

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT
FIRST SESSION**

Wednesday, 19 July 2006

(Extract from book 9)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AC

The ministry

Premier and Minister for Multicultural Affairs	The Hon. S. P. Bracks, MP
Deputy Premier, Minister for Environment, Minister for Water and Minister for Victorian Communities.....	The Hon. J. W. Thwaites, MP
Minister for Finance, Minister for Major Projects and Minister for WorkCover and the TAC	The Hon. J. Lenders, MLC
Minister for Education Services and Minister for Employment and Youth Affairs	The Hon. J. M. Allan, MP
Minister for Transport	The Hon. P. Batchelor, MP
Minister for Local Government and Minister for Housing.....	The Hon. C. C. Broad, MLC
Treasurer, Minister for Innovation and Minister for State and Regional Development	The Hon. J. M. Brumby, MP
Minister for Agriculture.....	The Hon. R. G. Cameron, MP
Minister for the Arts and Minister for Women's Affairs.....	The Hon. M. E. Delahunty, MP
Minister for Community Services and Minister for Children.....	The Hon. S. M. Garbutt, MP
Minister for Manufacturing and Export, Minister for Financial Services and Minister for Small Business	The Hon. A. Haermeyer, MP
Minister for Police and Emergency Services and Minister for Corrections	The Hon. T. J. Holding, MP
Attorney-General, Minister for Industrial Relations and Minister for Planning	The Hon. R. J. Hulls, MP
Minister for Aged Care and Minister for Aboriginal Affairs	The Hon. Gavin Jennings, MLC
Minister for Education and Training	The Hon. L. J. Kosky, MP
Minister for Sport and Recreation and Minister for Commonwealth Games.....	The Hon. J. M. Madden, MLC
Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs.....	The Hon. J. Pandazopoulos, MP
Minister for Health	The Hon. B. J. Pike, MP
Minister for Energy Industries and Resources	The Hon. T. C. Theophanous, MLC
Minister for Consumer Affairs and Minister for Information and Communication Technology.....	The Hon. M. R. Thomson, MLC
Cabinet Secretary	Mr R. W. Wynne, MP

Legislative Council committees

Privileges Committee — The Honourables W. R. Baxter, Andrew Brideson, Helen Buckingham and Bill Forwood, Mr Gavin Jennings, Ms Mikakos, the Honourable R. G. Mitchell and Mr Viney.

Standing Orders Committee — The President, the Honourables B. W. Bishop, Philip Davis and Bill Forwood, Mr Lenders, Ms Romanes and Mr Viney.

Joint committees

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

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

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

Environment and Natural Resources Committee — (*Council*): The Honourables Andrea Coote, D. K. Drum, J. G. Hilton and W. A. Lovell. (*Assembly*): Ms Duncan, Ms Lindell and Mr Seitz.

Family and Community Development Committee — (*Council*): The Hon. D. McL. Davis and Mr Smith.
(*Assembly*): Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson.

House Committee — (*Council*): The President (*ex officio*), the Honourables B. N. Atkinson and Andrew Brideson, Ms Hadden and the Honourables J. M. McQuilten and S. M. Nguyen. (*Assembly*): The Speaker (*ex officio*), Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith.

Law Reform Committee — (*Council*): The Honourables Richard Dalla-Riva, Ms Hadden and the Honourables Geoff Hilton and David Koch. (*Assembly*): Ms Beard, Ms Beattie, Mr Hudson, Mr Lupton and Mr Maughan.

Library Committee — (*Council*): The President, Ms Argondizzo and the Honourables Richard Dalla-Riva, Kaye Darveniza and C. A. Strong. (*Assembly*): The Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson.

Outer Suburban/Interface Services and Development Committee — (*Council*): Ms Argondizzo and Mr Somyurek. (*Assembly*): Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith.

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

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

Rural and Regional Services and Development Committee — (*Council*): The Honourables J. M. McQuilten and R. G. Mitchell. (*Assembly*): Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Argondizzo and the Honourable Andrew Brideson.
(*Assembly*): Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-FIFTH PARLIAMENT — FIRST SESSION

President: The Hon. M. M. GOULD

Deputy President and Chair of Committees: Ms GLENYYS ROMANES

Temporary Chairs of Committees: The Honourables B. W. Bishop, R. H. Bowden, Andrew Brideson, H. E. Buckingham,
Ms D. G. Hadden, the Honourable J. G. Hilton, Mr R. F. Smith and the Honourable C. A. Strong

Leader of the Government:

Mr JOHN LENDERS

Deputy Leader of the Government:

Mr GAVIN JENNINGS

Leader of the Opposition:

The Hon. PHILIP DAVIS

Deputy Leader of the Opposition:

The Hon. ANDREA COOTE

Leader of The Nationals:

The Hon. P. R. HALL

Deputy Leader of The Nationals:

The Hon. D. K. DRUM

Member	Province	Party	Member	Province	Party
Argondizzo, Ms Lidia	Templestowe	ALP	Jennings, Mr Gavin Wayne	Melbourne	ALP
Atkinson, Hon. Bruce Norman	Koonung	LP	Koch, Hon. David	Western	LP
Baxter, Hon. William Robert	North Eastern	Nats	Lenders, Mr John	Waverley	ALP
Bishop, Hon. Barry Wilfred	North Western	Nats	Lovell, Hon. Wendy Ann	North Eastern	LP
Bowden, Hon. Ronald Henry	South Eastern	LP	McQuilten, Hon. John Martin	Ballarat	ALP
Brideson, Hon. Andrew Ronald	Waverley	LP	Madden, Hon. Justin Mark	Doutta Galla	ALP
Broad, Ms Candy Celeste	Melbourne North	ALP	Mikakos, Ms Jenny	Jika Jika	ALP
Buckingham, Hon. Helen Elizabeth	Koonung	ALP	Mitchell, Hon. Robert George	Central Highlands	ALP
Carbines, Ms Elaine Cafferty	Geelong	ALP	Nguyen, Hon. Sang Minh	Melbourne West	ALP
Coote, Hon. Andrea	Monash	LP	Olexander, Hon. Andrew Phillip ³	Silvan	Ind Lib
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	Nats	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
Hadden, Ms Dianne Gladys ²	Ballarat	Ind	Theophanous, Hon. Theo Charles	Jika Jika	ALP
Hall, Hon. Peter Ronald	Gippsland	Nats	Thomson, Hon. Marsha Rose	Melbourne North	ALP
Hilton, Hon. John Geoffrey	Western Port	ALP	Viney, Mr Matthew Shaw	Chelsea	ALP
Hirsh, Hon. Carolyn Dorothy ¹	Silvan	ALP	Vogels, Hon. John Adrian	Western	LP

¹ Ind from 17 September 2004
ALP from 10 November 2005

² Ind from 7 April 2005

³ Ind Lib from 30 November 2005

CONTENTS

WEDNESDAY, 19 JULY 2006

DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL	
<i>Introduction and first reading</i>	2511
COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL	
<i>Introduction and first reading</i>	2511
COURTS LEGISLATION (JURISDICTION) BILL	
<i>Introduction and first reading</i>	2511
PETITIONS	
<i>Human rights: legislation</i>	2511
<i>Western Port Highway, Lyndhurst: traffic control</i>	2511
<i>Western Port Highway—Queens Road, Pearcedale: safety</i>	2511
<i>Water: fluoridation</i>	2511
<i>Rail: Laburnum station</i>	2511
PAPERS	2511
MEMBERS STATEMENTS	
<i>Member for Ivanhoe: comments</i>	2512
<i>Vittorio Casale</i>	2512
<i>Seymour Parents Support Group</i>	2512
<i>Queen Victoria Women’s Centre: BreaCan</i>	2513
<i>Planning: Mornington</i>	2513
<i>Member for Scoresby: comments</i>	2513
<i>Government: broken promises</i>	2514
<i>Member for East Yarra Province: comments</i>	2514
<i>Biofuel: government vehicles</i>	2515
<i>Schools: specialist programs</i>	2515
<i>Western Port Highway—Queens Road, Pearcedale: safety</i>	2515
<i>Greg Combet</i>	2515
<i>Minister for Environment: advisers</i>	2516
<i>Automotive industry: performance</i>	2516
<i>Our Environment Our Future: renewable energy</i>	2516
HEALTH PROFESSIONALS: FUNDING	2517
QUESTIONS WITHOUT NOTICE	
<i>Accident Compensation Conciliation Service: appointments</i>	2543, 2545, 2546, 2548
<i>Sport: major events</i>	2544
<i>Our Environment Our Future: renewable energy</i>	2545
<i>Information and communications technology: computer games industry</i>	2547
<i>Neighbourhood houses: funding</i>	2549
<i>Our Environment Our Future: employment</i>	2550
<i>Transport Accident Commission: head office relocation</i>	2551
<i>Supplementary questions</i>	
<i>Accident Compensation Conciliation Service: appointments</i>	2544, 2545, 2547, 2549
<i>Our Environment Our Future: employment</i>	2550
QUESTIONS ON NOTICE	
<i>Answers</i>	2552
EVIDENCE (DOCUMENT UNAVAILABILITY) BILL	
<i>Second reading</i>	2552
CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL	
<i>Second reading</i>	2553
LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL	
<i>Second reading</i>	2558
GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL	
<i>Second reading</i>	2559
ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL	
<i>Second reading</i>	2561, 2568
<i>Third reading</i>	2575
<i>Remaining stages</i>	2575
DISTINGUISHED VISITOR	2568
CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL	
<i>Introduction and first reading</i>	2575
ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL	
<i>Second reading</i>	2575
<i>Committee</i>	2587
<i>Remaining stages</i>	2592
HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL	
<i>Second reading</i>	2592
<i>Third reading</i>	2594
<i>Remaining stages</i>	2594
CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL	
<i>Introduction and first reading</i>	2594
LAND (FURTHER MISCELLANEOUS) BILL	
<i>Second reading</i>	2594
<i>Third reading</i>	2599
<i>Remaining stages</i>	2599
NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL	
<i>Introduction and first reading</i>	2599
ADJOURNMENT	
<i>Glenvill Homes: complaints</i>	2600
<i>Consumer affairs: Geelong businesses</i>	2600
<i>EastLink: community consultation</i>	2601
<i>Lower Heidelberg Road, Ivanhoe: speed signs</i>	2601
<i>Beechworth Primary School: maintenance</i>	2602
<i>Omeo Highway: sealing</i>	2602
<i>Rural and regional Victoria: patient transport</i>	2603
<i>Electricity: life support concession</i>	2603
<i>Ballarat Province constituent: electricity concession</i>	2604
<i>Responses</i>	2604
SUSPENSION OF MEMBER	2604

Wednesday, 19 July 2006

The **PRESIDENT** (Hon. M. M. Gould) took the chair at 9.33 a.m. and read the prayer.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (AMENDMENT) BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of
Hon. T. C. THEOPHANOUS (Minister for Energy
Industries).

**COURTS LEGISLATION
(NEIGHBOURHOOD JUSTICE CENTRE)
BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN
(Minister for Sport and Recreation).

**COURTS LEGISLATION (JURISDICTION)
BILL**

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN
(Minister for Sport and Recreation).

PETITIONS

Human rights: legislation

Hon. RICHARD DALLA-RIVA (East Yarra)
presented petition from certain citizens of Victoria
requesting that the Charter of Human Rights and
Responsibilities Bill be defeated by the Legislative
Council (14 signatures).

