PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

25 May 2004

(extract from Book 5)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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

Hansard — Chief Reporter: Ms C. J. Williams

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Government:
Mr GAVIN JENNINGS

Leader of the Opposition:
The Hon. P. R. DAVIS

Deputy Leader of the Opposition:
The Hon. ANDREA COOTE

Leader of the National Party:
The Hon. P. R. HALL

Deputy Leader of the National Party:
The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
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Baxter, Hon. William Robert	North Eastern	NP	Lenders, Mr John	Waverley	ALP
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Carbines, Mrs Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
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Dalla-Riva, Hon. Richard	East Yarra	LP	Pullen, Mr Noel Francis	Higinbotham	ALP
Darveniza, Hon. Kaye	Melbourne West	ALP	Rich-Phillips, Hon. Gordon Kenneth	Eumemmerring	LP
Davis, Hon. David McLean	East Yarra	LP	Romanes, Ms Glenyys Dorothy	Melbourne	ALP
Davis, Hon. Philip Rivers	Gippsland	LP	Scheffer, Mr Johan Emiel	Monash	ALP
Drum, Hon. Damian Kevin	North Western	NP	Smith, Mr Robert Frederick	Chelsea	ALP
Eren, Hon. John Hamdi	Geelong	ALP	Somyurek, Mr Adem	Eumemmerring	ALP
Forwood, Hon. Bill	Templestowe	LP	Stoney, Hon. Eadley Graeme	Central Highlands	LP
Gould, Hon. Monica Mary	Doutta Galla	ALP	Strong, Hon. Christopher Arthur	Higinbotham	LP
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Hall, Hon. Peter Ronald	Gippsland	NP	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

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TUESDAY, 25 MAY 2004

Tuesday, 25 May 2004

The PRESIDENT (Hon. M. M. Gould) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent to:

18 May

Commonwealth Games Arrangements (Further Amendment) Act
Corrections (Further Amendment) Act
Crimes (Assumed Identities) Act
Crimes (Controlled Operations) Act
Estate Agents and Travel Agents Acts (Amendment) Act
Health Services (Supported Residential Services) Act
Heritage (Further Amendment) Act
Justice Legislation (Sexual Offences and Bail) Act
Land (Miscellaneous) Act
Primary Industries Legislation (Miscellaneous Amendments) Act
Transfer of Land (Electronic Transactions) Act

25 May

Alpine Resorts (Management) (Amendment) Act
Energy Legislation (Regulatory Reform) Act
Surveillance Devices (Amendment) Act
Victorian Qualifications Authority (National Registration) Act.

APPROPRIATION (PARLIAMENT 2004/2005) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

APPROPRIATION (2004/2005) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

QUESTIONS WITHOUT NOTICE

East Gippsland: mayoral election

Hon. PHILIP DAVIS (Gippsland) — I direct my question without notice to the Minister for Local Government. I refer to correspondence dated 30 March from the mayor of East Gippsland Shire Council to the Premier, which in part says:

> It was clearly apparent to the two councillors that the phone calls were designed to influence their vote on the basis that government funding to the shire could be in jeopardy if Cr Jane Rowe was not elected to the position of mayor.

Given the serious concerns regarding the mayoral election directed to the government through the Premier, I ask: will the minister advise if she will establish an inquiry concerning any breaches of the Local Government Act, which she administers?

Ms BROAD (Minister for Local Government) — I note that not content with attacking under parliamentary privilege persons who are not in a position to defend themselves in this place, Mr Philip Davis has now moved on to criticising the East Gippsland Shire Council for refusing to do his bidding.

The position I outlined to the house when we last discussed these matters has not changed. I reiterate that I take my responsibilities under the Local Government Act very seriously indeed. To the best of my knowledge I have not received a complaint as Minister for Local Government in relation to the Local Government Act. If I receive such a complaint it will certainly be referred to my department for investigation. However, to the best of my knowledge I have received no complaint from Mr Philip Davis or from anyone else.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — Given that the mayor of East Gippsland Shire Council wrote to the Premier and met with the Premier's chief of staff, who wrote back to the mayor, and given that the member for Gippsland East spoke directly to the Premier and to the Leader of the Government in the upper house and that the minister has now been advised on several occasions that this is a matter of concern to the East Gippsland Shire Council, why is it that the minister refuses to act in accordance with her obligations to administer the Local Government Act and hold an inquiry?

Ms BROAD (Minister for Local Government) — Clearly it does not suit Mr Philip Davis to accept the processes which exist under the Local Government Act. They are that a complaint can be lodged with the responsible minister — me — and if such a complaint

is lodged it will be referred for investigation. No such complaint has been lodged by either Mr Philip Davis or anyone else.

Electricity: industrial dispute

Hon. J. G. HILTON (Western Port) — I refer my question to the Minister for Energy Industries, the Honourable Theo Theophanous. Can the minister inform the house about the Bracks government's initiative to resolve the industrial dispute within the electrical industry that is currently occurring under the Howard government's Workplace Relations Act?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the honourable member for his excellent question, and his interest in this area. One of the things we should remember about this dispute is that it is a direct consequence of the Howard government's industrial relations system. It is being conducted under the federal government's Workplace Relations Act.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The opposition might not like that, but the fact is that this is being undertaken under what is called 'protected action'. What does 'protected action' mean? It is protected action under the federal industrial relations act. That is what it is! It is a licence to put bans on; it is a licence to go on strike — and that licence is handed out by the federal government. That is the situation, but that has not deterred the Victorian government from trying to resolve this dispute. It has not deterred it. In fact the government has been turning over every possible legal stone to find a way to intervene in the industrial relations commission.

I am pleased to inform the house that we were able to get a special hearing of the Australian Industrial Relations Commission on Saturday, at which it heard argument from the Victorian government and ultimately decided that it would use its powers to call a compulsory conference of all the parties to try and resolve this dispute.

That is what we have wanted all the way along in relation to this dispute — to try and resolve it. We have been frustrated by the fact that both hands have been tied behind our backs courtesy of the previous government, because industrial relations powers were taken from Victoria and handed over to the federal government by the Kennett government, and that federal government does not want to use them; it does not want to act to resolve disputes. We have been able to get an intervention in the dispute as a result of action we have taken in the industrial relations commission, and I look forward to that compulsory conference.

However, I cannot help but point out to the house the fact that the federal Minister for Workplace Relations, Kevin Andrews, does not want to get involved. He keeps saying that he has no power under the federal Workplace Relations Act. I went through the federal Workplace Relations Act to see how many times the federal minister is mentioned in that act. The federal minister is mentioned 130 times. How many times do you think the state minister is mentioned in the Workplace Relations Act? Zero, none! Here is the federal minister saying, 'I am mentioned 130 times in the Workplace Relations Act, but I have no power to intervene' and then saying to the state minister, 'You had better try and see what you can do with the industrial relations commission, even though you are not mentioned at all'. This is the debacle we have in this state.

We have tried to get the federal government to the table, kicking and screaming, to try and resolve this dispute, and one thing I can say is that we will act in the interests of Victorians.

The PRESIDENT — Order! The minister's time has expired.

East Gippsland: mayoral election

Hon. PHILIP DAVIS (Gippsland) — I direct a further question without notice to the Minister for Local Government. I refer to a diary note dated 23 March 2004 released under freedom of information from the chief executive officer of the East Gippsland Shire Council, concerning a telephone call to Mr John Watson, director of governance and legislation in the minister's own department, which concerns the matters raised by two councillors regarding the mayoral election. It says, in part:

> John will raise with minister's adviser.

Given that your office has been aware of the serious allegations of influencing votes since 23 March, I ask: why will you not hold an inquiry into section 59 of the Local Government Act dealing with bribery, treating and undue influence?

Ms BROAD (Minister for Local Government) — Mr Davis can go on about this as long as he wishes. He can continue to raise it in Parliament, he can continue to raise it in the press, and phone calls can be made to a whole host of people, including my department. I have been very clear that unless and until someone is willing

to make a formal complaint setting out the grounds under the Local Government Act, which is my responsibility, and substantiate that complaint, there is no complaint investigation to be conducted.

I have made this perfectly plain in my answers on numerous occasions now to Mr Philip Davis. He chooses not to hear what is very plain under the act — that is, for very good reason, because it is possible for a whole range of members of Parliament, I might say on both sides of the house in the federal and state parliaments, to make allegations about matters in local government and for a whole host of people to make allegations through the press, unless those allegations are backed up by substantiated complaints under the Local Government Act there is no formal complaint, there is no matter to investigate. If a formal complaint is made, that will be dealt with properly under the Local Government Act.

Supplementary question

Hon. PHILIP DAVIS (Gippsland) — I point out to the minister in relation to her response that she is the minister and I am not. I am aware of correspondence which has been referred to in the Parliament and which is addressed to the Premier, the head of government. Does the minister not speak to the Premier? I am aware of the phone call which was made to the minister's department, which was then referred to her ministerial adviser. Why is it that she is refusing to deal with these matters? I ask specifically: will the minister refer these complaints to Victoria Police as a potential breach of section 176 of the Crimes Act dealing with secret commissions? The fact is the minister needs to deal with these matters urgently.

Ms BROAD (Minister for Local Government) — I believe I have made it perfectly clear. Phone calls do not constitute formal complaints under the Local Government Act. Phone calls seeking advice, phone calls making allegations and allegations through the press or in the Parliament do not constitute complaints under the act. I reiterate: if a complaint is lodged under the Local Government Act it will be referred, and it will be investigated under the proper processes which apply under the act.

Sport and recreation: facility grants

Ms CARBINES (Geelong) — I refer my question to the Minister for Sport and Recreation, who is also the Minister for Commonwealth Games. I ask the minister to advise the house on how the Bracks government is strengthening communities through the development of local sport and recreational facilities.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I appreciate fully Ms Carbines's interest in matters relating to not only her community but communities across Victoria and particularly the strengthening of those communities. As members of this chamber should be aware, the Bracks government is committed to growing communities right across Victoria — growing the whole of this state. We are getting on with the job of doing that, and last week I was delighted to announce that 165 sport and recreation projects had received funding from the Bracks Labor government in the community facilities program allocations for this year. This is a $16.9 million investment by the government that will enable in the order of $55 million of sporting facilities and projects to go ahead in this forthcoming year.

This is about strengthening communities; it is not just about sport. I was able to announce a number of major projects, including a $500 000 contribution to the Camperdown indoor multipurpose sports stadium. I know members on the other side of the chamber appreciate these allocations because a large number of them are in their respective electorates. Another significant contribution was to the Horsham aquatic centre, a $2.5 million commitment. I know if the Honourable David Koch were here he would appreciate that, as he did on the day. He gave us credit where credit was due for contributing $2.5 million to the Horsham aquatic centre.

As well as that we announced last week a $2.16 million commitment by our government to the Robinvale aquatic centre redevelopment. I know the local member, Mr Savage, the member for Mildura in the other place, was in attendance for that announcement, and he gave credit where credit was due.

In the high growth area of Casey I was able to announce a $500 000 contribution to the Casey Fields sports project which will help create a new oval with lighting, 12 tennis courts, 3 netball courts, cricket nets, and pavilions for both football and netball. Last week in Wodonga the Premier made an announcement of a $900 000 contribution to the upgrade of the Wodonga aquatic facility. I suspect even that would make the poker-faced Bill Baxter smile on this occasion.

We are out there growing communities. We are out there contributing to and developing sport, but more comprehensively we are growing all the state by investing in communities. This will help strengthen not only those communities in Victoria but sport right across the state.

Aged care: medication administration

Hon. D. K. DRUM (North Western) — I refer my question to the Minister for Aged Care. I refer the minister to the issue regarding prescribed medical procedures for those in aged care facilities. Can the minister guarantee that all high-care needs patients in Victorian aged care facilities will have prescribed drugs administered to them by a registered nurse?

Mr GAVIN JENNINGS (Minister for Aged Care) — Mr Drum referred to a matter that gained some prominence in last week's media and is a matter I have discussed in this house previously, anticipating amendments to the regulations of the Drugs, Poisons and Controlled Substances Act. Those regulations were amended to take effect from 20 May, which was last Thursday. Their effect is to determine the administration of medication undertaken by nurses in Victoria and the places by which nurses undertake those responsibilities consistent with that act, the Nurses Act and the guidelines for the administration of medication under the Nurses Act. The two acts need to be taken into account simultaneously.

It has to be clearly understood that those Victorian-based acts are to regulate the activity of nurses. They are not regulations that cover the scope of practice within residential aged care facilities within Victoria or around the nation. Those regulations are determined by the commonwealth. The commonwealth aged care act has procedures, protocols and guidelines relating to the administration of medication and pharmaceutical guidelines that all providers have to comply with. It is those regulations in the commonwealth jurisdiction that prevail in every facility across Victoria and across the nation. Within the commonwealth's regulatory framework there is opportunity for a variety of staff within a residential aged care facility, which includes in Victoria division 1 and division 2 nurses and personal care workers, to provide a variety of roles, which in certain circumstances may include the administration of medication for all those categories. It is important that we understand that is the case.

Under commonwealth regulation it is essential that the medical care plan for every high-care resident — whether they are in an exclusively high-care residential setting, a mixed setting or a low-care setting — and the supervision of the administration of their medication, is determined by the commonwealth guidelines. Every medical care plan has to be maintained and supervised by a division 1 nurse. So the answer to Mr Drum's question is that that is the regulatory regime that provides for the supervision by division 1 nurses but it also provides for the opportunity in the future for division 2 nurses in Victoria and personal care workers to administer certain medications — which is at the heart of Mr Drum's question — prescribed by a doctor, under the supervision of a division 1 nurse within residential aged care facilities.

Supplementary question

Hon. D. K. DRUM (North Western) — I thank the minister for his answer. As a supplementary question, can the minister make good to the house the specific legislation within the commonwealth regulatory framework that makes it unlawful for a non-registered nurse to administer injections to a high-care patient in a mixed-care facility, especially if that facility was open prior to 1997?

Mr GAVIN JENNINGS (Minister for Aged Care) — The President is inclined to rule that question out, because it relates to commonwealth jurisdiction and commonwealth acts, but for the benefit of the house and the member I indicate that the answer can be found in the commonwealth statutes and on the web site of the commonwealth's Department of Health and Ageing.

Housing: rural and regional neighbourhood renewal

Hon. KAYE DARVENIZA (Melbourne West) — Can the Minister for Housing inform the house of recent progress in the Bracks government's highly successful neighbourhood renewal program, particularly in regional Victoria?

Ms BROAD (Minister for Housing) — I thank the member for her question. The neighbourhood renewal program is an important initiative by the Bracks government that aims to build on the strengths, skills and abilities of local people in some of the most disadvantaged parts of Victoria. Neighbourhood renewal aims to create stronger, more dynamic neighbourhoods by helping to create the sort of communities that people want to live in and want to work in, that are safe, that have opportunities in education and employment and have access to better health services.

The neighbourhood renewal program is not only about the large estates in Melbourne, important as they are. Eight of the 15 neighbourhood renewal sites are in regional Victoria including Shepparton, Seymour and Wendouree West, where the program is transforming places into much stronger Victorian communities. The year 2004 has already been a busy one for

neighbourhood renewal, and I have had great pleasure in visiting Doveton, Werribee and Colac to officially launch the neighbourhood renewal projects. Together with the launches at Broadmeadows and Ashburton late last year, this means all five sites that the government committed to establishing in our 2002 election commitments are now up and running, and that builds on the 10 programs launched in our first term of government, which are still continuing. In terms of regional Victoria, the Colac project will see upgrades to some 46 houses as well as a range of community development activities and an immediate increase in employment and training opportunities for residents to receive work training. That is an $845 000 investment by the Bracks government directly into the Colac community. Importantly, the Colac project includes around 40 per cent of the Colac area, so it is a benefit not only to public housing residents but also to some 40 per cent of Colac residents who live within the neighbourhood renewal project area. I am pleased to say that there is very widespread community involvement in the project with local businesses and service providers as well as the Shire of Colac-Otway all doing their bit to make it succeed.

I would also like to mention that another neighbourhood renewal site in regional Victoria, the Latrobe Valley site, received an Australian crime and violence prevention award, a joint commonwealth, state and territory initiative sponsored by the Australian and New Zealand Crime Prevention Forum. That award has been established to reward the most outstanding projects for the prevention or reduction of violence in Australia. In addition to that award the project was also the recipient of a trophy and a prize of $500 for its contribution to crime and violence prevention knowledge at the recent state community safety — crime prevention awards. Both of these awards recognise that neighbourhood renewal objectives are contributing to crime prevention in the Latrobe Valley, and I wish to take this opportunity to congratulate everyone involved in that outstanding achievement through that neighbourhood renewal project.

Electricity: emissions trading

Hon. BILL FORWOOD (Templestowe) — I direct my question without notice to the Minister for Energy Industries. I refer to the Allens Consulting report commissioned by the government entitled *Modelling Policies — MMA Electricity Markets, Impacts — Summary*, which shows the devastating impact on the Victorian economy of a move to an emissions intensity requirement identical to the one already in place in New South Wales. The report states:

> To achieve the target requires substantial stranding of existing coal-fired assets, including brown coal assets in Victoria, and would increase wholesale electricity prices by well over 27 per cent.

In light of the Allens Consulting work, does the government remain committed to the introduction of some type of emissions trading system in Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. This issue is of course of importance for the state of Victoria and for Australia as well because ultimately it is about our international obligations and how we are going to deal with the issue of emissions in this state going forward so that we can provide a future for our children.

The Allens report that has been commissioned by the government will be considered along with other sources of information in developing a response, which will come from the government in July, which I think is the time frame for a paper on this issue. However, I need to make this point: there was an attempt to bring a national approach to this issue. The preferred position of Victoria has always been, and still remains, that the issue ought to be addressed at a national level. The difficulty we have had is that the national government is simply not interested in engaging in this important question of whether and how we will deal with emissions in this country. That means that responsibility for this has fallen back to the states.

I can report to the honourable member that following the initiative of Victoria, where we simply said, 'While our preferred position is a national approach we are not going to sit on our hands; we are at least going to do the research and we are going to work up a model', we did that and have started to put that forward through the Allens Consulting process. The consequence of that has been that through the ministerial council every other state has now joined Victoria in a working group to look at a possible model which the states might have to go alone on because we cannot get the federal government to become involved in this issue.

I urge the honourable member to get in touch with his federal colleagues and put some pressure on them to get some national leadership in relation to emissions trading in Australia, because without it we face the problem of having to think about how we are going to act in the future. I can also assure the honourable member that any trading system or emissions abatement scheme we would be interested in would have to take account of the special circumstances that we have in Victoria in relation to the brown coal, which

is our source of energy and which is the way that we drive our industries and our manufacturing base.

We are not going to allow that important infrastructure of the state to be stranded, to use the honourable member's word, in any way. In fact, we see it as a way of ensuring its future and of being able to develop it going forward. We want to take our responsibilities seriously. I urge the honourable member to try to get his federal colleagues to also take their responsibilities seriously.

Supplementary question

Hon. BILL FORWOOD (Templestowe) — I thank the minister for his answer. Does the minister accept that any emissions trading system that is instituted will increase the price of electricity?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I do not accept that. An emissions trading system, properly modelled, will simply change the way in which electricity is produced and reduce the level of emissions. It should not lead to any increase in electricity prices at all.

Aged care: rural and regional Victoria

Hon. J. H. EREN (Geelong) — My question is to the Minister for Aged Care. Can the minister inform the house as to how the Bracks government is continuing to meet its commitment to the people of regional Victoria in delivering quality aged care services?

Mr GAVIN JENNINGS (Minister for Aged Care) — I thank Mr Eren for his question because I know that he is very enthusiastic about quality residential aged care facilities for the people in the Geelong region. I know this for a fact because he joined me at an inspection of the Grace McKellar redevelopment as recently as last week. It is a very important undertaking by the Bracks government of $50 million announced in the budget for 153 residential aged care beds in this facility. It is a fantastic project.

Honourable members interjecting.

Mr GAVIN JENNINGS — Contributions from members on the other side of what is happening down there is that there is a fantastic staging of an extraordinary large-scale redevelopment. I encourage members to go down and have a look for themselves. It is a very impressive redevelopment.

It was not the only redevelopment I visited on that day, because I was happy to visit our good friends in Colac, Colac Area Health, which is redeveloping a fantastic 75-bed residential aged care facility at a cost of $14 million for the people of Colac. There are a couple of other major important initiatives that I have not had a chance to visit yet that were announced in the budget a couple of weeks ago, and they happen to be in Yarrawonga and Seymour. I would be very happy to visit those locations in the immediate future.

A total of $79.5 million was committed in this budget to residential aged care, building upon the cumulative contribution of the Bracks government of $138 million in residential aged care redevelopment in the first four budgets of the Bracks government.

In total we have committed $217.5 million to residential aged care facilities. In last year's budget we kick-started redevelopments in Red Cliffs, Numurkah, Eildon and Trafalgar. In preceding budgets we commenced work on facilities in Bairnsdale, Ballarat, Beechworth, Bendigo, Casterton, Dimboola, Dunolly, Echuca, Kyneton, Maryborough, Natimuk, Omeo, Rainbow, Sale, Warrnambool and Wonthaggi — a significant investment in residential aged care right across Victoria, totally consistent with the pattern that has been demonstrated by my colleagues in question time today of the Bracks government's commitment to caring for all Victorians regardless of where they live and delivering quality services throughout the breadth of Victoria for all Victorians.

In fact, I have been to so many places in Victoria, opening and starting residential aged care facilities, that the Leyland Brothers gave up and went into early retirement because they could not keep up with the level of country that I have covered in delivering those residential aged care services! In fact, National Party members know that nobody has covered such territory since Lucky Star! Mr Bishop might be the only person in the Parliament old enough to understand that joke, but he's been everywhere, man, and so have I in terms of looking after residential aged care right across Victoria. There are 217.5 million reasons why the people of Victoria understand the Bracks government's commitment to quality residential aged care for all senior Victorians in years to come.

Corangamite: internal boundaries

Hon. J. A. VOGELS (Western) — I direct my question without notice to the Minister for Local Government. I have with me and will shortly table a petition signed by 2479 residents in just six days in the Corangamite shire, which equates to 20 per cent of eligible voters. This petition rejects the Victorian Electoral Commission's preferred electoral representation for Corangamite. The minister's

parliamentary colleagues Geoff Howard and Don Nardella agreed with 180 angry residents of the Moorabool shire at a recent meeting that the VEC's recommendation for Moorabool is crazy. As today is the deadline, will the minister blindly tick off on the VEC's recommendations or is she prepared to listen and act on the wishes of local communities?

Ms BROAD (Minister for Local Government) — As the honourable member is aware, the Bracks government has, amongst its other reforms to the Local Government Act, ensured that there is an independent process for reviewing the internal boundaries of local government areas and making recommendations to the responsible minister — me. I have received most of the Victorian Electoral Commission's reports made under these provisions of the Local Government Act. There are still possibly one or two to come. I will be considering them very carefully once I have received them all. I am confident that the Victorian Electoral Commission has conducted itself in accordance with its responsibilities under its own act and under the Local Government Act in terms of consulting widely in preparing its recommendations to me.

There is no doubt that this has generated a lot of interest — a lot more in some local government areas than others — and I believe this is a very healthy sign that democracy is alive and well in local government. This is something which the Bracks government has worked to support — unlike the actions of the former Kennett government in destroying democracy in local government.

I will be assessing each and every one of the Victorian Electoral Commission's reports very carefully when I receive them, and I will be making my decision once I have properly assessed their advice to me.

Supplementary question

Hon. J. A. VOGELS (Western) — The minister's policy at the state election states:

> Changes to the structure of local government in Victoria should not be imposed unilaterally by state government. If changes are to be made, they must be in consultation with the community, they must be fair and equitable and driven by community needs.

What I am picking up from the minister is that she will look at them carefully and make a decision, but I hope she does not just automatically tick off the VEC's recommendations. If she does, it will prove that what she said before the last election was just spin and that she is not actually going to listen at all to what the local communities are saying. So the question is: will the minister just tick off the VEC's recommendations? Just say no.

Ms BROAD (Minister for Local Government) — I believe I have already indicated to the house, and I believe I have already indicated on another occasion as well, that I will be making my own decisions on these matters. I will also be seeking advice from my department, and I will be considering it very carefully before I make decisions.

Small business: rural and regional Victoria

Hon. R. G. MITCHELL (Central Highlands) — I refer my question to the Minister for Small Business. The minister has often told the house about the many programs the government runs to assist small business. I would appreciate it if the minister could advise the house of recent Bracks government initiatives to give regional small businesses a big hand.

Hon. M. R. THOMSON (Minister for Small Business) — I thank the honourable member for his question. I know he is very interested in this issue and in ensuring that regional businesses get access to the programs that we run out of the Department of Innovation, Industry and Regional Development, particularly to those businesses that do not operate in Melbourne, Bendigo, Ballarat or the major regional centres but in smaller cities and towns right across Victoria. Certainly the Grow Your Business program is one of the programs that we operate that does precisely that — it gives access to government assistance to those very businesses that need it wherever they are in Victoria, ensuring that all of Victoria is growing.

The member accompanied me recently to the Upper Goulburn region where we announced a Grow Your Business grant to the Upper Goulburn food, wine and culture group to develop a marketing plan to those businesses to promote the burgeoning regional food, wine and tourism businesses in that region. That announcement was made at a winery near Yea, where a number of those businesses that will be the beneficiaries of this grant were there to welcome it.

Recently I was in Torquay, where I announced a grant to the Surf Coast Shire to help small businesses in Torquay, Winchelsea, Anglesea, Lorne and all the towns that make up the Surf Coast Shire. I was there with Michael Crutchfield, the member for South Barwon in the other place. This Grow Your Business grant is also to subsidise marketing training for businesses in that important shire. This grant comes on the heels of a grant that was also given to the Surf Coast Shire last year for an e-commerce program, which is

vitally important for regional businesses and country businesses that are using technology to advance their business opportunities.

Whilst there I was able to hear from Lynn Touzel of the Surf City Motel, who told me about her experience of undergoing a e-commerce training program. She said it was vitally important for tourism businesses like hers. It helped her to establish her back office and an email database as well as develop her web page with an online booking facility which gave her the ability to receive payments online — all of which are vitally important for tourism businesses in establishing themselves in the marketplace and giving them a hand to get ahead in a very competitive market.

The Bracks government is pleased to be able to ensure that programs are getting out to regional and country Victoria, to the areas where they are most needed, and that all of Victoria benefits from economic growth.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to 33 questions on notice: 1251, 1253, 1263, 1277, 1279, 1282, 1289, 1339, 1410, 1438, 1454–56, 1462, 1501, 1668–73, 1682–93.

Hon. E. G. STONEY (Central Highlands) — I seek answers to question 835, 876, 1107 and 1148 from the Minister for Finance. I have asked for these three times in the house, and I have written. I point out that if we do not get answers in the next couple of weeks it will have taken 12 months to get answers to these questions.

Mr LENDERS (Minister for Finance) — As I have said in the house, I certainly acknowledge that Mr Stoney has followed the forms and sent the letters. As I undertook last time, I am endeavouring to get these answers to him, and I will get them to him as soon as possible.

The PRESIDENT — Order! The Honourable Richard Dalla-Riva has written to me seeking my ruling in relation to a number of answers to questions on notice. In respect of questions 1027, 1407 and 1408, in my opinion the questions have not been answered. I therefore direct that they be reinstated to the notice paper.

In relation to questions 1363 to 1365, I consider that paragraphs (c) and (d) of each of those questions have not been answered and therefore direct that both parts of those questions the reinstated to the notice paper.

In the case of questions 1395 to 1401, I am of the opinion that paragraphs (b) and (d) of each of those questions have not been answered and therefore direct that both parts of these questions be reinstated to the notice paper.

Finally in respect of questions 1405 and 1406, I consider that the questions have been answered in the minister's response.

MEMBERS STATEMENTS

Member for East Yarra Province: web site

Hon. RICHARD DALLA-RIVA (East Yarra) — I have the great privilege today to announce the new Dob in the Bracks Government web page. This is a web page we have set up under the scrutiny of government as a helpful page to the community. I am calling upon those in the public service to speak out and say, 'We have had enough of this Bracks spin that continually drones out from the government'. This is an opportunity for the community and for public servants who feel that the government has continually wasted their money.

I suggest that everyone make use of that via the web site www.richarddalla-riva.com. It is very simple — follow the links. You can do it anonymously. You can provide as much detail or information as you want. I call upon all the hardworking Victorian public servants who have had enough of seeing taxpayers money mismanaged or public office misused to please take advantage of this facility. Let us fight against Bracks spin. Let us beat Bracks spin and stop it from occurring. Let us see this government held accountable for the waste of Victorian taxpayers money. I implore everyone to put forward their suggestions. If they have not got the Web, they can put suggestions through via the phone.

Northern Hospital: redevelopment

Ms MIKAKOS (Jika Jika) — On 21 May 2004 I had the great pleasure of attending the official opening of the $12.7 million stage 1 redevelopment of the Northern Hospital in Epping by the Minister for Health, Bronwyn Pike, together with my local parliamentary colleagues Peter Batchelor, Lily D'Ambrosio, Liz Beattie and Danielle Green, the members for Thomastown, Mill Park, Yuroke and Yan Yean respectively in the other place, and the local federal member, Harry Jenkins. A further $23 million has been committed to allow for expansion in the future as the region's population continues to grow.

