and potent action spending $50 million to replace the whole system. The director, police integrity, in the report tabled today indicated his concerns about the technological capacity of the database for contemporary purposes and expressed his support for the replacement of it from a technical and practical point of view. I must agree with one of the opposition speakers — it might have been the Leader of The Nationals — that some cultural issues also come into play in looking at strategies for a way forward here. Indeed that is a matter that the director, police integrity, has also mentioned in his report.

The powers of the commissioner for law enforcement data security go to the heart of the issues that have been raised in the public debate and have obviously featured in the government's forming a strategy to deal with these incidents of unlawful and inappropriate access. The bill will establish the Office of the Commissioner for Law Enforcement Data Security and that office and the commissioner will be responsible for establishing protocols and standards for access to and release of confidential law enforcement data. The protocols and

standards are to be determined in consultation with the Chief Commissioner of Police to ensure that they are consistent with the law enforcement functions, and the responsibilities and actions of the commissioner will not affect the current oversight capacity and responsibilities of the Office of Police Integrity or the privacy commissioner.

This approach fits neatly into the framework of oversight, police actions and police integrity that have become a feature of the legislation over the last 12 months. It is sad to stand here and hear the mantra from the opposition — the simple, ill-thought-out, blunt and plaintive call for a standing commission. It thinks one size fits all and that there is one answer to everything in this state — that is, its standing commission.

This government looks for a purpose fit — a strategic, surgical and directed strategy to deal with issues as they arise. That is why it has introduced this particularly appropriate and powerful legislation to deal, in a comprehensive and very targeted way, with the issue of the integrity of police data. The approach of opposition members of, 'Let's have a commission; it will fix everything', is a lazy solution. They just come in here and say, 'We can fix everything by setting up a standing commission'. This government identifies the issues and sets up a comprehensive structure with the strategic powers to get in there and deal with the issues in a targeted way.

There is no confusion about the process for dealing with complaints. This office is there to set the standards, to set up the framework, to set the protocols, to deal with the culture and to monitor the integrity of and the way the police operate the data system. Where complaints are made, there are established procedures for dealing with them through the ethical standards division, overseen by the director, police integrity, and if there are systemic privacy issues, by the Office of the Privacy Commissioner. It is fairly clear and it is reasonably easy for everybody else except those members of the opposition to understand these matters.

But there are other sensible provisions in this legislation which identify operating protocols and the need for police to undertake their activities unimpeded by the activities of this commissioner. The provision that the commissioner, in looking to access particular bits of data, should not interfere with the law enforcement activities of the police is quite a sensible one. The establishment of the framework, protocols and guidelines by the commissioner, in consultation with the Chief Commissioner of Police, is also a sensible provision and will ensure that the neatest possible fit is achieved.

This bill gives the government and the police force an integrated system and the capacity to deal once and for all with these issues. It will totally replace the database and set up a powerful and comprehensive monitoring framework which will ensure that we have the highest possible levels of integrity with police data. It is good legislation, it is bold legislation, and I commend it to the house.

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

Mr PERTON (Doncaster) — I think the honourable member has read the brief prepared by the public servants, but he has done it with no conviction and no passion. He is the only commentator in the state who says that this is a piece of legislation which is appropriately structured and which provides for an office that people can have confidence in.

I will come later in my speech to the criticisms of this bill not only by privacy advocates but by former police commissioners, deputy commissioners and the like. The Minister for Transport can laugh about this legislation, but the right to privacy is a very serious human right and a very important civil right for all Victorians.

In today's *Age* the founding editor of *Wired*, Kevin Kelly, quoted this:

> As computing devices become embedded in everything from clothes to appliances to cars to phones, these networked devices will allow greater surveillance by governments and businesses.

Indeed in 2001 Sun Microsystems chief executive officer, Scott McNealy, said, 'Privacy is dead. Get over it'. There are many people in our society who do not believe that privacy is dead, and the right to privacy is an important right held by the Victorian citizenry.

I find it fascinating that we are here debating this bill at 5 to 11 at night and there is a general attitude of joviality and giggles from the government benches as we talk about the right to privacy. But this Parliament and the federal Parliament are continuously giving police and intelligence agencies ever more power to engage in covert surveillance of citizens, and not just citizens who may be suspected of terrorism or crime or organised crime, but those who come into contact with those people on commercial terms — citizens who visit public places that are subject to closed circuit television and the like.

Increasingly the amount of data held by the police, not just on suspects but on the ordinary citizen, is astonishing. The recent leaking of material, the accidental release of material to citizens and the type of information contained on the back of notepaper used by police show that data on everything — from associations to the bank account you might have, Acting Speaker, and indeed to the sexual preferences of citizens — is contained in these databases.

They have been used inappropriately for years. It was well known over many decades that an insurance investigator paying the appropriate amount of money could gain access to someone's police data, and more recently, as acknowledged by the member for Footscray, we had the inappropriate use of police data by the former police minister, now the Minister for Small Business, seeking and obtaining a police file and coming into this Parliament and using that data under the protection of Parliament. It smacks of the worst excesses of a police state. If the member for Footscray is right and it has been used in other circumstances and in political events, then that too shows the great concern that every citizen of Victoria who cares about privacy should have about the use of this data and the protection of this data.

Even after the $50 million is spent and we have better databases with better cross-matching and the capacity to contain voice and sound data and the like, I think we will have reason to be very concerned indeed.

An honourable member — Better controls!

Mr PERTON — The member says 'Better controls', but all these controls are subject to those who control the data and those who seek to subvert it as well.

Article 17 of the United Nations protocol for civil and political rights, ratified by Australia in 1980, states that:

> No-one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence …

And that:

> Everyone has the right to the protection of the law against such interference or attacks.

As the former chairman of the Victorian Data Protection Advisory Council and the Law Reform Committee's inquiry into technology and the law, I had the opportunity to have a look at new technologies and their impact. Time does not allow me to go through that work, but the Internet, new technologies and new computer storage devices mean that the dangers to the citizen are becoming greater, not less.

The Liberal party will not oppose this bill, as we recognise the current problems with data management by police. As the Minister for Police and Emergency Services said in the second-reading speech:

> As the house is aware, there have been a number of instances over many years of inappropriate, inadvertent or unauthorised release of law enforcement data held by Victoria Police.
>
> These incidents are unacceptable …

As I said, the rot starts at the top. When the police minister can seek and use data against citizens inappropriately, that is the worst of excesses. However, the move to establish yet another bureaucrat to monitor the use of Victoria Police's law enforcement assistance program (LEAP) database is typical of the Bracks government — a poor attempt to paper over serious problems. It is a reactionary response by a government that has failed to properly consult.

The government did not consult the head of the Office of Police Integrity on the proposal or alert him to the fact that an announcement was to be made. This is despite the fact that the OPI carried out a comprehensive inquiry into leaks from LEAP earlier this year and made 19 detailed recommendations, including that it be replaced.

This plan has been criticised by former Victoria Police deputy commissioner and former Queensland police commissioner Noel Newnham, who said that it was dangerous to take control of police data out of the hands of trained law enforcement officers. He said:

> If you can't even trust your police force to look after the data, you can't trust them to do anything. That's what they are saying.

Perhaps the minister could answer this question in his concluding comments: why could this job not be given to the privacy commissioner, Paul Chadwick, who is a distinguished Victorian entrusted with many responsibilities under his statutory powers; why did we need another bureaucrat?

As Neil Mitchell, a commentator both for 3AW and the *Herald Sun*, wrote:

> … in the grand tradition of confusing the issue, Mr Bracks announced a solution: the establishment of a commissioner for law enforcement data security.
>
> At least that showed how important this mess was, but what it essentially means is more jobs for paper-shufflers, who could not produce if they were 10 months pregnant, and more

> expensive public servants sending each other confusing memos about something that should be simple.

It is very confusing. The member for Footscray put forward a very positive note written by the briefing officer sitting behind him. This entire area is a spaghetti-tree organisational mess, and this does not make it any better.

As I indicated earlier, both federal and state legislation is giving police and intelligence agencies ever greater powers and resources to collect data on private citizens — for instance, now there will be national draft standards for the use of closed-circuit television (CCTV) cameras, because it is thought that common standards will enable greater sharing between intelligence agencies and state police.

As we go through the streets of Melbourne or other capital cities we all pass through the vision of CCTV. Your images, Acting Speaker, the images of the minister and others are constantly being collected. The new $50 million database that the member for Footscray talked about will enable that data to be attached to you and your presence in particular places to be tracked at any time. As the member for Footscray and the police minister have acknowledged, there is always the temptation for people who have access to those databases to use them inappropriately.

A couple of years ago, in respect of yet another piece of legislation that provided more powers to police to monitor and observe citizens and engage in covert observation and the planting of bugs, the Victorian privacy commissioner, Paul Chadwick, declared:

> The new powers are severe. The freedoms they erode are precious.
>
> …
>
> It is difficult to imagine a more serious adverse effect being carried out under law.

Chadwick described the covert warrant system as ‘secret policing under law’. That is the danger we face — secret policing, insufficient control — —

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member’s time has expired.

Dr SYKES (Benalla) — I rise to make a brief contribution to the Commissioner for Law Enforcement Data Security Bill. We have all acknowledged that policing is a tough job, and the vast majority of our police are good, honest cops. I meet many of them on the beat as I travel around the electorate of Benalla. Unfortunately there are some bad eggs among the 10 000 members of the force, and this minority abuses the system. Abuse includes improper access and use of the law enforcement assistance program (LEAP) database system. The bill puts in place a system to manage the LEAP and other databases, albeit at a substantial cost, including $50 million to upgrade the LEAP database in its own right.

As such the bill partly addresses the issue of misuse of confidential information, but it fails to address the fundamental issue of a cultural problem among a minority of police that enables and encourages abuse of confidential information. The Leader of The Nationals has very competently covered the contents of the bill. I would like to spend a brief amount of time on the issue of monitoring the progress and meeting the objectives of the bill and the achievement of a change in culture.

In relation to changing the culture within the force, I was confronted with a similar situation when I went to the Northern Territory in the mid-1980s, where I was managing the eradication of brucellosis and tuberculosis from cattle. The culture up there was related to the culture of how they resolved problems. The territory at that stage was the last frontier. Often my staff were working one-up, up to 500 kilometres or more from backup and support. When there was a problem that was not able to be resolved in the normal fashion we had got used to, it was sorted out by very basic means.

It resulted in a natural selection process for people who could look after themselves when the debates got to an impasse and both parties agreed to, as they termed it, go out on the flat and have an old style fight: the last man standing would be the winner of that discussion. This resulted in the natural selection of people who had street-fighting skills. In the Northern Territory animal health group at that stage we had the heavyweight boxing champion of the Northern Territory, the middleweight boxing champion of the Northern Territory and the lightweight boxing champion of the Northern Territory, and the worst performing stock inspector was at least a well-known street fighter.

Part of my job was to introduce problem resolution by negotiation without a Colt .45 strapped on the hip. This was a challenge, as it is a challenge for the Minister for Police and Emergency Services and for the Chief Commissioner of Police, because we were dealing with tough men. In my job I was dealing with people who were Vietnam veterans, loners and survivors. I was able to start the process, but I advise the minister and the chief commissioner that the process of cultural change is a long haul — it will take a decade or more — and the challenge is to have not just the system in place but

compliance with that system and people willing to do the job properly.

Just as in my situation, where the issue was not only about changing the culture among the stock inspectors but also about changing the culture on the other side of the argument — the pastoralists, who were also tough men — in the case of the police you need to change the culture within the police force in the face of some pretty stiff opposition and counter-cultural movements in the criminal element that the police are dealing with on a daily basis. The challenge rests with the minister. It is one hell of a task. Whilst the minister is young and does not have many grey hairs, by the time he has achieved success with this cultural change I suspect there will be a few grey hairs on his head.

The other challenge for the minister is to monitor the progress of the successful implementation of the management system and the successful achievement of cultural change. At this stage I am yet to be made aware of the performance indicators and milestones which the government is going to have in place to gauge the progress of this cultural and systems change against the previously determined targets. Again there is a challenge to put a system in place and monitor progress against that system; and when progress is not being achieved at the desirable rate appropriate action needs to be taken to review the system.

A couple of other issues raised by previous speakers include an underlying concern that I share about having another bureaucrat in the system. I note that it is proposed that this will be a full-time position, with the possibility that it will shift to being a part-time position as the job progresses. I hope that is the case, and I hope we are not just imposing yet another layer of bureaucracy in the system.

With those remarks I believe that overall the intent of the legislation is appropriate, but I think the minister should be mindful of the significant challenges involved in achieving cultural change and in introducing a system, monitoring its progress and taking appropriate action to ensure the desired performance indicators are achieved.

Mr HOLDING (Minister for Police and Emergency Services) — In concluding and summarising the debate on the Commissioner for Law Enforcement Data Security Bill I want to thank honourable members for their contributions on this important piece of legislation. I want to start, if I can, with the contribution from the member for Doncaster, who I am sure will be flattered by me starting with him. His essential point was that the vast volume of data which now exists — not just from a law enforcement perspective but from so many other perspectives — through the introduction of new technologies and databases, and through computers in particular, presents a great challenge for us in achieving the protection of the freedoms he enunciated in his contribution.

In a sense I was disappointed by where he finished up, suggesting that going down this path was a bureaucratic and complex way of trying to address this issue. The government comes to this from the perspective of saying that the volume of law enforcement data that now exists and the capacity for that data to be shared in real time across many different terminals across the state, and sometimes with other law enforcement agencies interstate, mean it is important to ensure that we have appropriate protocols and protections in place so that all the data collected by governments and by police, particularly through the use of new technologies, is used responsibly and appropriately. In a sense it is the very complexity that the member commented on that makes the solution that the government has proposed so appropriate and so necessary in this particular context.

I shall go to the particular concerns that various members raised, and I shall deal firstly with those raised by the honourable member for Scoresby. Whilst I was not here to hear them, I had a synopsis of them passed on to me. He raised some concerns that were also raised by the Police Association, including whether or not the commissioner for law enforcement data security would be required to declare any pecuniary interests. I assure all honourable members that when appointments such as these are made from a statutory perspective the appointees are required to lodge the relevant pecuniary interest declarations, and they are required also to manage potential conflicts of interest appropriately and responsibly. I would again assure all honourable members that this statutory officer, as is the case with any office-holder in any statutory authority, will be required to manage their pecuniary interests appropriately.

There was also the question of whether material gathered as a consequence of disciplinary or tribunal hearings would in some way come within the oversight of the commissioner for law enforcement data security. Again I stress to honourable members that this new commissioner position exists for the purpose of monitoring the appropriate handling of law enforcement data. It would not be the case that material that was the result of a disciplinary hearing would have any particular status with the commissioner for law enforcement data security (CLEDS).

The member for Scoresby also raised some issues around compliance auditing and how that would be used. As I understand it, the member for Scoresby — or the people on whose behalf he was putting this view — was concerned that the compliance auditing might in some way be used to establish standards around how often law enforcement data is accessed by police members. It is not the government's view, nor is it the view of Victoria Police, and indeed it would not be the view of the CLEDS, that there is an optimum number of accesses that police members should have. The requirement always with these issues is that they are not to undermine the operational activities and functions of law enforcement agencies and that the compliance activities are designed to support and protect the right to privacy of all Victorians, not undermine the operational activities of Victoria Police.

The Leader of The Nationals raised some questions about exemptions and whether or not those exemptions were, in a sense, permanent exemptions or whether they were temporal exemptions. I assure the Leader of The Nationals that on any natural reading of that language the exemptions would apply only insofar as the circumstances that justified the exemption in the first place were extant. For example, in the context of court proceedings, when those court proceedings are concluded, then there would be nothing in the legislation to require the Chief Commissioner of Police to withhold that data from the CLEDS. The question of how the information would be sent on is obviously to be developed between the chief commissioner and the CLEDS. There are some practical issues around how quickly the data would be supplied, or indeed whether the data was still required, but there is nothing in the legislation which stops the data being supplied from the Chief Commissioner of Police to the CLEDS in the event that the circumstances which justified the exemption no longer exist.

The other issue that I understand the Leader of The Nationals to have raised was around the protocols that would exist to cover the supplying of data between the CLEDS and either the director, police integrity, or the privacy commissioner. We have deliberately put in that capacity for information sharing, if you like, between those various agencies in the legislation because we acknowledge that there are things the CLEDS may come across in the discharge of their duties, which impact on the statutory functions of the director, police integrity, having the role of investigating complaints against police members and fall within the ambit of the privacy commissioner, with his focus on protecting the privacy of Victorians.

Again I stress that the protocols that will be established by the CLEDS will regulate the supply of that information and ensure that it is not done in a way which would compromise the privacy of Victorians or undermine the intent of the act. The intent of the act is to protect law enforcement data held by Victoria Police and other law enforcement agencies from unauthorised or inappropriate disclosure. That is our starting point, and the protocols that would exist between the director, police integrity, the privacy commissioner and the CLEDS would support those protections.

The member for Doncaster also raised some concerns about consultations with other bodies, and I think the director, police integrity, was mentioned particularly. In the development of this legislation — prior to its being introduced into this Parliament — the government consulted with the privacy commissioner, with the director, police integrity, and with government departments to ensure that the legislation is as effective and appropriate as possible.

In conclusion, I reiterate the government's belief that this legislation is extraordinarily important. The law enforcement data that Victoria Police holds is a staggeringly important part of its ability to discharge its responsibilities in protecting Victorians and making sure that our community is a safer place. However, the obligation and the responsibility on the part of Victoria Police to protect that data from unauthorised or inappropriate disclosure is significant. As the volume of that data increases and as its ability to be crossmatched against other databases and other forms of evidence and information increases, the importance of securing that data also increases.