Laid on table.

**Western Port Highway, Lyndhurst: traffic
control**

Hon. R. H. BOWDEN (South Eastern) presented
petition from certain citizens of Victoria requesting

that the Victorian government prevent the
installation of traffic lights along the Western Port
Highway at Lyndhurst (Dandenong-Hastings Road)
(21 signatures).

Laid on table.

**Western Port Highway—Queens Road,
Pearcedale: safety**

Hon. R. H. BOWDEN (South Eastern) presented
petition from certain citizens of Victoria requesting
that the Victorian government direct VicRoads to
investigate reinstating right-hand turns into and out
of the Queens Road and Western Port Highway
intersection (between Pearcedale and Somerville)
(25 signatures).

Laid on table.

Water: fluoridation

Ms HADDEN (Ballarat) presented petition from
certain citizens of Victoria praying that the
Legislative Council of Victoria does not support the
addition of fluoride to any Victorian water supply,
including water in the Central Highlands and
Grampians Wimmera-Mallee regions in view of
current scientific doubts regarding its safety
(18 signatures).

Laid on table.

Rail: Laburnum station

Hon. B. N. ATKINSON (Koonung) presented
petition from certain citizens of Victoria praying
that the Minister for Transport amend the plans for
a third railway line through Laburnum station on
the Belgrave—Lilydale line to reflect the needs of the
residents in the Blackburn and Laburnum area
(949 signatures).

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General —

Report on Review of major public cemeteries, July
2006.

Report on Vocational education and training: Meeting
the skills needs of the manufacturing industry, July
2006.

Interpretation of Legislation Act 1984 —

Notice pursuant to section 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials).

Notice pursuant to section 32(3)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) and 32(4)(a)(iii) in relation to Environment Protection (Ships' Ballast Water) Regulations 2006.

Ombudsman — Conditions for persons in custody, July 2006.

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

Ballarat Planning Scheme — Amendments C82 and C91.

Bass Coast Planning Scheme — Amendment C58.

Brimbank Planning Scheme — Amendment C79.

Darebin Planning Scheme — Amendment C65.

Greater Geelong Planning Scheme — Amendment C101 (Part 1).

Knox Planning Scheme — Amendments C47 and C51.

Mornington Peninsula Planning Scheme — C72.

Nillumbik Planning Scheme — C45.

Statutory Rules under the following Acts of Parliament:

Electoral Act 2002 — No. 89.

Subordinate Legislation Act 1994 — No. 88.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 89.

MEMBERS STATEMENTS

Member for Ivanhoe: comments

Hon. BILL FORWOOD (Templestowe) —

Yesterday in the Legislative Assembly the member for Ivanhoe, in speaking about his ceremony in Banyule to celebrate the Parliament's 150th anniversary, said, 'The only sour note was the lack of an apology from the Honourable Bill Forwood'. Let me make a couple of points about that. Firstly, this event took place on 1 July at which period I was in Darwin. But more to the point, members on this side of the house have become very used to the fact that the government fails to invite them to functions in their own electorate. This is part of the continuous campaign policy that the government uses, which in fact is an insult to the Parliament because many of us believe honourable members should be invited to the openings of schools, houses, hospitals and all sorts of things.

However, let me make this point. The invitation I received arrived after the event. It was dated 27 June and sent to my old post box. I bet that Ms Argondizzo received her invitation before 27 June, as did everyone else. It is another example of how this government and its acolytes misuse the Parliament and misuse their electorate offices — —

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

Vittorio Casale

Ms ARGONDIZZO (Templestowe) — Yesterday the Premier, Steve Bracks, recognised the excellent contribution of 50 individuals for their outstanding service to Victoria's multicultural and wider community. The Premier presented the Victorian Multicultural Commission's awards for excellence as an acknowledgment of the efforts of hardworking individuals and organisations.

Vittorio Casale, a constituent of mine, has been recognised for his outstanding voluntary service to the Italian community in the Doncaster area. As Victoria is the home of over 1 million people from culturally diverse backgrounds, the volunteer work of people like Mr Casale makes a huge contribution to our harmonious community.

I congratulate Mr Casale on his spirit of compassion in assisting the Italian community in Doncaster. He is an exemplary Victorian whose deeds have not gone unnoticed. He has done our community proud, and I salute his efforts.

Seymour Parents Support Group

Hon. ANDREA COOTE (Monash) — Last week Mike Dalmau, who is the Liberal Party candidate for Seymour, and I met in Seymour with a number of people from the Seymour Parents Support Group. This is a range of parents who have children with disabilities ranging from autism to spina bifida and cerebral palsy. I would like to put on the record my enormous admiration for these parents and to thank them for sharing their stories and their information with me. I would also like to say what a positive group they are. They intend to make a difference, and in fact they have made a difference in that region.

One of the things they brought to my attention was something that appeared in the *Seymour-Nagambie Advertiser* of 11 July, talking about an ambulatory care centre which has been opened in Seymour. They were very pleased to see this centre opened with speech therapists, pathologists, dieticians, podiatrists and social

workers all available, but it seems they will not be available to people with a disability. The group I met with were hoping these services — particularly occupational therapists, speech therapists and physiotherapists — could be extended and opened to people with a disability living in that town.

They are crying out for additional services and support, and I urge the government to recognise the needs of this particular group. I commend them on the work they are doing and look forward to working with them in the future.

Queen Victoria Women's Centre: BreaCan

Hon. H. E. BUCKINGHAM (Koonung) — BreaCan, a new breast cancer support service, was opened this week at the Queen Victoria Women's Centre in the city. The service is a free and confidential information, support and referral service for people with breast cancer, their families and friends. It also extends support services to women with other gender-specific cancers.

The unique service gives women the chance to talk with other women who have had cancer or who have cared for someone with cancer. Access to reliable information and support can help women feel less isolated and better equipped to make a decisions about their treatment and care.

The new location will help BreaCan build on the success of a three-year pilot project and provide more women with free and confidential information and support services. The Queen Victoria Women's Centre received an additional \$1.9 million in the May state budget for an upgrade and continuation of information services and facilities provided to Victorian women. The centre is the only one-stop health information hub specifically for women in Victoria.

I know from personal experience how important it is to have access to information, support and counselling during and after treatment for cancer. I believe the BreaCan service will be able to help many women and their families and friends deal better with the challenges cancer patients have to cope with.

This is another great initiative arising from the Bracks government's commitment to funding health and support services for women in Victoria and, indeed, all Victorians.

Planning: Mornington

Hon. D. McL. DAVIS (East Yarra) — My statement today concerns the future of the Mornington

Peninsula and in particular the Mornington township, which is under threat from the Bracks government's 2030 system. It is true that the Minister for Planning in the other place, Rob Hulls, went down to the peninsula just a few days ago in a defensive move ahead of a large public meeting to announce interim height controls. But interim height controls of four to five storeys in the Mornington township will not save that seaside town — they will see the town destroyed and its ambience and uniqueness ruined forever.

Hon. B. N. Atkinson — He sat at the back of the hall!

Hon. D. McL. DAVIS — Yes, Mr Hilton sat at the back of the hall, and so did Ms Buchanan, the member for Hastings in the other place. Their level of quietness was matched only by the very strange contribution to the public meeting by the Labor candidate, who appeared to support high-rise, high-density development in the Mornington township and thought it was a good idea for the Melbourne planning scheme to overlap the Mornington Peninsula, failing to discern in any way that the peninsula is an area people move to, to get away from Melbourne.

They move to the peninsula to adopt its unique lifestyle and its rural values. Instead of that, they find that the Labor Party, the Minister for Planning and the 2030 planning scheme are continuing to push Melbourne into the peninsula. If elected, the Liberal Party will put forward a unique, peninsula-wide planning scheme to protect the Mornington township.

Member for Scoresby: comments

Hon. KAYE DARVENIZA (Melbourne West) — Family violence is a leading contributor to death, disability and illness for women aged between 15 and 44 in Victoria. The issue is just as grave for women living in rural and regional areas across Victoria. The shadow Minister for Police and Emergency Services and member for Scoresby in another place, Kim Wells, said last week that dealing with domestic violence is not a front-line policing matter. That is tantamount to saying police should turn a blind eye to criminal assault on women if the assailant is the woman's husband or partner. Kim Wells's statement was totally outrageous and should be totally condemned by the Honourable Wendy Lovell if she is to have any credibility as the shadow Minister for Women's Affairs.

Honourable members interjecting.

The PRESIDENT — Order! Mr Atkinson!

Hon. KAYE DARVENIZA — Responding to family violence is without question a vital part of what — —

Honourable members interjecting.

The PRESIDENT — Order!

Hon. B. N. Atkinson — On a point of order, President, I note that the member is reading from a press release, and I ask that the document be tabled.

The PRESIDENT — Order! There is no point of order.

Hon. KAYE DARVENIZA — We now know that under a Baillieu government we would get a police minister who does not believe in prosecuting criminal assault against women in their own homes.

Honourable members interjecting.

The PRESIDENT — Order! Mr Smith!

Hon. KAYE DARVENIZA — If the Honourable Wendy Lovell does not come out and condemn the Leader of the Opposition in the other place, Mr Baillieu, we will know — —

Honourable members interjecting.

The PRESIDENT — Order! Ms Darveniza will sit down! If we continually have people interjecting across the chamber — —

Ms Hadden interjected.

The PRESIDENT — Order! Ms Hadden! If the interjections continue, I will use sessional orders to remove members. I ask members to desist from interjecting and allow the house to hear members statements in silence.

Government: broken promises

Hon. RICHARD DALLA-RIVA (East Yarra) — I would like to continue the broken promises I outlined in my members statement yesterday from www.bracksbrokenpromises.com.au. This is a fantastic record of the continual failure of this government to deliver on its commitments. Before I ran out of time yesterday I was going through broken promise no. 231. This was a commitment in 1999 that:

A Labor government will ... put an end to the waste and mismanagement that has occurred under the current Kennett government through political advertising, promotion ...

consultancies and the unchecked expansion of the number of senior executives ...

A broken promise in every area.

The Honourable David Davis has raised the issue of height controls. In 1999 Labor's planning policy said it would:

Ensure that ... height controls are consistent with the neighbourhood character.

Where are we now in Mitcham, Mornington, Kew and every other place around Victoria? Another broken promise.

Hon. D. McL. Davis interjected.

Hon. RICHARD DALLA-RIVA — Do not worry, Mr Davis, there are more. No. 126 concerns safeguards and accountability. The Labor: Listens then Acts policy from November 2002 says:

Labor believes that government should safeguard the democratic rights ...

If anything, it has absolutely damaged — —

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

Member for East Yarra Province: comments

Hon. J. G. HILTON (Western Port) — Mr David Davis attacked me yesterday and he has continued that attack today. Essentially he has accused me of cowardice. In addition, I notice that the member for Mornington in another place, Mr Cooper, yesterday made some very disparaging comments about the ALP candidate for Mornington, Mr Bill Puls. I have known Mr Bill Puls for over 30 years. He is a fine and good man.

I believe what is happening today is Mr David Davis is demonstrating the tactics the opposition will use in the run-up to the next election. They cannot win on the issues so they attack the man. They are flexible with the truth; indeed, the more flexible the better. If they can frighten the electors, they are more likely to vote for them. However, I have news for Mr Davis — the voters do not like personal attacks. They think they represent cheap and gutter politics. Voters prefer to hear the truth; they do not like being taken for fools. Unless the opposition is prepared to debate its own policies it will remain unwanted in Victoria and Mornington. Mr Davis obviously enjoys being on the opposition benches, because that is where he is going to stay for a long, long time.