The Bracks government has responded to the growing population of Melbourne's outer northern suburbs by a major expansion of the hospital. Stage 1 comprises two extra theatres, a new 32-bed surgical ward, an expanded day procedure unit and an upgraded sterilising and supply department. The government provided the funding for the stage 1 redevelopment to ensure that the Northern Hospital meets the needs of the region's community over the next few years. The theatres and extra ward will enable the hospital to treat more patients. The work also included a GP clinic and short-stay unit.

The latest *Hospital Services Report* shows that the Northern Hospital is playing an important role in the ongoing improvement of the hospital system, with the busiest emergency department in Victoria, having experienced a 21.2 per cent increase in patients treated in the December 2003 quarter compared to the previous year. I take this opportunity to congratulate the staff and management of Northern Hospital for their dedication in serving our community.

Rail trails: high country

Hon. E. G. STONEY (Central Highlands) — Last Sunday I attended the official opening of the Tallangatta section of the high country rail trail. It is not in my electorate, but I was invited because I was the chair of the rail trail committee in 1997 when the Wodonga–Cudgewa line was declared as one of Victoria's 17 official rail trails. We started the process of transferring the line from the Public Transport Corporation to the Crown and we also alerted the community to the opportunities for regional tourism presented by rail trails.

The concept of rail trail management is that it must be a bottom-up process with the community driving development. The community is driving the high country rail trail, because over 1000 people were there on Sunday, but it was a shame that no-one from the government attended.

There were speeches by Towong mayor Cr Lyn Coulston, Cliff Swatton from Parklands Albury-Wodonga and David Pinder, who is the chair of the Tallangatta rail trail advisory group. John Hillier was presented with a certificate for his years of advocacy for rail trails. I congratulate the community for its support of and enthusiasm for this important regional project.

Schools: Western Port Province

Hon. J. G. HILTON (Western Port) — Last week I was able to inform five schools in my electorate that they had been granted funds to upgrade their toilet facilities. The schools were Mornington Primary School, Mount Eliza Secondary College, Hastings Westpark Primary School, Somers Primary School and Bayles Regional Primary School.

Whilst not a particularly glamorous aspect of school infrastructure, the standard of school toilets always ranks very highly on lists of priorities for school communities, including among students. In September 2003 a Better Schools web site was established to gauge the views of students and parents on their schooling needs, and students consistently raised toilets at the school as having a high priority. As one year 8 student said, 'My biggest wish is for my school to fix up the toilets. Everything about them is gross'.

The schools in my electorate were able to participate in a $10 million program which has been specifically allocated to school toilets. This is the largest allocation in Victorian history. As one of my principals said, 'The school community is really pleased that the school's needs are being recognised and that something can now be done to improve the standard of toilets at the school'.

Once again, it is very pleasing to be part of a government which recognises that the continuous upgrade of school infrastructure is a vital contribution to the quality of education processes.

Stonnington: internal boundaries

Hon. ANDREA COOTE (Monash) — The Bracks government came to power in 1999 on a platform of open and accountable government — transparency of government was its catchcry. In addition it said, 'We will put the "local" back into local government'. What political expediency!

We have seen numerous examples of hidden deals, silent decisions and union interference with this Bracks government. The Minister for Local Government presided over a very done deal — the Victorian Electoral Commission decision in the City of Stonnington. Under the total misnomer of 'strengthening communities' — her catchcry — she snatched democracy from local government. It was a fait accompli from the start, there was no way that the VEC was going to listen to submissions calling for the status quo, which was single ward councillors. Eighty per cent of the submissions from Stonnington called for the status quo. It was predetermined to have a

multimember ward and the minister stood by and watched the City of Stonnington being bulldozed. It is Labor policy to have proportional representation at the local level. Why bother going through the expensive VEC circus?

I quote an article in the latest *Stonnington Leader* about the mayor of Stonnington:

> Mayor Melina Sehr said the decision was 'a kick in the teeth for democracy'.
>
> 'Residents and traders in Stonnington will be disadvantaged because local issues will become diluted ...

It was interesting to hear the minister say today that she is going to review all of these submissions, and I call upon her to have a really good look at the submission from the City of Stonnington and to do something about keeping the status quo.

Eastern Access Community Health

Hon. C. D. HIRSH (Silvan) — Today I want to speak about an extremely important organisation in my electorate of Silvan Province called Eastern Access Community Health, which offers a range of extremely important health and support programs throughout the region. I congratulate all the staff of EACH, who do a wonderful job, and particularly Frank Tinney, the chairman of the board, whom I have known for many years.

EACH offers primary healthcare through the Maroondah Social and Community Health Centre, with Peter Rusler in charge. That organisation has been in the region for many years and does an extraordinarily good job. EACH offers disability services to a range of people throughout the region. It offers regional counselling services and help to gamblers together with youth services, drug and alcohol services. In particular I congratulate it on its community mental health support services under Stephen Ward who is the service manager. If a person can gain access to support through these community mental health support services, they are far less likely to suffer hospital experiences. I congratulate the organisation.

Plumbing: regulation

Hon. B. N. ATKINSON (Koonung) — I wish to advise the house that I recently met with a group of plumbers who had convened a meeting to discuss issues relating to compliance measures that they face in terms of registering their work and being responsible for warranties and so forth for that work at a time when people are increasingly using Bunnings to buy plumbing and electrical supplies, and other materials and doing backyard work at home, which is not covered by any of the regulations or by safety standards and some of the basics of occupational health and safety legislation. Indeed, in many cases it leaves consumers and buyers of properties at a disadvantage because the workmanship that has been carried out in those places is substandard.

The plumbers have a number of suggestions about how this issue might be tackled, including perhaps a registration process involving retailers who are selling plumbing equipment supplies. The issue also extends to electrical work, and in that case it can be far more dangerous because electricity kills far more quickly than most other things. Nevertheless, there are health and public safety issues associated with inadequate plumbing measures, and I hope the minister might convene a meeting of the plumbing industry to address this issue.

Australian Bone Marrow Donor Registry

Hon. S. M. NGUYEN (Melbourne West) — I would like to take this opportunity to thank the Australian Bone Marrow Donor Registry. It launched an introduction to its work in the Vietnamese language and invited a Vietnamese audience to listen to what the community can do to help many people. I was one of the guests who were invited to listen.

The Australian Bone Marrow Donor Registry tries to encourage the many ethnic communities to participate. They can help by donating blood. On the day there were people who will need a lot of support in the future. The launch was well received by the audience. It is the first time that such a program has been launched in the Vietnamese language. The organisation is keen to get out into communities to sell its message.

Barmah State Forest: agreement

Hon. W. R. BAXTER (North Eastern) — The house will recall that in the last sitting week I raised the matter of the agreement with the Yorta Yorta Aboriginal people and the management of the Barmah State Forest being decided in secret. I drew the attention of the house to the fact that, despite the Attorney-General's denials, documentation from his department confirmed that the negotiations had been confidential.

My pointing this out obviously got under the skin of the Attorney-General because in a dorothy dixer in another place he accused me of being xenophobic. The dictionary definition of xenophobia is a fear of foreigners. I put it to the house that we are all in serious

trouble and have a great deal of problems if the Attorney-General seriously believes that indigenous Australians are foreigners.

Altona Leisure Centre: redevelopment

Hon. KAYE DARVENIZA (Melbourne West) — I want to let the house know how delighted I was to attend the Altona Leisure Centre last week with the Premier for the announcement of a $750 000 state government grant for the redevelopment of the centre. The funding was secured through the Better Pools funding grants program, and it has given the green light to $3.1 million of projects that will greatly boost opportunities for all age groups to enjoy physical activity, as well as to improve their overall good health.

Suburban sport and leisure facilities like the one at Altona bring local residents with all sorts of abilities from all sorts of backgrounds together, and this helps to build stronger communities. The redevelopment of the Altona Leisure Centre will include new leisure, learn-to-swim and pool programs; toilets for the disabled and new change rooms; a cafe; a storeroom; as well as extensions to the work plant.

The Hobsons Bay City Council has contributed $2.35 million to the project, and I was thrilled to be part of this announcement and to witness a great example of a partnership approach taken by the state government with a local council. This highlights our community's awareness of the social, health and economic benefits that flow from investing in sport and recreation.

Roads: upgrades

Hon. R. H. BOWDEN (South Eastern) — At 6.45 a.m. yesterday I and my colleague the shadow Minister for Transport in the other place were at the intersection of Thompsons Road and the Western Port Highway watching the traffic. At that time, early in the morning when it was still dark, we were shocked to see the long lines of traffic in each direction with motorists held up because of the obvious poor planning by VicRoads and not assisted by the reactionary practices of the City of Casey in dumping traffic onto the Western Port Highway and Thompsons Road. It is very clear that this important intersection needs an overpass, and I am urging VicRoads and the Minister for Transport in the other place to do something about it.

At 7.00 a.m. my colleague and I began a journey from the Princes Highway, Dandenong, to Parliament House. I have to tell honourable members here that that trip took 1 hour and 10 minutes and the traffic on the Monash Freeway was dreadful. We were very concerned to be amongst people travelling and commuting on the freeway, and we felt it was an absolute disgrace to VicRoads and the state government that they have no plans, no imagination and no interest in improving the capacity of the Monash Freeway. The traffic during peak hours each way on this freeway between Dandenong and the city is dreadful. I suggest that the Minister for Transport in the other place and VicRoads seriously examine their inaction and do something about increasing capacity on the Monash.

Kids Help Line

Hon. A. P. OLEXANDER (Silvan) — In the year 2003 over 290 000 Victorians aged between 5 and 18 years of age called the Kids Help Line, a free 24-hour anonymous and confidential telephone and web counselling service. That is over 5000 young Victorians calling for help with their lives every week of the year. Just over 140 000 of those calls were answered. Sadly, even though over 150 000 young Victorians picked up the phone, their calls for help could not be answered. That represents over half of all calls made to the Kids Help Line — and 40 per cent of those calls were made from rural and regional Victoria.

The number of calls about bullying, relationships, problems with family and friends, pregnancy, drug and alcohol use, depression and self harm have increased in recent years. Victoria's youth are struggling with many very important issues. More needs to be done to ensure that those calls for help do not go unanswered and that young Victorians can pick up the phone and receive the support, advice and comfort they need to cope and gain confidence to deal with issues in their lives.

On Friday night I was pleased to attend the Kids Help Line ball, and I wish to pay tribute to all the dedicated staff and volunteers who put on a terrific night to raise funds for that service. I want to thank the major sponsors, and all who attended that evening; and of course I wish to thank the volunteers who man the phones.

Salvation Army Red Shield Appeal

Hon. B. W. BISHOP (North Western) — I recently had the pleasure of officially launching the 2004 Salvation Army Red Shield Appeal for Mildura, after accepting an invitation to become the chairman of the appeal and taking over from the previous chairman Roy Burr. Mr Burr, the appeal chairman for over 25 years, has been a real asset to the district, and I sincerely thank and congratulate Roy on a job very well done.

I have a huge admiration for the work of the Salvation Army, which is at all times made up of people who are tireless in their selfless serving of others. This is a huge commitment to the community, and particularly to the disadvantaged. I also commend the work done by Salvation Army Major Merv Lincoln, who is always out and about in the community filling every demanding role, including that of Mildura Rural City Council chaplain.

In the last 12 months the Mildura Salvation Army family support service assisted over 2000 people, issued over $30 000 worth of food vouchers and supplied another $39 000 worth of food from the centre. When you take into account the material aid, the financial assistance, the accommodation of people on Christmas Day and the assistance given to fire victims, the figure is a staggering $106 000.

Locally raised Red Shield Appeal funds stay in the community and assist the Salvation Army in helping many people. I sincerely thank the 200-odd people who donated time to doorknocking, and I thank local residents, who have given about $13 000, for their generosity. I hope that after the final count the target of $20 000 is reached.

PETITION

Mornington Peninsula: recreational fishing

Hon. R. H. BOWDEN (South-Eastern) presented petition requesting that the Mornington Peninsula Shire Council provide boat-washing and fish-cleaning facilities at ramps immediately for recreational fishermen and that the maximum boat landing fee be $2 (250 signatures).

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Review, 2003

Ms ARGONDIZZO (Templestowe) presented annual review, together with appendices.

Laid on table.

Ordered to be printed.

Regulation review, 2003

Ms ARGONDIZZO (Templestowe) presented annual review, together with appendices.

Laid on table.

Ordered to be printed.

Alert Digest No. 5

Ms ARGONDIZZO (Templestowe) presented *Alert Digest* No. 5 of 2004, together with appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Delivery of Home and Community Care Services by Local Government, May 2004.

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated Access Area Order, pursuant to section 18 of the Act.

Crown Land (Reserves) Act 1978 — Minister's Orders of 25 March 2004 and 4 May 2004 giving approval for the granting of leases at Mt Wombat Preservation of Species of Native Plants Reserve, Tasma Terrace Reserve and Watson Hill Historic Reserve (three papers).

International Fibre Centre — Minister for Education and Training's report of receipt of 2003 report.

Melbourne 2002 World Masters Games Ltd — Report for the period 1 July 2001 to 15 November 2002.

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

Bayside Planning Scheme — Amendment C29 (Part 2).

Boroondara Planning Scheme — Amendment C16.

Glen Eira Planning Scheme — Amendment C35.

Glenelg Planning Scheme — Amendment C11.

Knox Planning Scheme — Amendment C39.

Monash Planning Scheme — Amendment C36.

South Gippsland Planning Scheme — Amendment C18.

Victoria Planning Provisions — Amendment VC23.

Wangaratta Planning Scheme — Amendment C13.

Statutory Rules under the following Acts of Parliament:

Fair Trading Act 1999 — No. 36.

Road Safety Act 1986 — No. 38.

Transfer of Land Act 1958 — No. 37.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 28, 37 and 38.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Australian Crime Commission (State Provisions) Act 2003 — paragraphs (d) and (e) of the definition of 'Commonwealth body or person' in section 3(1), section 15, Division 3 of Part 2, and section 44(1)(b) — 13 May 2004 (*Gazette No. G20, 13 May 2004)*.

Fair Trading (Further Amendment) Act 2003 — remaining provisions — 30 August 2004 (*Gazette No. G20, 13 May 2004*).

BUSINESS OF THE HOUSE

Program

Mr GAVIN JENNINGS (Minister for Aged Care) — I move:

That, pursuant to sessional order 20, the orders of the day, government business, relating to the following bills be considered and completed by 4.30 p.m. on Thursday, 27 May 2004:

Private Security Bill

Births, Deaths and Marriages Registration (Amendment) Bill

Courts Legislation (Judicial Appointments) Bill

Courts Legislation (Funds in Court) Bill.

Motion agreed to.

PRIVATE SECURITY BILL

Second reading

Debate resumed from 12 May; motion of Hon. T. C. THEOPHANOUS (Minister for Energy Industries).

Hon. RICHARD DALLA-RIVA (East Yarra) — I am pleased to contribute to the Private Security Bill, which has passed through the other place and is now before this house for review. In doing so I bring forward an understanding of the complexity of this bill and the depth it goes into, and I will talk later at some length about some of the opposition's concerns with it. The purpose of the bill is two-fold. It provides a level of licensing for certain participants and it also establishes a registration regime for others within the security industry.

I will start by explaining to the house that I have previously undertaken studies in this area. I undertook a diploma of business with security management as my major. It was a two-year course at the old Phillip Institute back in the mid-1980s during the time of the first attempt at the regulation of the security industry and the establishment of its professionalism. It is interesting to look at some of the correspondence and notes I have received from various people, some who were either lecturers at that course or participants. It is great to see they have moved on in establishing a professional regime throughout not only Victoria but Australia.

The bill tries to develop further the professionalism of the industry, but it is there that it is sadly lacking. Its main provisions were explained during the departmental briefing. Whenever we have a positive briefing from government departments I always acknowledge that that is the case, and this is no exception. On this occasion we had a detailed briefing from the department on the bill, and most questions were answered or dealt with in the course of that discussion. I place on record my appreciation of the department for that briefing.

The main provisions of the bill go to a number of areas. I have outlined the licensing and the registration, and I will talk a bit more about the classes that are provided. The main provisions require private investigators, bodyguards, crowd controllers, security guards and any other person, providing such is in a business capacity, to be licensed by the Chief Commissioner of Police, and this is dependent upon competency and training requirements to be enforced by the commissioner or their delegate. The legislation will also automatically disqualify those who have committed either drug-related offences or any assault punishable by a term of imprisonment of six months or more from holding a licence. Candidates will be required to fulfil accredited training requirements as stipulated by the Chief Commissioner of Police in order to obtain that licence.

The bill allows for and requires that a disciplinary hearing to either suspend or cancel a licence be held immediately following an individual being charged with a crime, although there are some concerns about the way that is dealt with in the bill. The bill requires security equipment installers, security advisers and any person, providing such person is in a business capacity, to be registered by the Chief Commissioner of Police and is dependent on the provision of proof of identity

and references of both the applicant and all close associates.

I am sure most honourable members in this house and the other place would have received at some point correspondence from a variety of national bodies. Those bodies have set forth some of their concerns. We raise what appears to be a reactionary approach to a situation which occurred earlier this year. It demonstrates the rigour with which this government will respond to matters merely because of media and other types of pressures. It is disappointing because the bill could have been dealt with better and put forward in a more cohesive and responsible way, taking into account the more relevant stakeholders in that process. For those reasons the opposition will move a reasoned amendment. I move:

> That all the words after 'That' be omitted with the view of inserting in place thereof 'this house refuses to read this bill a second time until there is further consultation with key stakeholders in the security industry concerning the ability of the bill to adequately provide for sustainable and effective regulation of the security industry and to meet its stated policy objective to 'regulate the private security industry for the purposes of ensuring public safety and peace'.

The reasoned amendment is moved on the basis that the bill, while it goes towards identifying issues that could be addressed, is essentially flawed and appears to have been rolled out hastily on an ad hoc basis without taking into consideration a variety of issues. This is an opportunity for the Parliament to bring forward a positive act. It is like most things that we have unfortunately seen before — it is flawed.

On previous occasions when I have contributed to debates on bills and when I have not seen the necessity to support the legislation but merely to oppose it, I have always put forward my concerns about the extent of the bill. This bill really ought to be stripped back. It ought to be taken back to the drawing board by those on the other side and started again. Let us start again and undertake a proper consultation process.

It is disappointing when we look at some of the history of this bill. I refer to an article on page 4 of the *Age* of 28 January. It followed the death of David Hookes on 19 January 2004. It is titled 'How push for bouncer laws lapsed'. The article was written by Richard Baker who states that:

> A four-page memo written by a senior bureaucrat set out a comprehensive plan to have new laws covering Victoria's 19 000 security guards and bouncers in force by March 2001.
>
> ...
>
> The plan proposed in the memo — written by the then assistant director of legislative policy, Neil Robertson — included the forming of a consultative committee and the preparation of a draft exposure bill and allowed for a period of time for public comment.

Mr Robertson was quoted as writing that:

> A revised private agents bill could be ready for introduction and passage in the spring 2000 session, with the whole legislative package commencing operation in March 2001.

It goes on further and outlines the delay of the Minister for Police and Emergency Services in the other place and how he had dropped the ball in getting this on track and moving forward. Unfortunately it took the David Hookes incident, some four years later, before the government reacted. It reacted in typical fashion, unfortunately, utilising the emotion at the time. I was a regular listener to the David Hookes program from 6 o'clock to 8 o'clock. Like most people, I thought it was a tragic incident. The matter is now before the court. It could have been dealt with in a more responsible and cohesive manner.

Honourable members would have received documentation, as have I, from various groups. One in particular is ASIAL, which is the Australian Security Industry Association Ltd, a peak body which obviously has concerns about a number of these issues. I have received correspondence dated 31 March 2004 with attached parliamentary briefings outlining its concern about the bill.

An article on pages 18 and 19 of the magazine *Security Insider* of March–April 2004 outlines a range of concerns brought forward by the security industry in relation to the proposed bill. Similarly I have a comprehensive, weighty document published by Australian Security Industry Association Ltd entitled *Security First*, *Regulating Security in Victoria: the way forward*. A letter dated 7 April, addressed to me and attached to the document, outlines ASIAL's concerns. Hence the reason for my having moved the reasoned amendment now before the house. We have in part, through those numerous publications and documentations, provided some of the statements that are important to put on the record from the peak body. ASIAL's letter of 7 April to me states, in part:

> ASIAL understands that in this session of Parliament it is intended to introduce a bill for the regulation of private security.
>
> In concert with other key industry stakeholders and the union, ASIAL is very concerned that the proposals do not go far enough and will not deliver an acceptable security regime to meet community needs and expectations.
>
> Following several years of reports and discussions with the minister for police on appropriate reforms, we are all disappointed that the intended model has been watered down

> to a more complex model that is a poor compromise. It is our collective view that this will result in a second-rate regime in this state, out of step with moves in other jurisdictions.

One might ask: why do that? Why go through a process — identified by the department in 2000, and rightly so, with an anticipated rollout and consultation — that involves us putting a flawed bill through the house? I know the government will put the bill through this house because it will use its numbers. It will not take into account the industry's concerns.

Members of the house who would have received the comprehensive documentation from ASIAL — *Security First, Regulating Security in Victoria: the way forward* — would realise that ASIAL has gone to great lengths to try to explain that this bill is fundamentally flawed. ASIAL obviously targeted the government. It needed to lay its concerns out in simple terms, so the government would understand. I will read some excerpts from that report:

> Summary
>
> The Victorian government has framed a draft bill for the regulation of the private security industry.
>
> This follows over four years of investigation with various stakeholders and several reports and discussion documents.
>
> Industry was led to believe that the preferred structure was to be close to the national model — but instead, the latest proposal advocates a two-tier system of licensing (manpower) and registration (electronic). The scope of the intended regime has been increased, but important sectors have been exempted or excluded.
>
> From cross-industry meetings it is clear that industry is united and solid in its rejection of the intended provisions in their present form.
>
> From a strategic outlook, industry requires uniformity and consistency across the country.
>
> The proposed legislation is not supported by any of the major stakeholders without the amendments listed herein.
>
> As an influencer of policy we ask that you carefully consider the arguments within this document.

We in the opposition have considered the arguments provided in the document, and we have said in our reasoned amendment that we will refuse to read the bill a second time. The government should take it away, consult appropriately, have an effective regulation of the security industry and make sure that the bill establishes public safety and peace. What we find, of course, is that the ever-growing security industry has been let down poorly by this minister and this government.

It is important to outline why I moved the reasoned amendment. The security industry has become more important in its providing assistance to the police. There is no doubt that police resources cannot adequately cover the work that private security is now doing. It is accepted throughout the Western World that that is the appropriate mechanism. Some examples of the work the industry is undertaking now include airport security, infrastructure protection, guarding of people, firearms control, access control, surveillance, alarm monitoring, and the list goes on and on, but this government has a difficulty in identifying the important role the private security industry plays in those areas.

If you take a national overview of how the security industry is operating you will see that Victoria is sadly lacking. Since 1998 the Security Industry Act and its regulations have been operating well in New South Wales, so much so that this legislation supports a co-regulatory approach and it is now undergoing a five-year review. The Australian Capital Territory abandoned its registration system of security regulation in favour of a co-regulatory licensing system based upon the New South Wales model, but Victoria, through this legislation, is about to introduce a registration system.

In Western Australia there is strong support at a policy, ministerial and police level to introduce the national model. In Tasmania, in consultation with ASIAL — congratulations to it! — the government has undertaken to bring in legislation, again to cover the national model. Queensland, having completed its national competition policy, is engaging industry stakeholders in an overhaul of the security legislation, but one would hope it will not follow the flawed model presented to this house today.

South Australia is making its legislation consistent with that of other jurisdictions through minor amendments. Then we get to Victoria — and where are we? For several years this government has been sitting on its hands — it has been reviewing the Private Agents Act 1966. Although there was strong support for the introduction of a national model there was resistance in some quarters — I would be interested to find out from the government where those elements of resistance were — and this has resulted in the distribution of a compromised proposal that falls significantly short of what is required.

There we have a comparison of some of the legislative frameworks that are in operation right throughout the rest of the country. I thought it was important to go back to consider those, and I hope the government will take into account in considering our reasoned

amendment why we need to go back. When I finish going through the national model I propose to go in part through the bill to expose the significant flaws in it.

The national model has evolved over the past decade as the preferred model. It provides significant determining factors. It provides uniformity and consistency across all state and territory jurisdictions so there is no confusion about one act of Parliament working in indifference to another act of Parliament somewhere else. It provides a universal scope for covering security providers, especially in relation to electronic sensors, alarms, closed circuit television, access control, and locksmiths who are not in Victoria — you might have the situation, as we will discuss later, where a locksmith company may be based somewhere else. It takes in a co-regulatory approach, which is about working together with approved security organisations where there is a responsibility for complete management of and compliance by security providers. I think that is very important. There is mandatory membership through the process, so you can still get away from having licensing or registration provided for within a bill, and I will go into detail on that later. The development of uniform industry-driven standards, codes, guidelines and protocols are lacking in this bill. The suggestions within the bill are completely at odds with what is happening right across other jurisdictions.

I turn to deal with the issue of a centralised registry. I reflect on what happened in previous years, when people would set up an organisation in one state, go to another state and set up another organisation and then do the same with another organisation in another state and so on. I remember Mr Bond doing that in my old fraud squad days — he would go around and set up different companies in different states. The problem was that with no centralised registry one state would have no idea what another state was doing, and that is what we are going to come across here. It is important and would have been desirable to have an effective security industry council, but it appears that the government here wants to go it alone and not engage with the principal advisers elsewhere. Such a body would also put forward national competency-based standards, so somebody could come to Victoria from Western Australia and meet compliance standards without having to go through a process. You can imagine that individual operators or organisations will now have to set up separate training, licensing and registration regimes if they move from one boundary to another, and that will create major problems in some of the border towns in particular, where security officers may come from Albury to work in Wodonga or vice versa. Those are some of the issues we put forward that other organisations are very concerned about.

To give a brief overview of those concerns, the Australian Security Industry Association Ltd reports that it has a national work force of over 150 000 personnel, almost four times that of the police. The private security industry is playing an ever-growing front-line role of safeguarding the interests of the community, and it is disappointing that we now have to go through this charade of a bill. It is disappointing because it is clear that the minister is dictating to Parliament to get this bill passed because he is under intense scrutiny by the media because of his incapacity to deal with the reaction to a very tragic event — an outpouring of emotion. The department was told to go away and it has come up with the flawed bill we are now debating. It is disappointing and sad because the bill will have huge ramifications right across the security industry and the community in the long term.

I will go through some of what was provided by ASIAL in a *Parliamentary Briefing*. This document, with an attachment, was received on 31 March 2004. It gives 10 reasons why the bill is unacceptable. It is important that I also put on the record that we have moved the reasoned amendment in the context of how the bill is seen as unacceptable. The briefing states that the proposals do not go far enough and miss the opportunity for uniformity and consistency with the other states. It also states there is a two-tiered system of licensing and registration which introduces unnecessary added complexity without a plausible rationale. It states, as I indicated earlier, that the Australian Capital Territory recognised that this two-tiered system of registration and licensing was not going to work and therefore abandoned it. The ACT got rid of it — dumped it — but this government wants to bring it in. It does not seem to make sense, and there does not appear to be any rationale for it other than to create an unnecessary bureaucracy.

The briefing document contains a score card which goes to 18 issues that ASIAL felt were important to the security industry, and I will outline those before moving on. The industry position was quite clear: it wanted to see each of those 18 matters dealt with by this bill, but the government received ticks for only 3. It received a tick for competency-based training. It received a tick for enforcement. There must be enforcement because there must be penalties — more for the government's coffers because that is all it relates to. The government does not worry about achieving outcomes; what we have here is the bottom line, the dollars back into consolidated revenue. But the government got a tick, and we congratulate it. Finally the government got a tick on probity. The government did well on three issues.

An honourable member — What about the other 15?

Hon. RICHARD DALLA-RIVA — I did a percentage check. The government passed on 16.6 per cent. It would have been good if it had got close to 50 per cent, but it did not even get close to 20 per cent — it did not get even get close to one-fifth of the requirement, and it failed in a variety of areas. It failed on universal licensing, which I have mentioned. It failed on compliance and on uniformity, and I have mentioned that. It failed to raise standards. It failed on scope and on simplicity. While it created this two-tiered horrendous system it failed to establish a code of practice, although I seem to recall another bill which is about establishing codes of practice for the government's union mates. But no, the government did not consult on this issue, and the outcome is that there is no established code of practice. The government did not establish an outcome for culture shift or for sustainability. The system is not a proven model. There is no co-regulation. There is not a level playing field. The proposal is not affordable or accountable, and it does not even meet public policy. The government failed on every conceivable community concern.

Hon. Andrea Coote — It is a disaster!

Hon. RICHARD DALLA-RIVA — It is really a disaster, Mrs Coote. It is an absolute shame.

I quote from page 19 of *Security Insider*, which states:

> ... the government's proposal does not go far enough and misses a great opportunity for uniformity and consistency with other states, contrary to the policy of the Council of Australian Governments (COAG). The result being that Victoria will end up with a second-rate regime that is out of step with the rest of the country.

That is a damning report card on the bill, and is the reason why the opposition has moved the reasoned amendment.

Point 3 of the ASIAL's briefing notes states:

> The proposals do recognise the need to regulate the electronic sector and ... the government is advocating registration only and is seemingly disinterested in competency requirements.