This government believes that through the introduction of this statutory office — the commissioner for law enforcement data security — we are striking the right balance between protecting the operational requirement of Victoria Police to collect appropriate data and use it to protect Victorians and, at the same time, protecting the privacy of Victorians and upholding the expectations which exist legitimately in the community that data collected on their behalf by Victoria Police about them is managed appropriately, effectively and responsibly.

I would like to thank the member for Scoresby, the Leader of The Nationals and the members for Footscray, Doncaster and Benalla for their contributions. I reiterate the ongoing commitment of Victoria Police and the Victorian government to managing these issues responsibly and appropriately.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

HEALTH PROFESSIONS REGISTRATION BILL

Second reading

Debate resumed from 27 October; motion of Ms PIKE (Minister for Health).

Opposition amendments circulated by Ms SHARDEY (Caulfield) pursuant to standing orders.

Mrs SHARDEY (Caulfield) — I rise to speak on the Health Professions Registration 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 proper consultation has taken place with the Victorian community, including registered health professionals and other key stakeholders, about the effect of the legislation, and the government releases full departmental estimates and background documents including registration board estimates of the impact of the proposed changes on the registration fees of each of the health professional groups referred to in the bill'.

I believe it is fairly tragic that this bill, a very important and obviously very contentious piece of legislation, is being debated so late at night and being rammed through even though we know it will not come into effect or operation until July 2007. Therefore one wonders why there is such haste and lack of consultation on the final bill, as we now see it, when almost every health professional body has opposed this legislation.

I say clearly that there are three very clear and disturbing concerns with this bill which I will mention first before I move on to discuss the bill in detail. Firstly, it risks lowering registration standards for health practitioners; secondly, it creates an excessively cumbersome and legalistic structure and culture; and thirdly, it will push up the cost of practitioner registration, drive up health costs and impact on part-time and women practitioners in areas of critical work force shortages. I have seen the costings; they arrived in my office at 1.25 p.m. today, but they were only part of the costings, not the entire costings. Perhaps the minister would like to read that document.

The main purpose of this legislation is to provide for the registration of health practitioners and a common system of investigation into the professional conduct, professional performance and ability to practise of registered health practitioners. It is also to provide for the registration of students, to regulate the advertising of regulated health services, to establish or continue in operation various boards responsible for registering various health practitioners, to regulate the operation of pharmacies and to repeal the current registration acts. In short, this bill abolishes the 12 current acts and creates a single omnibus act to register the 12 professions of medicine, nursing, dental care, chiropractic, osteopathy, optometry, podiatry, physiotherapy, pharmacy, psychology, medical radiation technology and Chinese medicine.

The background to this legislation goes back to October 2002, when a discussion was started. There was a review which seemed to lose its way somewhat until an options paper was finally released in May this year. Most of the various options discussed over the last 12 months have been ill defined and their status very uncertain until we saw the hasty appearance of this bill on 27 October.

The Liberal Party opposed an earlier floated model of a super board and the government withdrew that very quickly. In the past the Liberal Party has called for a delay in the consideration of this bill until the community and the professions have had sufficient time to examine its detail and all its implications; the release of departmental costings, which the government has claimed will entail only a minor increase in registration costs. The department delivered to the Liberal Party today at 1.30 p.m. at least some but not all of the costings. We asked for far more than just the government's own costings, and of course many of the boards have done additional costings which are very different to those of the department.

We also asked for the consideration of the likely impact on medical indemnity costs of the government's planned structure for health practitioner registration. I suppose it begged the question of whether the government had estimated these impacts. If so, those costings should be in the public domain. If not, there is an urgent need for an analysis to take place and be made public.

The Minister for Health claims that the Health Registration Board is not responsive enough to the concerns of consumers, and in some cases there is anecdotal evidence of this. There are some areas that we would agree with in relation to these issues but there is no comprehensive or persuasive evidence that has

been produced by the government to justify the proposed changes beyond a deeply flawed and unrepresentative piece of research which was funded by the government itself to support its case. This research sought the experience of those who had dealt with some boards but concedes that it cannot be sure the sample was representative.

I refer to page 6 of *Bringing in the Consumer Perspective — The Final Report*, which was published in October 2004, and to the heading 'Constraints' in relation to this research depended upon by the government:

> Data is not available as to whether the sample of interviewees was representative of the population that lodges complaints with registration boards. The profile of the 60 interviewees was certainly not typical of the general population of health care users.

So much for the research. The provisions of this bill are complex but I will try to summarise them.

In summary this bill repeals the 12 individual health practitioner registration acts and creates a new act that creates the 12 boards with reduced and very different powers — more like 12 mini-boards. The membership of these boards will consist of at least 9 and not more than 12 members nominated by the minister. At least half of the members must be registered health practitioners in a health profession regulated by the board. One must be a lawyer and three must be persons who are not health practitioners. Generally the president and deputy president will be members of the profession, although a procedure does exist for this to be otherwise in special cases as outlined on page 136 of the bill. It also creates an overarching legal process for hearing of serious disciplinary issues.

There are new definitions of professional misconduct which are developed. The Victorian Civil and Administrative Tribunal (VCAT) plays a very important and significant role in relation to the operation of boards. VCAT will hear cases of serious professional misconduct following a filtering process undertaken by the relevant boards. This is a very new part of this whole scene of the operation of these boards. Some matters may be referred to the health services commissioner. Minor matters will be handled internally by the boards; informal hearings that boards currently run will be replaced by health panels that deal with practitioners who may be unwell or incapacitated, and we do not have a problem with that. There will be professional standards panels to deal with conduct or performance-related matters. The boards will decide which matters are handled internally and which are referred to VCAT.

However, new rights are created for notifiers or complainants to request a review of the decision of the responsible board. Where such requests occur, an investigation review panel must commence a review or report, either affirming or otherwise the decision of the board to handle the matter internally and not to refer it to VCAT. There is an issue around the rights of practitioners, given that notifiers have these rights. Tribunals will consist of at least three members, of whom at least two must be health practitioners with professional qualifications in a health profession regulated by the board that is a party to the proceedings.

It is claimed that the new system will be more transparent, with reasons required to be given for the decisions of the responsible board. Further, boards have a capacity to take a more dispute-settling and mediation role. Of concern is that notifiers or complainants have the right to examine the decision making of boards but practitioners are not able to challenge the decision of the board and refer a matter to VCAT, so health practitioners are put at a disadvantage.

Additionally VCAT has very wide powers and provisions following hearings or appeals with regard to practitioners and students, registration and conditions of registration, which are outlined in detail on page 85 of the bill. There are some typing definitions and descriptions of registered practitioners and greater powers than exist currently to prohibit the practice in relation to disciplines of deregistered practitioners.

The very worrying part of this bill, and the part which we and all health professional bodies oppose, means that the minister will gain powers to intervene in registration matters and to prescribe qualifications for registration. Subclauses (2), (3) and (4) of clause 5 provide a significant suite of new powers which may be used to weaken the quality standard of health practitioners. Clause 5(2) states:

> The responsible board must have regard to any general or specific directions of the Minister before it approves or refuses to approve a course of study or require a period of supervised practice that qualifies a person for general registration as a health practitioner.

Clause 5(3) states:

> The responsible board must not, without the written approval of the Minister, approve a course of study or require a period of supervised practice that qualifies a person for general registration as a health practitioner if the board is satisfied that the approval may have a substantive and adverse impact on the recruitment or supply of health practitioners to the work force in the health profession regulated by the board.

In other words, if it looks as though there will not be enough people graduating out of a particular course for

a particular type of health practice, this minister will have the power to dumb down a course to allow more people through. I think that is absolutely outrageous. Clause 5(4) states:

> The Minister may —
>
> (a) grant approvals for the purposes of this section; and
>
> (b) give a responsible board general or specific directions about approvals of courses of study or requirements for supervised practice if the Minister —

et cetera.

The board will additionally require the minister's approval for codes of practice or guidelines. Here we have a minister with complete control — and I suppose a complete knowledge of all these things — of qualifications for registration or the scope of practice of registered practitioners.

Provision is made for the endorsement of the registration of some professions, such as nurses in relation to division 2 nurses and the administration of medication, optometrists, podiatrists, Chinese medicine practitioners, pharmacists, dentists, medical practitioners and others. Most of these have been transferred from the old legislation, although I understand that optometrists and one other group have a larger scope of practice.

Provisions in the Pharmacy Practice Act regarding ownership, operation and dispensing are all replicated in the new bill. Professional indemnity insurance will be required by boards as a condition of registration. As I have noted, several professions gain an enlarged scope of practice. There are transitional arrangements which largely allow boards and finances to roll over into the new structures. As I said previously, in relation to the operation of the act, the government does not plan that this bill will come into effect until July 2007. Therefore the reason for the government's haste seems somewhat misplaced. That is one of the main reasons for our reasoned amendment.

Despite the long process associated with this review of the health practitioners' registration, the precise proposals in this bill have not been discussed widely within the community and have not been discussed widely amongst health professionals. Many of them, particularly some groups of health professionals like psychologists, have started to respond. After finding out what was actually in this bill, some of the groups, particularly psychologists, have been very agitated indeed about its effects. Of course, members will have received a large amount of mail from health professionals who are concerned about this legislation. While there are legitimate health work force issues, we believe the minister's new powers to direct boards regarding registration, codes and guidelines risk lowering standards.

We support consumer protection and consumers being represented on boards. We also support the need for a better process to ensure a better balance between the rights of consumers and health care providers — for instance, particularly in areas like the management of complaints, timeliness in relation to those issues and whether complainants are properly informed about the way their complaint is going.

However, the concern that we have is probably replicated in Queensland, for instance, where it is suggested that similar provisions may have contributed to the collapse in standards associated with the Bundaberg Hospital. Many would recall the dreadful issues in relation to Dr Patel, who was an overseas doctor. We believe health practitioner standards should rightly remain with the boards, free of political interference. We believe the new and more legalistic structures involving overarching Victorian Civil and Administrative Tribunal control of serious matters and the rights of review and second-guessing to be made available to notifiers may well have very high cost implications. We believe a balance needs to be struck between the rights of the consumers and health care practitioners, and it appears the government has not struck this balance.

There is a view developing amongst many professions that further significant changes to this legislation will probably be needed in the future. Although the departmental officers have provided some cost estimates, their cost estimates are only that there will be a 4 per cent increase in registration fees. Of course they are only looking at the cost implications for VCAT and not the other cost implications. Many of the boards have done calculations, and they believe the true increase in costs could be up to 50 per cent of registration fees. This is of great concern.

There is also a risk that the culture of health practitioner regulation in Victoria will be changed fundamentally as greater legal involvement is generated and notifiers are able to at no cost force a cascade of reviews. The end result, the Liberal Party believes, may well be that those patients with difficult and complex requirements may find it hard to obtain treatment because practitioners fear a more litigious and review-driven attitude as a result of this legislation.

The government appears not to have costed the impact of the new legal structures on medical indemnity

insurance, and given the problems experienced nationally with medical indemnity insurance in recent years, there is probably a fear that this would open a can of worms. The Liberal Party believes such costings should be in the public arena. There are also questions as to how the registration of students will operate, although the bill makes it clear that once a student starts clinical practice they must obtain registration. This is not clear, and I think the minister should give some explanation of how this will operate, because it is apparent that with some courses there is clinical training occurring very early in the course while with other courses it occurs later, but the minister needs to make this clear.

There are specific issues relating to a psychologists registration board, because many psychologists hold registration under the current act but are not health practitioners. They include educational, organisational and other non-clinical psychologists. The government appears not to have understood the impact on these practitioners and to have offered no feasible alternative approach that would accommodate the legitimate questions these psychologists raise. Under clause 11(2) they are merely to be classed as non-practising psychologists. I do not think that is something they are one little bit impressed with, and the minister has not bothered to talk to them about this issue. The minister certainly has not got their compliance on this issue.

All professional groups raised the forced passage of this bill as an issue and believe broader consultation should occur. At this point I would like to refer to some of the submissions that have been received and some of the concerns that have been raised by some of the most important health professional bodies here in Victoria. I refer first of all to a submission by the Australian Medical Association in relation to the minister's powers. It says:

> We have concerns about the extension of the powers of the minister in the bill with respect to qualifications for registration and also in relation to subsection 119(2). The new section 5 substantially alters the requirements for general registration for medical practitioners. Indeed it is now akin to the requirements in place pre-1994, which were replaced so as to reflect a national acceptance that qualification from an Australian Medical Council-accredited medical school and the completion of a period of supervised practice was the appropriate standard. The new subsections 5(2) and (3) which require the board to have regard to directions, or obtain the written approval of the minister, raise the spectre that a minister may require the board to accept lower standards for registration, which would not only be unsafe but presumably would also derail efforts to establish a national register and portability of medical registration.

I believe the minister should listen to the experts in the field to understand what her legislation is going to do. In relation to the board's role, the AMA says:

> The boards have been given the power in the new bill to try to resolve less serious matters through a conciliation and counselling process with the consumer. While this may allow for sensible and timely resolution of complaints, it indicates a substantial misunderstanding of the boards' role, which is to maintain standards, not to resolve consumer complaints.

In relation to the VCAT tribunal it says:

> Our main concern in relation to the establishment of a VCAT tribunal is that the costs to the boards will increase and that these costs will then be passed on in registration fees and thence on to the patients.
>
> We are also concerned at the high level of the fines that are mooted. Fines of $50 000 (a considerable increase on the $2000 maximum fine under the Medical Practice Act) are punitive in nature and clearly excessive. Under what circumstances would such a fine be justified?

In relation to procedural fairness it says:

> We have already drawn attention to the legal anomalies inherent in the rights of review of decisions accorded to notifiers.
>
> The rights of review on the investigative outcomes listed in the bill are surprisingly based on an apprehension of bias within the boards. It is extraordinary that the bill should assume such a bias in a group of people who have been selected and appointed by the minister of the day.

And finally:

> This is a bizarre denial of the right of the practitioner to procedural fairness, and we urge you to bear in mind that the only person in these proceedings entitled in law to procedural fairness, or natural justice, is the practitioner.

Four boards submitted a letter to the minister. They were the Australian Dental Association, the Pharmaceutical Society of Australia, the Australian Physiotherapy Association and the Australian Medical Association. They raise serious concerns in relation to sections 5 and 119 in particular. They say:

> Our interpretation of the intention of these sections is that they transfer very significant and unprecedented powers over professional training and standards to the responsible minister.
>
> The sections appear to enable a minister to override the registration boards and national training accreditation authorities on courses of study, periods of supervised practice codes and guidelines on professional practice. In particular we are concerned [that] an inappropriate use of the proposed ministerial powers could have a detrimental impact on professional standards and the quality of health care available to the Victorian community.
>
> This change seems also to contradict the Productivity Commission's recommendations to establish uniform national qualifications requirements for the health professions using an

> expert advisory mechanism similar to those already used via the Australian Medical Council and the Australian Dental Council.

And so it goes on. The Australian Psychological Society raised a number of concerns, and I will go through them in point form. The first refers to:

> … the intrusive powers invested in the minister in setting professional standards and qualifications —

which have been raised by all the other boards. The second is:

> … the inevitability of increased costs from a number of aspects of this legislation.

The third is:

> … about half the currently registered psychologists in Victoria are not health workers and cannot be ethically or legally described as health professionals.

The fourth is:

> … the extension of the bill's coverage from health professionals to non-health professionals is, we believe, ultra vires.
>
> The stated purpose of the bill is to regulate the health professions, not any of the non-health professions. The problem with psychology is that some of its subfields are 'health' and other subfields are 'non-health'. Bringing the non-health subfields into health regulatory legislation is legally contentious: it amounts to expansion of the scope of the bill beyond the objectives stated for it, without the full recognition by the Parliament of that effect.

The society is also concerned about:

> 5. [a] failure to provide specialist endorsement for psychology …
>
> 6. [the] dubious capacity of VCAT panels to provide fair and appropriate judgments on professional matters …
>
> 7. [the] loss of consumer and legal representatives.

I would also like to quote from a letter from the Pharmaceutical Society of Australia. It says in relation to the bill:

> This can have far-reaching effects on the professions. For example, a move by the profession to increase levels of specialisation can be overruled by the minister as we would expect the board to recognise those specialisations in its registration process. Decisions such as these by the profession are made in the interests of providing better quality services to the community.
>
> There are no safeguards in this legislation to ensure that the minister will use these powers appropriately. It appears that this is an attempt to control work force issues through the registration boards. We understand the need for continual assessment of the work force and work practices, but this is an inappropriate use of the registration board as it is not their primary role —

and the society raises the issue of the cost of the legislation.

Finally, there is a submission from the Australian Physiotherapy Association, which says that:

> … the association has sought clarification from Minister Pike as to why section 5 of the bill provides for new ministerial powers in relation to ministerial approval of courses of study and requirements for supervised practice and why section 119 provides for new ministerial powers in relation to ministerial approval of any guideline or code dealing with qualifications, supervised practice, examinations for registration, a scope of practice or a scope of registration in a division of the register. The APA fears that such provisions could be abused at some stage in the future under the guise of achieving work force flexibility to reduce standards and deliver lower quality health care at reduced costs.
>
> … the APA does not support the lowering of professional standards as a cost-containment exercise or as a short-term solution to structural work force problems.

There are a lot more submissions, all of which point to the fact that health professional bodies do not support this legislation. They believe the minister has gone far too far and that there has not been appropriate consultation. Apart from the reasoned amendment, opposition members have some specific amendments in relation to this bill, and when we get to the consideration-in-detail stage their concerns will be reflected in those amendments.

Basically they involve the amendment or deletion of those clauses giving additional ministerial power. They involve the deletion of psychologists from the new structure, and I think the minister should look at taking these issues into account.

Mr Perton — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

The Nationals amendments circulated by Mr DELAHUNTY (Lowan) pursuant to standing orders.