Biofuel: government vehicles

Hon. P. R. HALL (Gippsland) — On 29 March I moved a notice of motion which called on the Victorian government to use ethanol-blended fuel in its 8000-strong vehicle fleet. The Labor government did not oppose that motion but it did not know much about it and did not show much interest in the subject. Of the 60 minutes allocated to Labor to speak on the subject, the government put up just two speakers who spent a combined total of 15 minutes on the subject.

Indeed, the lead speaker from the government believed that one of the things against ethanol-blended fuel was the cost factor. He believed it to be 20 to 30 cents a litre dearer than normal unleaded petrol. The fact is of course that it is 4 cents a litre less.

With that background I was somewhat amused to read in the government's *Our Environment Our Future* policy document released earlier this week under action 15.2:

We will require drivers of government vehicles to fill up with ethanol-blended petrol wherever it is available —

in Victoria. The government is coming about-face on this issue; its members have decided to take notice of the policies suggested by The Nationals. I am pleased that the government has been prepared to do so. We in The Nationals stand happy, ready and available to provide policy advice to the government at any time. We have a number of excellent initiatives that we will put forward prior to this election that the government could do equally well to adopt as it has done with our ethanol policy.

Schools: specialist programs

Ms ROMANES (Melbourne) — I would like to acknowledge the contribution of my parliamentary intern, Sophie Brown, to the current debate on education in government schools. Sophie has just completed her report *Transforming Education: Innovative Programs in Government Schools in Inner Melbourne*. In the report she analyses innovative specialist programs in five schools in my electorate — namely, Stephanie Alexander's kitchen garden at Collingwood College and the Fitzroy-Collingwood senior school partnership, Debney Park Secondary College's multimedia sound house, University High School's gene technology access centre, Princes Hill's sustainability research centre and Strathmore Secondary College's space science education centre.

Sophie described how these schools are finding new ways of engaging students, making their learning

exciting, enjoyable and relevant, contributing to professional development for teachers and forging partnerships with industry, universities, philanthropic organisations and their own communities. Most importantly they have become leaders in spreading the learning across the education system by hosting visits from other schools and educators; for example, 5000 students from government and non-government schools visited the gene technology access centre at University High School in 2005.

As well, they are providing online resources to other schools and assisting in the development of curriculums. The Bracks government is supporting innovation in schools across Victoria. We want all Victorian children to get a quality education and the best possible start in life.

Western Port Highway–Queens Road, Pearcedale: safety

Hon. R. H. BOWDEN (South Eastern) — I have to be critical of the lack of performance by VicRoads in relation to the Queens Road intersection at the Western Port Highway in Pearcedale, located between Pearcedale and Somerville. Several months ago VicRoads eliminated the right-hand turn from the Western Port Highway turning into Queens Road and the right-hand turn for traffic travelling south and exiting Queens Road to go onto the Western Port Highway and go north. This has been a local disaster.

I have received almost 2000 signatures on petitions and I have presented most of those to the Parliament already. There has been no reaction of any positive note from VicRoads. This is a serious community issue; it is a safety issue, because the Lower Somerville Road intersection immediately north of that intersection is causing great concern and putting a lot of travellers at risk. The inaction of VicRoads in correcting its major mistake is appalling, and I ask that Parliament take note that it has been recalcitrant in dealing with this issue. It should never have interfered with that intersection, and it must restore it as soon as possible.

Greg Combet

Mr SCHEFFER (Monash) — It is a privilege and honour to pay tribute to Greg Combet, secretary of the Australian Council of Trade Unions and a resident of Monash Province, on his recent Order of Australia award for his outstanding contribution to the betterment of the working conditions of his fellow citizens. Greg Combet's achievements are respected and admired throughout this country. I draw particular attention to his leadership of many landmark industrial campaigns,

such as the waterfront dispute in 1998, the struggle to secure worker entitlements after the Ansett collapse in 2002, the James Hardie campaign to secure compensation for asbestos victims and, currently, the national movement against the Howard government's harsh industrial laws.

One of Greg Combet's extraordinary attributes is his capacity to explain the most complex issues in clear and direct language that everyone can understand. He speaks to the real concerns of real people. His leadership is grounded in an unshakeable moral vision that speaks to everyone who has a sense of decency and fairness. Greg Combet's is one of the leading voices raised against the Howard government's vicious industrial relations laws. At this very dark and difficult time for working people, Greg Combet concedes nothing. He inspires us to understand that these laws cannot last because they are antithetical to the objective imperatives of a modern economy and that our task is to construct an alternative industrial future out of the inevitable ashes of the Howard government's industrial legislation. The Order of Australia is a great honour, and there is no-one more deserving to receive it than Greg Combet.

Minister for Environment: advisers

Hon. W. R. BAXTER (North Eastern) — I express my concern that this government is again playing favourites in its quest for Greens preferences at the coming election. Recently two policy advisers to the Minister for Environment journeyed to the Barmah forest, which as honourable members will know is currently subject to an inquiry as to its future, with a view to meeting with cattlemen, timber-getters and other interest groups. These two women took up with them in their vehicle an apparatchik from the Friends of the Earth organisation. They did not take that person to meet with the cattlemen or the timber-getters, but they did take him to two sawmills, including one in Echuca which he had been warned off for trespassing a fortnight earlier. They had dinner with him in Echuca and then travelled with him back to Melbourne.

My concern is: why should a propagandist from the Friends of the Earth organisation have the opportunity to put his case and influence these two relatively inexperienced policy advisers, whereas the actual interest groups in the Barmah forest itself had so little time to put their case and have it tested? It is an absolute disgrace that the minister would allow this behaviour by his policy advisers, because it sends a wrong message to the community: that fairness is not being applied.

Automotive industry: performance

Mr SMITH (Chelsea) — I rise to congratulate both General Motors Holden and Toyota Australia, both heavy-duty manufacturers in Victoria, on having just released their latest products to the Australian public. From what I have seen both have gone down a treat — their full range. This is an extremely competitive industry and both these manufacturers are now more than capable of matching it on a global scale. In recent history they have been quite successful in exporting their products overseas — to the Middle East in particular — and I have no doubt that this will continue to be the case.

I also draw to the house's attention the fact that both of these manufacturing sites are heavily unionised and both companies have benefited from working in a cooperative manner with the unions that represent workers on those sites. This demonstrates conclusively — certainly to me and people on this side of the house — that a cooperative workplace with a highly skilled and motivated work force is capable of producing a competitive product on the global scale. As I said, I congratulate both General Motors Holden and Toyota Australia on their contribution to the Victorian economy.

Our Environment Our Future: renewable energy

Ms HADDEN (Ballarat) — The Bracks government has just announced a massive price hike in electricity bills under its planned 10 per cent Victorian renewable energy target (VRET) scheme. The real purpose is to further subsidise private corporate enterprise, which cannot stand on its own feet, to ensure that 140-metre-high steel and fibreglass wind tower monoliths will be planned for non-Labor-held seats in rural and regional Victoria, which in turn will keep the disadvantaged and those on low incomes — particularly young families, the disabled and carer families — even poorer and force them onto social welfare.

The power generated by industrial wind turbines is 50 per cent dearer than coal-fired energy, and such turbines have a short life span of 20 years. Farmland used for primary production will be rezoned as industrial land. It will thus attract state land tax for Treasurer Brumby and ensure the devaluation of surrounding properties and a reduction in the amenity of lifestyle and safety from wind turbine fire strikes for residents, all for the sake of an inefficient and high-spending Labor government propping up the

managed investments of its Labor union superannuation fund, which part owns Pacific Hydro.

The Bracks government is taking money under false pretences to prop up its union mates, to bolster Labor's so-called green credentials and to shore up its prospects of getting Greens preferences at the forthcoming November state election. This is a political decision to win the election and has nothing to do with environmental and economic sustainability. It has all to do with a sly preference deal with the Greens to win their preferences at the November election. The VRET scheme will not make Victoria a better place to live, work and raise a family. Victoria under Steve Bracks will be the place to get poorer unless you are a union mate.

HEALTH PROFESSIONALS: FUNDING

Hon. J. A. VOGELS (Western) — I move:

That this house condemns the state government for continuing to under-resource statewide health needs in the provision of hospital and health service personnel, particularly the positions of medical practitioners and allied health professionals, including podiatry, physiotherapy and public dentistry, which has left many communities at crisis point in the delivery of these essential medical services.

Access to rural health services is directly reflected in the decline of practitioner numbers in specialist and general practice, along with allied professionals, especially midwifery and division 1 nurses, podiatrists, dentists, physiotherapists, speech pathologists and pharmacists. We continually hear the bleating of Labor Party members in the Bracks government — no doubt we will hear it again today — about the number of rural hospitals closed by the Kennett government. Let me show you that this pales into insignificance when compared to what is happening under Labor.

Let us also remember that the Labor Party has governed Victoria for 18 of the last 25 years and that the Liberal Party governed for only 7 years, from 1992, when, it inherited the basket case called Victoria following the reign of the Cain and Kirner governments. The Kennett government returned the state to a AAA rating and had great difficulty in resourcing and funding many things it would have loved to have done. We should also remember that the Kennett government left a surplus of around \$1.7 billion for the current Labor government when it came to power. Let us remember also that since 1999 state revenue has gone from \$19 billion to approximately \$34 billion and that the GST will bring in about \$8.4 billion in revenue this year. As we all know, GST revenue is untied. This government can

spend it on whatever services it believes are the most important.

What is the legacy for rural health services? To start with, let us have a look at medical practitioner numbers. The Department of Human Services estimates that by 2012 some 4113 Victorian doctors will retire and will be replaced by just 2784 graduates. This shortage will be exacerbated in country Victoria, where 10 per cent of doctors are already 65 years of age or older. I know many doctors who would like to retire but do not because of their commitment to and love for the communities they work in. Many work well into their 80s. At present in country Victoria 60 towns, ranging from Anglesea to Yarrowonga, are looking for doctors and more than 100 are needed. Bendigo is looking for 10 doctors, Warrnambool for 5, Ballarat for 4, Portland for 3, and the list goes on.

I will list some towns in my electorate of Western Province that need additional doctors: Ararat, Beaufort, Camperdown, Colac, Edenhope, Murtoa, Nhill, Ouyen, Stawell, St Arnaud, Timboon, Torquay and Winchelsea. That is just in my electorate. Every other upper house member here who has a rural electorate could name as many towns in their own areas. Unless most of the small towns can attract another GP, the one remaining doctor is overworked and their health is put into jeopardy. Not only are they expected to treat patients in their practice, they are also on call at their local health service 24 hours a day, 7 days a week, and they are on call for accidents and emergencies for all of that time as well. Long hours are causing overworked hospital staff to take stress leave. The crisis spirals and it becomes even more difficult to attract new doctors to fill these vacancies.

The Bracks government must accept the responsibility of finding solutions for our ailing health system. The health system in Victoria is sick. The Australian Medical Association (AMA) in Victoria is absolutely right in criticising the Bracks government for failing to address this issue in each and every budget. Once again there was nothing in this year's budget to attract doctors to practice in rural Victoria. The AMA put together a package for a pre-budget submission that addressed the growing shortage of after-hours roster support and locum relief, but nothing was delivered. Surely a rural community could expect reasonable access to timely and affordable health care services.