Why is there licensing on the one hand and registering on the other hand? The ACT has seen the light and got rid of it, but Victoria is heading down this path.

Point 4 states:

> Important sectors are ignored including trainers, locksmiths, information security and in-house security — these are fundamental to a security regime that has integrity.

Now a company can set up in-house security and be exempt from the provisions. Why? If people want to get around the loopholes, then they will create an in-house security regime. It does not make sense.

Point 5 states:

> Exemption of 'in-house' security is at odds with the discussion on the Terrorism (Community Protection) Act 2003.

On the one hand you expect there will be uniformity across the board but on the other hand the bill misses the point of an organisation wishing to establish an in-house security regime. Point 6 states:

> The proposals do not engage industry adequately in a co-regulatory approach though there is a confusing reference to primary licence-holders being required to belong to an 'approved security industry association' ...

Again ASIAL and the opposition are not clear on what is meant. Point 7 states:

> No reference is made to control over behaviour and culture, proactive compliance or complaint management — areas where co-regulation with industry will make this possible through approved associations.

The bill talks about complaint mechanisms, but it has a co-regulatory framework and does not take it much further. Point 8 states:

> The proposals erroneously define security guard to include control room and monitoring centre operators — this is nonsense as the roles and functions (and required training) are quite different.

Had the government consulted it would have understood that 'security guard' includes control room and monitoring centre operators, but it has left that expression in the bill. Point 9 states:

> ... the bill will strengthen business requirements — but this is problematic and probably unenforceable ...

The bill will allow commercial judgments to be made by officials who are not trained to assess such matters. Point 10 states:

> The proposed bill will vest inordinate power in the Chief Commissioner of Police ... with a consequential risk of denial of natural justice and procedural fairness.

I shall go into that detail when I go through the bill.

Extensive concern has been expressed by the industry, and there is much literature available that could have been readily obtained. I hope that in its contributions to the debate the government acknowledges the great work organisations like ASIAL and others have done to try to break down this bill into its core components and

to demonstrate succinctly and clearly that the bill is not relevant to the needs and aspirations of the community or of the industry. It is disappointing that the government wants to push through the bill, given that there is such a backlash against it.

I turn to the bill, and I will explain some of the reasons why the opposition has moved the reasoned amendment. Clause 2, headed 'Commencement' states, in part:

> (3) If a provision referred to in sub-section (2) does not come into operation before 1 July 2005, it comes into operation on that day.

It is not yet 1 July 2004, yet the government is rushing this bill through, saying, 'If we do not do anything about it for whatever reason, the provisions in (2) mean we will implement the bill another 13 months down the track'. Why? The government has introduced retrospective bills, but why does this bill have to be delayed for such a lengthy period? In January an incident occurred which led to a substantial emotional outpouring in the community, yet this bill that is being rushed through will still be delayed.

Clause 3 refers to and defines 'class A security activity', and lists the following activities:

> (a) acting as an investigator; or
>
> (b) acting as a bodyguard; or
>
> (c) acting as a crowd controller; or
>
> (d) acting as a security guard ...

If you want to be a thug debt collector, do not worry about this bill because the government has taken that category away and put it under consumer affairs. There will be big brutish guys or girls going around without regulation or control when they should have been included in this bill. Why take them out of the bill? I do not know if the government lives in pixie land but there are some rough heads out there who go around debt collecting. If the government thinks that does not happen and that practice does not need to be regulated, then it needs to go back to pixie land and reinvent the wheel.

The government has brought in a class A security activity in the bill but it has excluded a hard-edged security activity because it involves money. When people are trying to collect money, they do all sorts of things. They will go to great lengths to engage unlicensed people to collect debts. From my experience, if you think that does not happen or that that practice does not need to be regulated, then you are in noddy land because that is where the Bracks government is heading. It is a shame because there will be situations similar to assaults by unlicensed or unregulated debt collection agents who should come within the framework of this bill.

The next part of clause 3 defines 'class B security activity'. The government is now rating people within the security industry, as outlined by the Australian Security Industry Association. It sees no reason why one should register such activities. Why are they not licensed like everybody else and under the same umbrella? It is disappointing, because I am sure the department would have seen it as an appropriate mechanism, as is the case in other states, but the government wants to rush the bill through. The bill is a mishmash of policy on the run.

Part 3 is headed 'Licensing private security operators'. Clause 13 defines 'disqualifying offence' as:

> (a) any offence under Part 5 of the Drugs, Poisons and Controlled Substances Act 1981 involving —
>
> (i) trafficking in a drug of dependence; or
>
> (ii) cultivation ...

It means that those acting as investigative bodyguards, crowd controllers or security guards will be prevented, if they have a disqualifying offence, from being licensed. The clause also states:

> (b) any assault punishable by a term of imprisonment of 6 months of more ...

I find that interesting on two levels. A person who has been convicted of an assault under the Summary Offences Act — not common-law assault — can be a bouncer. That means that a bouncer can be any person who unlawfully assaults or beats another person, and that is punishable by a maximum of three months imprisonment. So you could have a person working as a bouncer who has been convicted of a summary offences assault, and that might have been because he took a plea. He might have been charged with a more serious offence, and we know that occurs in courts when people plead guilty to a lesser charge. Under this bill he could still practise as a crowd controller.

The issue relating to David Hookes was obviously a bit more serious, because that person had substantially more matters pending which I will not go into. But the realities are that we will now be able to have in Victoria people who have been convicted of summary offences of assault acting as crowd controllers, because they do not fall within the disqualifying offence definition as

outlined on page 17 of the bill. I seek guidance from the government as to whether the bill says otherwise.

The other issue I find interesting is that murder is not included in the disqualifying offences. Most people would automatically assume that murder is an assault, but is it? It is not specified in the bill. Other bills we have had before the house have outlined quite comprehensively every offence that would make a person ineligible for a position, and yet in this bill we have only two categories — somebody who trafficks in drugs and somebody who has been convicted of assault punishable by a term of imprisonment of six months or more. So somebody with a minor conviction for assault under the Summary Offences Act who is sent to prison for three months can still be a practising crowd controller. Great! Someone who has been to jail for three months!

Hon. B. N. Atkinson — What is the difference between a minor and a major assault? It is a stroke of luck sometimes.

Hon. RICHARD DALLA-RIVA — Exactly. Or the difference could be a plea, Mr Atkinson. They could have been charged with a serious offence but they fell on a plea. The reality is that the bill is silent on somebody who has been convicted of murder, and this is the reason why we are moving the reasoned amendment. Put it in there! Make it very clear so there is no confusion in the courts. Make it very clear so there is no confusion throughout. That is another example of the flaws in this bill.

Hon. B. N. Atkinson — Sloppy drafting!

Hon. RICHARD DALLA-RIVA — It is sloppy drafting. I acknowledge that the people who have to draft this legislation are guided by the government. It is disappointing when you are the world's greatest driver but the car is a Hillman Hunter.

Hon. Andrea Coote interjected.

Hon. RICHARD DALLA-RIVA — I had a Hillman Hunter, but it just did not have the acceleration of a Formula One car. The drafters are well practised in driving Formula One cars, but what has the government given them — a clapped-out Hillman Hunter with a smoky motor, and they are struggling! The outcome is of course that the security industry is the poorer. The security industry is looking for a high-performance outcome and a bill that delivers a quick response. The security industry is not looking for what the government is delivering here today — a slow 48-second quarter-mile dash. That is what the government has delivered today, and it is disappointing, because the outcomes that will be delivered to the security industry are very, very flawed.

I turn to proposed section 41 under division 4 of part 3 on page 36, which relates to the power of the chief commissioner. I would have thought the chief commissioner would be very busy at the moment with other matters and would not want to be worrying about licensing and variations and all the other things. I know it is a delegation — I understand that — but as the security industry has indicated, it could be dealt with more effectively.

The bill goes on about the capacity to review, and the Liberal Party raised the issue of those processes under the bill at the briefing. Division 5 on page 41 relates to disciplinary proceedings, and proposed section 47 states under the heading 'Immediate cancellation of private security licence':

> (1) Immediately on becoming aware that —
>
> (a) the holder of a private security licence; or
>
> (b) in the case of a private security licence which is held by a body corporate, an officer of the body corporate —
>
> is a prohibited person the Chief Commissioner must cancel the licence.
>
> (2) The Chief Commissioner must notify the holder of the licence of the cancellation of the licence.

Then the bill goes on to say in proposed section 50 on page 42 under the heading 'Power of Chief Commissioner to hold disciplinary inquiry':

> If the Chief Commissioner is satisfied that there are grounds for believing that —

and it goes on to talk about having an inquiry; so it sets up a regulatory framework. Then on page 44 under the heading 'Procedures at oral hearing', proposed section 54 outlines the process quite extensively — it is almost like telling you how to suck eggs — and it goes through piece by piece, stating that the hearing has to be recorded and that all these other matters need to be done.

It is interesting that the bill lacks the underlying principles, and yet it comes down to a micro level when it talks about things such as the recording of hearings. Proposed section 54 has subsections (1), (2), (3), (4), (5), (6)(a), (6)(b) and (7)(a) and (b) providing for the procedures of an oral hearing. That is quite detailed, but when it comes to the overall framework, there is no detail. That is the tragedy with this bill — it does not go into the detail where it is necessary, and it goes into great detail where it is not necessary! The bill does not

need to have such a detailed outcome as is outlined in that proposed section.

Part 4 on page 54 provides for registration of private security operators. On my understanding this relates to class B people in relation to the granting of private security business registration, and it goes on about how a person can be a security equipment installer or act as a security adviser. This is another flaw in the bill, and it is another reason why we are saying the government should get rid of it and start again. It appears that people who have committed offences including theft, burglary and destruction of property will not be automatically excluded from obtaining registration as security equipment installers or advisers. If you were having security equipment installed on your premises, the last thing you would want is somebody installing the equipment who has been convicted of burglary, theft or breaking into a house.

Let us get it right. Under this bill here in this state, if you have a business and you have bouncers out the front, you could have a bouncer who has been convicted of assault or who has been convicted of murder. But that is all right. If you can get past them and then you get a security system installed, it could be installed by a person who has been convicted of burglary or theft. This is just whacky stuff. It is just whacky that the government would implement a bill that will allow these loopholes. And what is going to happen? The government will bring forward the numbers. It will not even consider it. It will argue the Bracks spin that we so often hear about. But let us hear some genuine debate on some of these issues. If the government is saying that those matters are excluded, well, put it in the bill — do not leave it silent. You can have a bouncer who has been convicted of assault and you can have your security system installed by somebody who has been convicted of burglary and theft. It is an absolute disgrace that the government brings that type of legislation before the house and sits across the chamber looking innocent and honest saying, 'This is a great bill'. We on this side know why it was put forward with such a rush, and it is just disappointing.

While we are on this issue of security equipment installers, I received a letter from the National Security Screen Association, the NSSA of Victoria. It was faxed to me on 10 May. It states that it was a submission on 3 May 2004. About the regulations, it says that if we have registration of these particular matters we will end up having unscrupulous people avoiding registration. They will say, 'We are not security equipment installers'. The letter states that to get around this:

> ... it is likely that many in the industry will resort to calling their product safety screen doors and window grilles or barrier screen doors and window grilles (or shutters)...

You have not got the detail in the bill to say how to stop the person who has a serious conviction of theft, burglary or whatever — I already said there is a loophole there — from setting up their product and saying, 'I have safety screen doors and window grilles'. The person buying it would read that and say, 'That is the situation'. They could have a picture in the *Yellow Pages* or whatever, and there is nothing wrong with that, but they may avoid registration. I have already said they should not be registered, but they would avoid scrutiny by anyone. Unscrupulous installers would then get around the system, and those who are honestly running their businesses will be subject to the rigors of this regulatory piece of paperwork, this bill. Those who have many convictions will continue to go on as they wish.

What are some of the things that should have been considered? As the NSSA indicated, consideration should have been given to manufacturers, installers and the sales staff. Where is the consistency and uniformity? Why do we have a second-rate bill before the house? When you get letters from different organisations it shows how little consultation there has been in the overall process. It is very disappointing.

On page 98 under part 6, proposed section 137 of the bill defines a 'private security crowd controller business licence', and it goes on to talk about crowd controllers. This is obviously in reaction to the David Hookes incident. Again we are saying, 'Take it back. Let us start from scratch without emotion. Let us get this whole bill before the house appropriately dealt with'.

We see this as a major reform in the Victorian security industry, but the problem is that this is a sloppy bill and it creates too many loopholes. I have only outlined what I would suggest are some of the problems that stood out. It is a sloppy piece of legislation in that it does not address some of the fundamental issues that we need to be debating before the house this evening.

Hon. P. R. HALL (Gippsland) — I am pleased this afternoon to have the opportunity to put the view of The Nationals on the Private Security Bill. From the outset I can say that we will not be opposing this piece of legislation, but we will be supporting the reasoned amendment that has been moved by the opposition. We are supporting it because we believe there is substantial evidence and input from the industry itself to suggest that issues that should have been covered and canvassed in this bill have not been. We believe there is a need to go back and look at those concerns expressed

by the industry. There are ways they could be incorporated in the bill to make it better. So we believe there is some validity in going back and having a look at the bill to make it better. For those reasons we are prepared to support the reasoned amendment. However, I again indicate that should the reasoned amendment fail to get up, we will not be opposing the legislation.

The bill does a number of things. Firstly it requires the licensing of private investigators, bodyguards, crowd controllers and security guards. Businesses providing those services will be required to be licensed. Secondly, it requires accredited training for people performing those roles. That measure is welcomed by The Nationals. Thirdly it disqualifies persons from obtaining licences if they are convicted of drug-related offences or assaults punishable by imprisonment of six months or more. It also requires a hearing to either suspend or cancel a licence to be held immediately following an individual being charged with a crime. Finally it puts in place a registration system for persons installing security equipment or advising on such services and equipment.

The Nationals are well aware of some of the well-documented evidence that has led to the introduction of this bill. Indeed, the second-reading speech makes reference to the recent tragic death of David Hookes, and there have been other instances recorded in the media. In respect of that, I want to make just two comments. First of all it is a pity that we have had to wait so long before legislation of this nature has come before the house. The lead speaker for the opposition indicated that legislation of this nature was being considered by the government up to four years ago. It has taken until this time for the legislation to be introduced. That is a shame, and perhaps some incidents could have been averted had legislation been brought forward at an earlier time.

The other comment is that I want to acknowledge that the work performed by those in crowd control in the security business is not always an easy task. I would say that it is never an easy task. Unfortunately, they are required to perform a necessary task and in the majority of instances those people do their job well, and I think that should be acknowledged. In this sometimes sad, mad and bad world in which we live unfortunately there is a need for security people and consequently they perform an important function. But I think it is unfair on the industry as a whole to give it an image that is less than it actually deserves. In some cases we should reflect and take time to acknowledge that the vast majority of people involved in the delivery of security services do their job well, efficiently and as we would expect them to do it. Unfortunately, incidents will always arise when people do not exercise their powers as appropriately as they should, which leads to the sorts of incidents that have been well documented in the media.

The task of a bouncer, for example, is not an easy one. I have seen cases where people have been abused by others when they have been required to prevent entry to functions, perhaps because of the physical state of a person or simply their dress. But they are there to do a job, and people understand the rules. They are often the subject of abuse, but that is no excuse for those few incidents where people abuse the powers given to them in the role they undertake. It is important to put on the record that this is important and necessary legislation, but let us acknowledge the fact that there are a lot of people out there who do not deserve a bad image. They do their job extremely well, and I thank them for it.

I want to turn my comments to the industry view about this legislation. As is our normal way, members of The Nationals go out and talk to industry and get its views about the legislation that we are required to debate in the Parliament. In this instance the main industry body is the Australian Security Industry Association. We have received quite a deal of feedback from that association in respect of the Private Security Bill. The association made some comments to our shadow spokesperson, the member for Benalla in the other place. I also note the March–April issue of *Security Insider* magazine which was also sent to the member for Benalla. I am not going to read all of the article into the record this afternoon, but it is interesting that if you could precis its view, the industry says that this bill does not go far enough, yet it is too complex. You have to think about that for a while to work out exactly what it means. It means that this bill could be extended further but could be done so in a simpler way. That is the message the association is trying to convey in this rather lengthy article.

The association speaks extensively about the need to put in a common regulatory structure across the nation, and I think there is a lot of sense in that. In recent times we have debated in this house common regulatory structures to establish a national registration system for providers of particular education courses and also accreditation whereby if an organisation were registered in one state, then it would automatically be registered in all other states through a mechanism of common recognition of the accreditation process in each of those states. It is the same with accredited courses. If a course is accredited in one Australian state, then it could be accredited in all other states without having to go through a further lengthy new accreditation process because of the mutual recognition

structures that each state has established. It is a pity that in the private security industry we did not have those elements in place across state borders which would lead to some common structures in each state in Australia. The article in *Security Insider* states in part:

> Proposal by government does not go far enough.
>
> In contrast to the above principles, the government's proposal does not go far enough and misses a great opportunity for uniformity and consistency with other states, contrary to the policy of the Council of Australian Governments (COAG). The result being that Victoria will end up with a second-rate regime that is out of step with the rest of the country.
>
> Simplicity — the proposal does not go far enough to bring about uniformity and consistency with other state and territory jurisdictions, eg NSW, ACT, WA, Tas, SA.

Under the heading 'Flexibility' the article states:

> the proposal will not facilitate portability to or from other jurisdictions or address cross-border issues. The regime in Victoria needs to harmonise with others.

I think that is a commonsense view, and I doubt whether any of us in this chamber would argue against it. I agree with the association that there is a lost opportunity to put those common structures in place across state borders which would make it a better industry in this country.

Without going into every aspect of the bill I want to highlight some of the issues that are of concern to the industry, and these were conveyed to The Nationals spokesperson for police and emergency services, the member for Benalla in the other place, in an email dated 29 April from Mr Terry Murphy, who is the executive director of the Australian Security Industry Association. In that email he speaks about licensing and suggests that the bill fails to introduce some simplicity because it sets up a two-tier system where some in the industry are going to be licensed and others are going to be registered.

From looking at the bill we know that people like guards, crowd controllers, investigators, bodyguards and the like are all going to be required to obtain licences, whereas others in the industry, such as alarm installers, those who install closed-circuit television and security consultants will purely have to seek and have registration. Mr Murphy makes the important point that registration differs from licensing in one main area, and that is that registration does not require any evidence of competency. We go to that issue of training, which is an important one. If you are a person actively involved, like a security guard or a crowd controller, then not only will you need to be licensed but you will also have to have undertaken an accredited training program approved by the Chief Commissioner of Police. We say that is appropriate. Why do people who will be installing alarms or providing advice on them not also have to demonstrate their competence? It seems that they do not, and that is an important point made by the industry.

The industry also says that there are some exceptions that should not have been made. It particularly notes that there is no requirement for locksmiths to be licensed under this legislation, and it quotes evidence of that. A recent Newspoll security survey revealed that 82.5 per cent of respondents believe that locksmiths should be licensed as well. It also comments that locksmiths operate unfettered with restricted key systems and will not be formally probity checked or accountable. Once again, I have no evidence to suggest that locksmiths in any way act in ways that they should not; generally, they provide a great service. But I think that most people would agree that if we are talking about regulation and licensing, one would have thought that there should be some probity checks, for example, and some licensing structure for locksmiths.

The industry also commented about the exemption provided to in-house employees and, without going through all its arguments, it asks why an organisation which establishes it own in-house security structure should be exempted and why people employed in that role are not also required to have licences. After all, they will be dealing with the public in the same way as any other security agents would be. These are valid points; they are the sort of things that the reasoned amendment goes to, and we should go back and look at those particular aspects.

The industry also comments about training and mentions that it supports appropriately accredited training programs for most people in the security industry. However, it makes the comment once again that those who only have to be registered and not licensed are not required to undertake any competence-based training whatsoever. I agree, and I think that is a deficiency in this bill.

The industry makes some specific points about the compliance provisions of this bill, and we know that there are features of the bill that outline the penalties attached if people in this industry abuse their powers. But the industry makes the point that the bill does not incorporate any proactive compliance provision; most of the compliance procedures result from a complaint mechanism being put in place, so it is only if others complain about somebody being involved in the industry that an inquiry takes place. It argues in its submission to The Nationals that there should be a

degree of quality assurance built into the system, and it goes on to elaborate on what happens in New South Wales and the Australian Capital Territory. Again, it is making a point that some form of self-assessment quality provision in the industry would be helpful and make it a better industry.

The last point I want to make in my contribution relates to the regulation-making powers available in this bill. A lot of the training programs and other components of the bill are required to be put in place by way of regulation, and some of those need to be approved by the Chief Commissioner of Police. Some concern has been expressed by the industry that the detail and the effectiveness of much of this legislation will only be borne out once we have the regulations in place and we can see how effective those training programs or other features are and how they evolve under those regulations. I guess the Parliament has some scrutiny over what evolves from the regulatory process. That is a job for the Scrutiny of Acts and Regulations Committee, and I expect it will monitor some of these things closely when they come about.

As I have said from the outset, it is a bit of a pity that it has taken so long for this legislation to get to where it is today. It is also a bit of a pity that a lot of the industry's views have not been taken on board because many of them are very sensible proposals which would have made for better legislation. Having said that, I repeat that the Nationals will not be opposing this legislation, but we believe there is merit in the reasoned amendment moved by the opposition. We will be supporting that reasoned amendment.

Mr VINEY (Chelsea) — I am pleased to speak in support of the bill to establish the Private Security Act 2004 which amends the Private Agents Act 1966. In doing so it is important to put on record the context in which this bill is before the house. It is part of this government's commitment to ensuring that we have a safe Victoria and to ensuring that the community can feel confident and safe in going about its activities, whether they be recreational, business, or shopping et cetera. Part of that important strategy in providing a safe and secure environment for Victorians has been this government's commitment to putting additional police on the streets. Unlike the previous government that cut back 1000 police, this government has been putting police back on the street. I think it is coming up to 1400 additional police by the end of this government's term.

Part of the government's commitment also involves the further improvement of regulation in the private security sector. There has been significant growth in this sector, and my understanding is that there are now about 26 000 licensed private security agents in one form or another working in crowd control and other elements of security. It is important that we ensure that there is a proper regulatory process under which this industry can operate. I bring to the attention of members that this system of regulation involves regulation through the Chief Commissioner of Police. This is an extremely important and relevant approach to the regulation of this sector. In other words the regulation of this sector is done consistent with the proper process of law enforcement in Victoria by using the resources of the offices of the Chief Commissioner of Police, and additional resources in the budget recently announced have been allocated for this area. That is a very important point to make in the context of this legislation.

I welcome some of the comments from the Leader of The Nationals, Mr Hall, in commending the people who work in this sector, and I join him in doing that. I point out that a number of very good people work in this sector. In a conversation with a young nephew of mine I was told that he was assisted by security staff who intervened at a venue where he had been the victim of an unprovoked attack.

In fact the security officer quite possibly saved his life. It was a very serious attack on him which required his hospitalisation. So there are very good people working in this sector, in this industry, who undertake work that we, as a community, could not reasonably expect to cover with our police resources. It is an important sector, and I want to put on the record that there are good people in it.

As in any business, however, sometimes it attracts people who perhaps we would prefer not to work in these industries. There are possibly attractions for people with inappropriate motives to work in this sector, particularly when you think of areas like the installation of closed circuit television, crowd control and so on. It is extremely important that we have in place not only a regime of regulation but an effective regime of regulation. The bill we have before the house today clearly does that.

I wanted to pick up on a couple of the comments made by Mr Dalla-Riva in his contribution. First of all I thought it was inappropriate that Mr Dalla-Riva made comments about a matter that is before the courts, and in particular about the accused person who is before the courts. I wanted particularly to pick up on his assertion that someone convicted of murder would be able to work in this industry. It is quite clear under clause 25 of the bill that the chief commissioner has powers in two

areas that would make such an idea ludicrous and the assertion by Mr Dalla-Riva is consequently quite silly.

Those two factors in clause 25 relate to the power of the chief commissioner to determine that someone should not be licensed if either they are not a fit and proper person in the view of the chief commissioner or the licensing is not in the public interest. I do not know about any other member of this chamber, but I cannot imagine either the current chief commissioner or any future chief commissioner assessing someone convicted of murder as either a fit and proper person or in the public interest being awarded a licence under this legislation, so I think Mr Dalla-Riva's proposition was quite silly.

Mr Dalla-Riva made mention of the fact some offences are specifically mentioned in the bill. The reason is that those particular offences relate very often to the kinds of work and activity in which people in the security business might be required to intervene — for example, on occasions drugs could be taken at some of the venues where there might be crowd controllers or security staff, and it is important therefore to specify quite clearly in the bill that such related convictions would rule a person ineligible to be licensed.

I also wanted to pick up on the comment made, I think, by Mr Dalla-Riva and also by Mr Hall in relation to national standards. In fact the government's consistent view has been to work within national standards, and Victoria supports national standards for this industry. In particular it supports and encourages the industry to develop a national code of conduct. But it is true that from time to time different jurisdictions and different states have particular needs and face different pressures in relation to their industries.

I think it is fair to say that on an assessment of the industry and the type of work undertaken by people in the security industry in Victoria this bill has been prepared in response to those particular requirements and issues. It is also relevant to point out that the bill allows for some review at the three-year period which will enable the Parliament, if it is appropriate in the government's view, to look at further changes in response to what might be happening in the industry. It will be an opportunity for the Parliament at that time or at a time earlier, if necessary, to reconsider these matters.

It is important to recognise that the government has introduced some legislation that aims to ensure Victorians feel and remain safe to go about their business. It has also achieved that through a properly regulated security industry and the additional police resources or numbers it has put in place in this state. They are factors of this government's proud commitment to providing a safer Victoria for its community, and I think this bill achieves those things.

Finally I want to pick up on the other comment made, I think by Mr Dalla-Riva, in relation to the retention of the 1966 act dealing with private agents and specifically debt collectors. This bill repeals all those provisions of the 1966 act relating to people working as security agents, crowd controllers and so on and puts all those people who were required to be regulated and licensed under that 1966 act into this new act, extending it to some other areas in response to changes in the industry. But it retains the same provisions as those in the 1966 act in relation to debt collectors and keeps that act's regulations.

This is a sensible approach taken by the government to the changing demands in this sector to maintain public confidence in a safer Victoria. It is a bill to be welcomed in that it extends some of the regulation and licensing provisions. Coming back to my original point, it is a bill that puts this regulation in place within the context of current policing powers through the use of the resources of the Chief Commissioner of Police as the person responsible for ensuring that there is proper regulation and proper licensing. I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — This has been a good debate and has sensibly canvassed a range of issues. The legislation addresses a number of matters that many people in the community would have expected to be already covered by legislation and regulations. Many people would rely strongly in a confidence sense on the fact that people who are involved in crowd control and security work would have faced probity checks and have been equipped for that work through proper medical, first aid and crowd control training, also maintained by adequate supervision and management support which might well range in many cases to areas such as counselling because these people deal with difficult situations.

As a number of speakers have said during the debate, there is no doubt that overwhelmingly, as in most circumstances where people are involved in different pursuits, most people involved in this industry are good and professional people who do an outstanding job. They ensure a measure of public safety and in many respects augment our police force so that people are able to go about their business without undue harassment or interference from others who are simply not behaving responsibly. This legislation is important in terms of setting a benchmark for where we ought to

be going with the security industry and certainly people such as bodyguards and crowd controllers.

I guess every one of us was shocked to hear, initially, of David Hookes being admitted to hospital, and then of his subsequent death. He had been a young man who had made a remarkable impression on Australia in terms of both his sporting prowess and his rather maverick attitude to life. He was every bit an Australian and had certainly contributed greatly to Victoria as an adopted state of recent years. We were all, as I said, saddened.

I do not wish to comment specifically on the incident that led to his death. I simply make the observation that it is unfortunate that it took the death of this fine man, but nonetheless a celebrity, to bring this matter to some urgency on the government's agenda. As has been mentioned by the Honourable Richard Dalla-Riva, the prospect of legislative change in this area and improved regulation of this industry has been on the government's agenda for some time — some four years. There have been a number of serious incidents where people have suffered significant injury as a result of altercations at venues involving security personnel.

We, as members of Parliament, are obviously not in a position to judge those cases. There is a separate and appropriate system for the judgment of those issues and the assessment of different claims. I have a view that in many cases we, as a community, have sometimes been too complacent about who might have been to blame in some of those circumstances. Very often there is an argument that people who attend those venues can sometimes consume too much liquor, can become a bit boisterous and probably deserve what they get in terms of being dealt with in a way that they will not offend other patrons or continue to cause interference or harassment to other patrons of those venues.

The fact is that we need to be a lot more confident about the way in which we manage people. It is simply not good enough for people to be hospitalised with serious injuries because they might have said something that someone else considered inappropriate or someone who saw themselves in a position of power was prepared to abuse their privilege or authority for the sake of making a point and perhaps maintaining their control over a situation when other strategies might well have been better.

There are many cases where we need to be concerned that the people involved in this industry are perhaps not adequately resourced or trained. As I and other speakers have indicated, this industry has many reputable and well-established companies and many people working in positions within the industry who have performed splendidly over many years in ensuring public safety and public enjoyment in venues by dealing with or handling people who might well have disrupted events. As a community we need to be sure that there is adequate training for everybody who is involved in this industry. We need to be sure that those people have adequate training certainly in first aid, as is provided under the regulatory regime proposed here, and that they have training in managing incidents. I daresay in many cases we need to be looking a lot more at the experience and maturity of some of the people in the industry, because invariably many of the incidents that have adverse consequences often involve people who are relatively inexperienced and immature, people who perhaps have only one strategy for dealing with issues that arise in these venues — and that is a matter of concern.