Mr DELAHUNTY (Lowan) — I rise on behalf of The Nationals to speak on the Health Professions Registration Bill. This is a contentious bill that seeks to introduce a common system of registration for health practitioners and a common system for investigations and hearings relating to professional performance, professional conduct and ability of registered health practitioners to practise. The Nationals have consulted widely with all associations, federations, guilds and

boards covered by this bill, and before I continue I want to thank departmental officers for the briefing given to me in preparation for the debate tonight.

By way of background, we know that this bill replaces 12 separate acts with one act to cover all health professionals. The acts cover people wanting to register as health practitioners, whether they be chiropodists, dental care providers, medical practitioners, nurses, optometrists, pharmacists, psychologists and many other professionals. There are currently, as we know, 11 registration boards that will continue to operate under this act, but there will be some changes to board numbers. The bill also establishes a Medical Radiation Practitioners Board.

The bill transfers responsibility for the conduct of formal hearings into matters of serious unprofessional conduct from the 12 separate registration boards to the Victorian Civil and Administrative Tribunal. The legislation also contains new rights for suitably trained podiatrists to prescribe restricted medicines and streamlines administrative procedures for approving drugs prescribed by suitably qualified optometrists and nurse practitioners. Under this bill, ophthalmologists employed in certain cities will be able to prescribe spectacles without a referral from an eye doctor or optometrist.

The bill also gives greater powers to the minister to approve board-issued codes and guidelines, to appoint up to half the members of the boards from non-practitioners, to appoint non-practitioners to office-bearing positions, and also to approve changes to qualification requirements for registration that may have a substantial and adverse impact on the recruitment of a supply of health practitioners to the work force.

It reforms the complaints handling and disciplinary processes of registration boards, as this is said to improve accountability and flexibility. One aspect that we are supportive of is the clarification of the regulation of midwives — that is, the power of the nurses board to endorse division 1 registered nurses using the title ‘midwife’ and to grant specific rather than general registration to midwives who graduate from direct entry midwifery courses, limiting their scope of practice to midwifery only.

As has been highlighted by the lead speaker for the Liberal Party, many professional groups are not happy with this bill. These include psychologists, nurses, the Australian Medical Association and the pharmaceutical society. There are many concerns, including increased costs, time and red tape. With the Victorian Civil and Administrative Tribunal’s involvement there are some concerns regarding skills, the greater time required to go through the process and costs leading to increased registration costs which will therefore be passed on to consumers. Victoria has high standards, it has reasonable costs, it has good boards and it also has the commissioner, who plays an important role. The reality is that the major part of this bill will not commence until 1 July 2007.

The Nationals intended to move a reasoned amendment. I would like to describe it to the house because of its importance to some of the people who have spoken to us. We did not want this debate to happen until the autumn sittings of 2006, because we believe there is a need for further review and proper consultation to address what have been described to us as serious flaws in the legislation. These include the registration of all psychologists as health psychologists, the increased ministerial powers, the lack of procedural fairness and also the cost implications. We have not seen the financial data that others have been briefed on. We also intend to move two other amendments that are included in the list that has been circulated. They aim to remove the extension of powers to the minister and to provide legal representation at hearings of health panels, an issue raised with us by many organisations. If these amendments are not accepted by the government, The Nationals will be opposing this legislation.

In Victoria — and in fact, throughout Australia — all health professionals have to be registered to work. This registration aims to protect the community by ensuring the quality and safety of health service provision. Victorians, and particularly country Victorians, are entitled to health services provided by top-quality health professionals. In Victoria regulatory arrangements are the key component in ensuring that consumers are protected and that they have confidence that our registered health professionals are well qualified to do the difficult job they have to do. In the event of poor performance or unprofessional conduct, our registration boards have the responsibility of investigating these complaints, imposing sanctions and/or assisting the practitioner to address any difficulties affecting their ability to practice. Therefore, it is important to have up-to-date and appropriate legislation in place.

I am aware, in terms of the background of this bill, that a review was started in 2002. In 2003 a discussion paper was released, and I am informed that 120 submissions were received. There have also been a number of studies. In April this year a further options paper was released. Now the bill has been introduced. Various organisations which I have highlighted are still

not happy, particularly in relation to the increased powers of the minister, the increased costs which will flow on to the consumer, procedural fairness and psychologists being registered as health psychologists. There are also concerns of inconsistency with other state laws.

This bill does not take effect until July 2007, so why the rush? Why the haste? Why not have a national approach, especially as the minister has been involved in meeting other health ministers across Australia, including the federal minister? After all, Victorians, and in fact all Australians, want and need consistency in standards and enforcement. We are a very mobile society these days, and many health professionals move across state borders and around Australia, so I believe it is important to have a national consistency in these laws.

In the time I have to cover the amendments proposed by The Nationals I want to speak briefly on, first of all, the registration of all psychologists as health psychologists. I have received an email from Rebecca Carmichael, a psychologist in the Grampians region of the Department of Education and Training, who states:

> I wish to express my serious professional concern and personal alarm regarding the registration of health professionals act currently tabled before the Parliament. This legislation fails to respond to the needs of all psychologists who wish to be registered in Victoria in that it treats all psychologists as if they are health psychologists … Clause 11 of part 2 of the bill creates the absurd situation where such people would have to register as non-practising health practitioners. Such psychologists actually work as organisational, sport, education, research or forensic psychologists —

and they also work in many industries.

> Despite repeated representations to the Department of Human Services regarding this issue, the legislation has failed effectively to address the anomaly.

That letter is similar to a lot of letters and emails I have received from other psychologists across Victoria.

Another one I have received is from Professor Lyn Littlefield and Dr Helen Linder. It really highlights similar concerns, but it also says that the AHMAC data quoted by the New South Wales Minister for Health in the national mental health report of 2004 indicates that the total health psychology work force employed in state and territory departments is of the order of 1300, yet there are over 20 000 registered psychologists in Australia. Again it highlights that there are many working outside the health sector.

In relation to the extensions of ministerial powers, the Australian Medical Association's Dr Mark Yates, who I know is working in Horsham at the moment, has written to the minister. I have a copy of the letter that went to the minister regarding concerns about ministerial powers. I want to highlight a couple of paragraphs from that:

> We have concerns about the extension of the powers of the minister in the bill with respect to qualifications for registration and also in relation to subsection 119(2). The new section 5 substantially alters the requirements for general registration for medical practitioners.

Subclauses 5(2) and (3) require the board to have regard to directions or obtain the written approval of the minister. The letter goes on to say:

> When coupled with the new provision [section] 119(2), the professions and no doubt the boards are concerned that standards and quality of care will suffer. The standing of the professions will be diminished as a result …

So again the Australian Medical Association (AMA) has concerns.

John Ilott, the chief executive officer of the Pharmaceutical Society of Australia, has raised similar concerns. His letter says:

> Sections 5 and 119 allow the minister to overrule the registration boards if in the minister's opinion decisions made by the board may have an adverse effect on the supply of professionals …
>
> This can have far-reaching effects on the professions.

It goes on to say:

> There are no safeguards in this legislation to ensure that the minister will use these powers appropriately.

That letter also covers some of the cost concerns. There are many others, including a letter from the Australian Nurses Federation (ANF). The other amendment we have here is in relation to legal representation. We have heard the views of the AMA and the nurses. I have received a letter from Lisa Fitzpatrick, the secretary of the Victorian branch of the Australian Nurses Federation, who says about part 3:

> I have two important concerns relating to the bill. They are as follows:
>
> 1. Part 3 investigations and panel hearings.
>
> S 62 and s 66
>
> That a health practitioner called before a panel hearing is not —

and I underline the 'not' —

> entitled to legal representation …

Ms Pike interjected.

Mr DELAHUNTY — That is true, but we are saying that in modern law and for reasons of natural justice we believe it is now appropriate for there to be legal representation.

Ms Pike interjected.

Mr DELAHUNTY — We believe it should be allowed. I will just finish the letter from the ANF. It says that:

> … a health practitioner called before a panel hearing is not entitled to legal representation, even though these panel hearings may lead to decisions being made of serious consequence to the health practitioner, for example, restrict and/or suspend registration.

Those are the concerns, and we believe it is appropriate at this stage to allow this to happen. I know it says in the bill that they can, with the approval of the panel, have legal representation. We do not believe that should be up to the panel; it should be up to the practitioners before the board. They are not allowed to now, unless they get approval from the board. We believe it is now an appropriate time to change that. The legislation has been there for many years, and it is time for a change.

Many other concerns were raised in our consultations about the large increase in costs, but I do not have time to go through them in detail. We have been given no details of costing. We know that some were talked about by the member for Mulgrave, but again we know that the department and the minister have details on the likely impact of the costs. Where is this so-called open and transparent government? It talks about consultation, so why does it not want to pass that information on to other parties?

Mr Andrews interjected.

Mr DELAHUNTY — The Parliamentary Secretary for Health says it is an oversight! Concerns have been raised with the government and with us about the large increase in costs and about those costs being passed on to consumers, but he says it is an oversight.

There are also provisions in this legislation that The Nationals welcome, including the right of suitably qualified health professionals such as nurses, podiatrists and optometrists to prescribe restricted medicines. We also welcome the ability to prescribe spectacles and the clarification of the regulation of midwives, and I spoke about that earlier. We also welcome the greater flexibility in the complaint management process and in the rights of appeal. Overall The Nationals are concerned about the serious flaws in this bill. From our point of view we believe we need to postpone this contentious legislation. There needs to be further consultation with the community and with the various health professions. I have only highlighted a few of the letters of concern that have been sent to us.

Nurses, doctors and psychologists have also asked us why this government is trying to rush this legislation through when it will not take effect until July 2007. It is now 12.10 on Wednesday morning, and we are here rushing this legislation through in the last week of Parliament.

An honourable member interjected.

Mr DELAHUNTY — We are pushing it through. As we know, the government has control of both houses of Parliament, so it can afford to do this. It complains about the federal government controlling both houses, but it is doing exactly what it criticises the federal government for doing. Because it has the numbers it can thumb its nose at the doctors, the nurses and other health professionals, and also the public.

Mr Andrews interjected.

Mr DELAHUNTY — The member cannot add up either! I have received much feedback in relation to this legislation. The Nationals, as members know, supported the pharmaceutical legislation that changed some of these things, and we appreciate that a lot of this is modelled on that. But following the consultation we have had, we believe it would be appropriate for the government to wait until the autumn sittings next year and adjust the serious flaws in this legislation in the meantime.

There are particular concerns about too much power being handed to the minister. I will not go through some of the concerns that have been raised with us — the lead speaker for the Liberal Party can raise some of those — but major concerns have been raised by a lot of professionals that this legislation will give too much power to the minister on a political whim or whatever.

Ms Pike — They should go and live in New South Wales or Queensland. It is half what they have got there.

Mr DELAHUNTY — That does not make it any good. New South Wales and Queensland have nothing to brag about in relation to health. We have a lot of things to be proud of here in Victoria. It is important to get the balance right and to make sure that we get this legislation right, particularly as it does not take effect until July 2007. For those reasons we were going to move a reasoned amendment, but that has been

overridden by the Liberal Party's reasoned amendment. We have circulated some amendments and we look forward to the government's support. If the government is not prepared to support those amendments, The Nationals will be opposing this bill.

Mr ANDREWS (Mulgrave) — I am pleased to rise in support of the Health Professions Registration Bill, which represents a better balance between the needs and interests of consumers — the Victorian community — and the rights and interests of practitioners. The changes before the house that we are debating this morning are all about better balance and helping to put professional practice in this state on a sound footing for the future. I want to run through the main elements of this reform package — and that is what it is, a fundamental reform package — the process that has brought us to this point and seek to address in some detail the concerns raised by the members for Caulfield and Lowan, although we will move to consideration in detail a little later.

Firstly, I will comment on the process that brought us to this point. There has been a reasoned amendment moved and another reasoned amendment attempted in relation to a lack of consultation — we should delay, we should wait, we should do it tomorrow, we should do it next year because there has not been appropriate consultation. That is absolute rot. A detailed discussion paper was released in October 2003 following an independent review, public forums were held, and then 120 submissions were received by the department in response to that discussion paper. There were detailed briefings and discussions with departmental officers and others, and I am told there were more than 50 and probably closer to 100 meetings or other discussions. There have been any number of opportunities for people to raise concerns and have them dealt with. A further options paper was released in April 2005 detailing some 70 options. The notion that there has not been appropriate consultation on this reform package is absolute nonsense and ought to be put to bed right now.

I want to make the point before I move off the process that brought us here that in all of that process of consultation there has been no submission from the Liberal Party and no submission from The Nationals. They are voyeurs on the sidelines, independent commentators rather than participants. They have undertaken no hard work to actually propose a model that might work better. Instead, they involve themselves in criticism, carping and whingeing, ill-informed as it is, from the sidelines. As I said, this is all about getting a better balance between the rights and interests of consumers and those of practitioners.

The bill establishes a single Health Professions Registration Act to replace the 12 separate acts that currently regulate the health professions in Victoria. I think it is fair to say the current system is quite complex. The multiple pieces of legislation are to a degree inefficient and difficult to maintain and amend. That creates inconsistencies and a whole range of other difficulties. This streamlined process where we have one act is a much better, more efficient way to move forward.

Secondly, the bill transfers responsibility for conducting formal hearings into matters of serious unprofessional conduct, and they are very serious matters indeed. They will move to the Victorian Civil and Administrative Tribunal (VCAT). This reform is important in relation to the separation of powers in that it separates the investigation and prosecution functions undertaken by boards from that of hearing and determining disciplinary matters, and that is important. That is a logical reform, one we are proud of and one that will improve transparency and ultimately decision making and community confidence in those very important processes. It is important to note, however, that despite that reform the principle of peer review in disciplinary decision making is preserved. We are happy to put forward changes that preserve that feature of the overall system. Panel hearings within VCAT will be constituted by at least three persons, two of whom must be from the same area of practice as the person answering a charge, if you like.

Thirdly, the bill replaces the informal hearings function of the current legislation or the current system with a professional standards panel and a health panel. These panels will come from and be comprised of members of individual boards, as they are now. That is important also.

The bill introduces a new right of review for complainants who are aggrieved by a board decision — but importantly, it applies to a decision to not investigate a matter or a decision to take no further action following an investigation. That is important. I think the honourable member for Oakleigh, who will follow me in this debate, will detail to the house one such instance of where the decision to take no further action was of great concern. This is where a good deal of the public angst comes from, and that reform is important in terms of transparency.

The bill increases the number of non-practitioners appointed to individual boards but at the same time preserves, by at least half, the number of practising members of or people from that particular profession. It will be a fifty-fifty split, and that is appropriate. I talked

about balance, and that is exactly what that is — a better balance between consumers and practitioners and the way in which we register professional practitioners in this state, drawing from a wider pool of knowledge and experience.

The bill also establishes limited requirements for boards to obtain the minister's approval of codes of practice or guidelines, qualifications for registration or the scope of practice of registered practitioners. Again this is about balancing the way in which the overall health system operates with the needs and interests of an individual profession, and that is no easy task. The limited powers that have been granted to the minister in this reform package are all about balancing those needs. It is not easy, but it is important.

I refer to some of the work force shortages that the member for Caulfield spoke about, where she said that people with chronic and complex conditions are not able to access care. Work force shortages are absolutely a barrier to people accessing care. If the Minister for Health, who has overall responsibility — —

Mrs Shardey interjected.

Mr ANDREWS — The member for Caulfield has had her go.

Mrs Shardey interjected.

Mr ANDREWS — Let me pick up on the interjection. Let us talk about being out of context. The member for Caulfield went on with a whole lot of dross about dumbing-down courses and the new powers that I am speaking about leading to a Dr Death scenario and that somehow Bundaberg would be repeated here — scaremongering, ill-informed rot, absolute rubbish that brings no credit on the member for Caulfield or indeed the debate of these important measures. So I pick up on the interjection of the member for Caulfield. The notion of people not getting care, work force shortages and there being barriers to care are exactly that — barriers to care.

These reforms will improve the way we manage work force shortages. They provide for limited powers, and a good example of where these powers might be used is that currently psychology boards from all states around Australia are undertaking a process to develop national standards. The boards are considering increasing the training requirements from six years to seven years. That would add an additional year of supervised practice to the undergraduate course. There would be a situation where suddenly — for a year — there would be no graduating class. We have already faced some shortages, and there would be a situation where that problem would simply be manifest. How can that be a good thing for people requiring a responsive, contemporary, modern health system that can meet needs in a complex age?

In those circumstances it is absolutely appropriate for the Minister for Health to have a view and to be able to put that view to and enter into discussions with the board about whether there would be an adverse effect on the work force, on supply and on care for ordinary Victorians. That is exactly what these powers enable the minister to do, and that is appropriate in terms of providing appropriate care to the people in our community who need it. It is the minister's job to run the entire health system and sometimes there is some competitive tension between that objective and the aims and objectives of individual boards. These powers will help to manage that tension and provide a better system that is more responsive to the needs of the Victorian community.

In relation to costs — and I will be delighted to come back to some of this in the consideration-in-detail stage — officers of the department have spoken with boards, received estimates of costings and provided those estimates to the Honourable David Davis in another place and to the member for Caulfield. I apologise that they were not provided to the member for Lowan, but we are happy to provide that information prior to the consideration-in-detail stage.

That rigorous and thorough process of modelling, not on our figures but on figures provided by boards, sees this incredibly terrible situation where registration fees might actually come down by 3 per cent or 1 per cent, or go up by as much as 5 per cent. This ill-informed scaremongering does nothing to advance this debate and deal with these serious issues and serious matters. There will be no 50 per cent increases at all. Do not take my word for it; that has come from boards which are in a position to know. We have provided that information to those concerned.

Time is against me, but I will be happy to come back to some of the criticisms launched by the member for Caulfield or the member for Lowan. I will say in conclusion that with greater balance, greater transparency and a more efficient legislative framework, consumers and practitioners across Victoria will be much better placed to provide better care and to receive better care under the new arrangements proposed here tonight. I commend the bill to the house as a thoroughly good reform package.