Health service providers know that Victoria is the most hopeless and by miles the worst state in the commonwealth in which to do business when trying to attract doctors to country Victoria. The red tape you have to traverse makes it seem that bureaucracy goes

out of its way to make it more difficult to attract doctors to country Victoria. Many towns have tried to attract and recruit doctors from overseas. The maze you have to go through is nearly impossible to traverse. I have had first-hand experience of this as the president of a local hospital in south-west Victoria. A few years ago we were trying to attract a new doctor. We found it very difficult to attract an Australian doctor, so we started to advertise overseas. The maze you have to go through makes you throw your hands up in the air. Many people tell me it takes eight years to train a doctor, but if you want to get someone from overseas it takes 10 years. To me this is absolutely ludicrous. This is scandalous, because we know that there is a real need out there.

We hear about doctors who are fully qualified, who train and practise in the United Kingdom, who still have to sit and pass an international English language testing system. It does not matter if the doctors have lived in the United Kingdom for their whole lives and probably have a degree from Trinity College, or wherever they passed their medical examinations — they still have to sit these tests. They cannot practice in Victoria for 12 months unless they work under the supervision of an Australian doctor, which is obviously rather difficult if you go to a small rural town and you are going to be the only doctor. How can you be monitored by another doctor? It is basically impossible. If you happen to attract an overseas doctor, you are then required to deal with immigration. As members would rightly guess, you have to tick boxes et cetera and many of the boxes that you are supposed to tick do not fit a particular doctor's qualification or whatever, which means more paperwork and more explanations. It goes on and on and on.

The doctor then has to receive approvals from the AMA in Victoria. Even though that organisation has reciprocal boards in the UK, they are not recognised by Victoria. The doctor needs to get a number from Medicare, be assessed by Rural Workforce Agency Victoria, and the list goes on. As I said, if you have not thrown your hands up in the air in despair by then, the doctor you are trying to attract is starting to say, 'Why do I want to go to Victoria anyway? I am doing all right in the United Kingdom', or wherever. The doctor is probably making more money there than they would earn here. But many doctors would like to come to Australia because of the lifestyle.

There is no doubt that we could very much use them in country Victoria. What we need is a streamlined system, a one-stop shop, for bringing doctors from overseas. There needs to be one body that sees the process through from beginning to end. Rather than

have face-to-face interviews you would wonder why, in this modern day, we could not do videoconferencing much of the time. We manage in country Victoria to have video links between country practices, hospitals and specialists in Melbourne. We can do those sorts of things, but we do not seem to be able to have videoconferencing or video links to sort out some of these problems when a doctor wants to come here from overseas. At the moment they have to fly here, be interviewed, fly home, return here — and so on.

Once a doctor who is prepared to make Victoria their home has been sourced, this body would see the process right through from the beginning to the actual registration — that is, through a one-stop shop. If this happened and the idiosyncrasies were ironed out, health services which cannot attract Australian GPs could proceed with some sort of confidence. Nobody wants a Dr Patel as Queensland had, but that does not mean that every other overseas applicant should be treated like a Dr Patel. Labor has failed rural communities by failing to ensure that health professionals have the support they need to practise in country Victoria.

The federal Howard government announced in the budget that Victoria would receive an extra 120 places through Deakin University to support a rural medical college, where GPs would be trained prior to practising in country Victoria. If elected in November 2006, the Liberal Party will fund 40 new medical degree scholarships a year and will actively work with colleges to attract more doctors to country Victoria. We have also said we will recruit 150 doctors from overseas. A Liberal government will keep — —

Mr Lenders — How are you going to pay for it, John?

Hon. J. A. VOGELS — I have just told you that state revenue has increased from \$19 billion to about \$34 billion in six years. I think it took nearly 150 years to get state revenue in Victoria from nought to \$19 billion, and it has taken the Labor Party six years to double it. If there were ever a high-taxing, high revenue-raising government, this is it. If you do not believe that some of the revenue coming into Victoria, especially from the GST, should be spent on rural health, then you deserve to be treated with contempt, in country Victoria at least. The additional 40 postgraduate medical scholarships per year will require recipients to work in a country practice identified as having a work force shortage for five of the first eight years.

Mr Lenders interjected.

Hon. J. A. VOGELS — The Leader of the Government is interjecting because obviously he does not believe in the importance of rural health; I do, and he should sit there, listen quietly and maybe get some good ideas.

A Liberal government will attract an extra 150 doctors from overseas and interstate because we will ensure a streamlined process which will cut through red tape and bureaucracy. We will also offer an incentive: a package of up to \$15 000 per doctor for relocation payments to rural Victoria. We will invest \$8 million into a support fund to provide land or assist with building refurbishments.

Mr Lenders — What are you going to cut to do this?

Hon. J. A. VOGELS — The first thing we would probably cut is the \$80 million you guys are going to spend on spin in the lead-up to the next election. We have all heard how you intend to spend, if you have not already spent most of it, another \$80 million on spin. We will be spending that \$80 million on the real concerns country people have about their health services. We have not forgotten existing doctors and the heavy workload that they presently have, and we will increase the on-call and after-hours allowance from \$28 000 to \$60 000 per annum. We will provide \$500 000 each year for locum support and an extra \$500 000 per annum for expansion of continuing professional development, which is very important.

There is a crisis in our rural health work force, and even federal Labor members of Parliament recognise that. I would like to quote from a media release issued by Steve Gibbons, the federal member of Parliament for Bendigo, who says there is a crisis in our health work force in Bendigo, especially for full-time GPs. The media release says:

Mr Gibbons said the current situation will deteriorate even further in central Victoria because this region has a large number of GPs who are approaching retirement.

Steve Gibbons agrees with what I am saying even if the Leader of the Government in this house does not. As usual the Leader of the Government has his head in the sand.

I will quote from a press release issued by the Australian Medical Association Victoria following the Liberal Party's policy release a couple of weeks ago. It says:

AMA Victoria's president, Dr Mark Yates, has welcomed the release of the Victorian Liberal Party's policy promising support for country GPs.

'Recognition of the critical shortage of doctors impacting on country Victoria and the need for proactive measures to ensure we can retain and attract doctors is welcome', Dr Yates said.

'It is vital we have aggressive initiatives in place, to not only attract new doctors but also support doctors already working in country Victoria'.

It further quotes Dr Yates as saying:

The doctor shortage in country Victoria will only get worse in the next six years unless action is taken now.

The AMA sees what we are on about and agrees with us.

Mr Lenders — Did it cook the magic pudding?

Hon. J. A. VOGELS — This must be hurting a bit because it is unusual to hear the Leader of the Government interjecting as he is today. This must be hitting the right note.

I will quote from an article in the *Ararat Advertiser* of 10 March. It states:

Ararat medical practitioner, Dr Graeme Bertuch, warns Ararat could be affected by the crippling doctor shortage which is occurring across the Wimmera.

It further states:

He said across the Wimmera there were 11 advertised vacancies, with more doctors to leave the area in the next few months.

Dr Bertuch said the number of IMGs —

international medical graduates —

applying for Victoria, who must work in areas of 'work force shortage' had dried up because of a bottleneck at the medical board level and government red tape.

He said South Australia and Queensland had streamlined the accreditation process for IMGs and had also been offering generous packages as inducements to practice.

That is what we intend to do if we win government in Victoria. We will be proactive and make sure we find general practitioners who are prepared to move into country Victoria.

I have a number of press releases and quotes from papers in country Victoria supporting the Liberal Party's position on getting GPs. I will not go through them all. Looking at events even closer to Melbourne, I have an article from the *Herald Sun* which states:

Werribee Mercy Hospital was forced to close its accident and emergency department for almost 6 hours yesterday after two doctors became ill.

A doctor covering the hospital wards fell ill during the night and could not continue working.

But the crisis deepened when the doctor rostered to work in the accident and emergency department at midnight called in sick with little notice.

The hospital had to shut its doors, which was not very good for people who required treatment.

To deliver comprehensive medical services in rural Victoria and to attract doctors and allied health staff we also need to provide first-class facilities. The Liberal Party has committed to building a new, upgraded hospital in Warrnambool in south-west Victoria. Warrnambool is the capital of the south-west. The premises the hospital is currently working in are a disgrace. It is only because of the outstanding work force in the health service that the hospital has been able to survive in the current facility for so long. I commend the work force; it does an excellent job. I have lost count of the number of schematic designs, plans et cetera that have been produced by the Warrnambool hospital, no doubt at great cost. Every time the hospital delivers new plans to this government, they are shelved. Again there is no funding in this budget for a new hospital at Warrnambool.

While I am on the subject of the Warrnambool health service, it is imperative that that major city, which provides major health services for the region, have a radiotherapy facility. There is a clear local need easily backed up by epidemiological data. Warrnambool already has a well-established oncology and chemotherapy facility providing a comprehensive and world-class service. Cancer care is moving more and more towards a multidisciplinary approach in which many patients require both chemotherapy and radiotherapy. At the moment patients are forced to travel to Geelong or Melbourne for radiotherapy. We all know someone who suffers from cancer; it is terrible that if you live in south-west Victoria you have to travel hundreds of kilometres to get treatment.

Geographically Warrnambool is ideally situated to service south-west Victoria with new hospital infrastructure, and a radiotherapy facility would be a wonderful adjunct to it. South West Healthcare has a long track record of excellence in governance, and this is reflected in its ability to continue to function well through the most difficult of times. Country Victorians deserve to be able to access a health service with a standard equal to that of metropolitan Melbourne.

The Liberal Party has given 10 minutes of its time to allow Ms Hadden to speak, and I will leave time for the Honourable Wendy Lovell and the Honourable David

Davis to expand on this motion. I have not touched much on allied health care such as dentistry, podiatry, physiotherapy or speech pathology because of a lack of time. I am sure other speakers will outline some of the concerns in those areas. We have an ageing population that needs more access to allied health services. We have a growing number of patients with chronic conditions that need to be treated regularly by allied health professionals to allow the frail and elderly to stay at home with their loved ones or in village-type accommodation. There is a 12-month waiting time for podiatry services. Public dental waiting time across country Victoria is anything up to four or five years. In country Victoria ambulance waiting times are often measured in hours rather than minutes.

The measure of any government is how it provides health care to its population. Our sick and vulnerable, our frail and elderly and our would-be mothers or fathers deserve a health care system that is fair and available to all. Having served on rural health boards and being a resident of a rural community I know we must and can do much better. There is absolutely no excuse for this Labor government, which has now been in power for seven years — Labor has been in power for 18 of the last 25 years — not properly resourcing the health needs of country Victorians. I hope this motion will be supported when it is put to the house.

Mr VINEY (Chelsea) — I think Mr Vogels is a little confused with his motion today, in part because it seems he wants to make a particular point about health services in country and regional Victoria, but the motion does not mention that. It talks about delivery and condemns this government for under-resourcing statewide health needs. It does not specify country and regional matters, although I am happy to deal with those at length. The other area that Mr Vogels is confused about in this motion is that his side of politics cut services in these areas. This government has been resourcing our hospitals and health system across Victoria, and I am happy to go through the details of where we have been doing that.

Hon. D. McL. Davis interjected.

The ACTING PRESIDENT

(**Hon. J. G. Hilton**) — Order! Mr Davis will have his turn.