As I said at the outset, these people also need counselling and support because they need to understand how they fit into a system of public safety and that they are not simply one out, as it were, as a security guard or bouncer on a door. They also need to have regular management and situation briefings. There should be no shortcuts in this industry. Far too often there is. We need to see adequate supervision in this industry.

By and large the legislation will bring in a system of regulation that is long overdue. It ought to be appropriate in controlling some of the mavericks within this industry, which is in the interests of the community as a whole and certainly in the interests of patrons of venues, but also is very much in the interests of those reputable and professional operators.

Indeed, as the Honourable Peter Hall mentioned, the industry association has been calling for this sort of regulation for quite some time because it has recognised that far from being an impost this is a way of ensuring the professionalism of the industry more broadly and that the people who man the doors at venues, who are involved as bodyguards and in performing other duties of the security industry, are appropriately qualified and appropriately trained. The industry has been seeking that, and I think it certainly welcomes this legislation, as we do today.

Nonetheless, we have some issues with the legislation, as has been indicated by the Honourable Richard Dalla-Riva, and our reasoned amendment seeks to address our major concern with the legislation and its adequacy. It is somewhat unfortunate that legislation that has sat so long on someone's desk before getting to this place has only come here because of the tragedy of

David Hookes. It has been rushed and there are now question marks about certain aspects of it and its effectiveness.

The issue raised by the Honourable Peter Hall about uniformity between the states and having a regulatory system that works across state borders is also a matter of considerable import and one this house ought to be concerned about.

I have teenage daughters and a teenage son — one of my daughters would probably wince because she is 22 now — and they attend these venues regularly. They have observed incidents at some of the venues, and thankfully — as far as I know from what they have told me — they have not been involved in any of those incidents. However, they have indicated that particularly at one venue in the outer eastern suburbs of Melbourne they have witnessed a number of incidents they thought constituted inappropriate behaviour by the crowd controllers — that is, the controllers had used undue force in incidents that simply did not require that level of intervention.

It is very important to ensure that young people when attending entertainment venues receive an appropriate level of supervision. It concerns me when I hear of incidents of sexual harassment and in some cases the suggestion that entry to very popular venues could be obtained more easily if certain favours were provided by the girls seeking to enter those venues. I get very concerned about assaults and drugs in some of those venues, and the failure of some of the crowd control people to take any action to stop the incidence of drug taking. Recently a report came before Parliament on that very issue. I become particularly alarmed when I hear stories of someone involved in crowd control being also involved in the distribution or sale of drugs in those venues.

The industry needs to clean up its act. However, it is not all in the industry because, as I said, there are many professional and reputable companies that want the industry cleaned up as much as anyone else. Everybody needs to know that companies that are involved in security are honest, have integrity and will ensure that the services they provide are not simply provided in an adequate way from the consumer affairs perspective but in a way that will guarantee the level of protection that is expected.

This legislation would go a fair way towards achieving that, and to that extent it is certainly commended. To the extent that it falls short I hope that by the passage of the reasoned amendment the government will have the opportunity to address the concerns raised by the opposition so that this legislation can pass with the support of all parties in the best interests of community safety and with a view to maintaining the integrity of an industry that does very important work in the community, particularly in terms of its management, supervision and the protection of our young people as they go about their entertainment in venues that sometimes bring them into contact with people whose behaviour is not appropriate to the circumstances and in some cases represents a danger.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and make a contribution in support of this bill. It is clear that we have needed to reform the private security industry by introducing this legislation. We as a government have been involved in consultation over a long time with both the industry and the community in forming this bill.

Previous speakers have referred to a series of events that have increased the urgency to introduce a bill such as this into Parliament. Those events includes terrorist activities and demands for private security services by businesses and organisations. That has meant an increase in the number of people working in the security industry and an increase in the number of people running and employing people in the industry. It has been highlighted on a number of occasions that there are some unsuitable characters in the industry — certainly not right across the industry, far from it — who are poorly trained but are out there providing security services. As the previous speaker said, the recent tragic death of David Hookes has further highlighted the need for reform.

Currently the Private Agencies Act 1966 does not require those in occupations other than crowd control to meet competency criteria, including as to training. It does not cover a whole range of security-related occupations such as security equipment installers, security consultants and bodyguards. Such people are taken on trust by employers who require the services they provide for their businesses or for their premises, and the community as well as those employers need to have confidence in them. These operators need to be competent and able to be trusted in carrying out their responsibilities. They are in a position where they can cause damage to businesses, persons or property if they do not carry out those responsibilities in a trustworthy way. This bill seeks to instil in the community a feeling of trust in this growing and important industry by tightening up controls.

There are currently around 26 000 licensed security personnel in Victoria. The changes proposed in this bill relate to the other occupational categories that are

currently regulated by the act such as security guards, security firms, crowd controllers, inquiry agencies, as well as bouncers and bodyguards and those in other areas of the private security industry. We need to have tougher laws because the public has placed greater emphasis on security and the need for people to feel secure, particularly when they are in public places.

A number of changes proposed by the bill provide that people with a criminal history will be banned from working in the industry, and those convicted or found guilty of serious crimes, including assault, drug trafficking or cultivation can be banned from working in the industry.

The police will know if anyone licensed or registered to work in the security industry is charged with a serious crime, and they will then be in a position to determine whether those people should still be allowed to work in the industry.

Bodyguards will have to be licensed under the provisions set out in the bill. Security guards, crowd controllers, private investigators and security firms all currently are required to be licensed to carry out those duties. Bodyguards will have to be properly trained before getting their licences. Previously unregulated sectors of the industry, such as alarm and closed-circuit TV installers, as well as security consultants, will need to be registered. These are areas of the industry that are being utilised more and more, and we are seeing more of these operators and businesses coming into the area. Under the bill they will also now need to be registered.

This bill is about people feeling safer and having greater confidence. The new laws will make it much tougher to work in the security industry. People installing alarm systems, closed-circuit television systems, working as security guards or working as bouncers at a club, function or a hotel, or as investigators will all have to undergo police checks, and anyone with a serious criminal history will not be able to work in the industry. It is about ensuring that we have the right people with the right background and training and meeting a standard of competency to effectively carry out responsibilities that go with the security industry.

Police will also have more power to investigate complaints against security workers and companies and have the power to suspend people from working in the industry as soon as they are charged with a serious crime. The requirements for training will also be strengthened. Again this is an important aspect of the work these security operators and businesses provide. The employees must have the right sort of training so that when circumstances present themselves, they are not working on some sort of gut instinct or in some way they may have behaved in previous circumstances but would be relying on training for that particular set of circumstances, which would hopefully result in much better outcomes for everybody. Nobody will simply be able to walk off the street and say, 'Well, I'm the right size, I am a big burly bloke and I'm more than suitable to stand out the front of your premises and offer my services as a security guard'. It is about making Victoria a safer place to live in, a safer place to socialise in and a safer place to be moving around the community.

The bill will strengthen controls over the industry by making it an offence for business licensees to provide the services of an unlicensed or unregistered operator. It will also be an offence to employ an unlicensed or unregistered person.

The bill establishes a system of business and individual security licences and registrations. This is an important part of the bill, so a business licence or registration will be necessary for a person who wants to conduct a business by providing the services of other persons to carry out security activities. It is about setting up the systems for businesses and how they can employ and deploy staff they have taken on.

Unincorporated sole practitioners as well as employees will be required to have an individual operator's licence or registration, and the bill sets out for penalties for practising without a licence or registration, and for offences involving a licensed business or registration holder providing the services of another person to carry out some sort of security activity if that person is not licensed or unregistered, so the onus is on the business to ensure that the people they are employing and sending out to do this work hold current licences and are registered, which is all about them having met certain competency criteria and being trained. It will also be an offence to employ an unlicensed or unregistered person.

An applicant for a business licence or registration will have to demonstrate evidence of corporate liability and compliance. This is about reducing some of those fly-by-night operators we have seen and who are operating in the industry today. We certainly want to put a stop to that sort of activity.

I shall quickly run through other elements of the bill which are about strengthening the controls of the industry, which the bill does in a number of other ways by applying mandatory disqualifying offence provisions to all licence applicants as well as

licence-holders. This is about the Chief Commissioner of Police conducting an investigation into an application that has been made. The investigators will be able to use any known information about the particular applicant or people who have been associated with or are relevant to that application.

The bill provides that mandatory disqualifying offences relating to drug trafficking and assault will apply to licence applications as well as current licence-holders. Current licence-holders who are found to have committed these offences will have their licences cancelled. It means that those involved in this kind of activity and who commit serious offences will have their licences cancelled, and the chief commissioner will be able to reject applications where a person has been convicted or found guilty of an indictable offence. This would render the person unsuitable to hold a licence or registration, and the application will also be able to be rejected where a person is the subject of a current charge in relation to such an offence.

The government is taking these offences seriously because these are not the sort of people we want working in our security industry. These are not the sort of people we want to be providing important security services to our community, to our businesses and to organisations.

The bill also gives the chief commissioner the power to determine training prerequisites and refresher training requirements for licensees as well as approved training providers. It gives the chief commissioner the ability to impose conditions on a licence as well as a registration. The bill also strengthens the controls of the industry by empowering the chief commissioner to suspend or cancel licences or registrations before criminal charges are determined. The ability to both suspend and cancel regardless of whether criminal proceedings are on foot is necessary, given that different standards of proof are applied to different hearings.

It also strengthens the business requirement standards for a business licence or registration application by requiring applicants to provide compliance with public liability insurance requirements as well as statutory workplace obligations and to demonstrate financial viability.

There are a whole range of strengthening provisions that will control a whole range of aspects of the industry, including the sorts of training people receive, the kinds of backgrounds people come from, the provision of licences and the power of the chief commissioner to make determinations about the appropriateness or otherwise of applicants. It is a good bill and it deserves the support of the house. It is really about decreasing the risk — —

The ACTING PRESIDENT (Ms Hadden) — Order! The honourable member's time has expired.

Hon. A. P. OLEXANDER (Silvan) — It is a pleasure for me to contribute to debate on this piece of legislation, and in doing so I reiterate the comments of my colleagues Mr Dalla-Riva and Mr Atkinson that the Liberal Party will not oppose the passage of this bill through this chamber. However, I make the point that we on the opposition side are proposing a very well-justified reasoned amendment, which I personally support very strongly, as do my Liberal colleagues. If the government is interested in the good operation not only of this piece of legislation but of this industry as a whole, it will take heed of the reasons for our proposing that reasoned amendment and support it. A lot more work needs to be done on this piece of legislation, and that is our key contention here today.

Basically speaking, this legislation was always intended to provide for the licensing and registration of certain participants in the private security industry and was intended to further regulate the industry for the purpose of ensuring public safety and peace. Who could disagree with the stated objectives of this legislation? We on this side of the house certainly do not disagree with those stated objectives; in fact, we support them wholeheartedly, which is why we raise some very serious concerns we have about the way this legislation has come about and also about its key contents and the specific provisions within it — and some that are not in it.

I acknowledge the contributions of Mr Dalla-Riva and Mr Atkinson in outlining the clauses of the bill and the impacts and effects of this legislation, particularly their fine work in identifying the key flaws inherent in it — flaws which should justify the government and members opposite supporting our reasoned amendment and taking this piece of legislation away and reworking it until it is worthy of being passed by all parties in this Parliament. That is as it should have been from the very beginning, given that we all support the stated objective behind the legislation, which at the bottom line is ensuring public safety and peace.

As I have said, the Liberal Party has grave concerns about this legislation, and I will quote from the second-reading speech of the Minister for Police and Emergency Services in the other place. He said:

> The need to reform the private security industry legislation in Victoria has been critical for some time.

I can say in response to that only that it has to be the understatement of this parliamentary session, because all Victorians have been acutely aware for a very long period of time that this legislation has needed to be reviewed and that for years the minister's department has been in the process of doing that. It is interesting that the minister was first informed of the need to do it in 2000 by a ministerial adviser who wrote to the minister in those terms. But in true government form — or perhaps in true André Haermeyer form as Minister for Police and Emergency Services — there was no action for a very long period of time, and what needed to be done was not done.

I will raise at this point an article written by Michael Bachelard in the *Australian* of Thursday, 22 January 2004, which highlights in no uncertain terms the fact that this legislation has taken far, far too long to make its way into this place. I will quote from that article, which is entitled 'Four-year delay in controls on bouncers'. I have cited that for *Hansard*. The article states:

> So long did the consultation process take on changes to an act that was last amended in 1990 that the minister needed to seek four —

I repeat, 'four' —

> special extensions of time to keep the industry regulated while the new laws were developed.
>
> This angered a parliamentary committee, which told the minister last year that time extensions were supposed to be for emergency cases, but in this instance were being issued for 'administrative convenience'.

The committee that wrote to the minister in those terms was the Scrutiny of Acts and Regulations Committee, upon which I sit, and I was part of those comments on time extensions. I opposed those extensions at the time because they were basically for administrative convenience and not caused by emergency situations, despite claims by the minister's office to the contrary. But of course the government has the numbers on that committee, so despite its criticism of the minister, those extensions were granted — and granted and granted again. For a period of four years these extensions were granted, because the legislation could not be produced.

I will quote again from that article, which states further:

> Mr Haermeyer's spokesman said the new laws were complex because they related to the whole industry — alarm installers, private investigators and bodyguards as well as bouncers.

As complex as it may have been, anybody would have thought that a period of four years was more than sufficient to do the necessary consultative work that would have been required to introduce regulations or legislation to update what is a very serious piece of work.

Hon. Richard Dalla-Riva interjected.

Hon. A. P. OLEXANDER — Who knows what the minister was doing, Mr Dalla-Riva, but he certainly did not have his mind on this; and unfortunately he still does not have his mind on it, because there are serious flaws in what has been produced today.

My colleague the shadow Minister for Police and Emergency Services said in his response to the minister's second-reading speech in the other place:

> ... this bill will be another André Haermeyer shambles; there is nothing surer.

Mr Wells is absolutely correct — this is another André Haermeyer shambles; there is nothing surer. The bill has so many holes in it that the best thing the government can do is heed the sentiments of our amendment, take it away and start again.

As the Liberal spokesperson for consumer affairs and for youth affairs, I share the Liberal Party's concerns about this proposal, and I further say that members on the government side of the house should save themselves the significant embarrassment of passing this legislation and then having to come back to fix it time and again, because as it starts to operate it will become obvious that the omissions and inherent flaws within this piece of work will require correction in the future. Rather than doing that, the government should just get this right from the beginning.

My concern from a youth affairs perspective comes about because the people whom this piece of legislation seeks to regulate often have a large amount of contact with young people at venues and clubs of various types in our community, and they are responsible for crowd control and safety issues at those venues. While I acknowledge that there are very many good operators who are honest and who do their jobs professionally and well, there are some absolute shockers out there, and some of the problems associated with those people have been alluded to by my colleagues Mr Dalla-Riva and Mr Atkinson.

I will quote from an article on page 7 of the *Age* of Friday, 16 April 2004, entitled 'Bouncers need national standards, forum told'. It states:

> A bouncer who watched a young woman being beaten by her boyfriend outside a pub he was guarding refused to intervene, telling horrified onlookers 'she probably deserved it'.

> The case was highlighted yesterday as community groups, police and industry representatives gathered at a forum on bouncer behaviour. They called for a national standard to ensure safe practices in the industry.
>
> The Youth Action and Policy Association said the case was one of many reports it had received about discrimination or violence from security staff.
>
> 'There is the perception that security don't treat them (young people) with respect or hear their side of the story', Kristy Delany, the association's chief executive, told the forum.

There are many such stories which come from the youth community about the professional standards of behaviour of the people for whom this would be a guiding piece of legislation. We have very great concerns about the ability of this legislation to fulfil its stated objectives to provide public safety, security and confidence in the system.

According to the government this legislation has been four years in the making. Four years is far too long for that type of consultation. That has been criticised by the appropriate parliamentary committee, but it has also meant that very important changes which should have been made have not been made and have been delayed unjustifiably by this government for at least that period of time. Some changes which should be made now are still not being delivered by this piece of legislation because it has not been properly developed. There is no mandatory, competency-based training for those professions, only a requirement for registration. This creates a confusing two-tiered system of conduct and responsibility. We are not happy with that. We believe Victorians deserve a security industry that is not simply required to join a register but an industry where all the professionals within it are actually professional and where proper competency training has been undertaken, achieved and verified.

Under this legislation security equipment installers and advisers who have committed offences, including theft, burglary and destruction of property, will not automatically be excluded from registration. We see that as a serious flaw. I ask a rhetorical question of government members, and perhaps one can answer for me: how can this government say to Victorian consumers, after the crafting of this legislation has taken four years, that it will enable individuals with a history of crime to come into their businesses to come into their homes and provide security services? It is like putting Dracula in charge of the blood bank. How could you say that to consumers and businesses in this state? I do not think it is justifiable particularly where women are concerned. Only last week we had a case of a consumer of removalist services being attacked and molested by somebody purporting to provide those services. It is a serious issue for people in the community, and this bill does not adequately address it in the case of the installers of and advisers on security systems.

Can it get worse? We believe it can. Mr Dalla-Riva made the salient point that murder does not fall under the umbrella of assault in the definition of assault. That means that convicted murderers can obtain registration. This is the sort of ad hoc, ill-considered legislation that is becoming a hallmark of the Bracks government. In his contribution Mr Viney tried to make the case that murderers would not be admitted to this profession because under clause 25 the police commissioner has discretionary powers to outlaw anybody or to bar from entering anyone who she deemed not to be of fit character. So are government members saying that the police commissioner will be required to go through every application and knock people out because they may have committed murder in the past? Even if she were inclined to do that, it would place an inappropriate administrative burden upon her. Why will the government not just put it in the legislation and mandate it? It should have been mandated from the beginning, but it has not been.

I note that under this legislation the control of debt collectors has been transferred to consumer affairs. Why debt collectors have not been included in the system of registration and probity I cannot imagine, but in my capacity as consumer affairs spokesperson for the Liberal Party I will say that we on the opposition side will be expecting Minister Lenders to provide legislation very soon to this house that will cover this change of government machinery and protect Victorian consumers from debt collectors of dubious character. Many such issues are arising.

In conclusion I say that the Liberal Party does not oppose the bill, although we do have serious concerns about it. True to form for Minister Haermeyer there are more holes in the bill than in a sieve. It will have to come back to this place time and again for correction. That is not the way legislation of this type should be handled. We believe this legislation does not do enough to provide a quality framework of security professionals and leaves consumers and young people without the quality comprehensive protection they deserve. We believe this needs to be corrected by the government. The government should support our reasoned amendment, go away and fix the flaws.

Ms MIKAKOS (Jika Jika) — I am pleased to make a contribution to this bill, which takes a significant step forward in the regulation of the private security industry in Victoria. We have already heard from previous

speakers that there are approximately 26 000 members of the security industry in Victoria; this legislation will make it tougher to work in the security industry and strengthen training requirements. Police will also have more power to investigate complaints and take action if anyone in the industry is charged with a serious crime. I agree that the need for this reform has been emphasised by the recent tragic death of David Hookes.

I am confident that the extensive consultation that has taken place in the development of this bill will ensure that we eliminate or at least minimise reoccurrences, but there is no need for the reasoned amendment the opposition has put forward. It has demonstrated in the course of today's debate complete inconsistency of logic, which is typical of the Liberal Party. Speaker after speaker from the opposition has complained about how long it has taken for this bill to come before the house, yet just when we have the bill here they want to move an amendment to have it postponed to the spring sitting. That just shows that the opposition is very keen on half-baked amendments coming before this house.

There has been extensive consultation. A lot of thought has been put into this legislation to make sure that we get it right. There was a national competition review into the Private Agents Act 1996 conducted by the Freehills Regulatory Group in 1999, and following that a public discussion paper was released in July 2000 which called for public submissions. The Department of Justice has also undertaken two other independent consultant's analyses of private agents regulation — one by Ernst and Young and one by PricewaterhouseCoopers — to look at the Private Agents Act and the proposed new legislation. As we can see, a great deal of thought has been put into this and as yet I have not heard any sensible arguments from the opposition as to why we should delay passage of this legislation any further. All I have heard are diatribes revealing misunderstanding of the legislation — I say 'misunderstanding'; I will not imply that it has been deliberate misrepresentation. Quite clearly the opposition is working on some very false assumptions about how this legislation will work, and I will come to those in a moment.

The bill regulates the occupational categories currently covered by the Private Agents Act 1966, including security guards, security firms, crowd controllers and inquiry agents. The Private Agents Act will be amended so that it no longer deals with those occupations but will continue to regulate commercial agents and subagents, otherwise known as debt collectors. I note that in his contribution, Mr Olexander — and I think Mr Dalla-Riva also made the same argument — sought to imply we were deregulating commercial agents. This is not the case; they will remain regulated by the Private Agents Act. However, this bill brings a number of other occupations within the regulatory regime, including security advisers and security equipment installers.

Briefly I want to turn to some of the key aspects of the reforms. The bill seeks to introduce a system of registration and licensing that will apply appropriate regulation to each part of the security industry. As the minister outlined in his speech, a business licence or registration will be necessary where the holder seeks to carry on the business of providing the services of other persons to carry out security activities. Unincorporated sole practitioners and employees will be required to have an individual operator licence or registration. It will be an offence to practise without a licence or registration, or as a business licence or registration holder to provide the services of another person to carry on a security activity if that person is unlicensed or unregistered, and to employ an unlicensed or unregistered person.

The new legislation requires business licence and registration applicants to reveal their close associates. A close associate includes a person who holds an interest in the capital or assets of the business, who may participate in the management of the business or who has the power to appoint a person to a position of management in the business. Applicants must disclose their close associates when applying for or renewing a business licence or registration. I note that in this regard the bill closely aligns itself to the requirements relating to firearm dealers and prostitution service providers and is designed to overcome the problem of front people purportedly running a business on behalf of others who would not be able to directly obtain a licence. These measures are designed to overcome concerns that the security industry may be susceptible to infiltration by criminal elements. These provisions seek to eliminate such possibilities from arising.

In terms of the licensing provisions in the bill, I note that investigators, bodyguards, crowd controllers and security guards will be required to be licensed. The bill sets out probity and competency requirements that if not satisfied will mean a private security licence will not be granted to the applicant. I stress here that the bill provides that the chief commissioner can refuse to grant a licence if it is not in the public interest. The probity and competency requirements for business and individual licences are set out in separate clauses. The probity requirements include automatic disqualifying offences. If an individual or business applicant has been charged with either an assault attracting a penalty of six months or more imprisonment or certain drug offences,

they will not be eligible to be considered for a licence. Additionally the chief commissioner must refuse an application for registration where the person has committed an indictable offence which would render them unsuitable to hold a licence.

We have just heard from the Honourable Andrew Olexander the types of arguments that I know were trotted out in the other place about murderers and people who have committed serious offences being able to apply for a licence. It is highly unlikely that a person convicted of an offence like murder would be able to obtain a licence under the provisions of the bill. As I have already indicated, people who have committed indictable offences will be ineligible to apply for such licences and the chief commissioner has the overriding discretion to refuse to grant a licence if it is not in the public interest, so quite clearly this is just typical scaremongering by members of the Liberal Party.

Apart from the competency requirements being imposed by this legislation, there are other provisions that relate to registration, and I want to turn to those very quickly. Under the bill security advisers and security equipment installers are required to be registered. I note that the electronics sector of the industry has experienced considerable growth in recent years, and the government recognises that unscrupulous operators pose a significant risk to the community and its property. The types of security equipment that will be regulated will be prescribed in the regulations and will include alarm and closed-circuit television equipment.

As with the licensing regime there is provision for both individual operator and business operator registration. The same probity business compliance and financial viability criteria apply to individual licence and registration applicants except that registration does not impose competency requirements. There are no mandatory disqualifying offences in relation to registration applicants as there are no offences considered to be directly relevant to these categories. However, again the chief commission must refuse an application for registration where the person has committed an indictable offence which would render them unsuitable to hold registration.

I note that the bill gives the chief commissioner very broad powers of investigation. She is able to use any known information about the applicant or relevant person in relation to an application. The known information is information held by law enforcement agencies in Victoria or elsewhere which may be relevant in considering the probity of a licence or registration applicant. In addition, the chief commission can also require a full set of fingerprints to prove a person's identity, and there are provisions in the bill relating to destruction requirements of fingerprints that are taken.

In conclusion I point out that this important bill seeks to broaden the regulatory regime applying to people working in the private security industry. It is a bill that, as I indicated earlier, has been the product of a great deal of work and thought and consultation with industry stakeholders. There is no reason to delay passage of this bill. I oppose the opposition's amendment that would postpone its passage to the spring session of Parliament. I urge members to support this bill which is very much needed, and all speakers across all parties have acknowledged that. It is a great shame that the opposition's amendment would delay passage of this bill for a number of months. I commend the bill to the house.

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

Ayes, 22

Argondizzo, Ms	Mikakos, Ms
Carbines, Ms	Mitchell, Mr
Darveniza, Ms (*Teller*)	Nguyen, Mr
Eren, Mr	Pullen, Mr
Hadden, Ms	Romanes, Ms
Hilton, Mr	Scheffer, Mr
Hirsh, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms
Madden, Mr	Viney, Mr (*Teller*)

Noes, 16

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hall, Mr (*Teller*)
Brideson, Mr (*Teller*)	Olexander, Mr
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Pairs

Broad, Ms	Bowden, Mr
Buckingham, Ms	Lovell, Ms

Amendment negatived.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The PRESIDENT — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may ascertain whether the required majority has been obtained I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

APPROPRIATION (2004/2005) BILL

Second reading

Ordered that second-reading speech be incorporated on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Introduction

The 2004–05 budget delivers real benefits for all Victorians — wherever they live and whatever they do, from the suburbs of Melbourne to our regional cities, towns and communities.

The 2004–05 budget provides additional support for families and children. It puts more money directly into the pockets of Victorians. And it delivers major investment in schools, hospitals and the services Victorians value, need and use in their daily lives.

This budget is built on strong economic and financial performance — and on the Bracks government's leadership in setting a framework for economic, investment and jobs growth across the state.

The results of our economic and financial leadership are clear.

Strong and consistent economic growth.

Victoria's unemployment rate below the national rate for the past 46 months.

Building approvals worth more than $1 billion for 32 consecutive months, with approvals in regional areas at their highest level on record.

Per capita business investment above the national average.

And a strong surplus in 2004–05, and the following three years.

Once again — as in our previous four budgets — the Bracks government is reinvesting the proceeds of this strong economic and financial performance to generate new opportunities, higher standards of living and a better quality of life for all Victorians.

As we deliver our fifth budget, there are almost 5000 more teachers and staff in our schools and 21 new schools across the state.

Our hospitals have 4000 more nurses working in them and are treating 35 000 more Victorians each year.

We have funded 1400 more police and 81 new police stations.

Across Victoria, investment in vital economic, social and environmental infrastructure is the highest in the state's history — $2.9 billion in 2004–05 and nearly $10 billion over the next four years.

In just under five years, the Bracks government's leadership has changed the face of Victoria — rebuilding our health and education systems, revitalising our regions, generating new opportunities and creating a better, fairer Victoria.

A strong, growing and diverse economy

The Victorian economy of today is diverse, dynamic and competitive.

Over the five years to 2002–03, the Victorian economy grew an average 3.9 per cent per year — above the national average of 3.6 per cent — with growth expected to remain a strong 3.25 per cent in 2003–04 and 2004–05.

This strong result has been achieved despite the impact of the drought and the global slowdown of recent years — proof of the depth and diversity of the state's economy.

Per capita business investment in Victoria also remains above the national average — reflecting business confidence in the government's efforts to create a more competitive and more attractive business environment.

For nearly five years, the Bracks government has delivered an ambitious economic agenda and invested responsibly to secure Victoria's future. Now, there are some new challenges on the horizon.

The strong Australian dollar is putting additional pressure on a range of industry sectors, but particularly on Victoria's manufacturers and exporters.

Upward pressure on interest rates has increased business costs — and further increases will restrain growth in consumer spending, housing and business investment.

We are seeing signs of the long-expected slowing in the housing market, with Victorian private dwelling approvals

easing and housing finance approvals trending downwards in recent months.

The global economy is also more competitive than ever before, with Victoria experiencing increasing export competition from low-cost countries.

V*ictoria — Leading the Way*

The government has released its April economic statement — *Victoria — Leading the Way* — to ensure Victoria has the capacity to meet these challenges, tackle them successfully, and emerge an even stronger, more competitive and more innovative economy.

Victoria — Leading the Way sets out 19 substantial actions to reduce the cost of doing business, boost jobs, build world's best infrastructure, attract investment and drive exports growth.

The government will improve rail and shipping access to the port of Melbourne — improvements that are critical to maintaining Melbourne's position as Australia's leading freight hub and to moving goods from regional Victoria to domestic and international markets.

We will provide additional funding for detailed feasibility and design studies for the deepening of the shipping channels in Port Phillip Bay.

We will also develop fully detailed designs to improve rail links to and within the port, with the aim of increasing the amount of freight carried by rail, reducing road congestion around the port and boosting the efficiency of Victoria's freight sector.