Dr NAPTHINE (South-West Coast) — I rise to support the reasoned amendment from the member for

Caulfield and to respond to the member for Mulgrave. The member for Mulgrave outlined a process whereby there have been a number of meetings, discussion papers and option papers. As a result of that process we now have a bill before the Parliament which will become the legislation. Various options and proposals have been put in the discussion papers, but the bill reflects the shape of the legislation, and for many people it is the first time they have seen what the shape of the legislation will be.

Many people have only briefly seen the proposed legislation. Many professionals in my electorate have raised concerns about a number of issues, and they are asking for an appropriate amount of time for this to be considered. I would have thought it would be in the interests of all Victorians for this significant legislation, which affects such a range of important health professionals, to be done properly. I would have thought the Parliament, the minister, the secretary of the department and the parliamentary secretary would want that, and therefore hold it over to allow it to be considered by all the professionals it covers — and we are talking about doctors, nurses, dentists, dental technicians, advanced dental technicians, chiropractors, osteopaths, optometrists, podiatrists, physiotherapists, pharmacists, psychologists, medical radiation technologists and Chinese medicine practitioners.

Other professions may be covered as well; I may not have been as comprehensive as I should have been. However, it is incumbent upon us to let all those practitioners out in the field have a look at the actual bill before the house and make comments so that we can get it right. We need to get it right in the interests of protecting the public of Victoria. That is what I think we should be about and that is what I urge the government to do. That is why I support the reasoned amendment.

It is foolhardy to rush legislation through that is large, comprehensive and significant. That is why I am concerned that at 12.30 a.m. on the first day of the last week of the spring sittings of Parliament we are rushing this legislation through when many people who are practitioners in this field, who have great expertise, great skill and great experience, have not had a chance to read it thoroughly, consult with their colleagues and peers on it and give positive feedback.

A number of concerns about the bill have been raised with me by various people who said they would like more time to look at it further. They are concerned about the proposed cost increase of this new system — this cost to the health industry, to professionals, to the Victorian Civil and Administrative Tribunal (VCAT) and to all the parties concerned. They are particularly concerned that this legislation could lead to a significant lowering of professional standards. Nothing is more important to health professionals and to health consumers in Victoria — that is, all Victorians — than that we maintain the high professional standards that this state is proud of and has worked hard to achieve over 150 years.

We have a good track record of a range of health professionals providing high-quality services to our community, administered by various professional boards. That has worked well in the interests of consumers of health services in this state. It is a concern when health professionals say that this new model poses the real risk of lowering professional standards. We should take that into account. The minister should not mouth the words ‘That’s rubbish’ and ignore the comments of many health professionals — and many health professionals in my electorate are saying that. She needs to listen to those people.

There is a real concern about an increasingly legalistic approach, with the Victorian Civil and Administrative Tribunal (VCAT) being the main mechanism to deal with serious complaints. This may not get the best results in terms of providing proper health standards and a proper approach to dealing with health practitioners, including ensuring that they are properly supervised, monitored and policed by their peers. There is also a concern about increased costs to professionals. I am also concerned that the diminishing role of the health professionals boards will lead to a reduction in the professional leadership which has been provided by those boards. Many of them have provided real leadership in their professions, including in the broader sense and not just in the strict sense of supervising the health professions. As one role diminishes, so will the other.

I am very concerned about specific clauses in the legislation, and I am especially concerned — and I express the concern of many health professionals in my electorate — about clause 5, which unfortunately provides opportunities for the minister to significantly change or lower the standards of health professionals. Clauses 5(2), 5(3) and 5(4) set dangerous precedents. We have a strong tradition of health boards setting the qualifications and requirements for health professionals, and it has worked well. Here we have a situation where the minister may direct boards to lower standards. Because there is a shortage of doctors, the minister may direct the boards to lower standards for doctors, nurses and physiotherapists — and that is an absolute disgrace. It is a retrograde step. No minister should tell the health professionals boards what standards they should apply.

They should be set by the professions in the interests of the public of Victoria, not by a Minister for Health who does not know about professional standards. We have real concerns about clause 5.

I have real concern, as do many doctors, nurses and other health professionals in my area, about clause 119, which allows the minister to direct boards on what guidelines they issue about standards of practice. The minister will be able to tell the dental board what hygiene standards it should use to control infection.

An honourable member interjected.

Dr NAPTHINE — That is what clause 119 says. The minister will seek to protect her interests rather than the interests of the public of Victoria in terms of health standards.

I have particular concerns about psychologists. I have received a number of emails from psychologists who feel they are being unfairly roped into this omnibus legislation. I quote from one psychologist who emailed saying:

> I am a practising psychologist in Warrnambool and Hamilton. I have worked in the Western District as a psychologist for more than 15 years.
>
> I write to you regarding the Registration of Health Professionals Act, which is currently tabled before the Parliament.
>
> … the proposed act includes a number of changes which will have a serious negative effect on the practice of psychology and psychologists in Victoria.
>
> I wish to express my serious professional concern and … alarm regarding the Registration of Health Professionals Act. This legislation requires that all costs … be borne —

and these costs will go up.

Another psychologist wrote to me from the Department of Education and Training. She said:

> I wish to express my serious professional concern and personal alarm regarding the registration of health professionals act currently tabled before the Parliament … Do you realise that in every other state in Australia where this omnibus-type legislation has been introduced for the health professionals costs have escalated between 30 and 50 per cent?

She requests that her views be represented. Other psychologists have written pointing out that many psychologists do not directly work in the health field as health psychologists; 50 per cent work in non-health settings, such as sport, research, industry, schools, tertiary education, community centres and prisons, and they do not believe they can rely on this legislation.

Again, I think that should be considered. There are a number of serious problems and issues with this legislation. The legislation would benefit from being left to lie on the table until autumn next year to allow professionals across the state to thoroughly study it and provide amendments and improvements to it. I believe the Minister for Health would do well to listen to the voice of the professions.

Ms BARKER (Oakleigh) — I wish to deal in particular with the sections of the bill which establish a better separation of powers in the disciplinary processes of boards and for the hearing of serious allegations of professional misconduct by the Victorian Civil and Administrative Tribunal rather than within each board. This reform separates the investigation and prosecution function undertaken by boards from that of hearing and determining such disciplinary matters.

The bill addresses some of the concerns that consumers, and one in particular, my constituent, Mr Hugh Doherty, have raised about the transparency and fairness of complaints handled by registration boards. There is a new right for complainants to seek a review of a board's decision not to investigate a matter or take no further action following an investigation. The bill also includes a range of reforms aimed at strengthening the transparency, accountability and flexibility of the complaints management and disciplinary process. I want to refer in particular to complainants who will have the right to seek reasons for decisions and the statutory requirement for boards to provide periodic reports on the process.

As I said, this issue has been raised with me since December 2000 by Mr Doherty in regard to the matter of his late wife, Betty Doherty, and he has requested that her death be appropriately and fully investigated. Mrs Doherty took ill at home and was admitted to hospital on 4 November 1996. She had also spent some time at a rehabilitation hospital. She was admitted as a patient to the medical ward; at that time she was 65. She suffered a fall in the ward, injuring her head and back, and Mr Doherty has always maintained that this fall occurred due to disregard of the notation on her medical record that stated the need for two nurses for all transfers. Mr Doherty has indicated to me that at the time of the fall a doctor did not see his wife for 6 hours. Scans and X-rays were refused and none were taken.

Mr Doherty then noted that his wife's medical file said, 'In case of cardiac arrest patient is not for resuscitation'. Mr Doherty has all of these medical files, which he has obtained through freedom of information. He has indicated to me that neither Mrs Doherty nor family members were consulted or advised of this notation.

Nine days after the fall Mrs Doherty was transferred to a private room. Three doctors held a case meeting, excluding Mrs Doherty and family members, and a decision was taken by these doctors that:

> … the major goal of her care should be adequate analgesics to keep her comfortable.

I am informed that this decision was strongly opposed by the family and her medical file was noted 'not for resuscitation'. Once again the family was not consulted or advised of this notation. Mr Doherty has indicated to me that treatment was withheld, and the next day a pump was attached and set to release morphine on a continuous basis. Mrs Doherty died while in a coma 17 hours after the commencement of this infusion.

Mr Doherty lodged a complaint with the Medical Practitioners Board of Victoria on 9 September 1997. I have sighted correspondence from the medical practitioners board, dated 9 September, which states:

> Complaints lodged with the board are currently taking approximately eight weeks to be fully investigated, although of course complex cases involve more time.

I have also sighted correspondence dated 23 April 1999 from the medical practitioners board which states:

> The board resolved to endorse the subcommittee's recommendation that pursuant to section 25(1)(a) of the Medical Practice Act 1994 … the matter not be further investigated. The recommendation was based on the board's satisfaction with the doctor's management which pertained to the comfort of the patient, consistent with her wishes.

It took Mr Doherty two years to get a reply. He requested a copy of the recommendation, and that was refused. He then sought it under freedom of information. He was allowed full access to the file relating to the investigation and following that examination of the file he was told that he would be given copies of some of the documents. Within the context of this it should be noted Mr Doherty was unable to obtain any detailed information on the interviews conducted with the doctors. This is because when he was interviewed the process for recording interviews was very detailed.

Mr Doherty's hearing was tape-recorded and notes were taken, which resulted in two and a half pages being produced and documented on record. However, there was a change in the process, even though this case was an ongoing one. It was decided that the process would not be to record interviews in detail but to summarise the interviews for recording. Therefore the documentation on record for the hearings conducted with the three doctors resulted in, as has been indicated to me by Mr Doherty, four short sentences, which then formed part of the documentation he was able to view.

Mr Doherty subsequently made a further submission to the Medical Practitioners Board of Victoria, and he was granted an interview with two members. He received another letter one month later stating that they would not reopen the investigation. He then visited the Victorian Civil and Administrative Tribunal (VCAT) to inquire about his right of appeal and was given an application form and a copy of the act by the senior registrar. He submitted his application along with the required fee and finally felt that he would get his day in court.

A few days prior to the directions hearing taking place VCAT received a fax from a solicitor to the medical practitioners board requesting that the application be summarily dismissed. This was possible as the decision made by the board was a recommendation of a subcommittee to the board, therefore the decision was not taken at a formal hearing of the full board. Whilst this decision is technically correct, it left Mr Doherty with no further options.

I wrote to the Minister for Health in regard to the matters that were raised. I indicated that I felt that the refusal of the medical practitioners board to allow Mr Doherty a hearing by the full board did not provide confidence that practices and processes are open, transparent and fair. I have also indicated that I cannot help but feel that, should the board be satisfied that there is no case to answer, then surely it could have allowed Mr Doherty due process. In some replies from the minister it was indicated that he could take the matters up with both the Ombudsman and/or the Office of the Health Services Commissioner, and he has done this. Again there have been several issues.

Mr Doherty's complaint to the Office of the Health Services Commissioner took two and a half years to investigate. It is necessary to look at this complaint in terms of a complaint against doctors and therefore a complaint to the Medical Practitioners Board of Victoria and a complaint against a hospital. However, the length of time this has taken only intensifies Mr Doherty's concern that he is being thwarted in his attempts to gain due process in the investigation of his wife's death.

This case is a very, very difficult one. It has been going on for a very long period of time, and it is very detailed in its context. Mr Doherty has sought and gained a very large amount of information, records et cetera, and it is not possible to try to include all that detail in the debate on the bill. However, he has consistently called for

changes to section 25(1)(a) of the Medical Practice Act, which enables a person conducting a preliminary investigation into a complaint regarding professional conduct of a medical practitioner to recommend to the medical practitioners board that it take no further action with respect to the complaint, and therefore the jurisdiction of VCAT to review decisions does not come into it.

Mr Doherty has participated in the consultation, the detailed discussion paper released in October 2003 and public forums. He has made submissions and has participated in the further option papers, and I know he has had a lot of dealings with the department. Unfortunately this legislation will not assist Mr Doherty's case, although he has said to me he would hope that nobody else has to go through what he has gone through. I do not think he will believe the changes go far enough. I have to say that I still believe he should have his day in court. Again I indicate that, if the medical practitioners board had confidence in its decision making, it should have allowed Mr Doherty a full board hearing so that he could, if he so desired, take the matter to VCAT. However, Mr Doherty needs to understand that it is not my role as a state MP or a minister's role to direct the current board to reopen a case which it has determined.

As I said, I believe this legislation will address the issues of many of the people who feel they have not had the opportunity or access to due process in terms of an investigation into the death of a loved one. I am pleased with these reforms. Unlike some members opposite, I am very aware of the length of time, the amount of consultation, the amount of detail and the amount of work that have gone into developing this bill. I think the process that will be there to handle complaints against registered practitioners will be more flexible, will certainly be more transparent and will be more accountable; and it will increase the involvement of community representatives in the activities of the health practitioner registration boards to ensure that the public's interests as well as the profession's interests are taken into account.

As I said, I feel very sorry for Mr Doherty. I do not believe he will give up on this. Unfortunately I need to tell the department that I think he will continue. But as I have said, it is not my role to direct the current Medical Practitioners Board of Victoria to reopen a case which it has determined. I encourage it to look at this again, and I hope and think this legislation will ensure that people such as Mr Doherty will not have to undertake this very painful process in the future. I commend the bill to the house.

Mr PERTON (Doncaster) — Like my Liberal Party colleagues I support the reasoned amendment moved by the member for Caulfield and I oppose this bill. In the past few weeks I have received a large number of phone calls, letters and emails from health professionals, including psychologists, who have serious concerns about this legislation. They have entreated me to oppose the legislation and have it sent back for further review and proper consultation. Their basic argument is that the health professions are well regulated. It appears that the thrust of this legislation is about taking control away from the professions, which set high standards, and giving that control to the minister. Indeed it is a true socialist piece of legislation by which control over professional activities is being taken away from the practitioners who uphold those standards and put into the hands of a bureaucracy that is desperate to increase its power and its control over the lives of ordinary Victorians, particularly professional Victorians.

Honourable members interjecting.

Mr PERTON — I take up the interjections from the member for Mulgrave and the Minister for Health. This is a free enterprise society, and typically professionals such as those who will come under the control of this legislation are engaged in their own practices and consultancies. What we have is a Labor government that is determined to impose more regulation and more bureaucratic control over free enterprise and over the lives of highly skilled professionals. It will not benefit the consumers of these services, who will inevitably be frustrated by bureaucratic interference in the relationship between their professional advisers and themselves.

One can ask why this is being done. I think it is about an ideological obsession. Those who have written to me talk about — —

Mr Andrews interjected.

Mr PERTON — I know it is very late at night and that the member for Mulgrave is a little tired and a little testy. Perhaps he could just listen for a change.

Those who have written to me have talked about the intrusive powers being vested in the minister by this legislation, permitting her to set professional standards and determine qualifications for professionals. She wants this power; she is a typical product of the left. Clause 119(2) requires the board to seek ministerial approval for any guideline or code that relates to qualifications, supervised practice or examinations for registration, or the scope of practice of — —

Ms Pike interjected.

Mr PERTON — Do not make a mockery of this, Minister! People seeking representation are here late at night, yet the minister makes a mockery of this house, a mockery of democracy and a mockery of the consultation that ought be undertaken with the professional people whose professional lives are being regulated.

A constituent, Julianna Bonola, who is a probationary psychologist, wrote to me putting a strong case that the legislation is flawed in classifying all practitioners as health practitioners and unfairly distributing costs. She is particularly concerned that the legislation contravenes the principle of the separation of powers in that the Minister for Health is a major employer of psychologists and will also be judge and jury in setting professional standards and professional disciplines.

I quote from Julianna's email:

> The legislation is designed to create protection for the community from any unprofessional behaviour of practitioner groups like psychologists. In its current form, this legislation is managed under the auspices of the Minister for Health. It is very clear, also, that the Minister for Health is the major employer of many of these health professionals.
>
> To have the same minister responsible for protecting the public from unscrupulous professionals and also the major employer of health professionals is a conflict of interest at least.
>
> This is more so for this bill where there is provision in this legislation for the minister to alter professional standards to match work force demands.
>
> I think this violates good parliamentary principle and particularly the notion of separation of powers. It would make good sense to shift the onus for this legislation to at least another department, such as the Attorney-General's office, to improve the appearance of separation.

Those who have spoken to me on the bill are concerned with the failure of the legislation to respond to the needs of all psychologists who wish to be registered in Victoria. Under this proposal all psychologists are treated as if they are 'health' practitioners. Half the psychologists working in the state do not work in health settings and are therefore not appropriately classified under the legislation. One local school psychologist, Sally-Anne McCormack, who also works as a private practitioner, has told me, and I quote:

> Clause 11 of part 2 of the bill creates the absurd situation where people (such as myself) would have to register as 'non-practising health practitioners'.

Sally-Anne McCormack says that psychologists work with sport, education, research or forensics organisations and are found in corporations, industry, schools, tertiary institutions, community centres, prisons, sports clubs and a wide range of private consultancies.

Honourable members interjecting.

Mr PERTON — It would be really good if the public were here at 10 to 1 in the morning to see the Minister for Health giggling away at the table during the course of a serious debate. I agree with the member for South-West Coast that she is a disgrace.

Ross Wall, a counsellor/advocate and another constituent, has written:

> Despite the fact that psychologists are not the primary beneficiaries of this legislation and benefit only in a secondary sense, they are required to bear the total costs.
>
> This not only violates the user-pays principle so regularly touted by governments but also is grossly unfair.

This writer says the major purpose of health profession registration is to ensure the protection of the public from 'unscrupulous' professionals. I quote:

> This legislation further enhances this focus by increasing community and consumer representation in the process. We insist that the government at least share (if not totally bear) the costs.