Mr VINEY — I wish he wouldn't! We know the nonsense he will come out with in his contribution, because we know he is the great conspiracy theorist who always has a conspiracy theory about something. As I have said before, I am sure he was a scriptwriter for that Kevin Costner movie about John Kennedy. I

have not seen his name in the credits, but it ought to be there because he has always got a conspiracy theory about something.

Now he has a theory, and he is backing Mr Vogels in suggesting that the government is under-resourcing health services. Let us go through it. Since 1999 we have embarked on the largest capital works program for the health system in Victoria's history. And what were the opposition going to do?

Hon. Bill Forwood — Have a look at the waiting lists!

Mr VINEY — Mr Forwood is contributing now! He was part of the government that was going to flog off the Austin Hospital's heidelberg repatriation hospital campus. He was hawking it around the world to try to find someone who would buy that hospital. This is the government that has built new — —

Hon. Bill Forwood — What have you done?

Mr VINEY — What have we done at the Austin repat? We have built a new one. That is part of the \$3.7 billion that we have put into the system. Mr Forwood, you said you were not going to be a grumpy old man any more: I will hold you to your word.

We have been building hospitals across the state. We have been investing in our health system across the state. Every hospital in Victoria has had the benefit of substantial capital investment into our hospital system, and it is continuing. We have also announced the \$850 million rebuild of the Royal Children's Hospital in Parkville. We have built the new \$80 million Casey Hospital at Berwick.

Hon. D. McL. Davis — That was a Kennett initiative.

Mr VINEY — That was not a Kennett initiative, Mr Davis. The Kennett initiative was to let a contract for a private operator to build a hospital, to go down your path of the privatisation of our health system. That is what you are proposing. That was the proposal Mr Kennett had. Were you in that government or did you get elected in 1999? No, you were elected in 1996.

The ACTING PRESIDENT
(**Hon. J. G. Hilton**) — Order! Mr Viney will address the Chair.

Mr VINEY — He was a part of the government that was privatising our health system, including a proposal for a hospital in Berwick. This government has spent

\$80 million building a new publicly owned public hospital in Berwick for the people of the south-eastern suburbs and the first new hospital in metropolitan Melbourne in 20 years.

As well as that, as I mentioned earlier, now we have the new \$376 million Austin Hospital — we saved it from privatisation. In Parkville we are building the new \$250 million Royal Women's Hospital, and we are opening the \$52 million Royal Dental Hospital. We are opening the \$34 million redevelopment and expansion of Dandenong Hospital. New hospitals and aged care facilities are being built at Grace MacKellar Centre in North Geelong at a cost of \$50 million.

Hon. J. H. Eren — Hear, hear!

Mr VINEY — Absolutely, Mr Eren, and \$21.7 million is being spent at the Rochester and Elmore District Health Service.

Hon. W. A. Lovell — You were going to close Rochester.

Mr VINEY — You people talking about closing hospitals is a joke — you closed 12 hospitals when you were in government.

Hon. D. McL. Davis interjected.

The ACTING PRESIDENT
(**Hon. J. G. Hilton**) — Order! Mr Davis will have his turn.

Mr VINEY — The opposition closed 12 hospitals when it was in government, and its members are now suggesting that this government's \$3.7 billion investment in the Victorian public health system is somehow to be condemned. They want to condemn this government for reinvesting in our public health system and spending \$3.7 billion in capital infrastructure alone. They want to condemn this government for that.

They want to condemn this government for employing more nurses and more doctors. They want to condemn the government for what it has done in ambulance service delivery. This government has been investing in the public health system in this state like never before. It is the largest capital investment in Victoria's history.

New developments include the Rural Northwest Health in Warracknabeal, and \$8.5 million has been allocated for the West Wimmera Health Service in Nhill; \$7.7 million has been spent at Echuca Regional Health. We have completed hospital redevelopment projects at Kyneton District Health Service at a cost of \$12.7

million; at Lorne Hospital at a cost of \$10.5 million; and \$13.5 million has been spent at Colac Area Health.

Over the last six and a half years this government has been investing heavily in the capital infrastructure of Victoria's health system. We have been doing more — we have also been investing in the personnel and the people needed to run our health services. What a contrast that is to the previous government that cut 4000 nurses out of the health system. The people of Victoria will not forget that.

Since coming into office this government has been substantially investing in health personnel, through employing 6500 extra nurses and 1300 extra doctors. In fact we have increased funding to our hospitals by 83 per cent. Victorian hospitals now admit over 1.3 million patients a year, which is 307 000 more patients per year than when we came into government in 1999. The opposition wants to condemn the government for not only the \$3.7 billion investment in our infrastructure but the massive 83 per cent increase in public hospital funding under this government.

There is a raft of other issues associated with health service, including the privatisation of the Latrobe hospital. What an abject failure that was. It was so bad that the hospital was basically handed back to the state to run because the privatisation was a total failure and a total mess. The Kennett government was still going down that path with its proposals for the Austin hospital. We also know that it was going down that path with proposals for ambulance services. It privatised the ambulance service at Cranbourne. Of course this government has invested heavily in fixing our ambulance system in Victoria.

There would hardly have been a week under the Kennett government when there was not a serious ambulance story in the newspapers. Week after week there were terrible stories of people who could not get an ambulance in this state. This government has invested heavily in our ambulance service by increasing funding by 112 per cent, or \$110 million, since 1999. Out of that funding we have provided an extra 650 paramedics, more than 50 extra ambulances and more than 16 new or upgraded ambulance stations.

We have introduced in rural stations two-officer crewing. This was an important initiative of this government, because what we found when coming into government was that single-officer crewing was a serious diminution of the service that should be delivered to people in rural Victoria, and we have started a program of two-officer crewing across the state. We have also introduced significant new funding

for additional mobile intensive care ambulance services and new MICA stations across Victoria. We have not only been investing in the infrastructure of our health system, hospital rebuilds, additional ambulance stations and upgraded ambulances, but we have also invested in the people side of this service with 6500 extra nurses and 1300 extra doctors.

We have also been investing in medical equipment by purchasing more than \$300 million of state-of-the-art medical equipment, such as computerised tomography scans, radiotherapy machines and vital monitoring equipment. We have had public health campaigns in areas such as child immunisation, which has seen the rates of child immunisation increase. The percentage of Victorian children immunised under the Bracks government has increased substantially, rising from 80 per cent of two-year-old children immunised in 1999 to 93 per cent in 2006. That exceeds the commonwealth immunisation target rate of 90 per cent. We have seen smoking rates in Victoria decline, and we have been continuing a proactive program in those areas.

Recently there has been considerable discussion about the need to do more, particularly in relation to the training and employment of additional doctors and nurses. While Victoria has been actively recruiting people in those professions there have not been enough training places, which requires both state and commonwealth government initiatives. Victoria started a campaign for additional medical places, a campaign that indicated that Victoria needed 240 medical school places. The federal government had at that time only funded 10 additional places in Victoria. We started a campaign to bring the federal government on board in this program. I am pleased to acknowledge that the federal government has finally come on board for that program. It was not before time, but it was very welcome.

We are pleased that the federal government has come to the party — and it seems to be pleased that the Victorian government has come to the party. In a statement made on 13 July the Prime Minister said in part:

I am aware that some premiers have indicated that this is their specific intent —

that is, to provide some funding jointly with the commonwealth, if the commonwealth came on board —

and that Victoria has backed this up with a public funding guarantee to cover an expanded clinical training commitment.

Mr Howard went on to say:

I welcome this Victorian commitment.

I am pleased that the commonwealth government has come on board with the Victorian government initiative. It is also interesting to see that, unlike the opposition today, the Prime Minister is not condemning this government for putting additional resources into the health system. The Prime Minister is welcoming this Victorian commitment, unlike the opposition, which wants to condemn the government for the additional funding that it is putting into the health system.

I worry about the opposition's attitude, because if opposition members want to condemn us today for putting so much extra money into the health system, what will they do if they ever got back into government? What guarantees would they give that they would not close hospitals, like they did last time? What guarantees would they give that they would not sack nurses, like they did last time? What guarantees would they give that they would not privatise our public hospital system, like they did last time? What guarantees would they give that they would not under-resource and threaten our ambulance system with privatisation, like they did last time? We need some of these guarantees.

When it comes to this agreement of the Council of Australian Governments, Victoria has put a considerable amount of effort into the COAG health work force reform package. The package encompasses initiatives for medical, nursing and allied health work forces across a four-year period to 2009–10. In that package there is \$8.9 million for clinical placement growth; \$23.5 million for capital and infrastructure support for the growth in medical undergraduate places as part of Life Science, which was announced as part of the government's Life Sciences project earlier this year; \$7.7 million for clinical placements in rural academic and research capacity, which was announced in the 2006 state budget; and \$6.5 million for an additional 75 funded intern positions by 2009–10. I might say that Victoria already trains more interns per head of population than any other state. With the new funding in 2007 there will be 444 funded intern positions in 2007, increasing to 479 by 2010. That is over 130 more intern posts than the current number of Victorian graduates.

To achieve that rapid increase in medical work force supply Victoria will continue to actively recruit Victorians studying interstate as well as maximising the number of Victorian graduates. There is \$12.6 million

for additional medical specialist training posts in Victorian public hospitals and \$11.6 million for additional vocational education and training places in nursing and health support courses. We have \$4.4 million for an international recruitment program, \$8.5 million to support additional places and \$6.5 million for capital and infrastructure support for further growth in undergraduate medical places. The opposition today wants to condemn the government for this investment in Victoria's health system.

Mr Vogels's motion mentions allied health fields but he did not, as he acknowledged in his contribution, have the time to deal with some of those issues. However, in anticipation of the glib criticisms that no doubt will come from further speakers from the other side, I will go through some of the proposed allocated new additional places as part of this new agreement. I have already mentioned the agreement reached with the commonwealth government for an additional 220 medical school places in Victoria out of the proposed 600 places nationally. We have 250 additional nursing places allocated as part of this package out of the 1036 places available across Australia. In Victoria we have an additional 85 health-related places in areas such as the biomedical sciences, health sciences and bachelor of occupational therapy degrees at Deakin University and the bachelor of health sciences degree at Victoria University. We have also got a further 62 places out of this package for clinical psychology in Victoria. We have 160 additional mental health nursing places out of this package. There is considerable new investment in the training not only of our medical practitioners and nurses but of professionals in allied health fields.

It is hard to see how the opposition can justify moving a motion condemning the government for this massive investment in our public health system. In fact, when I saw the motion last night I was gobsmacked that the opposition, of all the things it may want to have a debate about, would have the gall to come in here and attempt to debate our public health system, given its record in this field and given the considerable work that this government has been doing to improve our health system. Am I saying that the health system is perfect? Of course not; there are gaps and problems in our health services and the delivery of those health services. However, I am yet to hear an alternative strategy to the significant investment that this government has been putting into this field.

As I mentioned earlier, we are putting \$3.7 billion into infrastructure upgrading and there has been an 83 per cent increase in funding for our public hospitals, which has seen over 300 000 additional patients treated each

year in our public health system. There is the substantial investment in the ambulance field and the considerable work that has been done by this government as part of the Council of Australian Governments reform package, in particular the additional resources that will be going into the training of new medical practitioners, nurses and allied health professionals. These are the only way we can improve our public health system and give to the people of Victoria the health service delivery that they deserve.