To continue to build a more competitive business environment, the government will deliver substantial land tax relief and reduce the average WorkCover premium rate by 10 per cent.

In total, *Leading the Way* cuts the cost of doing business in Victoria by a massive $1.9 billion over the next five years.

We will build a new 5000 seat Melbourne Convention Centre to make Victoria a destination of choice in the global conference market.

We will cut red tape in development approvals and improve the efficiency of the state's planning system.

We will provide additional support for Victorian exporters, establish a new Melbourne Centre for Financial Studies and explore export, growth and investment opportunities for Victoria's rapidly expanding financial services sector.

We will also commence a new strategy to secure Victoria's position as a leading exporter of education services and attract more international students to the state.

In addition to these measures announced in *Leading the Way*, this` budget also provides a further $35 million to further consolidate Victoria's position as Australia's major events capital.

President, the 2004–05 budget commits funding towards the actions set out in *Victoria — Leading the Way*, while continuing the government's commitment to improve services, grow the whole state and deliver real benefits for Victorian families — all within a framework of sound financial management.

Sound financial management

A surplus of $545 million is projected for 2004–05, with surpluses averaging $571 million over the following three years.

Debt remains at prudent levels and general government net financial liabilities (excluding the Growing Victoria infrastructure reserve) are forecast to fall from 6.8 per cent of GSP at June 2004 to 6.5 per cent in June 2008.

Last December, both Standard and Poor's and Moody's Investors Service once again affirmed Victoria's long-term AAA credit rating — reflecting ongoing international recognition of the government's responsible financial management.

President, over five budgets, the Bracks government has fulfilled its promise to the people of Victoria to manage the state's finances wisely and prudently — and to deliver a strong and secure financial footing for Victoria's future.

A government of reform

The Bracks government is also leading the way as a government of genuine reform.

Last year, we delivered the most significant electoral and parliamentary reform in this state's history — introducing fixed four-year terms and making the Victorian upper house more representative of the views of Victorians.

We are delivering the biggest reform of Victoria's tax system in decades — cutting and reforming taxes to drive investment and jobs.

From 1 July 2004, stamp duty on mortgages will be abolished and over the next five years a further $1 billion worth of cuts to land tax will be delivered.

We are also undertaking the most significant reform of state government concessions in many years.

We have led Australia in most areas of competition policy and regulation reform — and this budget delivers funding for a Victorian Competition and Efficiency Commission to consider new ways of making it easier to do business in Victoria.

We have created the world's first system of marine national parks and will shortly release the *Securing our Water Future White Paper*. The white paper will ensure the efficient allocation of water amongst users and the environment and support sustainable economic growth, particularly in regional Victoria.

We have also fundamentally changed the way government operates in this state.

Victoria is now a world leader in modernising government and using information and communications technology to improve the delivery of government services.

We are implementing a new funding model to drive productivity growth and improve policy outcomes across government departments.

And we are introducing new hospital funding arrangements to create a secure financial and governance base for Victoria's hospital system.

Many of these reforms may not be the traditional actions people expect from a Labor government — but they are the actions that are driving economic, employment and investment growth across this state.

They are the actions that are improving the quality of government services — and they are the actions that will deliver real and lasting improvements in the quality of life for all Victorians.

Delivering for provincial Victoria

President, since coming to office, the Bracks government has also demonstrated that it is possible to grow the whole state and turn around rural and regional decline — leading the rest of Australia in regional development policy.

Provincial Victoria is enjoying strong employment growth and many regional centres are now experiencing population growth above the national and Melbourne average.

New investment worth more than $3 billion has been attracted to our regions and more than 7000 new jobs have been created.

The 2004–05 budget provides a further $1 billion boost in funding for provincial Victoria.

We will spend $53 million building, replacing and upgrading schools in regional areas — and provide $2.5 million to retrain 150 regional teachers in subjects where it is difficult to fill vacancies, such as mathematics, science and languages.

We will deliver major new investment in regional health facilities, including:

- $11 million towards a new cancer treatment centre at the Latrobe Regional Hospital in Traralgon;
- $18 million to expand radiotherapy services at Geelong Hospital and $50 million to continue the redevelopment of the Grace McKellar Centre in Geelong;
- $17 million to redevelop emergency department facilities at Maryborough Hospital and acute facilities at Echuca; and
- $30 million for new aged care units in Seymour, Yarrawonga and Colac.

Over the last five years, the government has invested substantial funds in building a world-class, efficient transport system across the state, linking Victoria's regions with each other, Melbourne and international markets.

The 2004–05 budget continues this investment with a new $73 million rural roads package.

In addition, the budget provides $186 million for the construction of the Geelong Western bypass. Victoria rightly recognises that this is a road of national importance, which will drive significant economic and social benefits for Geelong, Victoria and Australia. We will continue to pressure the federal government to provide its fair share of this vital bypass and give Victoria a fair deal in road funding.

The government continues to provide support for regional business and industry, including:

- a new Regional Business Investor Ready program to assist regional businesses and communities attract new investment;
- additional funding for the Next Generation food strategy to build an innovative, competitive food industry and support our agricultural industries;
- new funding for research and development to assist in the economic growth of the brown coal industry; and
- an additional $5.7 million to extend the successful Make it Happen in Provincial Victoria campaign to attract investment, jobs and people to regional areas. The second phase of the campaign will include a new Provincial Economic Partnerships initiative to assist local councils drive new regional economic and investment opportunities.

The budget also provides $10 million over the next four years for the Office of Rural Communities to continue to work with regional communities to create new economic opportunities and strengthen services and infrastructure.

President, the devastating impact of bushfires was felt across regional Victoria in 2003 — and the fact that more lives and property were not lost is a tribute to the men and women of our emergency services.

The Esplin report into last year's bushfires found that while Victoria's firefighting agencies performed admirably, more could be done to improve bushfire prevention and response. The government has accepted the recommendations of the Esplin report and will fund a major new $168 million bushfires package.

We will implement a new year-round emergency service program, with additional fire mitigation teams provided to every region across the state, creating 180 jobs.

We will step up the state's burning program to reduce fire risk in future years.

And we will replace 190 CFA firefighting tankers, upgrade fire roads and tracks, build five new fire stations and upgrade six existing stations.

Delivering real benefits for families

President, over our four previous budgets, the Bracks government has delivered record investment in the services needed and valued by Victorian families.

This year is no exception.

The 2004–05 budget delivers real benefits to Victorian families — it is a budget that puts families first.

The government will fund a new $197 million Caring for Children package to boost children's health services and protect vulnerable children.

We will provide an additional $25 million over four years to continue to improve Victoria's child protection system, including new approaches to prevent child abuse.

All Victorians should appreciate the extraordinary contribution made by the state's foster carers in providing safe and supportive homes for children who are unable to live with their own families. The budget supports this contribution with $21 million over four years to help foster carers meet expenses.

The government will boost funding to the Royal Children's Hospital, provide $4.1 million over four years for a new statewide paediatric cancer service and invest $4.2 million to expand paediatric intensive care facilities.

We will introduce a program to test newborn babies for hearing impairment, with funding of $6.8 million over the next four years enabling more than 16 000 Victorian babies to be tested.

We will provide $10 million over four years to work with indigenous communities to reduce family violence and ensure the safety and wellbeing of Aboriginal children.

The 2004–05 budget also provides $34 million for a major new children's dental health initiative. School dental services will be extended to 77 000 Victorian kindergarten children and an additional 75 000 primary students will receive regular dental checks and treatment.

Further funding will also be provided to give Victorian families greater access to free dental and health services, including:

> $8 million over four years for an extra 100 GPs in community health centres to improve access to bulk-billed medical services; and
>
> $58 million over four years to reduce dental waiting lists and provide free dental treatment to an additional 130 000 Victorians.

The government recognises that families with a disabled child or family member require additional support. The budget delivers an additional $27 million over four years in services for people with a disability and their families.

This funding will create 650 new respite opportunities for carers and help an extra 950 families and carers manage complex behaviour among children with a disability.

Making housing more affordable

President, Victoria's strong economy and population growth have produced a strong housing market with increasing property values. While this has been good news for many Victorians, it has also left others struggling to find affordable housing. To assist these families — and to boost housing affordability — this budget provides funding for a range of measures to assist Victorian home buyers.

Effective from 1 May, the government will provide a new cash grant of $5000 to Victorians buying their first home.

The First Home Bonus will operate until the end of June 2005 and will be paid in addition to the government's $7000 First Home Owners Grant.

The new cash grant will be payable for purchases up to $500 000 — giving around 26 000 Victorians a substantial helping hand to buy their first home.

In addition, from 1 July this year, stamp duty on mortgages will be abolished at a cost to revenue of $158 million in 2004–05. Around 100 000 Victorian home buyers each year will benefit from the abolition of mortgage duty, with savings of around $1200 on a median-priced home.

No other state has abolished this tax.

The government has also recognised the special circumstances of pensioners and health care cardholders in a strong property market.

From 1 May 2004, the government will significantly expand the range of eligibility for exemption from stamp duty. The threshold for a full exemption from stamp duty for concession cardholders will increase from $150 000 to $250 000, with a partial exemption available up to $350 000.

As a result of these changes, a pensioner purchasing a home worth $250 000 on or after 1 May 2004 will save $10 660 in stamp duty.

President, over the forward estimates period, these three measures will benefit Victorian home buyers to the tune of more than $600 million.

In this budget, we provide a further $50 million boost to expand access to housing for families on low incomes. This is on top of the government's investment of $495 million since coming to office to upgrade existing public housing stock and create 5800 new housing units.

Concessions reform package

Victorian families and people on low incomes will also benefit from yet another major reform delivered in this budget: the reform of state government concessions.

Currently, the Victorian government provides more than $940 million a year in benefits to Victorians holding pensioner concession cards or health care cards issued by the commonwealth government.

The current concessions program in Victoria is not well targeted, with the poorest Victorians often receiving the least dollar amount of concessions and significant numbers of Victorians on low incomes missing out on benefits altogether.

The government's reform package redirects concessions on motor vehicle registration and boosts overall funding by $123 million to deliver more than $400 million in revised concessions over four years.

From 1 July 2004, pensioner, health card and veterans affairs gold cardholders will receive a 50 per cent concession on their motor vehicle registration.

Despite this change, compulsory motor vehicle charges for concession cardholders in Victoria will remain the lowest in Australia.

The parents of nearly 200 000 children will receive more assistance with school expenses, with a near 60 per cent increase in the education maintenance allowance from $127 to $200 for primary students and from $254 to $400 for secondary students.

For the very first time, working families on low incomes will receive a discount of around 50 per cent on public transport

fares through the extension of the public transport concession to an additional 230 000 health care cardholders.

The government will also cut the annual fee for the tertiary student public transport concession card to the same amount as the secondary school concession card fee — benefiting around 39 000 Victorian tertiary students and their families.

Around 398 000 pensioners will benefit from an increase in the local government rates concession — a significant and long overdue increase that will assist pensioners meet their rates bills and remain in their homes.

The government will also annually index the education maintenance allowance and concessions for water and council rates, ensuring these important benefits retain their real value over time.

This major reform and redirection of Victorian concessions will ensure benefits are better targeted towards those Victorians most in need of support and assistance — particularly families on low incomes with dependent children.

Families are also beneficiaries of the Bracks government's ongoing substantial investment in education, health and community safety.

Valuing and investing in lifelong education

President, the Bracks government recognises that education is the key to Victoria's future prosperity and to meeting the goals and aspirations of Victorians.

That is why education remains our no. 1 priority.

This budget continues the rebuilding of Victoria's education system that we began four and half years ago.

Every Victorian with a child in school will have seen and felt the results of our investment — in extra teachers and staff, in new and upgraded schools, in better school equipment and in reductions in class sizes.

In November 2003, the government released its blueprint for government schools, which outlines future directions to achieve excellence in teaching and continuously improve school and student performance.

The 2004–05 budget commits a further $486 million to support the blueprint and meet the government's goals in education.

We will provide an additional 250 teachers in government schools at a cost of $62 million over four years.

We will continue our major building program in education, building seven new schools, replacing another two schools and rebuilding two schools damaged by fire.

We will upgrade a further 65 schools across the state, provide an additional $60 million for school maintenance programs and allocate $50 million for 600 new relocatable classrooms.

We will allocate $30 million for new specialist facilities in secondary schools in areas such as science and technology, arts, design, music and languages.

The budget also provides $90 million over four years to increase access to vocational education and training, reflecting the government's commitment to creating a range of pathways to encourage young Victorians to remain in education and training.

The government also wants to develop closer links between schools and their local communities and will create a new $30 million Community Facilities Fund to build facilities that can be shared by schools, clubs and community groups.

These investments will deliver real results in the quality of education offered by each and every Victorian government school — and reinforce the government's commitment to giving each and every young Victorian a world-class education.

High quality, accessible health and community services

Few things are more important to Victorians than having access to first-class health care when and where they need it.

The government continues to make strong progress towards rebuilding Victoria's health system, treating more patients, halving hospital bypass incidents, upgrading run-down facilities and reducing elective surgery waiting lists.

In this budget, the government will inject a further $1.6 billion into the state's health system over the next four years to meet ever-increasing demand and put Victorian hospitals on a strong, secure and sustainable footing.

We will continue the largest capital upgrade program in the history of Victoria's health system — building a new elective surgery centre at the Alfred Hospital, continuing the redevelopment of Dandenong Hospital and the Royal Melbourne Hospital, and purchasing land and commencing planning for the development of new super clinics in the growing suburbs of Craigieburn, Melton and Lilydale.

The budget also provides $64 million to replace and upgrade biomedical equipment and infrastructure in hospitals and aged care facilities across Victoria.

In total, this budget provides an additional $2 billion in recurrent and capital funding for Victoria's health system.

We will invest a further $47 million in services for people with a disability — including a new Disability Housing Trust — and provide $129 million to relocate residents from Kew Residential Services to new community houses.

To enhance community participation by older Victorians, we will also provide $5 million for a new Positive Ageing strategy.

Safe streets, homes and workplaces

President, the government is also committed to maintaining Victoria's position as the safest state in Australia.

The budget commits $112 million over the next four years for the operational resources needed by Victoria Police to implement their five-year plan, meet their target of a 5 per cent drop in the crime rate and make our communities even safer.

The Bracks government takes great pride in the fact that in 2003 Victoria recorded its lowest road toll on record — thanks to initiatives such as the accident black spot program, reductions in the urban speed limit and programs aimed at reducing driver fatigue, drink driving and speeding.

This is not just a statistical exercise. Behind the road toll figures lie stories of family loss and tragedy, of people suffering lifelong disabilities and of enormous personal and financial hardship.

The government wants to reduce deaths and serious injuries on our roads even further — and the 2004–05 budget provides an additional $130 million from the Transport Accident Commission for a new two-year road safety infrastructure program.

Alongside the new rural roads package, the government will also provide $164 million for an outer metropolitan arterial road program to upgrade major roads.

This program represents a substantial boost to road funding and will benefit families and businesses in Melbourne's outer suburbs and growth corridors.

Building strong and sustainable communities

The 2004–05 budget continues the Bracks government's commitment to building strong and sustainable communities across the state with new investment in water projects, arts venues and libraries.

The government will provide $68 million to the Victorian Water Trust to upgrade irrigation systems and improve water supplies and sewerage treatment in rural towns.

We will also deliver a substantial $45 million boost in support for Victorian arts and cultural venues and to secure the future of the Melbourne International Arts Festival.

We will allocate $8.5 million to assist local councils in outer metropolitan suburbs and rural areas improve public library services.

The budget increases funding for the Victorian Multicultural Commission's community grants program and includes a significant package of support for indigenous Victorians, including a $13 million expansion in the Victorian Aboriginal Justice Agreement and $3.8 million to assist indigenous business owners and managers through the Koori Business Network.

The government continues to plan and provide for the Melbourne 2006 Commonwealth Games and is contributing $9.6 million towards the construction of a National Ice Sports Centre in Melbourne to support figure skating, ice hockey, speed skating and curling — and enable Victoria to attract international ice sports events.

Appropriation bill

President, the Appropriation (2004/2005) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in 2004–05.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for 2004–05 and provides a comparison with the 2003–04 figures. In line with established practices, the estimates included in schedule 1 are provided on a net appropriation basis.

These estimates do not include certain receipts that are credited to departments pursuant to section 29 of the Financial Management Act 1994.

The budget has once again been examined by the Auditor-General as required by the standards of financial reporting and transparency established by the Bracks government in 2000.

Conclusion

President, the 2004–05 budget continues to change the face of Victoria — building on the leadership of the Bracks government in driving a dynamic, diverse and competitive Victorian economy capable of weathering the challenges ahead.

The budget delivers the major new actions contained in the government's April economic statement *Victoria — Leading the Way*, maintains record levels of investment in infrastructure and reaffirms the government's commitment to building world-class education and health systems in Victoria.

This budget reinforces the Bracks government's commitment to ensuring that strong economic growth is translated into real benefits for all Victorians.

It recognises that an investment in Victorian families is an investment in Victoria's future — and delivers substantial additional investment to make sure Victorian children receive the education, health care and support they need to become engaged and active citizens of the future.

The 2004–05 budget leads the way by putting families first and delivering real benefits for all Victorians.

President, the Bracks government goes forward in our fifth budget as we began in our first budget — demonstrating the strong leadership required to drive growth across the state, create the nation's most competitive and attractive business environment and make Victoria the best place in the world to live, work and raise a family.

I commend the bill to the house.

Debate adjourned on motion of Hon. BILL FORWOOD (Templestowe).

Debate adjourned until next day.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL

Second reading

Debate resumed from 12 May; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. C. A. STRONG (Higinbotham) — In rising to speak on the Births, Deaths and Marriages Registration (Amendment) Bill I wish to fairly quickly go through the major provisions of what the bill seeks to do and then make some comments on those. In essence the

purpose of the bill is to amend the Births, Deaths and Marriages Registration Act 1996 to provide for the recognition of the sex of a person who has undergone sex affirmation surgery. From that note it is difficult to say precisely what the bill does, but the key sections are a new section 30A which provides that an unmarried person who is aged 18 years and over and whose birth is registered in Victoria and who has undergone sex affirmation surgery may apply to the registrar of births, deaths and marriages for the record of that person's sex in the person's birth registration to be altered.

A new section 30C(1) provides that the registrar has the option of either altering the record or refusing to do so as the case may be. A new section 33C(3) provides that the registrar cannot make an alteration to the birth registration if the applicant is married. So this is an option that is not available to married people.

The new section 30D — this is one of the key sections — provides that following alteration of the register any new certificate which the registrar issues to the applicant must state the person's sex in accordance with the record as altered, and must not state that the person's sex has been altered or give any former name that the person may have had. If sex affirmation surgery has taken place on a person who is born in Victoria, then it is possible for the births, deaths and marriages records in Victoria to be amended. But if such a person was not born in Victoria but was a resident of Victoria, then that provision to alter the Victorian births, deaths and marriages record would not exist so a new section 30E deals with that situation. Section 30E(1) refers to a person who is unmarried and aged 18 years or over and whose principal place of residence is and has been for the last 12 months — which I note is not very long — in Victoria, whose birth is registered in another place, other than Victoria and who has undergone sex affirmation surgery. In that case the registrar can provide a document for that person — and the form of the document does not seem to be provided for in this bill — that attests that they are of a sex as a result of the said sex affirmation surgery rather than the sex of which they were born.

They are in essence the provisions of the bill. The opposition will not oppose it. At a personal level I see some considerable problems with it. They are not problems with the sex affirmation surgery as such, because people's choice to have surgery to change their sex is a personal choice and probably does not do much damage to many other people. It could affect members of their close family. Their parents, brothers and sisters may be upset by it. As I have read the provisions of the bill it is not an option that is available to somebody who is married, so it cannot have great impacts there. Whatever one may think of it, it is a personal choice which is of little concern to the community. Although it may be of some concern to members of the family and close relatives of the individual concerned, it is nevertheless up to that individual to make the choice of whether it is something he or she will seek to do. If there is any pain and suffering that close members of the family may be put through, that is a decision that person makes.

My personal concern is about the changing of the historic record. The bill will allow for a change in the births, deaths and marriages register. It will allow for a change in the recorded history. We are allowing people, if they feel they would like to change the way they came into the world — if they came into the world as a male and feel inclined to change into a female — to change the historic record so that it shows their new sex rather than the sex of which they were born and the sex of which they in fact are.

Members will have noticed when I went through the provisions that the legislation also allows for a name change. Clearly if somebody came into the world as Bill Smith and had sex affirmation surgery they probably want to go forth as Belinda Smith, or something like that, so it allows for a change of name as well.

The impact of this legislation is profound insofar as it will allow anybody to simply change what they are. Members all know that a common form of surgery is plastic surgery to change one's appearance. There are many examples of people who have surgery to make themselves appear younger. Somebody who is 60 years old might have cosmetic surgery which is extremely effective and make them look something like 40 or 45. If they are going for some form of employment or whatever, it would be embarrassing for them to appear to be a young person of about 45 but when asked for their birth certificate the facts reveal they are 60. That is a considerable problem for them. Why do we not allow people who have had cosmetic surgery to amend their records to show they were born 15 years later than they were born? It is exactly the same thing. Why are we not able to do something like that? It is an issue of the changing — —

Hon. T. C. Theophanous — Even Mr Baxter is laughing at that!

Hon. C. A. STRONG — I think he is laughing at the example and not the seriousness of the issue.

Hon. W. R. Baxter — That is right.

Hon. C. A. STRONG — It is of significance to change the record. I give another example, and once again this is serious. We live in a world today where great problems of perception exist around ethnicity, particularly as we look at the problems that exist with terrorism and how, rightly or wrongly, it is perceived — and I do not want to get into the argument that this is right or wrong. Ethnicity is clearly a potential issue for people as they make their way in the world. Why is it not possible then, if a person would like to be perceived as being of a different ethnicity to that which they were born, to allow them to change their birth certificate so as to change their name and the name of their mother and father? In other words, where do we want this to end up?

I believe these are profound questions. Do we want to be what we are, what our DNA, science and biology has made us? Do we want that to be recorded, or do we want to be recorded as what we want to be? If a 60-year-old woman wants to turn herself into a 40-year-old man, why can she not change her birth certificate to show that? One could well argue, what is wrong with that? Do we want that record to show what we are biologically and according to our DNA and all those things that make up the individual? Or do we want to just have the record show we are what we want to be? As I said, these are profound questions which have not been adequately dealt with in the lead-up to this bill because it in essence says that it is okay to change the record of what DNA, science, technology and biology says we are. It allows us to write into the official record what we choose to be.

I have thought at some length about whether this is right or wrong. I am not really able to judge whether it is right or wrong. Is it really wrong that if we want to be someone we in fact can be that person and have that recorded in the official history of our life? Or should the official history of our life really be what we are rather than what we choose to be?

As I said, these are profound questions. I do not think these profound questions of whether we should have our life recorded as what we want it to be or as what it is have been thought about with this bill, but before we move further down this path of allowing the official record of our life to be changed willy-nilly because it suits us, we should think about these issues.

I hope in this short contribution that without being frivolous I have raised very significant issues that we as legislators should think seriously about. I put on record that this is not an issue about sex change surgery; I have no great problem with that, as I have outlined, but I have great concerns about our ability to change the record of history simply to read that we are the way we want to be rather than the way we are. With those few comments I conclude my contribution on this bill.

Hon. W. R. BAXTER (North Eastern) — This is a small but important bill, and it is one which has given me some concern. My concern is possibly not to the extent or in the direction we have just heard put by the Honourable Chris Strong; but any piece of legislation which seeks to change the historic record, and in particular the births, deaths and marriages record, which I have always considered should be inviolate, is a matter of serious concern.

This is the second sitting week in a row in which we have had before us legislation which authorises the alteration of that record. Honourable members will recall that last sitting week we dealt with the Crimes (Assumed Identities) Bill and amended the Crimes Act. One of the provisions of that bill enabled the births, deaths and marriages record to be tampered with, at least on a temporary basis, for the purposes of crime detection. I expressed my concerns with it at the time and I do so again tonight, but I acknowledge there are some people in our community, mercifully a tiny percentage of people, who find themselves not entirely clear as to what their sexuality is. I am not talking about sexual orientation but about the determination at birth and then subsequently as to what their sex is. This bill talks about sex affirmation surgery; it does not talk about sex change surgery, as I understand it. If the record is to all intents and purposes incorrect because at birth someone has been assigned, presumably in good faith, a particular sex that has been recorded on their birth certificate and it subsequently turns out that they are of the opposite sex, even if that circumstance is not able to be confirmed prior to their undergoing sex affirmation surgery, it seems to me that we owe a duty to those people to enable them to set the record straight, so to speak. It is on those grounds that The Nationals do not oppose the bill, because this is presumably a matter of great moment for that small number of people who find themselves across this divide. As a caring society we have an obligation to make it as easy as possible for people who find themselves in that situation.

I regret very much that in another place the arrogant Attorney-General this state suffers under at the moment, although hopefully not for too much longer, made some very gratuitous comments about The Nationals — my colleagues and our predecessors. It was unbecoming, demeaning and did him no credit at all. This was such a serious issue that he should have resisted the temptation to make a cheap jibe, and an inaccurate jibe, as that was. I have studied the bill, I have been in discussions about it and I understand its

purpose. I have noted that it does not apply to married people, and that raised a query in my mind for a while until it was pointed out to me — I accept the logic; it is incontrovertible if you think about it — that if you applied it to married people we would end up with same-sex marriages in reality, and that would be in contravention of the federal act that deals with marriages. There is logic in all this, and while on the surface it concerns me that it appears to be tampering with what I consider should be an inviolate record, there is a justification for it. It is on those grounds that The Nationals do not oppose the bill

Ms MIKAKOS (Jika Jika) — The transsexual community is one of the most marginalised in our society. Members of that community are ordinary people who have families and friends and are trying to live positive and productive lives. Unfortunately the barriers against members of that community realising that modest goal are sometimes seemingly insurmountable.

Transsexualism is a condition where an individual is born anatomically male or female but has a profound identification with the opposite sex. Transsexual people may or may not have made the physical transformation to the sex with which they identify. Among the many challenges that people with transsexualism face is an inability to have their birth certificate amended to show their affirmed sex, which those in all other jurisdictions around Australia are able to do. A birth certificate is to most of us a piece of paper that is filed somewhere and is pulled out from time to time when we apply for a passport, a job or a bank account. For transsexual people, however, this document can be a cause of embarrassment and potential discrimination.

The discussion paper produced for the purposes of consultation on this proposed legislation included some personal stories of people's experiences as a result of their not being able to produce an amended birth certificate. One person told of his joy at receiving a new birth certificate showing his new male name. It is useless to him, however, in applying for a new job or when dealing with government departments or a telephone company as the box marked 'gender' indicates that he is female.

People with transsexualism suffer discrimination in many aspects of their lives. The most recent survey of discrimination carried out by the Victorian Gay and Lesbian Rights Lobby in 1999 and published in the report *Enough is Enough* documents just how serious the problem is. The survey found that respondents identifying as transgender were at least as likely to be discriminated against as other members of the lesbian, gay, bisexual and transgender communities in the areas of life that the survey covered. In relation to assault and harassment in a public place, police and law enforcement and provision of goods and services, transgender participants were more disadvantaged. This is a state of affairs that a modern liberal society should not tolerate.

Initiatives implemented in 2002 to introduce gender identity as a ground of prohibitive discrimination in the Equal Opportunity Act 1995 and amend over 50 acts to extend rights and obligations to same-sex couples have contributed to reducing discrimination against gay, lesbian and transsexual Victorians. Reforms to enable transsexual people to change their birth certificates to reflect their affirmed sex can be considered a further step in achieving substantive rights for eliminating discrimination against transsexual people.

The bill provides that a person born in the state of Victoria who is over 18 years of age, unmarried and who has undergone sex reassignment surgery may apply to the registrar of births, deaths and marriages for an amendment of their birth records to reflect their affirmed sex.

I turn very briefly to each of the criteria contained in the legislation. Firstly, as I indicated, a person must have undergone sex affirmation surgery, otherwise known in colloquial terms as 'sex change' surgery. The bill defines sex affirmation surgery as surgery which alters a person's reproductive organs and which is carried out to assist the person to be considered a member of the opposite sex. This model is consistent with the majority of Australian states and territories.

What I have learnt during the course of being involved in the development of this bill is that sex affirmation surgery is a complex matter, and it can encompass a range of surgical procedures. It will be the task of medical experts to determine when a person has had an adequate amount of surgery for the purposes of the bill. While the provision sets a legal standard, I am confident that the medical profession will use the scope available to assess individual patients.

The other criteria I want to mention briefly relate to marriage. Again, the requirement to be unmarried is consistent with legislation in every other state and territory. National consistency is important to ensure mutual recognition of an amended Victorian birth certificate and so that the same rights and obligations apply to people living in the various Australian jurisdictions and those born interstate.

The requirement that the applicant be unmarried obviously avoids the question of whether the person is in a same sex marriage. Given that marriage is a matter for the commonwealth government and the commonwealth government has made its views on this issue very clear, there is a concern that a provision which allowed a person to remain married may be open to legal challenge on the basis of consistency with the commonwealth Marriage Act. I encourage members of the opposition to lobby their federal counterparts so that this restriction need no longer apply.