Psychologists currently pay $336 a year in registration fees and they are concerned about the potential rises and cost implications that may be involved in the implementation of these measures. They have argued to me that in every other state in Australia where this type of legislation has been introduced for health professions, costs have escalated by between 30 per cent and 50 per cent. That is certainly not in the interests of our constituents and those who require the services of psychologists. Departmental estimates have indicated small rises in fees, but those figures have not been made publicly available, nor are these costings open to scrutiny. The increased legal structures and review processes involved in this legislation make it likely that costs will increase, with subsequent impacts on health care.

The ACTING SPEAKER (Mr Nardella) — Order! It is disorderly for members in the gallery to communicate with the Parliament. I ask the honourable member to desist.

Mr PERTON — In the short time remaining to me I will refer to a letter sent to all MPs by Professor Lyn Littlefield, executive director of the Australian Psychology Society national office, Dr Helen Lindner, chair of the APS Victorian state committee and David

Stokes, manager, professional issues, APS national office. They have set out a range of matters which should cause this Parliament to halt its deliberations on this bill and adopt the motion moved by the member for Caulfield to allow this bill to go back for proper consultation. In proper consultation there would be a consideration of the arguments put by the psychologists and an alteration made to the legislation. I quote from the end of this letter. It states:

> The simple solution to these problems is to excise references to psychology and psychologists from the bill.
>
> This will allow the current (and recently revised) Victorian Psychologists Registration Act 2000 to remain in place. This act indisputably covers all psychologists in all fields. It has been working very satisfactorily.

Members are giggling in the house, and I can understand it. They have been enjoying the hospitality of the Parliament until late in the evening, but this is a serious piece of legislation. They are forcing the Parliament to debate it late at night and all we get are giggles and mirth from the government.

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

Mr JENKINS (Morwell) — It gives me a great deal of pleasure to rise to support the Health Professions Registration Bill, but a great deal of frustration to be following on from a couple of opposition members who, as has often been said, would be out of their depth in a car park puddle. These people have come unbriefed and unprepared to discuss the real issues of this bill. This bill does a great number of things, but it does not do the things they claim it does.

What it does do is recognise that the delivery of health care services in this state and across this country will continue to become more complex but the services will be increasingly based on multidisciplinary teams of health care professionals right across the health care spectrum. Those people are going to have a set of common principles that they are all going to have to work under. They all accept that they will have to work under them. They do it at the coalface and around the patients' beds, they do it in the hospitals, and they work professionally in that way.

The consultation that has taken place established that all these people have been operating under a common set of principles, and now we are doing what governments are supposed to do — that is, bringing those principles together and bringing the 12 acts together into one common set of principles so that they can all continue to operate professionally, as we know they do. This new act builds on the strengths of the current structures, but it ensures that there will be consistency, transparency, accountability and flexibility. It would be good for the member opposite to listen, after having talked guff for the last 10 minutes.

Importantly it will work for health practitioners, the registration boards and also the people, the public of Victoria, the patients and the health system of Victoria. It is not just about the health professionals or just about the health system; it is very much about the patients and working for them within a common set of principles.

I did not hear that the current system has until now delivered a perfect system. Is the system incapable of being improved? Of course it is not! Is there something fundamentally wrong with the application of a set of common principles to all those health care professionals under the one act? No, there is nothing fundamentally wrong. Has the system always acted to the full satisfaction of the professionals, the public, the patients or the clients? No, it has not always acted like that — —

Mr Perton interjected.

Mr JENKINS — The member opposite should just pull his head in and listen. Has the system in the past been fully and independently reviewed and evaluated? The answer is no, it has not. This bill brings in that full, independent evaluation. Has it meant that in the past no individual practitioner has been registered or deregistered inappropriately? No, it has not meant that. We need to make those changes; we need to apply a common set of principles, and we need to make sure that those properly involved in the system and the patients, the clients of the system, have representation. Therefore it is quite proper for the minister, for instance, to engage with the professional bodies prior to their making any changes of registration or supervision of internships — all of those very important things which impact on patients. The minister should engage with the professions. They should not work in isolation; they should work as multidisciplinary skilled teams in the whole system, not just around the patients' beds.

Mr Perton — You and your bolshie minister.

The SPEAKER — Order! The member for Doncaster!

Mr JENKINS — I commend this bill to the house.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster can either sit and listen to the debate or leave the chamber.

I call the member for Mornington.

Mr COOPER (Mornington) — Thank you, Speaker. This is a — —

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster is totally out of order. I ask him to apologise to the house.

Mr Perton — You have to sit down for me to apologise.

The SPEAKER — Order! I will stand on this occasion. I ask the member to apologise to the house now.

Mr Perton — Speaker, I still think it is too late at night for the house to be sitting to consider this bill, but in deference to you I apologise for interjecting in response to the comments of the member.

Mr COOPER — As many members on this side of the house have already said, this is a complex bill. It is a bill that in short abolishes 12 current acts and creates a single omnibus act to register 12 professions. I will not run through all of those professions, but included among them are psychologists and it is on that profession that I wish to briefly comment. I, together with a lot of other members, have received significant representations from psychologists in this state regarding the effect of the bill on them and their profession.

As the house has already heard, members on this side of the house have called for a delay in the consideration of this bill because we do not believe either the community or the professions have had sufficient time to examine all of the implications in detail. I want to briefly touch upon some of those representations that have been made by psychologists. Today I received another email which was a summary of everything that has been said by all the psychologists who have been emailing me and other members for some days. It said:

> Around half the currently registered psychologists in Victoria are not health workers and cannot be ethically or legally described as health professionals.

Data quoted by the New South Wales health minister in the *National Mental Health Report 2004* indicates that the total health psychology work force employed in state and territory departments is of the order of 1300, yet there are over 20 000 psychologists in Australia. They work in various industries — business; commerce; manufacturing; government, including the military; education; and in the universities as lecturers and researchers. Most of them are not trained in health psychology, so they would under this bill either not be required to register leaving their fields of work unregulated, or be compelled to register as non-practising health professionals when they are in fact practising, but not as health professionals offering health services. It is an illegal fiction — a legal absurdity — to treat them as non-practising health professionals.

This sums up the issues that we have here regarding the psychologists. It also sums up the lack of endeavour and intelligent consultation that has occurred between the government and this particular group of professionals. It is for that reason that the Liberal Party has said that this bill should be delayed and that there should be reasonable and adequate consultation between the professions — and the point that I am now making — in particular, in regard to psychologists.

This is not the first time that I and other members on this side of the house have stood up and said in this Parliament that there has been inadequate consultation by this government. It has now become the normal method of this government to produce legislation that impacts significantly upon communities or sections of communities. Time after time we have these groups in the community — in this case psychologists — coming along to us and to members of the government saying, 'We have not been consulted properly; you have not taken into account the impact of your proposals on our profession'. Surely it is incumbent upon this government to do that. But what do we have here? Here again we have another bill which is so beloved of this particular government — a one-size-fits-all piece of legislation.

In this case it certainly does not fit the vast bulk of psychologists. They are going to be disadvantaged. They are going to find themselves at odds with this legislation in a significant number of ways. It is not as if we have just had one piece of representation here or a couple of people complaining. It has been across the board. There have been significant representations from this group. They are not saying that they do not want to see reforms to health registration or to the body controlling their particular profession. But they say they want to be part of that and they want to be able to make a contribution to that — and this they have not done.

It would be nonsense for anybody on the government side to say these people are wrong, because to do so would be to say they are lying and they have in fact been consulted. Why would they be standing up now and saying, 'We need to be consulted, and we need to understand what is in the government's mind. We need

to make a contribution to the way in which this legislation can proceed.'? But it needs to take into account the fact that — as I have just said to the house — the vast bulk of psychologists who are working in the profession today are not in fact health professionals. Therefore the government has failed to take that into account.

That is why the Liberal Party is taking the stance it has on this bill and that is why the government should be paying some attention — if not to the Liberal Party, at least to the psychologists who have made these sincere representations. Therefore I urge the government to take those representations into account and do something about them before it makes a complete fool of itself with this legislation.

Mr LEIGHTON (Preston) — I welcome the opportunity to join this debate not only as somebody who has represented a group of registered health professionals — registered nurses — before entering this place but as a person who has sat on one of the registration boards, the Victorian Nursing Council, which was the predecessor of the Nurses Board of Victoria. I think I am entitled to say I am one of the few members in this place who actually has a feel for and understanding of what takes place inside a health board.

An honourable member — Are you still registered?

Mr LEIGHTON — I am asked if I am still registered. The answer is no, because a number of years ago by general agreement reforms were introduced which meant that you could not continue to be registered if you had not practised in a clinical setting for the previous five years. In my case it has been over 20 years, so it would not be appropriate for me to practise without the necessary refresher course — and I think it would need to be quite a lengthy refresher course.

One of the things I learnt in my training and during my time on the board was that the registration of health professionals is very important for the protection of the public. It is critical we set standards which we are confident have the necessary levels of competencies for health professionals, that they are accountable and that they have a body of ethics. These are all the things you look for in a profession.

I can state that during my time on a registration board I spent countless hours poring over the board's curriculum and debating clinical standards. Unfortunately and increasingly, we were consumed by disciplinary matters. I can also state that I am confident most health professionals and most registration boards demand a very strong standard of accountability from their practitioners. Unfortunately, during my time I found myself increasingly sitting on disciplinary boards when, for instance, registered nurses were charged after having stolen drugs of addiction to feed their habit.

While you could approach it with some compassion and understanding, it was nevertheless quite inappropriate that those persons be allowed to continue to practise. One thing I noticed during my time on that nurses board was the increasing tendency of practitioners being charged to attend the hearings with legal representation.

I can recall one barrister who attempted to bamboozle the panel with a series of legal challenges. I am quite comfortable about the transfer of the more serious cases to the Victorian Civil and Administrative Tribunal. I think it will bring consistency. It is important that such hearings have a mixture of legal practitioners and the particular health professionals from that discipline. All in all I am comfortable with the legislation.

I would like to just finish off with a couple of comments specifically on nursing. I listened to the member for Caulfield talking about the dumbing down of the health professions and I find that an affront. What is holding back nursing is quite simply the fact that the federal Liberal government is not providing enough places in universities and colleges to train nurses. That is what is going to dumb down the profession and that is what is going to lead to a decline in patient-care standards. The transfer of nurse education from the old hospital-based system to universities was one of the greatest developments in our health system, but the federal government is not supporting that transfer with sufficient places. The opposition, which sacked nurses when it was in government, has the hide to come in here and talk about wanting to maintain standards. The opposition sacked nurses; we support nurses and we re-employ them. The opposition would be better off spending its time trying to persuade its federal colleagues to restore places in universities to train nurses.

The final comment I want to make is specifically on mental health. One of the issues that I and others have been warning about for a number of years is that, like me, the practitioners in the field are ageing and retiring and they are not being replaced by people with the necessary experience in psychiatry. There is a need for direct-entry courses for undergraduates to specialise in psychiatry, or the provision of postgraduate psychiatric nursing courses or a major in nursing, but there is a

need to do a lot more to ensure that there are trained mental health professionals coming through the system.

I would love to talk further but I do not think I will be allowed to, so with those comments I support the bill.

Dr SYKES (Benalla) — I wish to raise three concerns in relation to the Health Professions Registration Bill. The first one concerns the increased powers of the minister putting at risk and lowering professional standards; the second relates to increased costs and the sharing of those costs or the sharing of the burden of who wears those costs; and thirdly, regarding limiting access to legal representation for practitioners at panel hearings.

I draw upon a number of letters I have received in relation to this matter. The first one comes from Coleen Crutchfield, a clinical and forensic psychologist at Benalla. She raises two concerns: one relates to the apportioning of costs and the other relates to cost escalations. In relation to the proportioning of costs she says:

> … this legislation requires that all costs engendered by the psychology registration …

panel —

> in the conduct of their duty be borne by the psychologists registered under this act. Despite the fact that psychologists are not the primary beneficiaries of this legislation and, in fact, only benefit in a secondary sense, they are required to bear the total costs. This not only violates the user-pays principle so regularly touted by …

the government —

> but is also grossly unfair.

Coleen Crutchfield goes on to suggest that the legislation is aimed at protecting the public against unscrupulous operators and therefore the general public should meet the costs of the registration rather than the health professionals. In relation to cost escalation, Coleen Crutchfield says:

> … I understand that the revisions of formal hearing processes proposed in this legislation were defended by officers in the Department of Human Services as being cost neutral. However, in every other state in Australia where this omnibus type legislation has been introduced for the health professions, costs have escalated by up to 50 per cent.

Coleen Crutchfield goes on to challenge the Department of Human Services basis and suggests that the minister has not been given full and accurate information upon which to make her decisions.

A letter from the Pharmaceutical Society of Australia in relation to the costs of the new legislation refers to:

> Registration fees for pharmacists have already been increased from $185 in 2005 to $295 in 2006 as the result of compliance with the Pharmacy Practice Act 2004. This is an increase of almost 60 per cent in one year.

They anticipate further cost increases. There appear to be genuine grounds for concerns in relation to the costs. I have another letter from Suzanne Dorrington, who practices as a psychologist at Wangaratta, Shepparton and Wodonga. She has written to both me and the member for Shepparton. The concern she raises is that:

> This legislation fails to respond to the needs of all psychologists who wish to be registered in Victoria in that it treats all psychologists as if they are 'health' psychologists. Are you aware that probably half of the psychologists working in the state do not work in health settings and therefore are not appropriately classified within health legislation?

She then goes on to expand that point of view. The issue is that the matter has been raised. She and other health professionals say:

> Despite repeated representations to the Department of Human Services regarding this issue, the legislation has failed effectively to address this anomaly.

So the consultation process appears not to have taken on board the concerns of the health professionals affected by this legislation. I have similar letters from Sally-Anne McCormack, who raised her concerns, and student James Baker who raised concerns along the same lines.

Another piece of correspondence from the Australian Psychological Society outlines four key concerns. One is that it supports the previous contention of other correspondents in saying that around half the currently registered psychologists in Victoria are not health workers and cannot ethically or legally be described as health professionals. That is a concern that is being reiterated by the society. Another concern is the extension of the bill's coverage from health professionals to non-health professionals, which is, as they say, way beyond the appropriate powers. They also say:

> The Minister of Health is empowered under the bill to set professional standards and continuing professional development requirements and to make other regulatory decisions in pursuit of the … objective of work force planning for the 'health' areas in Victoria.

They are concerned about that extension of power and the implications that may have on professional standards.

Finally, they raise the concern of inconsistency with legislation in other jurisdictions. As outlined earlier in their correspondence, they point out that there will be difficulties with cross-jurisdictional mobility, particularly interstate, of health professionals. From a country point of view, I know that if there is another impediment to getting health professionals to come to country Victoria, then country Victorians will continue to suffer from inadequate health services in comparison with our city counterparts.

Those concerns are being put to me by health professionals affected by this proposed legislation. I therefore wish to support the amendments proposed by the member for Lowan, which are intended to, first of all, limit the increase in the minister's powers to direct boards on standards and codes. Secondly, the amendments proposed by the member for Lowan seek to allow legal representation for health practitioners at panel hearings. To the government I say: listen to the health professionals affected by this legislation, address their concerns and put in place legislation that achieves the intended, stated objectives of the legislators without having unintended and inappropriate consequences for the health professionals, who do such a wonderful job for our community.

Mr McINTOSH (Kew) — I choose to join this debate at this very early hour of the morning; it is 1.15 a.m.

An honourable member — What do you know about the health profession?

Mr McINTOSH — Indeed, I take up the interjection from across the house, what do I know about health professions? The reality is I probably know very little. In fact, it is unusual that I would be debating something such as this, given the fact that I concentrate on things relating to the Attorney-General and industrial relations. However, I am moved to join this debate because, like many members in this place, I have been contacted by at least 30 health professionals from right across the spectrum of the 12 professions that are being rolled into this omnibus bill. No doubt all of those people expressed profound concerns that could be perhaps addressed by the minister and maybe easily dealt with by legislative amendments of those sorts of matters.

But what is fundamental to all these concerns is the inability to deal with this bill in such a short period of time. Yes, this bill has had a long gestation period, but it is a long, complex and detailed omnibus bill that covers 12 professional groups. It is terribly complex and certainly requires proper consultation and a proper consideration of the legitimate concerns that have been raised with me and many others.

I have had the benefit of discussing those matters with my colleague the member for Caulfield and also with the shadow Minister for Health, the Honourable David Davis in another place. Many of them have been dealt with adequately by my colleagues, particularly by the member for Caulfield. In her contribution she identified the concerns, legitimate anomalies and other matters that require proper consultation and consideration. In support of the member for Caulfield's reasoned amendment I also note that this bill is not going to come into operation until July 2007. I see that it is to come into operation on the proclamation date, but it would appear that, because of the long gestation period, it may well be subject to further amendments at some later stage.

Rather than the traditional approach to the way in which legislation goes through this place, which for a complex and detailed bill means you would expect a process of consultation on the draft bill beforehand, we get a bill introduced and banged through this place at 1 o'clock in the morning or even later. Then we are expected to fix up the problems later on, with the government saying, 'Trust us. We will get it right in the end, and you will all be better off'.

A large number of concerns have been raised with me. I will identify one constituent of mine, Prudence Lewis, who, amongst other matters, wrote about psychologists. Her email states:

> Our national professional body, the Australian Psychological Society (APS), made a formal submission to the initial discussion paper in late 2003 and then another submission with the Victorian state committee to the options paper (2005) following a face-to-face meeting with DHS representatives on 17 May 2005. I understand that it was clear, even at that stage, that the government was committed to a piece of omnibus legislation that encompassed all professions into one piece of health legislation — a practice opposed by the APS and expressed to those other states where it has been attempted.

They are her exact words.