Rather than moving a motion such as this condemning the government, it is time opposition members did two simple things: one, congratulate the government on what it has done in investing in our public health system in Victoria and turning it around; and two, give an absolute guarantee that whenever they come back into government — in my view it is a long way away — they will not do again to the health system what they did before — that they will not sack nurses, close hospitals and privatise the system but that they will invest in our public health system in Victoria. They are the two things they need to do — congratulate the government on what it has done and give a guarantee that they will not go back to what they did in the past. This motion cannot be supported.

Hon. D. K. DRUM (North Western) — I support the motion before the house this morning. Health services are a considerable and significant problem facing regional Victoria at the moment. I certainly believe the issue of health services is the key issue facing most families in regional Victoria. Certainly the health system in metropolitan Melbourne is also under extreme stress and some of the figures released recently show clearly that the Royal Melbourne Hospital has an extreme shortage of beds for use in elective surgery — a shortfall of some 98 beds.

Before I go to my presentation I indicate that The Nationals will give Ms Hadden 5 minutes of their speaking time so she can make her contribution.

The motion before the house effectively looks at how this government is attempting to combat the crisis in health care and the provision of health services that is facing Victoria. With its revenue streams flying through the roof for the last four or five years, the government is always going to be in the position to claim that it is spending millions of dollars in one area and tens of millions of dollars in another area. When it comes to health the government has invested many millions of dollars, but has it been able to link that expenditure to outcomes? That is where the government has failed miserably. It has failed dismally in linking that expenditure to outcomes in the health system.

One of the biggest issues I want to bring forward to the house is the weighted inlier equivalent separations (WIES) funding model, which I raised in this house about five weeks ago. The WIES funding model, which enables each of our major regional hospitals to operate their theatres and procedures, effectively gives them a set quota of procedures they are able to enact in the course of their work throughout the year. That limit is set effectively by the models and workload that were experienced at a hospital in the previous 12 months. I know in the Bendigo region the target was absolutely surpassed with some seven or eight weeks of the financial year still to run. The Bendigo Health Care Group, which is focused around the Bendigo hospital, effectively has used up all of its funding with some six or seven weeks of the financial year still to run. How did that come about? Simply because there was an unprecedented spike in the number of people presenting themselves to emergency needing to be admitted to a bed for a procedure.

Effectively, something which had an element of fate, which was totally out of the hands of the administration of the hospital and over which the hospital had no control, arose in the form of thousands of extra people presenting themselves who had been involved in accidents, who had had cardiac arrests or who were people who simply presented at emergency and needed to be admitted to the hospital.

When there is a spike in demand for emergency services — and there was, from my recollection, a 17 per cent increase in this particular area — it simply means that a lot of additional procedures have to be carried out to cater for that increased number of people who present themselves to the emergency department. If the total number of procedures that can be carried out at our major regional hospitals is limited — Goulburn Valley Health and Barwon Health have the same issue — and they have no control over the spikes in the number of people presenting at emergency departments, obviously they have only one course of action available to them, which is to simply freeze or slow down to a drip-feed the number of elective surgery procedures that are carried out.

That is effectively what happened at Bendigo. The number of elective surgery beds in Bendigo were dropped off day by day until we reached the situation, as we went through May and then into June, where we had some 18 to 20 beds in the elective surgery area simply not being used. The problem could always have been fixed up, but the government did nothing about it. When we raised it with the government, it said, 'We will try to find some funding from another hospital somewhere that has not used up its allocation of WIES

funding'. The government put that option forward but effectively nothing happened.

Bendigo did not receive any additional funding, to my knowledge, prior to the end of the financial year. If it did, it would have been only in the last week or two before the end of the financial year. I believe the number of elective surgery procedures has not returned to the level at which it should have been operating, given the demand that is placed on the system by elective surgery waiting lists. The crisis that is facing these areas of hospital services certainly needs to be addressed by the government.

It is interesting that Mr Hall talked earlier about the government being willing to take on board some of our policies. The Nationals are certainly going to push very hard to have a health policy that will remove accident and emergency departments from the funding model for hospital service provision that we are putting forward for our major regional hospitals. This aspect of funding for our regional hospitals is of much greater importance when you understand how the regional hospitals work compared with the way metropolitan hospitals that service greater Melbourne work.

If any of our major hospitals in Melbourne experience a spike in the number of people presenting to their emergency departments, they can do two things without causing any great distress to emergency patients or victims of accidents. Firstly, they can simply put ambulances on bypass from their accident and emergency department, which is very common in metropolitan Melbourne. They simply put ambulances on bypass, so that if a patient's condition is serious but non-critical or non-life threatening, the ambulances can simply drive past one or two hospitals to reach a destination that will be able to admit that patient to a hospital environment that has significant amounts of WIES funding available to carry out the associated procedures on the patient.

This option enables the hospitals in Melbourne to balance the books. If one hospital, through a series of critical emergencies, is unable to be bypassed by ambulances and its emergency procedures exceed the limit, it simply reschedules its elective surgery procedures. That is another way that the metropolitan hospitals are able to balance their books and give their operating figures some semblance of balance — by keeping their operating procedures under the limits that were set based on the previous year's estimations. That is something that helps the Melbourne metropolitan hospitals operate.

Neither of those opportunities are available to our major regional hospitals. We cannot put people from a car accident with broken bones and head and internal injuries on bypass. What we can do, if we have to, is fly them by helicopter straight to Melbourne. In fact paramedics are told that, where possible, they should not take emergency patients to a major regional hospital but rather fly them straight to Melbourne and make them part of Melbourne's problems.

This situation shows us as parliamentarians how this lack of funding — this lack of government will to effectively fix up that funding model — is having a detrimental impact on people who are suffering emergency crises in this state. That is something we need to be aware of. If it means that some people are working a few longer hours or are doing it a little bit tough, we might have to wear that, because we understand how tough it is to fix up the health system. But when a lack of will to fix a funding model is creating its own crisis and its own problems for the people of Victoria, then that is when we as parliamentarians have to stand up and say it is not good enough. The way the government is allocating health funding is having a detrimental effect on the people of Victoria, and we have a very strong responsibility to stand up and make sure we fix things up properly.

One very important issue that has come up in my region in relation to ambulances, bypasses and so forth is the issue surrounding the Castlemaine ambulance station. Currently we have at Castlemaine a seven-man station which services quite a large area — effectively 30 minutes travelling time in each direction. Quite often the staff from the Castlemaine ambulance station are called to lend assistance to areas such as Kyneton and even down to Gisborne and Harcourt. It services a reasonably large tract of the Calder Highway, which we all understand has more than its fair share of accidents. Apart from servicing the growing and sprawling city of Castlemaine and the surrounding outlying areas of Newstead, Talbot, Maldon and Harcourt as well, Castlemaine is also trying to operate with an ever-increasing demand for its ambulance services.

Quite clearly the city of Castlemaine has outgrown the ambulance service that is currently being provided by the government. The Castlemaine ambulance service shuts down at 6 o'clock at night and its on-duty paramedic officers are sent home to go on call. The stress that is putting on a very small number of staff is quite dramatic. It is important for people to understand that this small number of seven paramedics, who are either working or on call, are effectively doing 70 hours a week. We do not let truck drivers spend that long behind the wheel, we do not let pilots work that long

behind the controls of a jet, and yet we are prepared to push our paramedics to the extent where they are effectively on call or on duty at work for 70 hours a week.

Conscientious paramedics will not even go and work in the garden while they are on call. They will not even go and jump in a swimming pool while they are on call. They cannot even go down to the shop to buy some milk. They cannot even send their wife down to the shop and babysit the kids while they are on call. When you are on call as a paramedic in a small regional station, you are effectively working. You are sitting by the phone, you are in the house, you are on the back porch and you are waiting for the phone to ring, because when it rings you are expected to respond.

We need to understand that the people of the Castlemaine region are currently being discriminated against because of the government's inability to make the Castlemaine ambulance station a 24-hour service. All of the data suggests that that step has to be taken. There are some 16 000 people in the immediate Castlemaine service region and the paramedics are often called on to provide assistance to a much larger section of the community. More than 8000 people live in the township itself. Stations which go on call through the evening and do not operate on a 24-hour basis are those stations which do not normally get a call-out during the evening — they are just there in case they happen to get an emergency. It could be suggested that if you have a station with a couple of paramedics on call, they might get a call-out once a week, maybe twice a week would be the maximum for a station that is on call.

The situation in Castlemaine at the moment is that the station receives, on average, about 40 calls per month through the evening and into the night. We expect these paramedics to go to work through the day, be on call through the night and then go back to work in the morning when at some time in the middle of the night they are getting up to do a couple of call-outs. Unless the call-outs happen at certain times, there is no 8-hour rest period for them — sometimes they are given an 8-hour rest period but it is all worked out through a very complex method. They can have their sleep broken once or twice through the night. They are effectively expected to get up, attend an accident or a call-out and then get back into bed and wake up refreshed and ready to go to work again the next day. It is quite dangerous for the people living in the Castlemaine region.

The greatest danger is for those people suffering cardiac arrest. The Heart Foundation is very clear in its

literature. It states that for every minute a cardiac arrest victim is without assistance their chances of survival diminish by about 10 per cent. We have clear factual data which states that if you are on call you will get to a victim's house or the scene of an accident between 7 and 9 minutes later than if you were on duty — understanding that they are in the house when they receive the call. After being called, two or three paramedics need to get dressed, get in their own cars, drive into town, meet each other, pick up the truck and get to the scene of the accident. That takes 8 to 9 minutes longer than it would if they were simply at work ready to go and were able to get to the scene of the accident as soon as they could. If every minute lost takes away 10 per cent of the chances of survival of a cardiac arrest victim, 7 or 8 minutes means they go from a 90 per cent chance of survival down to a 10 per cent or 20 per cent chance of survival — because this government does not want to turn Castlemaine station into a 24-hour station. That is an issue the government needs to look at.

Castlemaine is not the only region in country Victoria which has grown well beyond an on-call station. Hamilton is certainly a station which has well and truly gone past being an on-call station through the night. Seymour, Maryborough, Kilmore, Colac and Benalla are some of the other regions which need to have this issue addressed. This is an issue that needs to be given considerable thought.

I would like to leave the ambulance situation there and talk a little bit about waiting times for elective surgery, which is also mentioned in the motion. The government is putting in significant one-off amounts of money to try to bring down the waiting lists for elective surgery — some \$40 million over a couple of years was the figure that was put forward. Looking back through some of the research we found that \$30 million was put forward to try to remove 10 000 people from the waiting lists. We currently have in the vicinity of 40 000 people on waiting lists.

While it is laudable to put forward significant funds to try to get the elective surgery waiting lists down, we need to understand that the problem we are having with the elective surgery waiting lists is all about money. It is not about a shortage of doctors or a shortage of beds. The doctors, the beds, the nurses are there. They are ready and they can accommodate an increase in the throughput at each of the hospitals we are talking about. The elective surgery waiting lists are simply about money. If the government has the desire and the will to inject ongoing streams of finance, we will see far more significant reductions in those waiting lists than we have to date.