People born outside Victoria are not able to apply to have an amended birth certificate issued in Victoria given that the original record is located in another state. However, they will be able to apply for a document that shows their affirmed sex. The Victorian registrar of births, deaths and marriages cannot issue an amended birth certificate to people born outside this state; those people will be able to apply to the registrar for what will be referred to as a recognised details certificate. This certificate will simply record the person's name, sex and other details approved by the registrar but not the person's previous sex. It will not have the status of a birth certificate, but it will be useful in many situations where additional identification is required.

I want to say a few words about intersex conditions. These are conditions where a person's genital appearance seems different to a person's genetic sex. A person may find that the wrong gender was assigned to them at birth and require their birth certificate to be corrected. People with intersex conditions can rely on the existing provision in the act that allows the registrar of births, deaths and marriages to correct the register where there has been a mistake at the time the details were entered. This correction can be made upon presentation of proof that a mistake was made. The process set out in this bill is therefore not intended to apply to people with intersex conditions.

As Parliamentary Secretary for Justice and as chair of the Attorney-General's advisory committee on gay, lesbian, transgender and intersex issues, I have been proud to oversee the development of this bill, which will enable people with transsexualism who have undergone sex affirmation surgery to apply for new birth certificates.

The bill was developed in consultation with the transsexual community through the Attorney-General's advisory committee. A working group of the committee, that included the registrar of births, deaths and marriages, considered the details of the proposal and the wording of the bill.

As part of the process, a discussion paper was released for consultation, and submissions were received from a number of organisations, including members of the medical profession. The views expressed in these submissions informed both the policy direction and substance of the bill.

The transsexual community is a diverse one, and therefore a diversity of opinions can be expected on this bill. I acknowledge that there are members of the community who feel that the bill could have gone further. I want to reassure them that we have come a long way with these amendments, and I am confident that they will contribute to advancing the views of the community on these issues.

I want to express my thanks to all those who have contributed to bringing these amendments forward. The Attorney-General's advisory committee and the working group spent a great deal of time debating these issues. It is important to acknowledge the honest and frank expression of views during this process on issues that hold great personal significance for the people involved.

I also thank Ms Ruvani Wickremesinghe and Ms Danielle Windley of the Department of Justice who have spent a great deal of time preparing this bill. They have also provided excellent advice throughout the process and supported the advisory committee and working group most ably.

In the time I have remaining I want to remark briefly on some of the comments that were made by the Honourable Chris Strong during his contribution. He expressed concern about the changes to the historical record of the registrar held by the births, deaths and marriages office. I want to assure him that the historic record is preserved. It is merely noted on the register that there has been a change and a person is issued with a new certificate. I note also in this respect that the bill does not make any change to the current position that allows police and family members, in certain circumstances, also to have access to the historical record.

I note also that the Honourable Chris Strong referred to changes in a person's name. The bill does not change the provisions that currently apply in respect of a person applying for a change of name. Provisions in the existing act cover this situation.

The final issue I want to address that arose from the Honourable Chris Strong's contribution were his comments, and I think I heard correctly, that a person undergoing such a process of sex affirmation surgery

was like changing age with plastic surgery. I hope I heard that incorrectly, but that is not an appropriate comparison. We are talking here about fundamental identity issues. There is a profound stigma attached to sex change. People only undergo such a process after a very lengthy period of counselling and having lived in their affirmed sex. Transsexualism is not a lifestyle choice or a decision that people make lightly.

In conclusion, we are dealing with a bill that goes fundamentally to the issue of identity for a particular group in our community. As such I believe we are charged with a particular responsibility to get it right. It is my view that we have done this and, in the process, brought the issues faced by the transsexual community further into the public arena. Transsexualism is not a lifestyle choice and rights for people with transsexualism are human rights which we should all work to protect.

This bill will bring Victoria into line with the rest of Australia. It will build upon action the government has taken to reduce discrimination against people within the gay, lesbian, bisexual, transgender and intersex communities. It will also help build a sense of confidence and dignity for transsexual people who cope with challenges in their lives that are unimaginable for the rest of us. I thank the opposition and The Nationals for their support for this reform, and I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — I have pleasure in speaking on this bill for a number of reasons, and I will not go into great detail on the various clauses because that has been done by previous speakers, and the Liberal Party has said that it will not oppose the bill.

The bill amends the Births, Deaths and Marriages Act 1996 to provide for the recognition of the sex of persons who undergo sex affirmation surgery. It provides persons over the age of 18 years, who are unmarried and have had sex affirmation surgery with an option to apply to the registrar of births, deaths and marriages to have their birth records changed.

Applicants must present two statutory declarations from two treating medical practitioners to confirm they have undergone sex affirmation surgery. The bill will also provide persons born outside Victoria, now residing in Victoria for over 12 months, with an option to amend their birth sex. This is mutual recognition of a similar legislative regime in Western Australia and South Australia with power to recognise other Australian jurisdictions by regulation.

I wish to comment about the transsexual community, and I encourage members in this chamber if they get a chance to look at a sensitive film called *M2F,* an extremely well-done documentary which deals with a number of people who have undergone this surgery. Their stories are not only about the difficulty of their decisions but indeed for their families as well. It is narrated by Jon Faine — it is not usually something that we affiliate with Jon Faine, but he does it extremely sensitively — and I encourage members to see the film because it puts this very difficult issue into a better context.

One can only feel compassion for the people involved. It is not done lightly and it is an extremely difficult position for all of those people to be in. I commend the people who developed the film, and recommend all members to have a look at it.

I wish to speak about the intersex issue. There are concerns about the bill regarding the intersex issue because it is a sensitive and difficult subject, one that we as the community do not talk a lot about. It is a part of real life which has serious implications and ramifications for the people affected. Each year between six and eight babies are born in Victoria who have sex chromosomes and/or sexual reproductive anatomy which is not exclusively male or female; I say that again — their anatomy is not exclusively male or female.

It is an extremely difficult thing for all of us to try to understand what that means and its ramifications. To have to make a decision about the gender of these babies is difficult for doctors because it is not necessarily the gender the babies may grow up to feel when they grow into puberty. At birth doctors decide to do what they feel is best, and they assign a gender to these babies.

I would like members to reflect on how difficult it would be if you had just had a baby, you had gone through the nine months of carrying the child, undergone all the ultrasounds and done all the things necessary and were excited about having a baby — only to find that the baby did not have a gender. How difficult that would be for everybody concerned, because it is not something that we as a community deal with very well at all; in fact, we do not really think about it. It is important for us to understand that there are some people in our community who are badly affected, and we should try to be as sensitive as we can with this particular issue.

The intersex community has asked me to raise some concerns it has with the bill. It is not something the rest

of us would think about, but it is of concern to them. A recent ruling by Justice Alistair Nicholson, recently retired chief judge of the Family Court, concerned a controversial issue involving a person called Alex. Alex is a 14-year-old who believes he is in the wrong body, and Judge Nicholson came down with a very controversial ruling that this particular person is going to have hormone treatment to halt any development of the female side of his gender until he can get to a stage where he can make a reasoned and well-informed decision to have non-therapeutic irreversible treatment. He has to provide informed consent to have the treatment.

The intersex people believe the bill does not give them a choice. When they are born without the sexual chromosomes to make them either female or male and are assigned a gender at birth, they do not get a choice because the doctors at the time decide to give them that non-therapeutic irreversible treatment. They are not able to make an informed consent because they are small babies. Therefore they believe this matter should have been dealt with better in the bill. The intersex community believe the people affected should be given the opportunity to make an informed consent decision when they are able to do such a thing. They are concerned about the bill, and I am pleased to raise this particular issue on their behalf.

Section 43 of the Births, Deaths and Marriages Registration Act 1996, under the heading 'Correction and amendment of Register', states:

> (1) The Registrar may correct the Register —
>
> ...
>
> (a) to reflect a finding made on inquiry under Division 2; or
>
> (b) to bring an entry about a particular registrable event into conformity with the most reliable information available to the Registrar of the registrable event.

It means corrections to the registrable event in the case of an error, and people with intersex conditions who are raised in the wrong sex through no fault of their own come under this provision.

It is the members of the intersex sector of our community who are concerned about this particular aspect of the bill, because they do not believe they are being given the opportunity to give informed consent. It is a great pity that the government did not take an opportunity to investigate this in further detail and to deal with this particular issue which, although it affects only a very small number of members of our community, is very significant and important to those people.

The next time we discuss and debate issues of this nature I ask this chamber to think in greater detail about the big decisions that are made by the transsexual members of our community. It is not done lightly; it is very difficult. I urge members once again to go and look at the film *M2F*, and I urge all members to try to understand in greater detail what being born as an intersex person in our community must mean. It is important and incumbent upon us as legislators to understand this. It is a pity the bill does not go further, and it is a pity the bill does not address some of these concerns, but the Liberal Party does not oppose the bill.

Debate adjourned on motion of Mr SMITH (Chelsea).

Debate adjourned until later this day.

Sitting suspended 6.30 p.m. until 8.01 p.m.

OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Minister for Finance).

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act, be incorporated on motion of Mr LENDERS (Minister for Finance).

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

This government is committed to maintaining the highest standards of integrity within the Victoria police force. Our current system of internal police investigation coupled with the investigative powers of the Ombudsman, has led to Victoria achieving these standards.

The initiatives in the bill before the house will further strengthen the powers of the Ombudsman to investigate police and ensure that Victoria retains a police force that operates in accordance with the highest ethical standards.

The purpose of the bill is to amend the Ombudsman Act 1973, the Police Regulation Act 1958 and the Whistleblowers Protection Act 2001. This bill will:

1. create the new office of police ombudsman; and
2. broaden the powers of investigation into police matters and conduct.

The bill will amend the Ombudsman Act 1973 to establish a new office of police ombudsman. The Ombudsman will fill this office. The police ombudsman will have all the functions of the office of deputy ombudsman (police complaints), which will be abolished. This reform will ensure that the Ombudsman has clear and sole authority in the investigation of police matters.

The Police Regulation Act 1958 will set out the powers of the police ombudsman.

Currently, the Ombudsman has the power to instigate an investigation in his general jurisdiction, but not in relation to police. The investigative powers of the deputy ombudsman (police complaints) are only triggered by an official complaint from the public.

This bill amends the Police Regulation Act 1958 to enable the police ombudsman to conduct an investigation on his or her 'own motion'. The investigation may be into the conduct of a member of the force or any of the policies, practices or procedures of the force.

In 1998, the Evidence Act 1958 was amended to give royal commissions additional powers. This bill will provide the Ombudsman with some of the additional powers given to royal commissions in 1998.

The bill will extend sections 19A and 19B of the Evidence Act to investigations conducted by the police ombudsman. These provisions clarify the extent of the police ombudsman's investigative powers and the exclusion of the public, as provided by that act, from any hearing that the police ombudsman may hold in relation to an investigation.

It is the intention of the bill to abrogate the protection against self-incrimination in certain circumstances. This reform is consistent with the provisions applicable to royal commissions under section 19C of the Evidence Act.

Where the police ombudsman certifies in writing that the provision of information in relation to an investigation is necessary in the public interest, it will not be a reasonable excuse for a person to fail to provide that information on the ground that it may tend to incriminate that person. The police ombudsman's certification will be conclusive.

In determining whether to provide a certification, the police ombudsman may take into account whether the investigation involves the review of established procedures of the police force. He may also consider whether it is unlikely that the information could be obtained by other means.

Any information provided in circumstances where the police ombudsman has issued a certificate is inadmissible in judicial proceedings against the person providing the information, except for offences relating to the provision of that information, such as perjury.

Royal commissions currently have the power to enter and inspect premises and to take possession of any relevant document that they deem is reasonably necessary. Consistent with these powers, the police ombudsman will be granted certain powers of entry, search and seizure, subject to obtaining a search warrant from a magistrate.

The bill will also make certain amendments to the Whistleblowers Protection Act 2001. Currently, the Whistleblowers Act provides that the deputy ombudsman (police complaints) may investigate certain complaints in relation to any member of the police force under the whistleblowers scheme. The amendments will ensure that the powers available under that act to investigate police matters will be consistent with the additional investigative powers to be provided under the Police Regulation Act 1958.

Section 85 statement read pursuant to sessional orders:

Section 85 statements

I now wish to make statements under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section pursuant to this bill.

Clause 19 of the bill inserts a new section 129A(2) in the Police Regulation Act 1958. It will provide that it is the intention of section 86J of the Police Regulation Act 1958, as that section applies on or after the commencement of the bill, to alter or vary section 85 of the constitution.

Section 86J of the Police Regulation Act 1958 currently limits the liability of the deputy ombudsman (police complaints) and the capacity for any person to bring proceedings against the deputy ombudsman, to those acts that are done in bad faith. It also limits the scope of orders that may be made by a court in relation to the deputy ombudsman and prohibits the deputy ombudsman from being called to give evidence.

The bill will make consequential amendments to section 86J by replacing the references to the office of deputy ombudsman with references to the office of police ombudsman. As the police ombudsman will be performing the current functions of the deputy ombudsman it is necessary that the protection afforded to the deputy ombudsman under the current law, also be provided to the police ombudsman.

By extending the investigative powers of the police ombudsman and the circumstances in which he or she can obtain information, the bill will also indirectly extend the application of section 86J. In order to be effective, the broader investigative scope contained in the bill must be covered by the protection offered under section 86J. The exercise of the police ombudsman's broader jurisdiction may otherwise be prohibited by numerous legal challenges and proceedings on grounds other than that currently provided in the legislation.

Clause 26 of the bill will insert a new section 110(2) in the Whistleblowers Protection Act 2001. It will provide that it is the intention of section 107 of the Whistleblowers Act, as amended by clause 25 of the bill, to alter or vary section 85 of the Constitution. Section 107 of the Whistleblowers Act currently provides for the protection of the deputy ombudsman (police complaints) in relation to legal proceedings in a similar manner to that of the Police Regulation Act 1958.

The bill will make consequential amendments to the Whistleblowers Act by replacing the references to the office of deputy ombudsman with references to the office of police ombudsman. It is necessary therefore that the police ombudsman be protected in the same manner as the deputy ombudsman has been, as he or she will be performing the same functions as the deputy ombudsman.

The bill will also indirectly extend the application of the protection afforded in relation to legal proceedings under

section 107 by extending the investigative powers of the police ombudsman and the circumstances in which he or she can obtain information. In order to be effective, the police ombudsman's use of the broader investigative provisions in the bill must be covered by the protection offered by section 107. The exercise of the police ombudsman's broader powers may otherwise be significantly hindered by numerous legal challenges and proceedings on grounds other than that currently provided in the Whistleblowers Act.

As all members will, of course, agree, that it is vital that Victoria maintain a police force of the highest ethical standards, they will all welcome this bill, which fulfils the government's commitment to ensure the highest standards of integrity and professionalism in Victoria's police force.

I commend this bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise tonight to make a contribution to the Ombudsman Legislation (Police Ombudsman) Bill that is before this house. I note the expediency with which it has been brought from the other place and I acknowledge the effort of the Parliament to bring forward what could be one of the most groundbreaking pieces of legislation I have spoken on in my short time in this house.

We do not oppose this bill but I am personally disappointed that we have reached the situation in this state where we are passing such a bill so rapidly through this house. I spent over 12 years in the Victorian police force and I spent more than half that period — six and a half years — as a Victorian police detective. Having undertaken bonehead, as they call detective training school, I worked at the premises at 412 St Kilda Road. I was there at the establishment of the asset recovery section as it was then known, later to become known as the asset recovery squad. I was also seconded to the National Crime Authority which is now known as the Australian Crime Commission (ACC). I would like to suggest and put on record the extent of the experience I bring to this house in understanding this piece of legislation.

It is not something that is simply put into law or enacted without our knowing the impact it will have in a broader sense. I do not underestimate the extent to which this bill will evolve. This bill will deal with a matter that I still find difficult to believe — the issue of police corruption. I find it difficult because I remember on my graduation day in 1983 I had the privilege of having the then chief commissioner, Mick Miller, salute and shake my hand, and say, 'Good on you'. I was 19. You would think that from age 19 you would go forward into the community with an outlook that the police were not corrupt. Unfortunately, that is not the case.

Yes, I am emotional because it is disappointing that the Victoria Police has got to the level so that we are debating a bill about enforcing levels to investigate corrupt police. It strikes to my very heart. I spent many years in the police, but now we have reached this stage. I ask the house to please forgive me.

This bill is designed to abolish the Deputy Ombudsman (Police Complaints) and create the office of police ombudsman instead. It is designed to give greater investigative powers to the Ombudsman in relation to members of the police force and in particular to instigate investigations. Under the old regime only complaints raised against police could be dealt with by the Deputy Ombudsman. I think this is a good move in terms of developing the opportunity of the Ombudsman to outline information he receives into police corruption. There is no doubt in my view, the view of the community or the view of this Parliament that there are many police — I would hate to think that there are too many — who have stepped over the line, which has led to this bill now before the house. As I said before, it is deeply disturbing for me, having been in the police environment.

The bill removes 'Deputy Ombudsman' and substitutes 'Police Ombudsman'. I would like to put on the record my concern with some of the issues. I have worked at the National Crime Authority, which has extensive coercive powers. I remember what we classed as the star chamber. That was an area within the facility which allowed for the examination of witnesses. It would compel witnesses to attend and to give evidence. If they did not give evidence and did not reveal matters involving serious crimes they would be held in some level of contempt against the relevant act. I have seen it in operation. I cannot mention the investigation because you are bound by a level of secrecy. To a degree we have lost the opportunity of engaging the ACC with its coercive powers. I do not wish to be political in this debate. I aim to stick to the facts.

Ms Mikakos — That would be a first!

Hon. RICHARD DALLA-RIVA — Well, this is a serious matter. We have got to be realistic. The ACC has coercive powers. This bill proposes to give equivalent powers to the Ombudsman in such a way as to enable that office to conduct similar types of investigations. I applaud this bill for that reason.

It is important for the police ombudsman to be able to deal with his or her investigations without any interference, and I am not alleging that that is not the case. I am disturbed by clause 14, which substitutes new section 86P of the Police Regulation Act. New

section 86P(2) goes into some detail about how the police ombudsman must — not 'should' — give the chief commissioner the opportunity to comment on any investigation that may lead to a report that is adverse to the police force. That worries me. If we are sincere about weeding out corruption in Victoria Police we need to be confident that the police ombudsman can conduct investigations that do not need a filter. I note in today's press release that the government has allocated an additional $3 million to the Office of Public Prosecutions, and I commend that, but I am concerned that from the reports that I have seen the Ombudsman has only been allocated an extra $1 million. When I was at the National Crime Authority the money flowed relatively freely, and given the seriousness of the matters before the public I would have thought that a substantial amount more money would have been made available.

New section 86P(3) states:

> ... the Chief Commissioner must make available to the Police Ombudsman any members of the force that the Chief Commissioner thinks necessary to assist the Police Ombudsman in the conduct of the investigation.

How will it help the current issue to have a police officer seconded to the police ombudsman's office? Will he be any better protected than he currently would be within the internal investigation unit? I do not understand whether the bill provides for any allocation of resources or any funding to assist police members in that area of investigation because the same issues will occur. Does anyone really think an investigator who is seconded to the police ombudsman's office, who undertakes an investigation into police corruption, who comes up with the evidence and who prosecutes and is the informant in the case will be able to go back to Victoria Police without being attacked? It is unfortunate that that may well be the case. I hope it is not the case, but I strongly predict it will be because those police officers will have to go back to Victoria Police after having investigated corrupt police activities. I would have liked to have seen see a level of investigators separate from the Victoria Police — maybe former law enforcement officers, and not necessarily from Victoria but possibly from other law enforcement agencies — who would be engaged to work within the police ombudsman's office. It would keep officers separate from their mates — and they may have been in the same squad — who are now part of the investigation. Members who do not believe that is the case need to understand that this is a serious matter. It could happen, it does happen, and I suggest it will happen.

New section 86P(5) provides that the police ombudsman must report the results to the chief commissioner and may request the taking of any action that the police ombudsman considers should be taken. I am concerned that the police ombudsman does not have the capacity to go straight to the Office of Public Prosecutions if they find evidence of corruption within Victoria Police. I hope the bill provides some capacity for the relationship between the police ombudsman's office and the Victoria Police not to be totally inclusive.

The legislation has been established to deal with the very serious matter of corruption allegations that have been made. To be fair to Victoria Police and the community it would have been better had there been no relationship other than the provision of assistance from the police, where necessary, in providing support in the investigative function. I believe that strongly, and I think it is a failing in the bill. While we do not oppose the bill, I think the outcome will be as I have described. We now have problems with police officers in internal investigations investigating police, going back to the police force and being ostracised. This bill proposes that current Victoria Police officers be seconded into the police ombudsman's office and once the investigation is completed go back into the police force, where they will be ostracised. There is no need for us to go through that process. The processes need to be separated; there is a need to demonstrate there are separate and transparent processes, and I do not believe this bill allows for the chief commissioner to be away from the whole process. In my view there needs to be an absolute exclusion of police command. Victoria Police needs to be excluded from the process of allowing the police ombudsman to get on with the job of investigating this insidious matter. Unless we do that the bill as proposed will unfortunately not have the desired effect.

I do not want to dwell on it, but I think we are going to have some major problems when existing police officers are seconded and overseen by force command, because at the end of the day when you are talking about high levels of corruption you are talking not about hundreds of thousands of dollars but millions of dollars. If you read what has been said in the papers recently there is an alleged connection between police corruption and the underworld murders. In Kew in my electorate we recently saw, I think for the first time, the wife of a murdered person also gunned down for no other reason than either she was aware of who the offender was or was there when the prime target was murdered. We only have to look at what happened in New South Wales — the recent situation reminds me of the police investigations there — where a police officer investigating corruption in that state was shot in front of his family while standing at his kitchen sink. This is

serious stuff — this is not kindergarten stuff we are playing with.

This bill makes me very emotional, and it is important to understand the effect that it will have on the investigation of crime and corruption in this state for many years to come. We do not oppose the bill. We wish it a very speedy passage through the house tonight. I commend the bill to the house.

Hon. P. R. HALL (Gippsland) — I am pleased to indicate to the house tonight that The Nationals will actively support this legislation. We believe that there is a desperate need to fully investigate matters relating to the spate of gangland killings that are occurring in Melbourne at the moment and suspicions about police involvement. We see this bill as a positive step forward.

Let not our support for this bill be interpreted as our believing that this is the best way in which these matters ought be investigated. The fact is that although we acknowledge this bill is a step in the right direction — a positive step forward — we do not believe it is the best way to deal with these sorts of issues. We believe there are better ways, and shortly I will expand on our views on how we believe these matters would be better dealt with. Before I go to that, I cannot help but make a couple of comments about some of the opening remarks made by the minister in the second-reading speech. I quote directly from the speech, which says:

> This government is committed to maintaining the highest standards of integrity within the Victoria Police force.

That may be so; the government would like to maintain those high standards of integrity in the police force, but none of us can stand up here tonight and say that public opinion is that the government is doing a good job at it. I believe strongly that public opinion is that the government is doing a very poor job at maintaining those high standards of integrity. That is the public opinion out there, good or not.

Mr Smith — There is no evidence to support that.

Hon. P. R. HALL — I will come to that, Mr Smith. There is a growing lack of confidence on the part of members of the public in the integrity of those standards within the Victorian police force. The second-reading speech also goes on to say:

> Our current system of internal police investigation coupled with the investigative powers of the Ombudsman, has led to Victoria achieving these standards.

Again, I do not know anyone who believes that. I say that with great regret because I also want to say at the outset that I have the highest respect for the vast majority of police officers in this state. They do an absolutely admirable job — and it is a very difficult job at times — but unfortunately there are a few incidences of corruption, which have been well documented, and they tarnish the reputation of the vast majority of good police officers in this state. These matters need to be dealt with.

Mr Smith says there is no evidence of any suggestion that those high standards of integrity are not being maintained. Perhaps Mr Smith ought to have looked at last night's ABC television program *Australian Story*.

Mr Smith interjected.

Hon. P. R. HALL — It is public opinion.

Mr Smith — It is reporters.

Hon. P. R. HALL — You say it is only reporters — —

Mr Smith interjected.

The PRESIDENT — Order! Mr Smith! Mr Hall, through the Chair.

Hon. P. R. HALL — Through you, President, I cannot believe Mr Smith has his head that far in the sand that he does not believe that what reporters are saying and that what appears in our newspapers does not reflect public opinion. Perhaps you ought to read a few of the letters to the newspapers, Mr Smith.

Mr Smith interjected.

Hon. P. R. HALL — Perhaps you ought to read a few of the letters to the editor. It is a strong public opinion that things are not as they should be, and that there is a problem. Why have we got this legislation — —

Mr Smith interjected.

The PRESIDENT — Order! Mr Smith!

Hon. P. R. HALL — Perhaps in reply, through you, President, I will challenge Mr Smith to explain to the house why we have this very piece of legislation before us tonight. There is a problem; the government concedes there is a problem and it has put this legislation through the Parliament. It is because the opposition and The Nationals believe this is a serious issue that the public demands our cooperation in getting this legislation through the Parliament. There is a problem, and as long as we have members of the government like Mr Smith who bury their heads in the

sand, there will continue to be a problem. I challenge him to put it on the record, to say there is no problem and explain therefore why this bill is before the house tonight.

Mr Smith interjected.

Mr Pullen — Listen to what he said, Peter.

Hon. P. R. HALL — 'Perceived' — is that what he was saying? It is just a perceived problem?

Mr Pullen interjected.

Hon. P. R. HALL — All I am saying is there is no dispute about why we have this legislation before the chamber. The government acknowledges that there is a problem by the fact that it has drafted this urgent legislation to put through — —

Mr Smith interjected.

Hon. P. R. HALL — I completely disagree with those comments. I will enjoy listening to the contributions from the back-bench members of the government, because it seems that their opinions are different to the opinions of their ministers who have put this legislation before us for consideration.

What about the comments made by Detective Sergeant Simon Illingworth on last night's ABC television program, *Australian Story*, as reproduced in today's newspapers? That man was appointed to the police ethical standards department, and is quoted in the *Age* article as having said:

> It is not cat and mouse, it is a cat and cat —

problem —

> he said of the job of investigating corruption.
>
> Both of you have the same skills. But they know the loopholes.

The article continues by quoting him as having said:

> You do not know whether you are going to turn a corner and get a handshake or a bullet and I do not like that.

He is also reported as saying — because he explains that somebody in the police force has told them where he lives — that he has been forced to sell his home and now carries a firearm.

In the same article Assistant Commissioner Steve Fontana is quoted as saying:

> ... corruption investigators had historically been subjected to threats, acts of intimidation and attempts to tarnish their credibility.

Attempts by whom? We can only presume it is attempts by members of the police force or members of corrupt gangs in Melbourne. Through you, President, I say to Mr Smith and to others, there is a problem. The government is trying to address it with this piece of legislation, and the public is crying out for something to be done.

Perhaps Mr Smith and others should look at the *Age* of last Sunday, 23 May. In an article headed 'The unfair fight: why corruption's unchecked' Bob Bottom said:

> With the death toll in Melbourne's spate of gangland killing still rising, all eyes should be on Parliament House in Spring Street when Victorian parliamentarians reassemble on Tuesday, with all of Australia wondering — will they bite the bullet?
>
> In the wake of three more killings in the past fortnight, political leaders have publicly promised bipartisan support to rush through special legislation, except that, in a knee-jerk reaction, the move seems to be limited to granting greater powers to the Ombudsman to investigate police corruption.

As I said, we are doing that. All political parties have agreed to pass this legislation through the Parliament. In doing so we have conceded that there is an issue that needs to be addressed. In the same article Mr Bottom also said:

> Inexplicable is the continuing refusal by the state government to introduce a state crime commission, now called for by every major newspaper in Victoria, to target organised crime figures and identify whoever they may have corrupted — police, lawyers and others.
>
> What is more, the idea of a crime commission for Victoria has come from the police themselves, to give them access to special powers under judicial control, to more effectively deal with known gangsters and any of their corrupt police mates.

Even members of the police force are calling for something stronger. I note comments by the Chief Commissioner of Police, saying that she needs greater powers to deal with these issues. She needs these greater powers — that is the reason why we have the legislation before the house. It is a problem; let us not run away from that fact. That is why we are here debating this bill tonight.

Let me go to the bill and I will try to be quick in my summary of some of the things it does. The bill amends the Ombudsman Act 1973, the Police Regulation Act 1958 and the Whistleblowers Protection Act 2001. Some of the main features of those amendments to those acts are the creation of the new office of police ombudsman and a broadening of the powers of investigation into police matters and conduct.

As I said at the outset, we welcome those measures which is the reason we support the bill. Presently police

complaints are dealt with by the deputy ombudsman, and this office is now going to be abolished and replaced by the new office of the police ombudsman. The powers of the ombudsman will be set out in the Police Regulation Act and that act will also be amended to enable the police ombudsman to conduct an investigation on his own motion. These are particularly important provisions, and I refer the house to clause 12 of the bill itself which provides that investigations can be initiated by the police ombudsman. In the past such investigations were only conducted on the basis of a complaint about something. Now the police ombudsman can use his or her own discretion to ensure that things the police ombudsman thinks ought to be investigated actually can be investigated.

It is interesting to note some of the conditions attached to the investigations by the police ombudsman. I refer the house to new section 86NA, which states:

> (2) Before conducting an investigation on his or her own motion, the Police Ombudsman must inform the Minister and the Chief Commissioner in writing of his or her intention to conduct the investigation.
>
> (3) After completing an investigation on his or her own motion, the Police Ombudsman must give the Minister a copy of the report given to the Chief Commissioner under section 86P(5).