> The outcome of the government review was a draft set of ideas upon which legislation was to be based. Despite repeated requests for adequate opportunity to review the draft legislation prior to its tabling in Parliament, the Victorian government has tabled this legislation without providing that opportunity, and it essentially leaves a week or so to influence any change. The APS has many concerns about this legislation and has expressed these repeatedly and consistently, yet these have been largely ignored.

The point that she made very cogently is that while there has been a long gestation and discussions, it

appears the government is stonewalling. It has introduced the legislation and said, 'That's about it', yet this is not due to come into operation until 2007 at the earliest. Accordingly there has been very little opportunity to consult about the detail of the bill and the way it has come about. Indeed many of the health professionals — a large number of them — have raised concerns, and not just the psychologists.

Ms Pike interjected.

Mr McINTOSH — I hear the minister saying, 'Oh no!'. The government is dealing with a piece of legislation at 1 o'clock in the morning after a two-week consultation period. It is 'Oh no!' because it is 1 o'clock in the morning. We do not want to be here! We have to deal with this particular matter at this time because it is the only time it can be raised. I am sorry, but I will say what a number of people have raised with me.

I have a copy of a letter written to the minister from the Australian Dental Association, the Pharmaceutical Society of Australia, the Australian Psychotherapy Association and the Australian Medical Association.

They expressed, as many other members have done, their concern about the possibility of the minister using her direction powers on the registration boards to control the accreditation process — and they are right. The clauses in the bill they are talking about are clauses 5 and 119 in particular. They say:

> The sections appear to enable a minister to override the registration boards and the national training accreditation authorities on courses of study, periods of supervised practice codes and guidelines on professional practice. In particular we are concerned that an inappropriate use of the proposed ministerial powers could have a detrimental impact on professional standards and the quality of health care available to the Victorian community.

Further on in the letter the same group says:

> There are significant concerns that the regulatory regime will increase costs far beyond the estimates made by the department. We are concerned these costs will substantially increase the registration fees charged to practitioners with flow-on effects on the costs ultimately borne by consumers. We request further information on the likely increases in costs associated with the proposed new regulatory regime.

All of these have been reflected in many other ways. But perhaps most cogently I have a letter that was emailed to me by another constituent of mine, again raising a large number of concerns. Christine Wagner is a student member of the Australian Psychological Society (APS). She writes:

> … the bill creates the absurd situation where such people would have to register as non-practicing health practitioners. Such psychologists actually work as organisational, sport, education, research or forensic psychologists and are therefore found in corporations, industry, schools, tertiary institutions, community centres, prisons, sports clubs and a wide range of private consultancies. Despite repeated representations to the Department of Human Services (DHS) regarding this issue, the legislation has failed to effectively address this anomaly.

I say to the minister that we are sorry we are here at 1 o'clock in the morning, but she has dictated when we will be here. These matters have to be raised with her. I know she is bored and is not listening to these representations, but we will continue to make representations to the government about these matters, and to the minister. If she is tired of this, then it is going to get louder and louder.

The appropriate time for consultation is when a draft bill has been submitted to this chamber. Given that this bill is unlikely to come into operation until some time towards the end of next year, or indeed in 2007, it raises the question: why the rush? Why are we here at 1 o'clock in the morning debating this with a petulant minister who is not prepared to listen and is not taking on board all these matters that I, the member for Caulfield and many other people have raised with her. This is the appropriate time to make the concession and to support the member for Caulfield's reasoned amendment to enable appropriate consultation on all aspects of the bill. Minister, if you do not know who I am it does not — —

The SPEAKER — Order! I remind the member for Kew that he should address his comments through the Chair.

Mr THOMPSON (Sandringham) — It is to a degree ironic that we are discussing a health bill at 1.25 a.m. Many of the parliamentary staff, the clerks at the table and the Hansard staff are working into the early hours of the morning, which is beyond what might be judged to be sound occupational health and safety practices.

The bill before the house is opposed by the opposition. The opposition calls on the government to withdraw the bill and allow a suitable further time to gain support from community stakeholders within the health profession. Representations have been received by the opposition from a variety of sources. They include a powerful letter from Professor Lyn Littlefield, Dr Helen Lindner and David Stokes raising concerns about the legislation. They represent an important range of stakeholders in the field, and they have argued strongly that they would like to see the current act, the Victorian

Psychologists Registration Act 2000, remain in place. This act covers all psychologists in all fields, and they regard the legislation as having worked satisfactorily.

I have also received representations from constituents who practise outside the immediate health field. These include Daniel Winik, who works in a school setting; Shelley Wareing, who works as a psychologist outside the health system, and also James Baker. They have raised serious concerns about this legislation. I will not reiterate their specific concerns as their principal issues have been aired by other contributors to the debate earlier in the evening.

However, I point out the anomaly of a health bill being debated at 1.30 a.m., after this government pledged it would introduce acceptable working hours. The members can cope with these hours: they are out in Queen's Hall at present; but it is the parliamentary staff — the Clerks, the Hansard, library and other staff — who are being subjected to unacceptable working hours.

Ms PIKE (Minister for Health) — I thank the members for Caulfield, Lowan, Mulgrave, South-West Coast, Oakleigh, Doncaster, Morwell, Mornington, Preston, Benalla, Kew and Sandringham for their contributions to this debate.

This proposed act will, I believe, maintain the very best elements of our current system. It will build on those elements and be a new act — for a new era and new context — that will be more accountable and ultimately fairer for practitioners themselves, for registration boards, for the health system, for the community as a whole and most importantly for the patients who practitioners deal with. I know we will deal with matters in more detail, so at this stage I commend the bill to the house.

House divided on omission (members in favour vote no):

Ayes, 48

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Buchanan, Ms
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Jenkins, Mr
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Loney, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Maughan, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr
Walsh, Mr
Wells, Mr

Amendment defeated.

House divided on motion:

Ayes, 48

Andrews, Mr
Barker, Ms
Batchelor, Mr
Beard, Ms
Buchanan, Ms
Campbell, Ms
Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eckstein, Ms
Garbutt, Ms
Gillett, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Holding, Mr
Howard, Mr
Hudson, Mr
Jenkins, Mr
Langdon, Mr
Languiller, Mr
Leighton, Mr
Lim, Mr
Lindell, Ms
Lobato, Ms
Lockwood, Mr
Loney, Mr
Lupton, Mr
McTaggart, Ms
Maxfield, Mr
Merlino, Mr
Mildenhall, Mr
Munt, Ms
Nardella, Mr
Neville, Ms
Overington, Ms
Perera, Mr
Pike, Ms
Robinson, Mr
Seitz, Mr
Stensholt, Mr
Thwaites, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

Asher, Ms
Baillieu, Mr
Clark, Mr
Cooper, Mr
Delahunty, Mr
Dixon, Mr
Honeywood, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
Mulder, Mr
Napthine, Dr
Perton, Mr
Plowman, Mr
Powell, Mrs
Ryan, Mr
Shardey, Mrs
Smith, Mr
Sykes, Dr
Thompson, Mr

McIntosh, Mr Walsh, Mr
Maughan, Mr Wells, Mr

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mrs SHARDEY (Caulfield) — The Liberal Party has raised very deep concerns in relation to this piece of legislation. They have raised concerns particularly in relation to the powers that will be granted to the minister under this act. We have raised deep concerns in relation to the power of the minister — —

Honourable members interjecting.

Mrs SHARDEY — We have raised concerns in relation to the power of the minister to intervene in specific qualifications required for the registration of health practitioners and her powers under this bill to give approval to codes and guidelines by individual health boards. We have raised grave concerns in relation to the effect on psychologists and the way they are being drawn into this act. The minister has claimed that on this side of the house we have been ill informed in relation to many of these issues.

If the minister wishes to make this claim, she needs to also make this claim against the Australian Medical Association, the Australian Dental Association, the Pharmaceutical Society of Australia, the Australian Physiotherapy Association and the Australian Psychological Society because nearly all of the issues raised in this debate were from submissions from these organisations or bodies that represent health practitioners. It is an appalling situation when the minister reflects on those organisations and bodies which are at the coalface of health practice in this state. These are the people who understand very well the detail and implications of this legislation. It reflects very poorly on the minister to make this accusation in relation to the issues raised by the opposition and The Nationals tonight.

The minister claimed that psychologists are already registered as health practitioners. That claim is not correct. Psychologists are registered as psychologists, nothing more, nothing less. Some of them happen to practise in health psychology, but many others practise in very many other and different areas such as educational, organisational and neuropsychology and many of these are not health practitioners at all. Therefore the effect of this legislation on those psychologists — —

Mr Leighton interjected.

Mrs SHARDEY — I understand that, but I gave the example of educational and organisational psychologists who are not considered as health psychologists. Someone on the other side is bandying words and trying to split hairs. The point is made and it is a very valid point. In relation to this piece of legislation I at this point have a question for the minister. Will she explain to the house how professional development will work in relation to this legislation?

Ms PIKE (Minister for Health) — If I am to understand the nature of the question, I think what the member for Caulfield is trying to get at is that somehow the increased powers for the minister interfere with the ongoing professional development of the varying health practice groups. This goes to the broader question of the increased powers that are in fact being provided under this legislation.

What is underpinning the objections that have been raised by the opposition, by the Liberal Party and The Nationals, is some view that powers are intended to be used to somehow compromise standards or quality of care. To the contrary, the primary concern is that registration boards in fact carry out their functions in ways that protect the public and promote safety and quality in health care. But it is also important that we have an eye to the broader public interest, and the public interest is that there are highly qualified and trained professionals who are there in adequate numbers with the kind of flexibility that is required to deliver a modern health system.

The bill does not give the minister powers to accredit courses directly. The minister's powers of direction in fact are limited to instances where the approval or requirement would be expected or have a substantive or adverse impact on the nature of health care delivery or the supply of health practitioners. It is not intended that the minister would intervene in every course approval or decision made by a registration board, and it is certainly not intended that the minister would have any role in the provision of ongoing and further education for people in the various health professions. In answer more specifically to the question raised by the member for Caulfield, I do not believe that this bill changes the current system for ongoing or further education.

Mrs SHARDEY (Caulfield) — I think the minister made some assumptions in relation to my question, so I

will ask her another question on this issue. Will the professional development requirements of the boards be rolled over into the operation of this bill, and if those requirements will be rolled over, where in this bill does it say so?

Ms PIKE (Minister for Health) — In answer to that question, there are no substantive changes to the regime of professional development requirements. A lot of matters that are in the purview of the existing individual bills are rolled over into the current bill — for example, all of the work that we did last year or earlier this year on the pharmacy bill has been rolled over into this new bill. The same thing applies for the existing arrangements for professional development.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals I would like to clarify some of the points raised by the minister. The minister does appoint the boards now, and I think it would have been commonsense for them to work with the minister in relation to a lot of these matters. The concerns raised by many health professionals are in relation to the increased powers, and I would like to remind the minister of clause 5(2):

> The responsible board must have regard to any general or specific directions of the Minister before it approves or refuses to approve a course of study …

Clause 5(3) states:

> The responsible board must not, without written approval of the Minister, approve a course of study …

Again, it highlights the fact that contrary to what the minister said, she will have influence on what study courses these people will be doing. I also want to cover the point under clause 1 because the parliamentary secretary has given me a copy of the cost estimates which say the maximum increase could be 5 per cent. The minister highlighted that the pharmacy bill went through this house earlier this year. I have got a letter here from the Pharmaceutical Society of Australia which states:

> Registration fees for pharmacists have already been increased from $185 in 2005 to $295 in 2006 as a result of the compliance with the Pharmacy Practice Act of 2004. This is an increase of almost 60 per cent in one year.

If that is a template for what is going to happen with all the others, we can understand the concerns being raised by many. We need to go back and consult on this because of the increased costs which will no doubt be passed on to consumers. I refute the matter of there being not a very large increase in costs, but refer particularly to the concerns of the many organisations of the undue influence of the minister in relation to courses being done by these health professionals.

Ms PIKE (Minister for Health) — The clause that the member referred to goes on to qualify that:

> (3) The responsible board must not, without the written approval of the Minister, approve a course of study or require …

Then it goes on to say that:

> if the board is satisfied that the approval may have a substantive and adverse impact on the recruitment or supply of health practitioners to the work force in the health profession regulated by the board.

This really goes to the heart of the broader responsibility the minister has for protecting the public interest and making sure that there is an adequate supply of health practitioners who practise in a competent, safe and ethical manner. The example that has been provided in the contribution by the member for Mulgrave is of a health profession which is in the process of determining that an additional year of internship would be required before accreditation to that profession would be provided. That decision was not made with any consultation with any other groups — it certainly was not nor could it have been because it is a matter of consultation at the moment. And yet that untested, undiscussed decision would potentially have a very significant impact on the supply of that particular group of practitioners.

So this qualified responsibility is in the public interest. It really empowers the minister to enter into dialogue with a registration board about whether its decision was in the public interest, having consideration of the health system as a whole rather than it being from the perspective of just that individual health profession. I think that is a most appropriate role that a minister should be undertaking.

Regarding costs, let me talk about the methodology for determining the costs. Officers of the Department of Human Services have undertaken a detailed costing study which estimates, firstly, the impact of transferring formal hearings to the Victorian Civil and Administrative Tribunal, which results in a reduction of costs to some boards and a slight increase — —

An honourable member interjected.

Ms PIKE — Medical psychology and chiropractors.

An honourable member interjected.

Ms PIKE — The boards themselves, in fact, have. These estimates were calculated using information

supplied from individual registration boards relating to the costs of conducting formal hearings, and including the number of hearing panels, the number of hearings, the number of panel members who have sat on each hearing, the average duration of hearing, the sitting fees paid, the administrative costs and the legal costs. Similar data was also obtained from VCAT in order for comparisons to be made.

I have confidence that the costings are in fact quite robust and that the allegations that there will be substantial cost increases do not stand up to other scrutiny.

Mr McINTOSH (Kew) — In relation to the scheme of the act — and I am talking about the registration — it certainly would appear to be an offence to be using the term 'a registered health practitioner'. But in relation to, for example, the use of the word 'psychologist', can any person use the word 'psychologist' as a title? If they are totally unqualified, are they able to use that word 'psychologist'?

Secondly if a person is professionally qualified but not registered are they able to continue to practise as a psychologist, noting that it is an offence for a person to say they are a registered health professional when they are not registered? But certainly the scheme of the act is to ensure there is some proprietary interest protection of the professionalism of the name 'psychologist'. To repeat the question: can an unqualified person practise in Victoria as a psychologist, and if a person is professionally qualified but not registered are they still able to call themselves a psychologist in the state of Victoria and practise?

Ms PIKE (Minister for Health) — You cannot use the title 'psychologist' and practice — —

Mr McIntosh — Unless you are registered?

Ms PIKE — Unless you register.

Mr PLOWMAN (Benambra) — Could I take that question a stage further? If you are psychologist and not registered, living and practising in New South Wales but with a percentage of work in Victoria and that work is not related to health issues, can that person who is still working in the education industry — we have a lot of psychologists coming from New South Wales into Victoria specifically for non-health psychology — still operate as a psychologist in Victoria?

Ms PIKE (Minister for Health) — Regardless of whether you are a psychologist working in the health area, in the education area, in the sports area or in business or whatever, you cannot call yourself a psychologist and practise as a psychologist in Victoria unless you are registered as a psychologist in Victoria.

Mr McINTOSH (Kew) — Is there any mechanism of mutual recognition under this regime? We have recently passed a substantial amendment to the law affecting the legal profession, for example, which incorporates into that arrangement recognition of interstate practitioners. In fact you are registered here in Victoria as an Australian legal practitioner and have a right to mutual recognition around the country. Is there any scheme under this regime that would enable interstate practitioners to be recognised here in Victoria or would they have to be registered separately if they practised?

Ms PIKE (Minister for Health) — There are no changes to the current provisions in regard to that question.

Mr PERTON (Doncaster) — I refer to clause 1(b), which states that the purpose of the bill is to:

> protect the public by providing for the registration of students of the health professions and investigations into the suitability of those students to undertake clinical training.

Can the minister describe to the house the investigations that currently take place into the suitability of students to undertake clinical training and what changes she proposes to make?

Mr ANDREWS (Mulgrave) — I am advised that student registration currently operates for medical students, dental students and pharmacy students. It is important that the student registration operates in those three fields. That is an important part of their training so that they can make an appropriate contribution, be properly trained and practise a high standard once they have qualified. As I understand it, there is no substantial change to that. That registration will then be available across all the 12 professions regulated by this bill. I think that is an important step forward to make sure that those who undertake training are properly registered while they undertake that training. That is just another example of how this package of reforms is a sensible set of measures to put professional practice in the state on a much sounder footing moving forward. It strikes a better balance between the needs of consumers and the needs of those who practise.

Mr PERTON (Doncaster) — I can follow that. What was said was that this will address all the professions that are now regulated under the act. For instance, I ask in respect of psychology students what investigations will be undertaken into their suitability to undertake clinical training, what burdens will be placed

on those students and what requirements will be placed on them?

Ms PIKE (Minister for Health) — We have already answered that.

Mr PLOWMAN (Benambra) — I would ask the minister whether, if there is no mutual recognition between the states on the registration of psychologists and a Victorian psychologist who is not registered in Victoria wishes to practise in New South Wales, which occurs at the moment, that would be an offence.

Clause agreed to.

Clause 2

Mr PERTON (Doncaster) — This clause gives very broad powers to the minister in relation to the proclamation of the remaining provisions. What are the minister's intentions in relation to the proclamation of the provisions other than clauses 1 and 171(2), and will they come into effect on 1 July 2007 or some earlier date?

Mrs SHARDEY (Caulfield) — I think it would be appropriate for the minister to explain to the house the rationale for this legislation coming into effect the year after next.

Ms PIKE (Minister for Health) — There will be a period of implementation.

Clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Mrs SHARDEY (Caulfield) — I move:

1. Clause 5, page 14, lines 7 to 33, omit all words and expressions on these lines.

This would delete lines 7 to 33 on page 14 of the bill, and would specifically delete clauses 5(2), 5(3) and 5(4). I would like to comment on these clauses, because 5(2) is very different from 5(3) and 5(4). Clause 5(2) will give an enormously broad power to the minister, and I think it is this that greatly concerns people. The clause says:

> The responsible board must have regard to any general or specific directions of the Minister before it approves or refuses to approve a course of study or require a period of supervised practice that qualifies a person for general registration as a health practitioner.

As I said, that will give the minister enormous powers once the bill is passed. I will ask a question, and maybe the minister will illuminate the issue in response. Clauses 5(3) relates to the issue of what happens:

> … if the board is satisfied that the approval may have a substantive and adverse impact on the recruitment or supply of health practitioners

I talked before about the attitude of this government towards boards and colleges for the training of specialists. There seems to be an attitudinal problem, because the minister feels she should control the number of graduates who go through our universities and colleges of specialist education.

These clauses reflect all of that attitude, which I think is most unfortunate, and a lack of trust of the boards to make decisions in relation to the sorts of standards necessary to ensure proper treatment of people in all areas of health. It raises huge concerns. It has been raised by every one of these health professional bodies in relation to this issue. On that issue I would like to therefore ask the minister whether this clause 5 would have allowed the registration, for instance, of the Bundaberg Hospital's Dr Patel?

Ms GARBUTT (Minister for Community Services) — I have been listening to contributions to the debate by many members in the house for quite a long time. I distinctly heard the Minister for Health answer that question several times before.

Honourable members interjecting.

Ms GARBUTT — Yes, we have. This is just about the opposition's stringing out the debate for some sort of grandstanding purpose. There are strong qualifications in these clauses that are pretty clear to anyone who cares to read them carefully. In addition the minister explained them very carefully herself: 'if the board is satisfied' and 'if the minister is of the opinion'. These are very strong qualifications.

Mr Perton interjected.

Ms GARBUTT — The opposition is not reading the whole of the clause — —

The DEPUTY SPEAKER — Order! We can do without the running commentary from both sides of the house and allow the minister to continue her contribution.

Ms GARBUTT — Some very strong and obvious qualifications are built into this bill so that the Minister for Health is able to ensure that there is good public health provided. This is about what the public gets in terms of a high-quality health care system. It is pretty simple!

Mr DELAHUNTY (Lowan) — This is an amendment similar to what The Nationals were proposing. From my reading and understanding of the bill, clause 5 in part 1 is very similar to provisions on the Pharmacy Act, but clauses 2, 3 and 4 are new ones. It might be all right to criticise members of Parliament in here because we are not all health professionals. We have had letters from the Australian Medical Association, the Pharmaceutical Society of Australia and the nurses who are concerned about the powers that the minister has. We are reflecting that in these amendments today.

It has already been highlighted by other members that we have a very high standard in Victoria. We do have high standards. I have not heard of too many problems being raised about the standards of health care in Victoria or the standards of the health professionals in delivering health care. At this stage I have not been given enough reassurance to be able to say why the minister needs these powers from the point of view of any of the concerns here. I highlight again what I said in my speech earlier tonight: where is the national consistency in relation to this? If we are going to have this type of thing we need to make sure that we do not have a different standard for professionals in Victoria as compared to other states.

I heard the minister highlight the position of Queensland and New South Wales. No way known do we want to go down to their standard. We want to keep the high standard Victorians have had for many, many years while this legislation has been in place. That is why we are supporting this amendment, which is very similar to the amendment prepared by The Nationals.

Mr McINTOSH (Kew) — Just so the Minister for Community Services is aware of why we are here at 2 o'clock in the morning, this is the only time the government will make available to us the opportunity of debating this matter. Apparently tomorrow we will not be able to do so; we will be doing media commitments or be otherwise engaged. If this matter were adjourned until tomorrow we would be delighted to continue debating the bill, but we have to do it tonight because we have been told that this is the only time it would be debated.

This is a bill that deals with 12 professional bodies. There have been two weeks to debate the issues of this bill. A number of matters have been raised by a number of different groups in relation to this bill. One of the concerns is the potential control by the minister of these boards. Indeed, given the fact that the minister has said the slow periods between the passage now and 18 months time when it comes into operation relate to implementation issues, we are not really told what those implementation issues may or may not be.

One of the implementation issues may well be to get the qualification for general registration right to ensure that it accommodates the needs of those professional associations with the minister's intention to get through this omnibus bill. But all of that should be done in the proper way of consultation. The appropriate way would have been to do it with a draft bill that could have been left to lie around for 18 months and then dealt with. But, no, we are going to have this bill rammed through tonight. So the only time we have to raise these matters in relation to qualification for general registration — —

Honourable members interjecting.

Mr McINTOSH — It is not political grandstanding. It is political oppression that we have to deal with it at 2 o'clock in the morning and that this is our only opportunity to debate it. I call upon the minister to provide an indication of what implementation matters are going to be debated inside the government about the qualifications for general registration; and if they are inadequate, clearly it must support the amendment moved by the member for Caulfield.

Mr PERTON (Doncaster) — We did not get an answer from the minister in respect of clause 2, but I think the Parliament deserves an answer in respect of subclause (2) of clause 5, and that is:

> The responsible board must have regard to any general or specific directions of the Minister …

Seeing that that has been drafted I ask the minister or those supporting her what is intended to be made in terms of general or specific directions of the minister; the government must have something in mind in the drafting of this subclause.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I call the member for South-West Coast. I am hoping he will be the only contributor as this stage, not a raft of contributors at the same time.

Dr NAPTHINE (South-West Coast) — This is an area of major concern for health practitioners in my electorate. I rise to raise these concerns in the discussion of this clause. The clause heading is 'Qualifications for general registration'. Nothing could be more fundamental in terms of ensuring we have high standards of health practitioners than making sure that those people whom we register as health practitioners meet the highest standards possible to service the public

of Victoria. That is what it is about — protecting the public of Victoria by having absolutely the highest standards of health practitioners registered.

I will pick one of the acts that is being abolished by this bill in order to make a comparison. This was brought to my attention by medical practitioners in my electorate. They point out that section 6 of the Medical Practice Act 1994, which is also entitled 'Qualifications for general registration', makes it very clear that for a person to be registered under the existing Medical Practice Act they must be a graduate of a medical school accredited by the Australian Medical Council and must have successfully completed an internship. There is a range of other provisions for people who are from overseas to be registered if they pass certain Australian Medical Council rules.

There is nothing — I repeat, nothing — in section 6 of the Medical Practice Act that provides any scope for the minister to change the standards of registration of doctors in Victoria. Yet in this bill subclauses (2), (3) and (4) of clause 5 provide absolute power for the minister to lower the standards of qualifications needed by medical practitioners to practise in Victoria.

I am concerned about that, the public of the South-West Coast electorate is concerned about that and the medical practitioners in my electorate are concerned about that, because they have faith in the current system, which has specific rules about who is allowed to be registered as a medical practitioner. We might have a situation where you have conditions which apply in clause 5(4) and where the minister seeks to lower the standards to meet what she perceives to be a shortfall of medical practitioners in the area. I do not accept that. I think that if a medical practitioner is qualified, they ought be qualified to meet the standards under the current Medical Practice Act. I do not want the minister lowering the standards of medical practitioners who operate in country Victoria simply because this minister believes that is the way to overcome a shortage of medical practitioners there. There are other ways to overcome those shortages than by lowering the standards.

Clauses 5(2), 5(3) and 5(4) are specifically about this minister lowering the standards of health practitioners in Victoria, and I think that is a retrograde step. It is not in the interests of the good health of the people in Victoria; it is not in the interests of good health professional administration, and it is not in the interests of the health services in Victoria. If this is not the intent of the minister, then she should support the member for Caulfield's amendment, delete those references and allow the health professional boards to set the standards for their profession in the interests of the public of Victoria. That is what should happen.

That is what happens under the current Medical Practice Act, which has served us well, and that is what should happen in the future. I am absolutely appalled by any government or any minister wanting to lower the standards of health professions and health professionals servicing the people of Victoria. This minister stands condemned for wanting to lower the standards of health professionals in the state.

Mr PERTON (Doncaster) — Again I ask the minister — and the member for Mulgrave has scurried to the adviser's box — that as we have in clause 5(2) — —

Ms Pike interjected.

Mr PERTON — Yes, I am. How many years have you been here, Minister?

The DEPUTY SPEAKER — Order! The member for Doncaster can speak twice, but it must be on the clause.

Mr PERTON — The minister has refused to answer the question about what general or specific direction she has in mind. I think the member for South-West Coast is quite right. As shadow education minister I see constant attempts by the government to lower standards. Even this year in respect of VCE English and in respect of physics and the sciences, which are the underlying courses of study for medical practitioners, this government has been trying to lower standards. There is every indication that it wants to lower standards.

Ms Pike interjected.

Mr PERTON — The minister is interjecting as I speak. I invite her to get to her feet and speak after I have concluded, but I ask her again — and those in the gallery and those from every health profession and the consumers of the health profession reading *Daily Hansard* will also ask — what the general or specific directions are that she intends to give.

Mr LEIGHTON (Preston) — What a lot of nonsense! I can recall directions being issued to the Victorian Nursing Council, the precursor of the nurses board, back in the 1980s under the act that predated the 1993 act. They were directions on matters such as registration fees when the nurses board attempted to put the registration fees up by more than the consumer price index (CPI). The Cain Labor government stepped in and issued a direction to restrict the rise in registration fees to the CPI — a very good move.

I recall that the nurses board was also directed to slow down on the appointment of a new chief nursing officer. Most importantly I can remember that the board was instructed to set up registration committees in psychiatric nursing and mental retardation nursing. They were all about increasing standards, not lowering standards. Those standards were overturned and thrown out the window when members opposite got in in 1992. We have raised nursing standards every step of the way, while members opposite sacked nurses and lowered nursing standards. Shame!

Dr NAPTHINE (South-West Coast) — This issue is fundamental to the whole bill and it would be appropriate for the minister to respond to the concerns raised by health professionals in the community.

Ms Pike interjected.

Dr NAPTHINE — You have had an opportunity to speak and I would urge you to get to your feet for this.

The DEPUTY SPEAKER — Order! The debate will be directed through the Chair. The member for South-West Coast, without assistance.

Dr NAPTHINE — I urge the minister to get on her feet after this because this is fundamental to the whole issue. Nothing is more fundamental to the — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Ballarat West! The discussion at the table is also distracting the debate. The member for South-West Coast, without assistance.

Dr NAPTHINE — There is nothing more fundamental to the Health Professions Registration Bill or any bill about this issue than ensuring the quality of health profession standards in the state of Victoria and the delivery of health services. Nothing is more fundamental to that than the process of registration of those health professionals and making sure they have the appropriate qualifications and skills to ensure they deliver effective health services to those who require health services from those health professionals. As I have pointed out, if you look — —

Ms Lindell interjected.

Dr NAPTHINE — I am very sincere about it, because it is fundamental. As I have pointed out, the Medical Practice Act specifies what is required for somebody to be registered as a health professional, as a doctor, in terms of their qualifications, their experience and their skills. Yet this legislation leaves it open for the minister to lower those standards. I am very concerned about that. The health professions are very concerned about that. The public of Victoria is very concerned about that. We seek from the minister some comments on why this is being introduced. What is the raison d'être for introducing the minister's interference in what has been a fundamental role of health profession boards for time immemorial? Health profession boards have been setting the standards for qualifications and the registration of health professionals. Why does the minister now wish to interfere in this fundamental process of setting the standards that ensure Victorians have the highest quality standards from health professionals whether they be dentists, doctors, chiropractors — veterinarians are not covered by this legislation.

Ms Lindell interjected.

The DEPUTY SPEAKER — Order! The member for Carrum is out of her seat and being disorderly.

Dr NAPTHINE — There is a significant shift from what is in the Medical Practice Act of today with regard to specific rules about registration and qualifications and the opening up that is provided for in clauses 5(2), 5(3) and 5(4). Therefore we seek from the minister an explanation of why she is moving in this direction and why she is threatening the high standards of health professions we have in this state. Why is she moving towards lowering standards? Why is she moving towards jeopardising the health services provided in Victoria?

Why is she allowing her interference to perhaps lower professional standards and qualifications in terms of registration? This provides that opportunity, but we should not have that opportunity. There should be no opportunity for a minister to interfere. The Medical Practice Act provides no opportunity for the minister to tell a medical board who it should and should not register. That is not the minister's prerogative but under this bill it is, and I seek an explanation from the minister as to why she is seeking that prerogative to lower health standards in the state of Victoria.

Mrs SHARDEY (Caulfield) — I would like to support my colleagues in asking the minister to address this issue. Perhaps it would be helpful to the minister if she heard the words of the president of the Australian Medical Association (AMA), and the issues he raises in relation to this legislation. For a start, he says the new section 5 substantially alters the requirements for general registration for medical practitioners. He says:

> The new subsections 5(2) and (3) which requires the board to have regard to directions, or obtain the written approval of the

> minister, raises the spectre that a minister may require the board to accept lower standards for registration, which would not only be unsafe but presumably also derail efforts to establish a national register and portability of medical registration.

Substantial issues are being raised. The minister is sitting there looking bored stiff, but we would like her to address the questions that have been raised by the AMA and by the member for South-West Coast.

Mr DELAHUNTY (Lowan) — I wish to quickly say — I will not take my 5 minutes — that the reality is that we want the minister to guarantee that she will not lower the standards of health professionals.

Ms Garbutt — It was your side that lowered standards.

Mr DELAHUNTY — I will keep going as long as you want.

The DEPUTY SPEAKER — Order! The member for Lowan.

Mr DELAHUNTY — Under this legislation there is no excuse. There is no opportunity or safeguard in this legislation. If this gets through it will have far-reaching effects on the professions. One of the letters we have received says they are fearful that this is an attempt by the minister to control work force issues by using this type of legislation. Again, we are asking the minister to guarantee there will be no lowering of standards of health professionals.

Ms PIKE (Minister for Health) — We have heard some rather impassioned contributions from members on the other side who have been trying to make themselves relevant to this debate — a debate, I might say, that they had every opportunity to enter when there was a public submission process out there. There was not one word or one contribution from the Liberals or The Nationals — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The members for Doncaster and Mulgrave will both come to order. That behaviour will not continue to be tolerated. If it is repeated the appropriate action will be taken.

Ms PIKE — They had the opportunity but they have only just turned their attention to this bill at the last minute. They are now wasting the time of the house by grandstanding on an issue of which they have little understanding. They are also seeking to impose a value system on this government which it completely rejects. In fact, the member for Doncaster — —

Mr Perton interjected.

The DEPUTY SPEAKER — Order! I ask the member for Doncaster one more time to observe the forms of the house.

Ms PIKE — What they are trying to suggest is that the power of the minister to act in the broader public interest, which is the absolute intention of this bill — to act in the broader public interest — is somehow a veiled attempt to compromise standards or quality of care. Nothing could be further from the truth. The primary concern is that registration boards carry out their function in a way that protects the public and promotes safety and quality in health care services. That means that their standards must be consistently upheld, but they must also take into account the broader public interest when they exercise their functions. They cannot act unilaterally as if they are not part of an overall system and it is my responsibility as minister to see that they take into account the overall health system — that is my responsibility — and that the impact of decisions that they make is cognisance of the impact of that overall system.

We know that the health system is constantly changing: we know that new technology, the ageing of the population and changes in work practice are constantly bringing about the need for us to reflect on the nature and style of the work force — and no one profession can act in isolation. As the member for Morwell reminded us, it is a collaborative environment, and it is important that these boards are able to understand the broader concept and enter into a dialogue over matters — as I reiterate — that may have substantive and adverse impact. The discretion is up to the board to make that determination.

The member for Lowan has asked me to give a guarantee that we will not lower standards. I am happy to publicly give that guarantee to the house. This is not about lowering standards; it is about using the limited power that is provided in this bill to allow the minister to assist the boards and take into account the broader public interest. I do not apologise for that, and I do not apologise to the people of Victoria, to whom I am responsible for providing a good, solid, public health system, for acting in their interests and for making sure that the boards also act in the broader public interest.

Dr SYKES (Benalla) — In taking on board the minister's assurance that it is not her intention to use this legislation to lower the standards, and given the grave concerns on this side of the house that the bill as written enables that to happen, why can we not have a change to prevent — —

Honourable members interjecting.

Dr SYKES — Why can we not have the concerns of this side of the house addressed and written in rather than just having the verbal assurance of the minister?

Mr BATCHELOR (Minister for Transport) — I move:

That the debate be now adjourned.

House divided on Mr Batchelor's motion:

Ayes, 48

Andrews, Mr	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Campbell, Ms	Lockwood, Mr
Carli, Mr	Lupton, Mr
Crutchfield, Mr	McTaggart, Ms
D'Ambrosio, Ms	Maxfield, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Mildenhall, Mr
Eckstein, Ms	Munt, Ms
Garbutt, Ms	Nardella, Mr
Gillett, Ms	Neville, Ms
Hardman, Mr	Overington, Ms
Harkness, Dr	Perera, Mr
Helper, Mr	Pike, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thwaites, Mr
Ingram, Mr	Trezise, Mr
Jenkins, Mr	Wilson, Mr
Langdon, Mr	Wynne, Mr

Noes, 22

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Cooper, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Dixon, Mr	Shardey, Mrs
Honeywood, Mr	Smith, Mr
Jasper, Mr	Sykes, Dr
Kotsiras, Mr	Thompson, Mr
McIntosh, Mr	Walsh, Mr
Maughan, Mr	Wells, Mr

Motion agreed to.

Debate adjourned until next day.