The government will look through these figures and say that some of the waiting lists and some of the categories are on a slight decrease. It will trumpet those figures. One of the issues I would like to put before the Parliament is what we call the hidden waiting list. The example I would like to give is one where if those of us who do not have private health insurance go to see our GP and find we need a knee replacement, a hip replacement or a procedure that is non-emergency and non-urgent, we will be given an appointment to go and see a specialist at the outpatient clinic at our nearest regional hospital. We will then go on a waiting list to see that specialist — and we will wait and wait and wait. In a lot of cases we will wait many months before we get to see that specialist. That is what we call the hidden waiting list — we are waiting and waiting to see the specialist so we can then go on the waiting list. We have to be very aware of this. We are not waiting because the doctor is too busy to see us; this is happening because the government is telling the outpatient clinics to keep their waiting lists down. Effectively we have a waiting list to go on the waiting list.

However, it is even more sinister than that. We have a government which is fanatical about trying to fudge its median waiting times for elective surgery. We have the main body of people who finally get on a waiting list for elective surgery and the median waiting time might be 50 days or 80 days or 100 days. Within that the specialists are effectively keeping a number of procedures up their sleeves and will not actually see a very strong portion of that group until they know there are 2, 3 or 4 opportunities to put those people straight in within two or three days. They only agree to see people who already have a referral from their GP saying that they need a knee replacement or a hip replacement, and they will only see those people when they know they can do the operation within three days. A portion of the group cannot get onto a waiting list because they are on the hidden waiting list and then there is this other portion who are only seen by the specialist when the specialist knows he can effectively operate within the week, thereby artificially bringing down the median waiting time for that group.

These are some of the underhanded methods being used. Pressure is being put on our hospital staff and our specialists to make the figures look good. This is more important than doing the best you can, more important than treating people at your optimum level, more important than looking after people's health. This government is placing a weight on making the figures look good to avoid criticism. We are all big enough and smart enough to understand that the health care issue is a real problem and it will not be easily fixed. We need a

government with the courage to be open and honest and face up to the issues before it and come clean with the people of Victoria. It needs to say, 'We are having a hell of a time trying to get elective surgery waiting lists down. We are having a hell of a time trying to cater for the increased demand coming through emergency departments, but we are being open and accountable, and we are not in any way trying to fudge the books, the number of people on the waiting lists or the time they take to receive elective surgery'.

I would like to leave my contribution there and simply hope that the government responds in a positive manner to this motion. I hope that it does not just start talking about 'seven years ago', because the people of Victoria are sick of this government talking about what happened seven years ago when the state was broke. The state is no longer broke. It has billions of dollars in reserve, and it needs to inject some of that money in a way that will produce outcomes. It has to produce outcomes in areas that have not even been spoken about here such as mental health and early intervention.

The Boston Consulting Group has done work telling this government to get serious about early intervention. We need the government to take a positive approach that is going to say, 'Yes, we acknowledge the issues before us and we are going to put in place genuine strategies to produce some outcomes'. The members should not just stand here for 10 or 15 minutes and slag off at the government that happened to be in government seven years ago, because no-one really cares — what we care about is where we are going from here.

Hon. W. A. LOVELL (North Eastern) — At the outset I note that the Liberal Party is giving the Honourable Dianne Hadden 10 minutes of its time.

I will start my contribution by talking about dental services because those services are certainly an area that have been neglected by the Bracks government. Since being elected the Bracks government has allowed dental waiting lists to deteriorate. There are ongoing and growing waiting times for dental patients to receive treatments across country Victoria. Concerned residents often contact my electorate office, expressing their dismay at having to wait over 48 months for dental treatment. Some patients have to travel hundreds of kilometres in order to receive urgent dental care.

A recent case involved an elderly gentleman from Echuca — which has no public dentists at all — who had to travel to Melbourne to receive urgent dental care. He also suffers from cancer, and the extreme pain he was in from his need for dental care was adding to the

distress of his other illnesses, including his cancer. He was in quite a distraught state of mind when he contacted our office. We were able to arrange for him to receive some dental care while he was here in Melbourne, getting treatment for his cancer. That should not have had to happen. He should have been able to access dental care at home in Echuca.

I would like to draw to the house's attention some of the waiting times that communities in my electorate are facing. In Wangaratta people are waiting 43 months for general dental care; in other words, they would have to wait 3 years and 7 months to get dental treatment for a toothache. The wait in Wangaratta to have dentures fitted is 52 months or 4 years and 4 months. As I said, there are no public dentists in Echuca but under a voucher system some private dentists will perform dental care under the public dental scheme, but to gain that care you have to wait 3 years and 3 months for general dental care or for 3 years and 7 months to have dentures fitted.

The wait in Bendigo is 2 years and 10 months if you are waiting for general dental care or 2½ years for dentures. In Wodonga you would wait 2 years and 4 months for general dental care or for 2 years to get a set of dentures. In Sunraysia it is 16 months for general dental care and 22 months for denture care. At the Goulburn Valley Base Hospital the wait is 13 months for general dental care and 18 months for denture care. These are long waiting times for people waiting for assistance with dental health needs, but certainly what we are facing in the Hume and Loddon-Mallee region is not as bad as in western Victoria. In Portland you have to wait 66 months — that is, 5½ years — to see a dentist. In Ballarat the waiting time for general dental care is 4 years and 5 months, and for dentures it is 33 months — which is almost 3 years. In Horsham the wait for general dental care is 49 months.

In general in all regions of country Victoria the waiting times are getting longer. In the southern region, from 2003 to 2005 the wait increased from 26 months to 30 months; in Gippsland over that period it increased from 33 to 40 months. In the Hume region over that period it increased from 16 to 24 months; in Loddon-Mallee, from 23 to 29 months; and in the Grampians, from 18 to 26 months; in Barwon it went from 37 to 38 months. In country Victoria the time people have to wait on all these lists is going up.

By contrast the waiting times in metropolitan Melbourne have dropped. They are still excessive, but they have decreased. This government is focused more on metropolitan issues than country issues, and it is not concerned about the health needs of country Victorians.

It is not only general dental waiting care times that have gone up in country Victoria; also non-urgent dental care waiting times have increased in every region in country Victoria.

The Australian Dental Association Victorian branch then president, Dr Chris Callaghan, confirmed that these unacceptable waiting times need to be addressed. The government admits that waiting time blow-outs are caused by lack of dentists in rural areas but it continues to do nothing to address the problem.

Aged care residents are also suffering because of the lack of affordable dental care in country Victoria. I have been contacted by a number of aged care facilities in and around the Tongala and Echuca district. With a waiting list of four years and four months for dentures in some areas of country Victoria, some residents are actually concerned that they may not live long enough to ever enjoy a meal again. It is really distressing when you have an elderly resident express those concerns.

One of the suggestions from aged care residents has been for travelling dental services to visit the aged care facilities, because as people get older they not only require additional treatment for other health issues but also additional dental treatment. We do not want to see our elderly people in severe pain from dental problems, so it is an area that the Bracks government needs to look at and it needs to provide additional care.

The government says it is committed to providing a range of service delivery models to ensure that all patients, particularly those in rural and regional areas, receive quality dental care, yet far too many dental patients in rural communities are waiting far too long for dental care. The Bracks government spent an average of \$24.99 per head on public dental care in Victoria in 2005-06. This compares very poorly to Queensland where the government spent \$33.17 per head over the same period — an additional 32.5 per cent.

Meanwhile the Bracks government found an additional \$80 million to spend on frivolous self-promotion, so we have all these ads promoting how wonderfully the Bracks government is doing in Victoria, while country Victorians are suffering due to a lack of dental and other health facilities. Surely some of that \$80 million could have been spent on additional dental services in country Victoria. Even a portion of the massive \$331 million budget surplus could have been used to shorten the long waiting lists Victorians are forced to endure before they are treated for their dental health needs. The Minister for Health in the other place, Bronwyn Pike, has admitted that the government needs

to do more to reduce waiting lists, but Victorians are still waiting. This is no news to regional Victorians, who continue to wait excessive periods to see a dentist or get assistance with dentures.

General practitioners are also becoming alarmingly scarce in country communities. Under the Bracks government communities have been left to try to attract doctors with their own resources. There has been little or no assistance by the Bracks government for these communities in their attempts to attract health practitioners to their towns. Many GPs in country Victoria are overworked. They may be the only doctor in the community, and they are working 24 hours a day, 7 days a week. They have no ability to gain support to assist them so that they can get a break. The Honourable Damian Drum discussed paramedics. It is not only a concern that paramedics are overworked but also that other health professionals are overworked in country Victoria. As the Honourable Damian Drum pointed out, we would not allow a truck driver to work excessive hours, but we expect our health professionals, who are making decisions about people's health, to do so. They should be given assistance to allow them to have adequate rest between work periods so that they are better equipped to make those decisions.

The doctor shortages in my region are alarming. In the Bendigo region we have a shortage of 11 general practitioners, and in the Shepparton-Mooroopna community we have a shortage of 5 general practitioners. I could go on and on, naming towns in my area — Benalla, Boort, Bright, Broadford, Cobram, Cohuna, Echuca, Euroa, Kerang, Lancefield, Mansfield, Mount Beauty, Myrtleford, Numurkah, Ouyen, Robinvale, Rutherglen, Seymour, St Arnaud, Swan Hill, Tallangatta, Wallan, Wangaratta, Wedderburn, Wodonga and Yarrowonga; all these communities are facing shortages of general practitioners, so people are being forced to wait excessive periods to see a general practitioner. The Department of Human Services estimates that 4113 Victorian doctors will retire by 2112, and they will be replaced by only 2784 graduates. The shortage will be exacerbated in country Victoria, where 10 per cent of doctors are 65 years and older.

The Liberal Party has released a plan to address the shortage of general practitioners in country Victoria. I congratulate Helen Shardey, the shadow Minister for Health in the other place, for putting together a \$48 million rural health plan, which will help to attract overseas doctors to work in country Victoria. It will also provide \$12.6 million for on-call and after-hours payments, more than doubling the sum received by each hospital. It commits \$2.1 million for locum

support to give country doctors the recreational and professional development leave they need. It provides \$2 million towards procedural and professional development for country doctors and also provides for 40 postgraduate country doctor scholarships yearly to train postgraduate doctors in country Victoria and \$8 million in recurrent and capital support for clinical replacement. This plan will help to reduce the shortfall in general practitioners in country Victoria, something the Bracks government has totally ignored during its seven years in power.

Hospital funding is also extremely short in country Victoria. In fact only one country hospital received additional funding in this year's budget, the Rochester and Elmore District Health Service. The government planned to close the operating theatre at the hospital in January last year. The shadow Minister for Health at the time, the Honourable David Davis, and I came out strongly against the plan, which would have turned the hospital into nothing more than an aged care facility and community health centre. We held a public meeting in Rochester, which was attended by in excess of 1400 people — in fact some estimated it as about 2000 people.

I would like to congratulate Graham Clark, who chaired the Rochester Hospital Community Action Group, as well as the members of the group. They went on to take up the fight and oppose the government's plan to close the operating theatre. The result is that a completely new hospital will be built for Rochester and Elmore. I would also like to thank members of that community for their letters of support and their many phone calls to my office, acknowledging my efforts in opposing the government's plan to close down that hospital.

There was nothing for other country hospitals, including those at Nathalia, Echuca and Kyabram in my electorate who put in submissions for funding but received nothing. There was nothing for the continued redevelopment of Goulburn Valley Health, for Cohuna District Hospital, which is desperately in need of an upgrade to its administrative areas, or for any other hospital in country Victoria. Since coming to power the Bracks government has set about systematically decimating health care services in country Victoria. We have seen the closure of acute, obstetric and maternity services throughout country Victoria at 14 country hospitals. In fact in Buloke shire there is no place where babies can be delivered, so more and more babies are being born by the side of the road, which is not safe for mothers or for children.