Then clause 14 of the bill goes to the new issue, and new section 86P expands on those matters. If you read that you find that it is expected that the issues being investigated by the police ombudsman will always be done in close conjunction with both the minister and the Chief Commissioner of Police. Some would argue that perhaps that relationship is too close and maybe there is not sufficient independence given to the police ombudsman to investigate without fear or favour. I say I only hope that is not the case, and I hope that the new police ombudsman — —

Hon. J. H. Eren — That is covered in clause 14(3).

Hon. P. R. HALL — I am just saying that at all times they have to tell the chief commissioner and the minister what is going on and at times there is opportunity for each of those people to supply feedback. I am just saying I trust and hope that none of the investigations being undertaken by the police ombudsman will be at all compromised by the need to maintain that close contact with both the minister and the chief commissioner as outlined in this new section 86P in the Police Regulation Act. I simply make that point.

We acknowledge that the police ombudsman will be given extensive powers similar to those given to the royal commissions in 1998. We note that there are two section 85s in the bill too, and once again we are not opposing those. However, we point out that once again it is amending the Constitution Act.

That in a nutshell is what the bill does. I want to outline quickly to the house what The Nationals believe should be done. We have not always felt this way but as the situation has deteriorated — that is, the confidence in the police and the revelations of corruption in the police force that have evolved over time — we now believe there is a need to establish a Victorian corruption and crime commission. We need a stronger process than the appointment of a police ombudsman. The police ombudsman is a step in the right direction, but we believe the government could go further and establish an independent commission which we propose should be called the Victorian corruption and crime commission. There should be an act of Parliament to establish that commission and, most importantly, it should be resourced adequately to do its job.

At this point in time we, The Nationals, are far from convinced that sufficient resources will be made available to the police ombudsman to do the job that this government is going to ask of that person. It is interesting to compare the funding situation to similar organisations in other states of Australia. Once again I use figures that were printed in the *Sunday Age* of 23 May as a basis for my information. I note that in Victoria we certainly have the ethical standards department, which is an internal process within the department to investigate police matters and complaints against members of the force. We also have the Ombudsman, which is a well-respected organisation here in Victoria. Various people have performed the role of Ombudsman here in Victoria and they have done a magnificent job. I have always had the highest regard for the work undertaken by the Ombudsman. But it is done on a shoestring budget of just $3.5 million for a staff of just 20 people.

When you compare that to how other states are resourced you will see how very little finance we provide for the work of the Ombudsman. New South Wales has a police integrity commission with a budget of $16 million and a staff of 107 people. In addition, it has an ombudsman with a budget of $15.8 million and a staff of 186 people. New South Wales also has an independent commission against corruption with a budget of $16 million and a staff of 101 people and a state crime commission with a budget of $14 million and a staff of 108 people. Overall in New South Wales funding of $61.8 million is given for these sort of commissions and a staff of nearly 500 people compared to Victoria with 20 people and a budget of $3.6 million.

Queensland has its crime and misconduct commission with a budget of $30 million and a staff of 276 people. Western Australia has a corruption and crime commission, which was recently established with a budget of $20.5 million and a staff of 90 with a long-term plan for 150 people. I acknowledge that all states have different records and histories in respect of these matters, but by any comparison with the other major states in Australia Victoria has minimal funding for the office of the Ombudsman and the ethical standards department within the Victoria Police.

The Nationals acknowledge that the Premier has committed another $1 million to the office of the Ombudsman in recent weeks. We welcome that, but it does not make a dint in the New South Wales, Queensland or Western Australian budgets, for example. We have serious concerns. Even though the new office of the police ombudsman is being established, we are far from convinced it will have adequate resourcing to effectively do the job it has been asked to do. The Nationals believe there is a need to establish an independent commission in Victoria. As I said, we propose it be called the Victorian corruption and crime commission. There is overwhelming community support for the establishment of such a commission, and the government would have been wise to listen to those views and to do something stronger than what we are doing here tonight.

I conclude my remarks with these few comments. The Nationals support this legislation, but we strongly say that more is needed. We sincerely hope this addresses the problems, but we have not got a great deal of confidence that it will go far enough and address the real problems. The Nationals also believe that the new commission we propose needs to have the people appointed to it with the skills, the knowledge and the background to do the job effectively. Heading up the commission should be somebody who is perhaps a former judge or Queen's Counsel who understands the processes, is well skilled in these areas and has experience in dealing with criminal matters, because that experience would be an important part of a commission or the office of the new police ombudsman.

With this legislation we need to send a message to all the good members of the police force that this government, supported by the opposition and The Nationals — supported by all political parties — is serious about addressing these issues of crime and corruption in our society. That message needs to be sent to the Victorian public as well. We need to address the fall in confidence in our current police force. Moreover, we need to send a message to criminals that from today onwards our standards and expectations will be lifted throughout.

It is a bit disappointing that the government decided not to appoint an independent commission, but I repeat that the establishment of the police ombudsman with powers as defined in the legislation is a positive step forward. The Nationals are prepared to support that but again call on the government to monitor the situation closely and never rule out the need to establish in the near future a stronger organisation, an independent commission, which we believe is needed to fully address the matters.

Hon. C. D. HIRSH (Silvan) — This is an extremely important piece of legislation for all Victorians, and in particular for the Victorian police force. Having last night watched *Australian Story* I can appreciate Mr Dalla-Riva's emotion when he talked about corruption in the police force. When you are very close to something and you really care about it, it is very difficult to deal with some sort of imperfection within that organisation. So far as I am concerned, I assure Mr Dalla-Riva and all members that the police force is held in the highest regard by people in the outer east. I think that goes right throughout Victoria and needs to continue, because 99.9 per cent of the members of Victoria Police do an enormously important and great job. Mr Dalla-Riva needs to remember that Victoria Police is a well-regarded organisation and the majority of its members deserve that high regard. Simon Illingworth's emotion last night as he spoke demonstrated the feeling that Mr Dalla-Riva was expressing in his speech — that disappointment that for the first time in Victoria in nearly a century, or for the first time ever, there is a degree of corruption within the force.

This legislation is crucially important because it will deliver extra powers to the Ombudsman to investigate corruption within the police force, to clean it out and to ensure that our police force goes back to being the very good and well-regarded force that it has always been. So far as the views of the Leader of the Opposition and the views of the opposition parties on a crime commission are concerned, the government feels that would perhaps be going down a side track in its effort to attack organised crime. The way to go is to continue with the prosecutions that have started. Real progress is being made. There have been 13 charges and 2 people are in jail as a result of the efforts of the Ceja task force, and 3 people have been arrested as a result of the efforts of the Purana task force. If that were stopped and a crime commission were formed all that work would have to start again, whereas taking control of the

situation and giving extra powers to the police ombudsman is the way to go.

Extra powers and resources will be given to the police and the Office of Public Prosecutions to fight organised crime, as well as to investigate those few police in the force who have given in to corruption. These initiatives will give a boost to investigations, speed up prosecutions, and further down the track the proceeds of crime will be more easily seized. The Chief Commissioner of Police will be given coercive questioning powers to force alleged underworld figures to provide information to those investigating organised crime. Their right to refuse to answer on the grounds of self-incrimination will be removed. Of course, these new and strong coercive powers will be overseen by a senior judge. It will mean that the code of silence within the crime community can be broken and the Victoria Police will be assisted in its work.

So far as the issue of a crime commission is concerned, as I said, it is a great disappointment that although one week ago, on 17 May, the Leader of the Opposition in the other place suggested that the best way to go would be, as the government has suggested, to give extra powers to the Ombudsman, within a week he has changed his mind and is suggesting that a crime commission would be the way to go. I quote from a letter received by the Premier from Mr Doyle dated 17 May following more gangland killings:

> In order to give the Ombudsman every opportunity to commence an 'own motion' investigation into these matters, I am proposing that debate and passage of the Ombudsman Legislation (Police Ombudsman) Bill be brought forward to the next day of sitting ...
>
> The Liberal Party offers its assurance that the bill will enjoy support and swift passage ...

I am pleased to see that is happening, but it is a disappointment that the opposition is now, one week later, slamming the government over this same piece of legislation. The stronger powers were announced by the Premier today. The opposition accused the government of not taking both the police corruption and underworld crime seriously enough.

If this extremely important legislation, which creates a police ombudsman with powers to initiate his own inquiries, is not strong then what is? It certainly is the strongest legislation I have seen in Victoria since I have been involved with and interested in legislating. The lack of acknowledgment and acceptance of this bill is a great pity, but as I said, the government is extremely pleased that the opposition is supporting the bill. It is a focused response designed to take control of the situation. The powers that are required will be given to the Ombudsman.

Mr Hall mentioned clause 12, which suggests that the police ombudsman will have to inform the minister and chief commissioner of what they are doing in terms of initiating their own investigations into police corruption. 'Inform' and 'let know' are not terms that imply any encouragement of interference. Letting someone know does not encourage interference; it enables independent action by the police ombudsman, who will be able to take their own path on the investigation as required.

The chief commissioner has also supported these new powers, and it is absolutely crucial that they are put in place very quickly. Both the Purana task force and the Ceja task force have to have whatever support they can to continue their work. People such as Simon Illingworth have to be supported and protected in their role in weeding out what corruption exists in Victoria Police.

I guess it would be a difficult situation to have the Australian Crime Commission involved, given that there is now evidence of some corruption within the ACC. The investigation needs to come from an area external to the police, and the Ombudsman's office is the way to go. This legislation is very important. It will be very effective in terms of continuing the fight against organised crime in this stage and ensuring that our Victorian police force is restored to its totally corruption-free state. That is its reputation, and I hope that will continue to be its reputation in its highly regarded role.

Hon. ANDREW BRIDESON (Waverley) — It does not really give me pleasure to rise to talk to the Ombudsman Legislation (Police Ombudsman) Bill tonight, but the reason this bill has come on at such short notice is the unfortunate crisis in public confidence in our police force. As we have heard from previous speakers, the majority of members of Victoria Police are honest, good police, but there is a small element of corrupt police who have brought the force into great disrepute. I have visited police forces overseas and interstate, and the Victorian police force is held in very high esteem by such forces as Scotland Yard, the Manchester Police, various American state police forces and certainly interstate police forces. I want to put on the record that the Liberal Party is a strong supporter and advocate of police who do their job thoroughly and properly in protecting the community.

I have said there is a crisis in public confidence in the police force. One only has to look at the headings of newspaper reports of the past week. I do not have every newspaper article in front of me, but in the time available to me I have picked out these: 'Police corruption: only an independent body will do'; 'How to fix a crooked state'; 'Alarm on corruption'; 'Corruption fears infect crime body'; 'Fear gags gang murder witness'; 'Police investigator: I was bashed'; 'Time for new crime agency'; and 'Liberals ready to fight corruption issue'.

Hon. C. D. Hirsh interjected.

Hon. ANDREW BRIDESON — I hear comments from the other side that these are just newspaper reports, but the newspapers reflect the ideas and thoughts of the community. What better evidence can there be of what the community thinks than our daily newspaper reports?

I want to pick up a couple of issues in relation to the second-reading speech. The second sentence of the speech states:

> Our current system of internal police investigation coupled with the investigate powers of the Ombudsman, has led to Victoria achieving these standards.

These standards are the high standards that are mentioned in the first sentence. If these are the high standards that we have currently met, why is this bit of legislation before the house tonight? In my 11-plus years in this Parliament this is the first time a bill has been brought in with such urgency. It is the first time I have witnessed a bill being brought in, read a second time and debated forthwith. It is obviously the government's response to the perceived public crisis of confidence in our police force.

My concerns with this bill echo the sentiments we have heard from the Honourable Richard Dalla-Riva and the Honourable Peter Hall. They go to the heart of clauses 12 and 14, and I will concentrate on those. Under clauses 12 and 14 the police ombudsman is required notify the Chief Commissioner of Police of their intent to conduct an investigation. They must provide the commissioner with the opportunity to comment on the report prior to its finalisation, and they must furnish the commissioner with a copy of the final report. In my mind this raises real questions with regard to the potential political influence of the chief commissioner over the entire process. I sincerely hope that that does not happen, but it does not matter which government is in power, the possibility for it to occur is there under this model.

The chief commissioner is also required to make police officers available to the police ombudsman for the purposes of an investigation only to the extent that the commissioner thinks necessary. Any conflict in relation to investigative strategy between the commissioner and the police ombudsman risks compromising the investigation and its credibility. Clause 14 substitutes new section 86P in the Police Regulation Act. Subsection (4) states:

> A member of the force made available under sub-section (3) —
>
> (a) remains under the direction and control of the Chief Commissioner; but
>
> (b) in assisting the Police Ombudsman, must have regard to the wishes of the Police Ombudsman concerning the conduct of the investigation.

That is curious. The independence of the police ombudsman could easily be compromised under that provision. As I said, I hope it does not happen, but the possibility exists and it is up to the opposition to point this out. I have scribbled a quick note here, which says, 'How can the police really serve two masters? Are they serving the police commissioner or are they serving the Ombudsman? What happens if there is a conflict of interest in whatever it is that they are investigating?'. I just raise that as an area of concern.

I am also concerned about new subsection (5), which states:

> After completing an investigation, the Police Ombudsman —
>
> (a) must make a report in writing to the Chief Commissioner on the results of the investigation; and
>
> (b) in the report, may request the taking of any action that the Police Ombudsman considers should be taken.

Again the possibility exists that the independence of the police ombudsman could easily be politically corrupted. I sincerely hope it does not happen.

I will mention the position of the opposition and respond to a remark made by the Honourable Carolyn Hirsh in her contribution that the Leader of the Opposition in the other place changed his mind in a week. What is wrong with changing your mind when uncontroverted evidence is put before you which is so compelling that because you are an intelligent being you change your mind based on the facts presented to you? It is not a significant change. We support the bill and the increased powers that are being given, but because we are facing a fairly rapidly moving scenario — each day evidence is coming out of links

between corrupt police and the underworld; it is a moveable feast — I do not think it is a sin that the opposition leader has changed his mind. In fact, I think he is to be commended for changing his mind.

I must say that the opposition leader and the opposition party are not alone in calling for the implementation of a crime commission. There is a very compelling letter in today's *Age* written by Liz Curran, who is a lecturer in law at La Trobe University. The article states:

> The current situation of what is in reality police investigating police — as the Ombudsman's office relies heavily on police investigation — will never unravel complex, secretive organised police crime. The minister's proposal to have the Ombudsman report to him and the chief commissioner would compromise and politicise the office of the Ombudsman.

Ms Curran went on to say that the only true way is to have an independent and separate crime commission.

Bob Falconer, who spent 31 years in Victoria Police and was a senior officer in the internal investigations and crime commands and who went from Victoria to become the Western Australian police commissioner, has also called for an independent crime commission. If anybody understands the situation better than Bob Falconer I do not know who that person would be. He was police commissioner — I stand to be corrected — at the time of the royal commission into the West Australian police service. He is a man with enormous integrity. Bob Falconer set out a very compelling case in an article on page 18 of today's *Herald Sun* headed 'How to fix a crooked state'. He said:

> But with respect, neither ESD —

the ethical standards department —

> nor the Ombudsman's office have the logistical or legal capacity to tackle what we now face.
>
> It is the worst partnership of all: organised crime and corrupt police working together against the justice system and the police force we depend on for our safety and security.

Bob Falconer said the only true way to get to the bottom of all of this is to have a separate and independent crime commission.

Last week the former Federal Court judge, Sir Edward Woodward, also called for a standing police integrity commission. Here is another man of very great integrity. Sir Edward Woodward ran the Australian Security Intelligence Organisation, and I think he was at the forefront of the royal commission in New South Wales. He could not have better credentials. Here is another man calling for an independent crime commission. As I said earlier, it was no great sin of the opposition leader to change his mind in a period of a few days.

A lot more could be said on this bill. I have covered a couple of areas of concern in relation to clauses 12 and 14. In conclusion, I am thankful that the government has seen fit to bring on this important piece of legislation. I am thankful that it has given increased powers to the Ombudsman and that it has also given additional funding to the new body, but I think a lot more money will have to be made available. If the new police ombudsman is to carry out his duties effectively, he will have to have almost a bottomless pit of funds. I put the government on notice that we will be watching what happens very closely, and we would like to see this new position more than adequately funded.

We are dealing with criminal figures for whom money is not a problem. Most of the criminal offences in this state that relate to the current spate of underworld killings and the link in corruption between those few police and the underworld can be traced back to drugs. I think it was Deputy Commissioner Peter Nancarrow of Victoria Police who last week expressed the concern that there is a link. The illegitimate drug industry is worth billions and billions of dollars — you cannot really put a figure on it. It is probably much larger than the Australian economy. The couple of million dollars the government is going to throw at this is a mere drop in the ocean. The opposition would like to see a lot more money allocated to the fighting of crime and corruption in this state. It gives me pleasure to say that the opposition does not oppose this legislation. It is one of the most important pieces of legislation that has come before Parliament.

Ms MIKAKOS (Jika Jika) — I am very pleased to make a contribution on this bill and indicate my strong support for the legislation before the house. Can I at the outset acknowledge and thank the opposition and The Nationals for allowing the government to bring forth this legislation and assisting us in expediting the debate and the passage of the bill tonight.

The previous speaker for the government, Ms Hirsh, has already indicated that the government takes the very strong view that it is essential that the public of Victoria remain confident in its police force, that it can ensure we have the highest possible integrity in the police force and that we put in place measures that weed out those few bad apples that exist within Victoria Police. At a personal level I, too, am confident in the integrity of the vast majority of police officers serving in this state and am very appreciative of the fine effort they make in serving our community.

The government is introducing the legislation because it acknowledges that there are those few bad apples, and we want to make sure that the Ombudsman has all the appropriate powers available to him to investigate allegations of police corruption. We are moving to build upon changes that have already taken place in this Parliament that have made the Ombudsman a public officeholder enshrined within the Victorian constitution and which enshrines that individual as an independent public officer accountable to the Parliament and the people of Victoria. We take the view that establishing a crime commission or any other similar body at this stage would delay prosecutions. The people of Victoria demand immediate action and the proper utilisation of resources to attack police corruption wherever it exists in the state.

It is important to acknowledge that there has been a lot of work done to date, and, as Ms Hirsh indicated, 13 charges have been laid. Two people are in jail as a result of the efforts of the Ceja task force, and three people have been arrested as a result of the efforts of the Purana task force. It is important to acknowledge that the work is already taking place, and good work is occurring through the efforts of the ethical standards department within Victoria Police.

However, we take a view that it is important to strengthen the ability of the Ombudsman to investigate such allegations. The bill will abolish the existing office of Deputy Ombudsman (Police Complaints) and create a new office of police ombudsman. It is cementing in legislation what has been the arrangement over the last few years where the office of police ombudsman has been held by the person who holds the office of Ombudsman, and this legislation enshrines that into legislation.

Obviously the key aspects of the bill relate to the strengthening of the Ombudsman's powers of investigation, in particular giving the Ombudsman the ability to initiate investigations into the conduct of a member of the police force or into any of the policies, practices or procedures of the force. I note that currently an investigation into police conduct can only be instigated by a complaint made by a member of the public, so this is a significant step forward.

The new power will allow the Ombudsman to consider issues wider than the behaviour of an individual police member and to investigate practices that may threaten the integrity of the force. Before conducting an own-motion investigation, the police ombudsman must inform the minister and the Chief Commissioner of Police. I note a number of comments have been made about this particular issue, but it is important to emphasise that this is consistent with the Ombudsman's general jurisdiction which requires him to inform the principal officer and the responsible minister of any department or authority that is being investigated. It is a mere courtesy, and it is important that members understand that the Chief Commissioner of Police will not have any power of veto over any proposed investigation by the Ombudsman in those circumstances.

The bill gives to the Ombudsman a number of wide-ranging powers similar to the powers that would apply to a royal commission. For example, new section 86PA in clause 14, to be inserted into the Police Regulation Act, makes changes in relation to the abrogation of self-incrimination and also gives the Ombudsman certain powers of entry, search and seizure which are similar to what would exist with a royal commission, and new section 86PA shows a list of powers that apply under the Evidence Act to royal commissions and which will now be given to the Ombudsman. These are significant. However, safeguards have been put in place in relation to new division 3 to be inserted in the Police Regulation Act in relation to the powers of entry, search and seizure. These powers will be exercisable upon obtaining a search warrant from a magistrate.

The Ombudsman will also have the ability to make recommendations to the Chief Commissioner of Police, to the minister directly and also to make recommendations to the Director of Public Prosecutions where that is deemed necessary. These are all very important powers. It is important that we put these changes in place. In conclusion, apart from the additional $1 million in resources that have been put in place in this year's budget that will be at the Ombudsman's disposal, I note that the Premier and the minister have also made further announcements today about toughening up the assets confiscation laws of this state and about further powers to the Chief Commissioner of Police. All of these changes are important to continue to provide a police force that all Victorians can have great confidence in, and I wish the bill a speedy passage.

Hon. BILL FORWOOD (Templestowe) — I never thought that I would live in a state where people were shot while they watched their kids play football; I never thought that I would live in a state where newspapers started an account of the number of people who have been executed, murdered in the so-called gangland killings; I never thought that I would live in a state where people under police protection were shot as they slept; I never thought I would live in a state where ethical services police received in their letterboxes

bullets with their names etched on them; and I never thought I would live in a state where a person who had an agreement with the prosecuting team to give evidence would say, as one did last week, that he would not give evidence any more because he feared for the safety of his wife.

I never thought that I would live in a state where these things would come about day after day because what is happening now is that these things go on and on; and I never thought I would live in a state where someone like Simon Illingworth would go on television and tell a story that he told last night. No wonder we have this legislation before us today!

The question is: is the legislation an appropriate response to the circumstances in which we in Victoria find ourselves today? While the opposition is supporting the legislation and believes it should have a speedy passage, we do not believe this is the appropriate response for the circumstances that Victoria finds itself in today.

This is not the appropriate response. As has been demonstrated by my colleagues on this side of the house and by countless commentators over the last few days, including Sir Edward Woodward, for whom I have the highest regard, this state now needs a different response. The disappointment to the opposition is that this government, for some peculiar reason, continues to insist that it will not proceed with a corruption commission or an integrity commission, and the only reason it is giving is that it would mean starting prosecutions again or delaying prosecutions. That is absolute nonsense!

What we have in Victoria is a circumstance that none of us ever thought would exist and which was acknowledged last week by Mr Nancarrow — that there is a link between organised crime, the gangland killings, the drug trade and corrupt police. That was acknowledged by a senior police officer in this state. I invite honourable members to read the transcript of the Premier's contribution to Neil Mitchell's program this morning when he skirted around this issue time and time again and would not accept that fact.

What is it that cannot be accepted about this? This is widely accepted throughout the community. This is part of the problem. At the moment there is a vacuum of leadership in this state, and it is in four parts: the first part is the Premier, who will not recognise this issue and deal with it properly; the second is the Attorney-General, who will also not recognise the issue and move to correct it; the third is the police minister, who is again someone who has major control in this area and who should at least be acknowledging the problems that are faced in Victoria; and the fourth is the police commissioner. There is a vacuum of leadership at the moment, and this bill does not go far enough in addressing the issues that Victorians urgently require to be dealt with. It is a nonsense for the second-reading speech to say that:

> Our current system of internal police investigation coupled with the investigative powers of the Ombudsman, has led to Victoria achieving these standards.

As Mr Brideson pointed out, these are the highest standards of integrity within the police force. It is a nonsense for the second-reading speech to say that. It is a nonsense for the second-reading speech to say that the bill:

> ... fulfils the government's commitment to ensure the highest standards of integrity and professionalism in Victoria's police force.

They are words. That is spin. That is rhetoric. That is not the real world — that is not the Victoria that we are living in today. For the Premier to say, as he said on Neil Mitchell's program today, that we do not need a crime commission:

> Well, because we're having enormous success already —

and to say later:

> Because we're having enormous success —

twice he said it. It belies belief. We will not have the success that we require until we go down the route of establishing a completely independent commission into the situation we now find ourselves in. It is very disappointing that the government will not see this and acknowledge this. The sooner it does, the better off we will all be.

I will make two comments about the legislation before the house, and I do not want these to be interpreted as anything other than a reading of the legislation. These comments are not aimed at people; they are about the legislation that is before the house. Clause 14 of the bill substitutes new section 86P. Proposed section 86P deals with investigations by the police ombudsman, and proposed subsection (3) states:

> At the request of the Police Ombudsman, the Chief Commissioner must make available to the Police Ombudsman any members of the force that the Chief Commissioner thinks necessary to assist the Police Ombudsman in the conduct of the investigation.

It is not what the police ombudsman thinks necessary but what the Chief Commissioner of Police thinks necessary. This is too close. If the government is going

to go down the route of this legislation before the house today, this particular clause should say that the police commissioner will make available to the police ombudsman the members of the police force who the police ombudsman thinks necessary to conduct the investigation, not what the police commissioner thinks is necessary to conduct the investigation.

Subsection (5) of proposed section 86P states:

> After completing an investigation, the Police Ombudsman —
>
> ...
>
> (b) in the report, may request the taking of any action that the Police Ombudsman considers should be taken.

This relates to reports going to the police commissioner on the results of the investigation — but he only 'may request'. I put it to the government that if it wants to go this route — and I have already said I do not think it goes nearly far enough — then surely the police commissioner should be required to put in place the recommendations of the police ombudsman. He or she should not be put in a position where they 'may request' the taking of any action that the police ombudsman considers should be taken.

This bill is a start. We support it. But we make the point very strongly that this does not go far enough and that the Victoria we are living in today is not the Victoria we should be living in at all.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to rise and make a contribution in support of this important bill before the house. The government is making real progress on investigating organised crime and on police corruption, and it is giving the police ombudsman some real royal commission-type powers to investigate police corruption. We have already been acting for some time to look at wiping out police corruption as well as organised crime.

Operation Ceja, which is examining the activities of the former drug squad, has charged 13 people; the ethical standards department has also charged police with various offences; and five people have been charged with murder as a result of the efforts of the Purana task force. So real progress is being made in this area.

The powers to investigate police corruption that are proposed by this bill include extending the police ombudsman's power to instigate his own investigations into police matters; power to require answers from police and from others to any questions, even if the answer could be self-incriminating; and power to search and seize subject to obtaining a warrant from the courts. The bill will deliver extra powers and resources for the police and the Office of Public Prosecutions to be able to fight organised crime. These initiatives will give an additional boost to the investigations that are currently taking place, they will also enable prosecutions to be handled in a more speedy manner and they will enable the proceeds that have been gained through crime to be seized.

The Bracks government has been in constant discussions with Victoria Police to make sure it has sufficient resources and powers to tackle organised crime, and I will not go through the government's initiatives and budgetary injections to support our police force because I know that previous speakers have touched on those. But the initiatives that are outlined in this bill will give the Chief Commissioner of Police coercive questioning powers to force alleged underworld figures to provide information to those investigating organised crime, and the rights of those people to refuse to answer on the grounds of self-incrimination will be removed. Evidence arising from answers will then be able to be used against other alleged criminals in court proceedings that are taking place, and a senior judge will oversee these new coercive powers given to the police force. The government's initiatives will assist the Victorian police force to actually break the code of silence and force organised crime figures to talk to them about their activities.

We also believe very strongly that we need to be putting further pressure on criminals and that that pressure can be put in place by expanding the asset confiscation laws. We will be introducing a bill later in this session of Parliament which will be aimed at toughening the asset confiscation regime so that any procedures for seizing criminals' assets can begin before charges are actually laid. This will assist in the pursuit of assets. We will make sure that this legislation is introduced in this session of Parliament.

This is a good bill. It gives added resources and power to the police and to the Director of Public Prosecutions to be able to tackle both police corruption and organised crime. It deserves the support of all the members of this house, and I commend the bill to the house.

Hon. B. N. ATKINSON (Koonung) — The issues that are before this Parliament and this community are not really new. Indeed last year I was president of the Rotary Club of Mitcham and convened a meeting about this time of the year with a speaker called Lachlan McCulloch, who had written a couple of books on police corruption. He had been involved in a series of investigations by the police where he had effectively

been a whistleblower on the activities of some police officers that had tarnished the name of and brought into question the integrity of certain sections of the force particularly those associated with drug enforcement. For his honesty Lachlan McCulloch was ostracised by many people in the police force and went through a personal circumstance which none of us would want to see any upstanding and honest officer of the force put through.

We can be proud of a great many men and women in the Victorian police force. Overwhelmingly most of them are honest and committed to the community and to the job they do. But there is no doubt that there are a number of people who for greed or perhaps other purposes have sought to go outside their commitment to their vocation and more importantly their commitment to the community. Unfortunately we have seen a series of episodes in the last few months that are of major concern to this community. They have brought into question the integrity of some police officers, and that has struck at the confidence people have in the police force. It certainly has raised major issues in terms of the connection of some police officers — I believe very few — with organised crime. This legislation before the house attempts to address the very issues that Lachlan McCulloch and other officers have been talking about for some years. It is a knee-jerk reaction of this government to some rather dramatic changes in the circumstances of the political environment and the level of community concern or media concern in this issue over the last few weeks when in fact the issue has been on the table for a great deal longer than that and has been ignored, it would seem, by the police minister and certainly not addressed in a way that was appropriate or effective by the police commissioner in my personal view.