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

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Melbourne Sports and Aquatic Centre: redevelopment

Ms ASHER (Brighton) — The issue I have is with the Premier. At this late hour, past 2.30 a.m., the action that I am seeking is for the Premier to reconsider the answer he gave to a question on the Neil Mitchell 3AW program on 8 November regarding the Melbourne Sports and Aquatic Centre with a view to correcting the public record on this matter. The Premier was asked a question on the program in relation to the Melbourne Sports and Aquatic Centre and he said:

The Melbourne Sports and Aquatic Centre is on schedule.

The Premier also went on to say that it was:

… well within our budget arrangements.

The facts of the matter are — and I have advised the house previously of this — that this project is $10 million over budget and this project is late. The budget was initially set at $50 million. The minister subsequently advised the Public Accounts and Estimates Committee that the project would be $51.2 million, and budget information paper 1 tabled in this house in the last sitting week finally confirmed that $60 million would be the amount allocated for this project, in part because of a change in design to accommodate a gum tree, rather than the leaks which the government maintains will be picked up by the builder.

The lateness of this project is a cause for some concern. Initially construction was to be started in late 2002. It was later changed to December 2003, and the final design was not released until January 2004. However, according to documents released to the opposition under freedom of information entitled *Report to the Premier: Major Project Delivery Report*, dated December 2003 — given that it was produced for the Premier I assume he would have seen it — this particular major project was meant to have been completed in March. At the time the Premier received this report he was advised that this project would be completed in August. Basically what we have here is a report which indicates that the Premier certainly was provided with advice that this project was to have been completed in March.

The Premier has a tendency to say the first thing that comes into his head and I would request of him a

correction of this grossly inaccurate material provided to the Neil Mitchell show. The Premier has the opportunity, since he does this show every week, to correct the record. As with all other major projects, this project is not only late but also $10 million over budget. The Premier should correct the record.

Mental health: nurses

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Health and I ask that she takes action to support and implement the eight recommendations from the mental health and psychiatric nursing task force. In particular — I will not read all the recommendations at this late juncture — recommendation 1 says:

> The task force recommends that a comprehensive nursing program that offers a major in mental health be run as a demonstration project by at least one university and in at least one rural and one metropolitan site to assess its viability in both settings, and that this demonstration project be evaluated.

Recommendation 1 is critically important to implement and evaluate. Those who have met the secretary of the Health and Community Services Union (HACSU) — I know many people in this place have — would understand the passion of that union for addressing the inadequacies in the current graduate comprehensive training program with respect to mental health psychiatric nursing. The task force was launched in February this year and was ably chaired by the Parliamentary Secretary for Health, the member for Mulgrave, and I personally thank him and other members of the task force for their efforts. HACSU presented a detailed paper to the task force detailing a number of options for reforming mental health psychiatric nursing training.

In many of the current undergraduate programs mental health nursing constitutes a very small percentage of the course, and consequently this appeared to be another disincentive for people to enter the mental health nursing area. There is an obvious lack of people entering this vital area of the health sector, and I hope these recommendations go a long way towards solving this issue. There have been failed calls for reform to nurse education over the years, and I now urge the minister to quickly adopt and implement all the recommendations of the task force.

Roads: irrigation structures

Mr JASPER (Murray Valley) — I have a matter for the attention of the Minister for Transport and, in his absence, the Minister for Community Services, who is at the table. It relates to the interpretation of the Road Management Act and the difficulties that have been expressed to me by representatives from the Moira Shire Council, and in particular by the chief executive officer, Mr Gavin Cator. It appears that there have been differences in the interpretation of the act. We have a situation where the municipality believes it may have a responsibility for structures under roads or in proximity to roads which are related to water structures and which should be the responsibility of, in this case, Goulburn-Murray Water.

What has been suggested, and what VicRoads has indicated, is that Moira should assess the water structures in proximity to the roads in the municipality. These may be the responsibility of Goulburn-Murray Water and not VicRoads or the shire. Goulburn-Murray Water has indicated that it does not believe they are a responsibility as far as it is concerned. There is a problem with the interpretation of the act, and possible action has been indicated in a paper that has been prepared. There has certainly been some discussion in relation to who ultimately has responsibility for the water structures that are adjacent to the roads within the Moira shire.

The shire has sought information from the Minister for Transport on an interim solution and what action it should take. It has been acknowledged as a problem under the Road Management Act, but the critical part is what should be done right now. The council has been contacted by Goulburn-Murray Water about taking action to make a list of the assets, their condition and their value, and a depreciation schedule for them. The difficulty for the municipality is whether it should take direction from Goulburn-Murray Water and who would bear the cost of undertaking this assessment.

It has been indicated by Mr Cator, on behalf of the Moira Shire Council, that the cost involved is quite extensive. An inspection of the assets could cost approximately $25 000, and developing an asset register could cost an additional $10 000. Of course in order to implement these works the shire would need to know whether it had to upgrade works on the structures which are in proximity to the road network. What we seek from the minister is an indication of what action should be taken.

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

Breast cancer: Herceptin

Ms LOBATO (Gembrook) — I raise a matter for the attention of the Minister for Health. The action I seek is for the minister to assist in enabling women to

affordably access the breast cancer drug Herceptin. Maree Bissels is 46 years of age and has an invasive and aggressive form of breast cancer. Only 18 months ago Maree had a mammogram which gave her the all clear, and yet today she is undergoing treatment for the eradication of this rapid growing cancer. Maree's oncologists informed her that the best chance to ensure that no further cancers develop from this is for her to access Herceptin. The problem facing Maree and her family is the cost of $70 000 per annum for the drug. Both of Maree's sisters have contacted me, advocating for the inclusion of this drug in the pharmaceuticals benefits scheme.

I wish to read a statement written by Linda Sharp, Maree's sister, who, along with her other sister, Jean, has been assisting Maree tirelessly. Linda discusses the benefits of this drug when applied to breast cancer sufferers. She said:

> These cancer patients and their families do not need the financial burden of self-funding the drug or the sense of hopelessness if they cannot. No money has been budgeted until after 2008, but life is unpredictable. Sometimes there is a disaster or tragedy and funds have to be found at short notice. Well, medical breakthroughs are also unpredictable but when they occur we need a government that can act decisively and promptly and make sure the people who will benefit from the breakthrough, receives it as soon as possible.

In an article in the *Herald Sun* last week Jill Singer argued that Maree would surely be better off looking after herself and, together with her family, focusing on recovery rather than enduring the further stress caused by having to plead publicly for assistance and writing letters to people such as the Prime Minister's wife. Disturbingly, Singer refers to the fact that Maree is one of about 2000 women in Australia whose chance of breast cancer recurring would be reduced by 46 per cent if they were treated with Herceptin. For these reasons I request that the Minister for Health investigate ways to assist those in need of this drug.

Education and Training: superannuation payments

Mr CLARK (Box Hill) — I raise with the Minister for Education and Training the difficulties my constituents Dr Greg McKie and Mrs Ann McKie have had in obtaining payment of superannuation funds owed to them as government schoolteachers by a contractor acting on behalf of the Department of Education and Training. I ask the minister to take action to have the funds owing paid without further delay to Dr and Mrs McKie and to any other teachers or former teachers who have superannuation funds owing to them.

Dr McKie tells me that on 1 February this year he received a letter from a firm called McMillan Shakespeare that had handled salary sacrifice arrangements on behalf of the education department until May 2003, when they lost the contract to a firm called SmartSalary. The letter from McMillan Shakespeare provided a transaction statement covering the period 9 January to 20 May 2003. The statement showed funds were still owing to Dr McKie, who had retired in February 2003, but there was no explanation as to what had happened to those funds. Dr McKie was unable to obtain an explanation from McMillan Shakespeare despite repeated email contact. Furthermore, Dr and Mrs McKie were unable to obtain from SmartSalary details of what had happened to the superannuation entitlements of Mrs McKie, whose salary packaging arrangements had been transferred to SmartSalary.

Dr McKie contacted me about these problems, and I wrote to the minister on his behalf in a letter dated 4 March 2005. The minister replied in a letter dated 5 May stating that the department was arranging with SmartSalary to adjust the account balances of continuing employees and that arrangements would be made to return any moneys owing to employees who had ceased salary packaging since 30 June 2003.

Following my forwarding a copy of this letter to him, Dr McKie wrote to the minister on 24 May. After six weeks he had received no reply and phoned the minister's office, only to be told his letter had never been received. However, on 19 July the department replied in writing to Dr McKie's letter, which the minister's office denied having received. The department's letter said that McMillan Shakespeare had returned all moneys to the Department of Education and Training following expiration of its contract, and that DET has been working with McMillan Shakespeare to enable disbursement of all moneys due. Despite this, Dr and Mrs McKie were still not paid.

Dr McKie wrote to the Victorian Ombudsman. The Ombudsman replied to Dr McKie in September this year, saying that DET had advised that McMillan Shakespeare was in the process of transferring funds and data to DET and that people entitled to receive additional funds were to be paid in the second week of October. However, as of a few days ago Dr and Mrs McKie had still not received either the money owing to them or any account of what has happened to their money.

Although the amounts involved in this case are small, the mishandling of this issue by the department and the minister's office is appalling, and Dr McKie is to be

commended for his perseverance in seeking basic competence and fairness from the department. If any private sector employer or business had behaved in this way they would have been subject to being dealt with either by Consumer Affairs Victoria or for a breach of their obligations to employees. However, it seems yet again that although the government expects high standards of everybody else, the standards it applies to itself are anything but high.

Lucknow Street Children's Services Centre: funding

Mr ROBINSON (Mitcham) — I raise an issue for the attention of the Minister for Community Services, who is also the Minister for Children. I am seeking the minister's active support for an application which has been made by the City of Whitehorse to expand services at the Lucknow Street Children's Services Centre in Mitcham. The facility at Mitcham has an interesting history. It grew originally out of the former large eastern metropolitan office of the Melbourne and Metropolitan Board of Works and, more recently, the entity known as Yarra Valley Water. The headquarters of Yarra Valley Water are now located on the site. The local council became involved in the development of that centre a number of years ago, and it has emerged as the entity which now funds and runs that centre.

Lucknow Street Children's Services Centre is very highly regarded. It is located in a tremendously attractive setting and has a very rustic feel. I understand that the council has applied for funding for a number of things: firstly, to increase the number of long-day care places; secondly, to develop its kindergarten program on site; and thirdly, to assist with the co-location of specialist family services. I think this is a tremendous initiative by the City of Whitehorse, which is prepared to put in a very large sum of money to allow the centre to be expanded. Given the excellent reputation which Whitehorse has developed and demonstrated with regard to child care, I urge the minister to give this application her closest consideration.

Member for Gippsland South: vehicle use

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Finance in another place. The action I seek is for the minister to investigate a breach of parliamentary entitlements under section 5, appendix 1, of the guidelines of the members of Parliament vehicle plan. I call on the minister to ensure that the offending member repays the taxpayers hard-earned dollars that have been squandered by the member in this case.

Clause 5 of appendix 1 says that:

> A member is provided with a motor vehicle for official parliamentary and electorate use …

It goes on to say that some private use is allowed. Clause 5(b) states that:

> The vehicle will be available for the member's parliamentary and electorate use on a daily basis.

The vehicle in question is a Ford with licence plates TMO 503 and is the responsibility of the member for Gippsland South. It appears to be part of a salary package for The Nationals leader's chief of staff, Darren Chester. As members would know, the Leader of The Nationals is entitled to a ministerial car and driver. As such he has limited use for his taxpayer-funded electorate car and appears to have handed it over for the full-time private use of his chief of staff. As this vehicle is spending its nights an hour and a half away from the Leader of The Nationals' electorate office in Sale, it is hardly available for the member's daily personal or electorate use.

When constituents are paying $1.30 per litre for fuel, I can understand why Darren would want to use the taxpayer provided car and fuel card to drive the 350 kilometres from his home base at Lakes Entrance to his place of work at Parliament House in Melbourne. I can also understand why he would like to use a taxpayer-funded car to swan around the electorate of Gippsland East as a wannabe Nationals member or preselected candidate on personal business, just as he did last Friday and again on Monday.

I call on the minister to investigate this rort of taxpayers funds to ensure that the guidelines are not breached and taxpayers are protected from this abuse of entitlements. This abuse of taxpayers dollars might be defended by members of this place, but it will not be accepted by the long-suffering taxpaying public.

Telemarketing: do-not-contact register

Ms MUNT (Mordialloc) — The issue I raise is for the attention and action of the Minister for Consumer Affairs in another place. The action I seek is for the minister to encourage Victorians to register their support for a national 'Do not contact' register. I have been contacted by a number of my constituents for help in stopping these very annoying calls and removing their names from telemarketing lists.

On a recent visit to Kingston Green Retirement Village in Cheltenham a number of elderly residents approached me asking for help to escape these annoying calls. These elderly people were being

plagued by unwelcome calls, particularly in the evening when they were trying to relax after their meal. Young families trying to have dinner, mothers trying to prepare dinner for their families and workers who have just arrived home from work are all becoming increasingly irritated by this unwelcome marketing attention and uninvited intrusions into their homes. I know what this is like and I, too, resent these calls and the interruption to our very precious family time.

I will certainly be registering myself. Victoria and New South Wales have set up a hotline so that we can register our support for the 'Do not contact' register and where we can opt out of receiving these calls. A national line set up by the federal government would, of course, be the best and most effective tool for achieving this. In the USA more than 88 million people have registered, and telemarketers who flout the register face significant fines.

I urge the Minister for Consumer Affairs in the other place to widely publicise the polling hotline number of 1300 365 814 and to continue to pressure the federal government to set up a national register so that my constituents can find some relief from this nuisance.

Portland Aluminium: potline

Dr NAPTHINE (South-West Coast) — I raise a matter for the Minister for State and Regional Development. The action I seek from the minister is not to put off until late next year a government decision on support for building of a third potline at Portland Aluminium. In contrast, I urge that a decision in favour of the proposed third potline should be made as soon as possible.

I read with real concern an article in the *Australian Financial Review* of 14 November this year, which states:

> Victoria's Labor government may put off until late next year the politically sensitive issue of whether to allow Alcoa to build a $1 billion-plus expansion at its Portland Aluminium smelter using power from brown coal.
>
> State energy minister Theo Theophanous said on Friday he could not give any commitment that the government would make an in-principle decision on the expansion before the state election next November.

Alcoa and Portland Aluminium are eager to do two things. One is to build a third potline at Portland which would involve 1500 construction jobs and 200 longer term jobs at Portland. The second is to secure renewed long-term electricity contracts for the third potline and its current potlines at both Portland and Point Henry.

The *Australian Financial Review* article says that Minister Theophanous agreed that brown coal would be the source of the additional power for the third potline. Indeed, a new base load brown coal generating plant would not only supply the third potline at Portland but also solve Victoria's energy shortage, which is definitely approaching in the next few years. Portland Aluminium is a major exporter, it is a key Victorian employer, it has an outstanding record as a generous, proactive corporate citizen, and it has a positive environmental record.

A third potline and a new power station would be a win-win outcome for Victoria. They would create hundreds of jobs in Portland and south-west Victoria, and they would create hundreds of jobs in the Latrobe Valley in the building and operating of a new brown coal power station. They would secure a long-term electricity supply for Victoria, and they would significantly boost export earnings from the aluminium produced at Portland. Therefore I urge the minister to reject any notion of delay in this decision and get on with these projects, which are vital for the economic development of Victoria and vital for regional and rural development in Victoria. They are of primary importance if we are going to be a state that continues to grow and develop.

I urge the minister to reject the proposal put forward by Minister Theophanous in another place that these decisions be delayed until after the state election next year. These decisions should be made in the near future. There should be a decision in favour of the third potline at Portland, and there should be a decision in conjunction with that in favour of building a new base-load brown coal power station in the Latrobe Valley. As I said, this would be a win-win outcome for Victoria. I urge the minister to get on with the job.

Golden Point: community house

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Victorian Communities. I ask the minister to take action to support a Community Support Fund application for $800 000 to assist with the refurbishment of the former Golden Point primary school so that it can be used for community purposes. The old Golden Point primary school was closed more than 10 years ago in the early days of the Kennett government. It is a solid brick building in a prominent site in Golden Point near Sovereign Hill.

Some time ago the former coordinator of the Ballarat East community house came to me and said that the operators of the community house were looking for a

new home which had more room. Subsequently I had discussions with representatives of the Ballarat Regional Multicultural Council, the Ballarat centre of the University of the Third Age and also Mount Clear College, all of which saw that they needed a home in central Ballarat that could be used for educational and cultural purposes.

In bringing together those groups we found that they had many linkages and that the former Golden Point primary school seemed an ideal site to locate them. I have convened several meetings with those groups and representatives of the Ballarat City Council and, more recently, BEST Community Development. Together these groups have developed a vision which has created some enthusiasm in the community. I look forward to the minister supporting this application for community support funding so that this vision can become a reality.

Responses

The SPEAKER — Order! I ask the Minister for Community Services to respond to a matter within her portfolio raised by the member for Mitcham and to a number of other issues raised by a number of members.

Ms GARBUTT (Minister for Community Services) — The member for Mitcham raised with me the situation of the Lucknow Street child-care centre, which is run by the City of Whitehorse, and its plans to expand, which he elaborated upon. I am very pleased to advise the house that I have granted $250 000 to the City of Whitehorse. The council will put in more than that — $320 000, as I recall — to extend the centre, which will allow it to bring together a range of children's services and expand some of the services it already provides. When it is completed the centre will offer a large number of kindergarten and child-care places and a wide range of other, more specialist services. Those services will all be more accessible, they will be better and they will help develop a real community centre at that particular place. We are delighted to be partnering the City of Whitehorse in allowing this to happen.

Various other members raised a variety of issues with a number of ministers, and I will ensure the ministers receive those issues.

The SPEAKER — Order! The house is now adjourned.

House adjourned 3.02 a.m. (Wednesday).