It may well be that the police commissioner did not believe she had the resources to tackle this issue in the way it needed to be tackled. But if that were the case, then her needs should have been taken to the minister and the minister ought to have provided those resources. This legislation is a step in the right direction. It is a little too late because while it establishes a process which is aimed at addressing some of the problems now before the community, I would suggest that in many ways it will be an inadequate response by this government to these issues. The level of resources provided to the police ombudsman as he goes about implementing the provisions of this legislation call into question whether the job that is expected by the government and certainly expected by the opposition and more importantly expected by the community can actually be done.

The Liberal Party's position is that we need a new body that tackles this in a more comprehensive way. That would be a far more appropriate response to this issue. It would represent a better level of resources to tackle the issue and it would ensure that public confidence in the police force and public confidence particularly in the integrity of the police force is retained and enhanced after a range of circumstances that have caused some crisis in public confidence. More importantly it would vindicate the position of many good men and women who are doing an outstanding job as police officers pursuing the protection of our community in this state and it would ensure that their position and their professionalism were vindicated by a process that was thorough and effective and which ensured that the police force is an independent, objective and effective defence of this community against organised crime and other activities that seek to undermine the safety and security of Victorians.

Hon. D. McL. DAVIS (East Yarra) — It is with some disappointment and sadness that I rise to speak on the Ombudsman Legislation (Police Ombudsman) Bill. The truth is that none of us, least of all me, thought I would be speaking about a bill that seeks to put in place powers of examination of Victoria Police and that seeks to strengthen the position of anticorruption authorities in Victoria. Many of us thought that Victoria was different; we thought that what occurred in New South Wales and Queensland in the last two or three decades was very different to what occurred here. I remember as a young person reading the *Nation Review* about the Fitzgerald inquiry, and I have to confess that I am deeply saddened today.

This bill takes a number of steps that strengthen the position of the police ombudsman and gives him greater, more royal commission-type powers. But what is clear about this legislation is that it does not go far enough. It does not give the independence or the unique view of a criminal justice commission, a crime commission or an independent commission that would be able to initiate proactively forward-focused activity that would prevent criminality within the police force. I do not think that two or three years ago any Victorian would have imagined for a moment that we would have seen — —

An honourable member interjected.

Hon. D. McL. DAVIS — I do not know what the number is today but upwards of the mid-20s — —

Hon. Andrew Brideson — Twenty seven.

Hon. D. McL. DAVIS — Mr Brideson informs me that the number of killings connected with the underworld is 27, and that clearly appears now to be connected with corruption in the police force. I have to say, as I said at the beginning of my contribution, that it saddens me that it appears some level of corruption is in a significant proportion of our police force. I had never imagined that about the Victorian police. I want to record that the number is not in any way the majority of our police force; it is a very small but nonetheless significant minority that is behaving in a way beyond what most Victorians would believe is in any way acceptable.

I also believe that this relates to the image of Victoria, and as Victorians we have to be prepared to step forward and say that we need to take whatever reasonable steps are required to ensure that the image of our state is not tarnished. It also relates to the enthusiasm of investors; it relates to the real First World status of our country and our state. Many of the things that we have heard over the recent period in relation to the connection between the drug cartels and organisations, and production facilities and the police concern me very greatly and I think they would concern any sensible Victorian.

Unless we are very careful, the consequences of this slide in standards in public life and police life will have consequences that go far beyond the 27 people who have been tragically killed — that is, in the pressure that has been applied from one policeman to another and the pressure that has been applied within certain parts of the police force. We need to focus on the leadership issue that is developing in the police force. We also need to focus on how we as Victorians can ensure that there is proper legislation and systems in place. It is not enough to leave these things to chance or to hope, we have to put in place systems that ensure our police force is almost overwhelmingly clean. That used to be the case, but it is not the case now.

Hon. B. N. Atkinson — Action, not press releases!

Hon. D. McL. DAVIS — That is right, action not press releases. One of the key things about this government is its preparedness to try and spin its way out of difficulty rather than dealing with the reality of very difficult situations. How many people have to die and how long does is have to go on before the Premier and the police minister are prepared to admit that what they are doing and the way they are approaching this is wrong? I believe what they are doing is wrong. I do not believe this legislation is sufficient, helpful though some of it is. It is not a sufficient response, and in that context I want to place on record my belief that the government should have gone further. It should have set up a proper organisation that could proactively ensure, like in New South Wales and Queensland, that there is not this corruption or taint on the good police in our police force, and that our police force is something that all Victorians can rely upon.

Hon. C. A. STRONG (Higinbotham) — When one is faced with a crisis, any small step forward needs to be supported. That is what opposition members are doing today. We are supporting and expediting this bill because it is a small step forward in the crisis that we are facing. But let us not kid ourselves — it is only a small step forward.

The rule of law is an essential element of our society. The belief that all will be treated equally before the law is an essential element that makes our nation and our society work. Therefore any hint of corruption in the police must be dealt with in the strongest possible fashion. In this situation, overkill is not a fault. The fault is to go soft, to equivocate and to obfuscate. The fault is to not act decisively and critically. Any obfuscation or equivocation is a facilitation to the breakdown of the rule of law.

I am pleased that the opposition has chosen to come out strongly in favour of an anticorruption commission. I have urged and will continue to urge the opposition to go all the way and establish a royal commission to ensure that this corruption in our state, no matter how small or how big, is exposed and rooted out. As I have said it does not matter if it is a little bit of corruption or a lot of corruption — it must be rooted out because the mere sniff of it breaks down that rule of law, the essential element of our society.

I have heard speakers from the other side talk about strengthening the asset confiscation laws, and I totally agree with that, but I point out to the house that barely a few months ago we passed a bill that purported to do just that — to allow assets to be frozen before cases came before the court. We have done all of that. I also highlight to the house that the asset confiscation regime, something which I have spoken of at length before, is pitiful. The Auditor-General has reported that it is in the order of $5 million a year, yet we are talking about drug crimes worth billions of dollars. So again one has to ask: who is managing this asset confiscation regime? And if this regime is being managed by anybody in the police force who equivocates or is corrupt, it is not going to work.

We have to get to the root of the problem, which is to see that the rule of law works. Why do I say that the bill before us today is only a small step? I say that because

it is only a continuation of what has been happening. It still leaves the power to do these things, to root out corruption, with the police force. So you are asking the police force to do what we have been asking it to do for many years, and that is to police itself.

Anybody with any understanding of how systems, regulations and procedures work knows there is no point in asking a body to police itself. You need an independent authority, an independent body, an independent commission to police the police, particularly when we are faced with a crisis such as this. To continue to say that the police will police themselves is not a solution to the crisis we are facing. How can you seek to get to the bottom of the problems of corruption in the police force with this new police ombudsman that is being set up? By his very name — a police ombudsman — he will be working within the confines of the police force and the chief commissioner.

That person is required to notify the Chief Commissioner of Police when he intends to carry out an investigation. Quite clearly, if you notify the chief commissioner that you intend to carry out an investigation and there is any corruption in the system, that notification is just an invitation to overcome the problem before the investigation takes place. If the result of such an investigation has to be reported to the police commissioner before it is reported to the public, this is clearly just a continuation of the existing system where you are asking the police to police the police. That is simply not good enough when we are faced with this crisis.

Although I support, as does the opposition, this small step forward, it is only a small step forward and the government simply must do more.

Hon. PHILIP DAVIS (Gippsland) — My remarks will necessarily be brief. Firstly, I want to acknowledge the contributions that have been made during the debate this evening. They have been significant, not so much for their length and detailed content but for their very clear exposition of the key issues of principle. I could not help but be moved by the distress of the lead speaker for the opposition, the Honourable Richard Dalla-Riva. As somebody who has served diligently in the vocation of law enforcement he was clearly moved to find himself in a position to speak on such a serious matter for the Victorian community as police corruption. Let us not forget that for the majority of police officers in the state policing is a vocation, not just a job. It is not about turning up and putting in eight hours a day; it requires real dedication to be a police officer in Victoria, or indeed in any jurisdiction. By and large we have been generally well served by the police. However, it is increasingly clear to the community, to investigative journalists, to the Parliament and certainly to the opposition that we have gone beyond the point of thinking there are a handful of rotten apples in the barrel. Clearly the government acknowledges this by its initiative in bringing in the legislation we are now contemplating. The opposition saw the legislation as being of such significance that it offered to expedite this bill to ensure that there could be no delay in bringing in new measures to assist in the business of dealing with corruption in the police force.

This is a reflection of the state of alarm in our community. It is a necessary thing that we do this day. To take the police ombudsman bill and to pass it through both houses on the one day is unusual to say the least, but it is a reflection of the state of alarm in the community and the seriousness with which the Parliament as a whole is dealing with the issue.

I have one concern about the bill which I want to note in passing. It relates particularly to clauses 12 and 14, which deal with referring investigations to the minister and chief commissioner and providing that matters must be raised with the chief commissioner where there is, prospectively, an adverse report. This is unfortunate because inevitably questions will always surround the confidentiality and independence of those inquiries and that will prejudice the task of the police ombudsman in regard to his investigations.

Hon. B. N. Atkinson — It politicises the entire process.

Hon. PHILIP DAVIS — As my colleague the Honourable Bruce Atkinson said, it brings into considerable doubt the processes before the ombudsman.

We are here to deal with a bill that only goes part of the way towards dealing with the issue of corruption. I do not wish to reprise the speeches that have been given by members of the opposition; it should suffice for me to say that we are committed to the establishment of an anticorruption commission for the very reasons that we have all alluded to tonight — the high state of anxiety in the community and a growing sense of apprehension that corruption is endemic in a proportion of the police force and that it has to be dealt with in a most decisive way.

We do not think the bill before the house goes anywhere near achieving that aim and undoubtedly the opposition will continue to advocate for an anticorruption commission. The opposition invites the

government to work with it in moving in that direction. We do not intend to use this issue in a partisan way. This is a matter which all members of this place and all parties in the Parliament need to commit to work through in a bipartisan way to ensure that we get the best outcome for securing in the minds of the community absolute trust and confidence in our law enforcement processes.

Therefore I conclude by saying that should the government put any propositions to the opposition about legislative remedies and ensuring that we can deal effectively with corruption in the Victoria Police, we will be keen to facilitate that activity. However, we emphatically believe that at the end of the day the government by whatever name will have to establish an anticorruption commission to achieve that outcome.

Mr LENDERS (Minister for Finance) — Firstly I would like to thank the 11 previous speakers: Mr Dalla-Riva, Mr Hall, Ms Hirsh, Mr Brideson, Ms Mikakos, Mr Forwood, Ms Darveniza, Mr Atkinson, Mr David Davis, Mr Strong, Mr Philip Davis and the rest of the chamber, which has also expressed its support on a day where this bill is being expedited through both houses of Parliament with tripartisan cooperation and support. The fact that 11 people have spoken is a taste of the broader support in this chamber and also the number of people who wish to speak on this, so I thank the house and members for their tripartisan support.

I also note that during the discussion there has been a fair amount of information about the requirement for the police ombudsman to inform the chief commissioner and minister, for the chief commissioner to comment on reports and finally for the report to be made available. There are two things to note about this: the information exchange simply reflects what has been in place since 1973 with the existing deputy ombudsman with some of the same powers. There are greater powers now with the Ombudsman. It is worth noting that the practice is not new, particularly after-the-event informing. If action is to be taken before an annual report, it is important that be done. But in the spirit of it we are simply enhancing the powers — which is the important thing here — of this independent person who reports to the Parliament. That is very significant. It is all about giving powers in a prompt fashion to an independent officer.

I would again like to thank all members for their support, and I wish this bill a speedy passage through this house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The PRESIDENT — Order! I am of the opinion that the third reading of the bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may ascertain whether the required majority has been obtained, I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Carers: government policy

Hon. ANDREA COOTE (Monash) — My issue for the adjournment debate this evening is for the attention of the Minister for Aged Care and relates to carers. Carers Victoria is to be congratulated on the excellent work it does across our state. Most of the carers in this state are the unsung heroes of our community. To quote from the Carers Victoria web site:

> Carers provide unpaid care and support to family members or friends who have a chronic or acute condition, mental illness, disability or who are frail aged.
>
> Carers Victoria is the only statewide organisation in Victoria that has carers as its primary focus. We offer direct services to support carers in their caring role, and education and training and advocacy programs to increase awareness of carers and carers issues.
>
> Carers are usually family members who provide support to children or adults who have a disability, mental illness, chronic condition or who are frail aged. Carers can be parents, partners, brothers, sisters, friends or children of any age. They may care for a few hours a week, or all day every day. Some

> carers are eligible for government benefits, while others are employed or have a private income.

Most primary carers are of work force age — 78 per cent are aged between 18 and 64 years. The Victorian government has no across-the-government policy on carers, nor does it have a caring for carers policy. In February this year the Australian Capital Territory (ACT) government launched its caring for carers policy, and its media release says:

> The caring for carers policy will provide assistance and recognition to 43 000 carers in the ACT. The policy highlights the right for carers to choose to care, and the right that carers have to access resources and services that are flexible, responsive and of a high quality. The policy will guide the development of legislation, and the implementation of appropriate policies and procedures of the government agencies and advocacy representatives that provide services and assistance to carers and care recipients.

An honourable member interjected.

Hon. ANDREA COOTE — One of my colleagues just said that the Victorian government does not care. I do not think the Victorian government cares enough about carers in this state. The ACT government has established a comprehensive carers policy and the core principles include:

> Carers have the right to decide whether to take on or continue the role of care and are supported in their choices.
>
> The health and wellbeing of carers is supported through services and programs that are flexible and responsive to individuals needs and circumstances.
>
> Resources are available to provide timely and adequate assistance to carers.

I ask the Victorian minister: when will Victoria establish an across-the-government policy for carers and a caring for carers policy?

Western Freeway: speed checks

Ms HADDEN (Ballarat) — I raise a matter for the attention of the Minister for Transport in the other place. The issue relates to the east-bound lanes of the Western Freeway at a point approximately 1 kilometre west of the exit sign to Daylesford and Ballan, and at that point it is about 80 kilometres west of Melbourne. I was driving to Parliament early this morning and noticed that the speed check signals, which should be illuminated on the gantry over both lanes of the Western Freeway, were again not working. This speed check gantry is on an important section of the highway. It is on a fairly long, straight stretch, and because of its strategic position it is used by drivers to check their speed. At this point of the highway the maximum speed is 110 kilometres an hour. There are more than 40 000 vehicle movements each and every day. It is a national highway, and it is a direct freight route from Melbourne to Mount Gambier, Adelaide and on to the west.

I rang my electoral office — using my hands-free car phone of course — and left a message with my electorate officer to contact VicRoads to find out why this speed check gantry at a strategic place on the highway was not working. In fact it is the only speed check gantry between Ballarat and Melbourne. The response was emailed to me late this afternoon, and the reason was that someone had been shooting at the speed gantry, which is quite surprising. I do not know what — —

An honourable member interjected.

Ms HADDEN — No, it must be the boys from Ballan, I think.

It is a strategic speed check on an important section of the highway. I therefore ask the minister to request that VicRoads do all that is possible to repair this speed check gantry as a matter of great urgency, as well as searching for some way of preventing a reoccurrence of the gantry being used in the future for target practice by irresponsible persons.

Ambulance services: Timboon

Hon. J. A. VOGELS (Western) — I raise an issue for the Minister for Health in the other place concerning the lack of full-time paramedics at the Timboon ambulance service. Recently I raised this issue with the minister and explained the urgency of the situation, as disasters are occurring on a regular basis. Last Friday a Scotts Creek woman and her two children were involved in a collision between her car and a milk tanker at Simpson. According to the police they had been 6 inches away from a double fatality. From what I can put together the injured were eventually transferred to another car, which sped off towards Cobden District Health Service — there was no ambulance. The Camperdown ambulance eventually met the car travelling to Cobden and took the patients to Camperdown. In the meantime a doctor from Timboon, assisted by an off-duty community ambulance officer, dealt with others at the scene at Simpson — there was no ambulance.

Yesterday a Geelong women was involved in an accident on the Great Ocean Road. Her car was trapped under a truck at Princetown. A 20-year-old man and a 23-year-old American women, who were passengers in

the vehicle, received injuries and were taken to the Timboon hospital.

The action I seek and will continue to seek is for the volunteer ambulance officers at Timboon, who can provide after-hours service, to have the support of full-time paramedics. This system works well in other rural communities with nowhere near the caseload of Timboon and the surrounding district. We have millions of tourists along the Great Ocean Road. We have milk tankers servicing our major dairy region. We have just ticked off another $1.1 billion gas project with Woodside, with another due to start next year, adding thousands of extra truck movements into this region. On top of that we have a local community of around 10 000 people who live and work there all the time.

The area has an undulating topography and with the mix of vehicles I just mentioned — and I nearly forgot private vehicles and school buses — it is no longer good enough to simply ignore this issue. Lives are being lost and put at risk on a regular basis. I ask the Minister for Health to have another look at the Timboon volunteer ambulance service which deserves two full-time paramedics to work with it on a weekly basis.

Consumer affairs: live music

Hon. S. M. NGUYEN (Melbourne West) — I address a question to the Minister for Consumer Affairs relating to live music. The state government yesterday announced the implementation of the recommendations of the live music task force to ease the conflict between music venues and neighbours.

Ms Carbines interjected.

Hon. S. M. NGUYEN — I am sure Ms Carbines is a very good chair of that committee. The question I ask today is about live music. I have been approached by people who bought a ticket to listen to a live concert by overseas artists. They had to pay a lot of money to buy the ticket for the concert, but they complained about the singers. They do not actually sing but put on a tape or CD and play it loud, and the singer is just acting or pretending to sing. People are concerned because it is not fair if they buy a ticket to go to listen to a live concert and end up with music from a CD player. This is a matter I raise with the Minister for Consumer Affairs to make sure the organisers, when they organise these things, deliver what they promise to the consumers. Many consumers are disappointed, and they have approached me to make a complaint. I raise this matter for the attention of the Minister for Consumer Affairs.

Australian Centre for the Moving Image: management

Hon. A. P. OLEXANDER (Silvan) — Tonight I wish to raise a matter for the Minister for the Arts in the other place. The Australian Centre for the Moving Image is in crisis due to the mismanagement of the Bracks government, and while the minister will not admit it publicly the figures in the 2004–05 Victorian budget and the ACMI 2003 annual report conclusively prove it. The evidence is clear. In the ACMI 2003 annual report its president, Dr Terry Cutler, says:

> The organisation is operating more like a technology start-up company than a landmark institution.

In the same annual report the then chief executive officer, John Smithies, says:

> ACMI expects to attract at least 1 million visitors per year to the Federation Square facility.

Since then this figure has been revised down by the Bracks government significantly. The 2004–05 Victorian budget reports this landmark institution is expecting visitation to fall from 1 million in 2003–04 to just 865 000 in 2004–05.

ACMI is failing under the Bracks Labor government. This world-class facility has posted a significant deficit and lost over 30 employees and its chief executive officer over the past year. When a business is losing high numbers of staff, it is clear that there are real problems within its organisation.

In the ACMI 2003 annual report its president, Dr Cutler, also says:

> ACMI and the board are all too conscious of the fact that the roller-coaster ride is not over.

That annual report revealed an operating deficit at ACMI for the 2002–03 financial year of nearly $1 million. In the context of an operating deficit the four executive officers increased their salaries from less than $100 000 in the six months to June 2002 to over $110 000 in the case of one executive and $140 000 in the case of another. ACMI will receive an extra $15.6 million from the Bracks government over the next four years to facilitate a sustainable financial basis, or in reality to bail it out of its current financial and administrative malaise.

Arts minister Mary Delahunty must immediately step in and take proper control of her portfolio to stop the rapid downwards spiral — —

Hon. M. R. Thomson — On a point of order, President, I am not sure if we are dealing with a

90-second statement or whether we are dealing with questions without notice to a minister who is not in this house. I bring your attention, President, to matters raised in the adjournment debate being brief and complete remarks on a single subject and not being a set speech. I hasten to say I think we are hearing a set speech, and certainly we are having one read to us. The adjournment is about bringing forward matters for ministers to deal with. The member has been reading his notes and using them to make a political statement, which is not the intent of an adjournment debate.

Hon. Andrea Coote — On the point of order, President, Mr Olexander is dealing with some very explicit details, and he has to refer to notes for his details. He is painting an excellent position. If the minister is having difficulty, perhaps she should listen a little more closely. The reality is that Mr Olexander is developing a lot of quotes and a lot of figures, and I am sure he is getting to the position to ask his question.

Hon. A. P. OLEXANDER — Further on the point of order, President, I am developing a series of facts to which I want the minister to respond in a specific way. I have 30 seconds left in which to pose a question to the minister and ask her for specific action, and I intend to do so.

The PRESIDENT — Order! With respect to the honourable member for Silvan Province reading his speech, I take the supplementary point of order raised by the Deputy Leader of the Opposition saying that he was referring to copious notes and quotes. However, on the minister's other point of order with respect to the rules relating to speeches on the daily adjournment, rule 4.04 states:

> In speaking to the motion for adjournment a member may not —
>
> (a) develop his or her remarks into a set speech ...

The member has been going for just over $2^1/_2$ minutes of his 3-minute allocation, and he was getting very close to a set speech, so I ask him to pose his question to the minister forthwith.

Hon. A. P. OLEXANDER — Thank you, President. I ask the minister: what specific plan does she have for the rescue of this important Victorian arts institution? Will she implement that plan in this financial year, or will she continue to deny that there is any problem whatsoever?

Honourable members interjecting.

The PRESIDENT — Order! There have been rulings in this place by my predecessors with respect to the adjournment debate. We know there is only supposed to be one question, but previous rulings have allowed for subsections of a question to relate to the same issue. If there was a point of order on that, I do not uphold the point of order on the one request asked of the minister.

Point Nepean: future

Hon. J. G. HILTON (Western Port) — My adjournment matter this evening is for the Minister for Environment in the other place, and it concerns Point Nepean. Honourable members would be aware that Point Nepean has been an issue for the last couple of years, and the commonwealth has had a number of positions on it. Initially the federal government wanted to sell it, then it wanted to lease it. However, its most recent position was the establishment of a community trust which would have responsibility for the maintenance of Point Nepean until it was to be handed over to the state government within five years as a national park.

This latest position has been thrown into some question by the comments of Mr Simon McKeon, who was chosen by the government to head the community trust. He is quoted in the *Mornington Mail* of last Thursday, 20 May, as saying that the most significant decision — the decision of the trust — would be whether to transfer the land to the state. He went on to say there could be any number of reasons why it would not be transferred.

To me this implies that the commonwealth government does not have a firm intention to transfer the land to the state government. The state government has fought very hard to retain Point Nepean in public ownership, which is the outcome wanted by the vast majority of the Mornington Peninsula community. The commonwealth government has not been open and fair with the Victorian people, and I ask the minister to make urgent representations to his federal colleagues asking them to state clearly their intentions in relation to the eventual ownership and management of Point Nepean.

Fernlea House: funding

Hon. D. McL. DAVIS (East Yarra) — My matter for the adjournment tonight is for the attention of the Minister for Health in the other place. It concerns Palliative Care Week. I think all members of this house strongly support the provision of proper palliative care to Victorians across the state who need those services and need care, attention and support at a very difficult time of their lives. The launch of Palliative Care Week on Sunday was an important event, and I was very

happy to spend part of my Saturday at the Fernlea House annual general meeting in Upwey.

Ms Hadden interjected.

Hon. D. McL. DAVIS — I did not speak to her, but she may well have been. I spoke to a number of people. I have to say I was not there for the whole meeting, but I was very pleased to be there for a considerable part of it. Fernlea House has a very dedicated group of people who are concerned to see that proper palliative care, and a particular model of it, is provided in the east. I believe there should be proper diversity in the varying models that are provided across the state to enable people at that difficult point in their lives to make choices so that they can move forward with proper dignity.

I was pleased to see Jason Wood, the federal Liberal candidate for La Trobe, in attendance, and he was a very welcome support. He was listening closely at the meeting to what people wanted and giving strong support to the activities, as he has done for some time.

Ms Hadden interjected.

Hon. D. McL. DAVIS — Indeed, it is a matter a bit beyond state administration but it includes state administration. I think most Victorians believe palliative care is a very important issue for us all.

I was very interested to hear a number of the comments made at that meeting, particularly with respect to the government's reluctance to provide the support that Fernlea House is due. I believe a group of people that is are struggling to provide a service in the way it is deserves the strongest support from us. I would like to see more palliative care beds in the outer east of Melbourne. I believe that could be funded in a constructive way rather than seeing people at the end stage of their lives in acute care beds that are both expensive and inappropriate and are not what they particularly desire. I ask the minister to reconsider the government's implacable opposition to supporting Fernlea House and to look afresh at that house's requests.

Rail: Geelong football train

Ms CARBINES (Geelong) — I raise a matter for the Minister for Transport in the other place concerning complaints aired in the media over the last two days that many Geelong football fans who caught the 5.32 p.m. V/Line train from Geelong station last Saturday aiming to alight at Spencer Street in time for the start of the Geelong versus Essendon game at Telstra Dome arrived at the match well into the first quarter. Media reports have stated that the 5.32 p.m. train from Geelong last Saturday evening took an hour and a half to arrive at Spencer Street station, a journey that normally takes less than an hour.

The minister would be well aware that Cats fans are keen to savour every minute of each game, especially games such as that last Saturday night when we convincingly defeated a team such as the Bombers. On behalf of my constituents I ask the minister to raise with V/Line this important matter of the 5.32 p.m. football train arriving substantially late at Spencer Street station.

Hazardous waste: Nowingi

Hon. B. W. BISHOP (North Western) — My adjournment issue is directed to the Premier. Two weeks ago I stood in this chamber and offered my congratulations to the hardworking and dedicated group of people who ensured that Mildura hosted the world ballooning championships this year. Thirty-eight countries will be represented, many with their own media contingent. The eyes of the world will be on Mildura, and hardworking people behind the scenes have galvanised our many industries into preparing a huge promotion of our wonderful clean and green produce.

Last Wednesday, 19 May, the Bracks government wiped the proposal that a toxic waste dump be built on productive farmland in either Pittong, Violet Town or Tiega. This was a welcome decision, and I congratulate those communities for fighting the good fight and winning. But did we win? The truth is that Mildura, surrounding towns and all the residents in North Western Province have been treated like second-class citizens and have been told the toxic dump will now be built at Nowingi.

Can this government, which was elected on a platform of transparency and accountability and a pledge to govern for all, explain to the people who grow table grapes, wine grapes, avocados, grains, vegetables, stone and pome fruits, who produce honey, run livestock and rely on tourism and the like, why they are being punished with this dump? What does the Premier have against the Mallee? This government will never convince residents and environmentalists alike that dumping this waste on a site 500 kilometres from Melbourne, where most of the waste is produced, but only 20 kilometres from the Murray River and next to two national parks, Hattah Kulkyne and Murray Sunset, is the right decision.

Let me inform the Premier, very clearly, that he has misjudged this call. He has awakened the whole

population of Mildura and incensed residents from Ouyen right through to Broken Hill in New South Wales. At first there was disbelief; now there is just anger and determination. The Bracks government needs to prepare for a real fight from the whole community. The Mildura, Swan Hill and Wentworth municipalities are totally opposed. Industry groups are totally opposed, and so is the Mildura-Sunraysia community. It is believed by many that this site could be a tri-state Labor government toxic waste dump.

Will our communities be forced to consider a toxic waste dump wrapped around a rail upgrade? This decision by an uncaring Bracks government has been made without any consultative process. A good example is that Mildura Rural City Council was notified after the event and the adjoining landholders not at all. I join with the wider Sunraysia community in rejecting this stupid decision to put a toxic waste dump in the middle of the Sunraysia food bowl and call on the Premier to stop this madness. Go back to the drawing board and start to fulfil your promise to govern for all Victorians by choosing a site on Crown land within 100 kilometres of Melbourne.

Responses

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Andrea Coote raised a matter for the Minister for Aged Care in relation to caring for carers.

Ms Dianne Hadden raised a matter for the Minister for Transport in another place. It concerned the Western Highway speed check gantry. She is seeking urgent repair and ways in which further vandalism can be prevented.

The Honourable John Vogels raised a matter for the Minister for Health in the other place concerning the availability of full-time paramedics at the Timboon ambulance service.

The Honourable Sang Nguyen raised a matter for the Minister for Consumer Affairs concerning concerts advertised as being live concerts where the singers are just miming to recordings.

The Honourable Andrew Olexander raised a matter for the Minister for the Arts in the other place concerning the Australian Centre for the Moving Image.

The Honourable Geoff Hilton raised a matter for the Minister for Environment in the other place concerning Point Nepean and the transfer of land to the state. He asked that the minister write to his federal counterpart seeking an urgent understanding as to what the federal government's intention is and to meet its commitment to the community to transfer the land.

The Honourable David Davis raised a matter for the Minister for Health in another place concerning palliative care and Fernlea House.

Ms Elaine Carbines raised a matter for the Minister for Transport in another place concerning the lateness of the 5.32 train from Geelong. As an Essendon supporter I have to say they all arrived too early! The train should have been delayed a bit longer. Obviously whoever was driving the train was an Essendon supporter and got the timing wrong. I will pass that on to the Minister for Transport.

The Honourable Barry Bishop raised a matter for the Premier concerning the hazardous waste facility location, and I will pass that on.

House adjourned 10.26 p.m.