The Bracks government has done nothing to support country communities by trying to attract health

professionals, and that is appalling. I congratulate the Honourable David Koch for listing this motion; unfortunately he is ill today and is not able to make a contribution, but I congratulate him for organising to have this motion debated and so highlight this important issue.

Hon. KAYE DARVENIZA (Melbourne West) — I am delighted to rise and make a contribution to this important debate. It is always a pleasure to make a contribution to debate on opposition business, and of course I will be opposing the motion, but I welcome it because it gives us an opportunity to take a look at what the government has achieved, the things it is doing and what it has done over the past six years to improve Victoria's health system.

When we took over government in 1999 we certainly found the state's health system to be in a very tattered state. Mr Drum pointed out that he is sick of hearing what happened when the coalition was in government — and I am sure he is sick of hearing about it — but I am not sick of reminding people and letting opposition members cast their minds back to the behaviour and actions they engaged in and the policies they had when in government. I know the people of Victoria have not forgotten the actions which that lot opposite took when in government to diminish our health system — not only our hospitals but also our community health systems.

Hon. W. A. Lovell interjected.

Hon. KAYE DARVENIZA — I can tell Ms Lovell that that happened in both metropolitan and rural hospitals. Nobody was safe from the previous coalition government. Some metropolitan hospitals, such as the Western Health Network, were virtually bankrupt; it sold all its assets. Metropolitan Melbourne was in a very sad state of affairs, and rural and regional Victoria was also in a tragic state of affairs, because thousands of nurses across the state were retrenched from their — —

Hon. W. A. Lovell interjected.

The ACTING PRESIDENT

(**Hon. J. G. Hilton**) — Order! Ms Lovell was heard in silence, and I ask her to give the same courtesy to the member on her feet.

Hon. KAYE DARVENIZA — Services and programs were closed and hospitals closed. In fact some 14 hospitals in rural and regional Victoria alone were closed under the previous government.

Hon. W. A. Lovell interjected.

Hon. KAYE DARVENIZA — Ms Lovell does not like to be reminded and to hear about it, but I can tell her that I have not forgotten. As a nurse who worked in our health services for many years, I have not forgotten and the people of Victoria have not forgotten that the Kennett government ripped the heart out of our health care system. All I can say is that I thank Mr Koch for this motion, because it gives us an opportunity again to remind opposition members of and again put on the record the sorts of behaviour members of the former coalition government they involved themselves in with Victoria's health care system. They did not care about Victorians and their health care needs, whether they lived in metropolitan Melbourne or rural and regional Victoria. The former government slashed, burnt, closed and retrenched our health services and our health professionals.

This is a good motion because it gives government members an opportunity to remind the opposition of what the former coalition government did and to put it on the record. I have not forgotten, nor have Victorians forgotten. Those opposite want to forget, but I will not ever let them forget.

Hon. D. K. Drum interjected.

Hon. KAYE DARVENIZA — I am sorry, but I will remind Mr Drum — and I will use every opportunity I have to remind him, and to continue reminding the Victorian public — of the outrageous behaviour of the Kennett government in relation to the health portfolio.

Those opposite do not have clean hands. Many sitting on the benches opposite were part of the Kennett coalition government. Whilst I admit Ms Lovell was not here in those days, many who sit opposite were part of the former government; and their hands are not clean.

Since coming to government in 1999 and inheriting a depleted health care system, both in terms of the numbers of nurses and doctors and of beds and hospitals, the Bracks government has worked very hard to improve the health care system; we are very proud of having achieved much.

Since 1999 we have embarked on the largest capital works program in Victoria's history. We have put more money into health than has ever been put in throughout the history of Victoria. We have invested \$3.7 billion to rebuild, upgrade and refurbish 50 of our public hospitals and health services, which is almost half of the major facilities right across Victoria. Mr Viney mentioned some of these, and I will mention them

again briefly, because many of them are services that all Victorians share. There is the world-class \$850 million Royal Children's Hospital project in Parkville. Parents, doctors and health professionals right across Victoria rely on and utilise that hospital. It is a brilliant facility, and we are very proud to be rebuilding it.

The Bracks government has also saved the Austin Hospital from privatisation. The Kennett government was hell-bent on privatising our health care system and did privatise some of our larger facilities, including one in the Latrobe Valley. The former government privatised many services that had been provided by hospitals in-house.

The Royal Women's Hospital is another service that women right across the state value and utilise, so there is funding for a brand-new \$250 million Royal Women's Hospital. We also await the opening of the new \$52 million Royal Dental Hospital.

I have mentioned only a few examples, but they are the ones that all Victorians will be very pleased to share in and utilise. Over the last six years the Bracks government has increased funding to hospitals by 83 per cent, which is an enormous increase in funding for the state's hospital and health care system. That approach is unlike the one taken by the Kennett government when it cut the health care system.

There was not one aspect of it that was safe from the Kennett cuts. It did not matter whether it was a hospital or a community-based service or whether you were a health professional, a food or domestic worker, a cook or you worked in the laundries, nobody was safe from them. The only action the previous government did was to cut and cut again. We have admitted over 1.3 million patients this year, 370 000 more than in 1999.

Hon. W. A. Lovell — How many are on the waiting list?

Hon. KAYE DARVENIZA — Let me just repeat for Ms Lovell: 370 000 more patients are being admitted to our hospitals — —

Hon. W. A. Lovell interjected.

The ACTING PRESIDENT (Hon. J. G. Hilton) — Order! Ms Lovell has had her turn. Interjections are disorderly.

Hon. KAYE DARVENIZA — That is an 83 per cent increase overall. The government has employed more than 6400 extra nurses compared to the thousands across our system that the opposition retrenched when

it was in government. There are also 1300 extra doctors who have been employed in our services.

Let me take up the issue of dental health. I could go on about other facilities and services that have received increased funding in the budget, but I want to take up a couple of issues that have been raised by previous speakers. Mr Drum raised a point about ambulance services. Victorian ambulance services have again been boosted by the Bracks Labor government. This government has put a lot of money into employing additional staff and to improving our ambulance services, there is no doubt about that. The funding of ambulance services has increased by 112 per cent since we came to office in 1999. That equates to \$110 million we have spent since 1999 in improving ambulance services. The funding boost has provided for more than 650 extra paramedics, more than 50 extra ambulances and more than 60 new or upgraded ambulance stations. There has been very significant investment in ambulance services by this government. I am glad that we have this motion before us today, because it gives us an opportunity to talk about those achievements and exactly where funding is being placed.

I want to take up the issue of dental services, which was raised by Ms Lovell in her contribution. The 2004–05 budget provided \$97.2 million over four years to reduce waiting times and expand public dental services. Waiting times are consistently reducing for the first time since the commonwealth dental health program ceased in 1996. I want to take up Ms Lovell's comment that we have been doing nothing about dental health services. That is clearly not the case. Work force shortages continue to impact on the ability to deliver services in many areas, particularly to rural clinics, but there have been improvements. Additional clinicians have been recruited.

The Victorian government is continuing to support the dental work force strategy, which aims to recruit and retain dental clinicians in the public sector and to support education initiatives, particularly during the 2005–06 period. The government has invested heavily in the establishment of bachelor of oral health science at La Trobe University in Bendigo and has expanded bonded scholarships and funding for clinical placements and training at La Trobe and Melbourne universities. As well as that, as a result of these work force initiatives up to 26 new scholarship recipients will be working in the rural public sector at graduation.

A range of work force initiatives have been put in place. We accept, acknowledge and are working towards addressing the problems we have with health professionals — our doctors, nurses and allied health

professionals — across Victoria. This is particularly the case in rural and regional areas. There has been a range of strategies which we have put in place to attract doctors to rural and regional areas and to retain them there. That also includes health professionals who work in dental health as well as allied health professionals. There are many achievements which we, as a government, have made in improving our health services. There will always be more challenges that lie ahead, and ones which we are more than willing to step up to the plate to and take on, unlike the previous government, which cut and cut. I do not support this motion.

Hon. P. R. HALL (Gippsland) — If you asked anybody out in the street what the top political issue that they wanted to discuss was, if health was not no. 1, it would be in the top three. Consequently I think it is important that members take the opportunity to discuss health matters, and I am grateful that the Honourable John Vogels has raised this matter this morning.

Health is certainly a major issue in country Victoria, as my colleague the Honourable Damian Drum outlined in his contribution this morning. But throughout country Victoria, and certainly in the area I represent, we have a shortage of GPs and areas of designated need to which we seek to allocate overseas-trained doctors or to recruit doctors bonded to serve in those areas where GPs are short. We have shortages of specialists, we have shortages of allied health workers, we have a lot of shortages within the nursing profession and we also have shortages of mental health professionals. All of those are very significant issues that we in country Victoria have to grapple with, and this motion attempts to discuss some of those.

In the time I have I want to discuss predominantly three issues. The first of those that I want to canvass quickly is public dentistry. Public dentistry, as we know, has enormous waiting lists right across the state, and Gippsland is no exception. In some places in Gippsland you can wait up to three years before you get access to public dentistry. Some of those waiting lists are the longest in the state, but there are others even longer. Focusing on the situation in the Latrobe Valley with respect to public dentistry, for example, we have a public dental chair located at Moe as part of Latrobe Community Health Service. It does a good job, but again the waiting list for some procedures at that facility is three years or more. We also have a facility at Churchill which has been unmanned for about four years now because we have not been able to attract a public dentist to operate out of that facility. It has been left idle for four years and now needs refurbishment, so even if we could find a public dentist to fill that

position, we would be unable to until there was a significant refurbishment of that facility.

There were plans by Latrobe Community Health Service as part of its redevelopment to establish a new service based in Morwell. There was an approximately \$17 million program to completely redevelop the service which, as I have said before, operates in appalling conditions in about eight or nine different locations throughout Morwell. Some of the buildings from which it operates would be condemned under normal standards. The service badly needs a new facility. Although that was raised with the government prior to this year's budget, there was no response whatsoever from the government with respect to this urgent need or the inclusion of a new dental health service to operate out of Morwell. The issue of public dentistry is one of particular concern for us who live in country Victoria.

I want to talk quickly about specialist services and use one example to highlight the frustrations and the needs of country Victoria with respect to specialist services. I want to raise the issue of paediatric services at Central Gippsland Health Service. Two very fine paediatricians currently operate out of Central Gippsland Health Service at Sale: Dr Jo McCubbin and Dr Peter Goss. Their services extend more broadly across Gippsland and particularly into East Gippsland. Recently both of those paediatricians gave the hospital board three months notice of their impending resignations, so as it stands at the moment, unless something happens in the intervening period, in about two months time Gippsland will lose the services of those two fine paediatricians, and they are not easy to replace. To attract a paediatrician to country Victoria is almost impossible. The board of the hospital has lined up one person who is willing to work there as a paediatrician, an overseas trained doctor who is yet to reach the country, so it will still be some time before the appointment occurs.

Those two paediatricians are seeking greater assurances about the future of paediatrics at Central Gippsland Health Service, and they have some concerns, too, about the coordination of paediatric services across Victoria. They have a lot to add, and they seek a meeting with the Minister for Health to discuss these issues. I think such a meeting would be valuable and worthwhile, and I have written to the minister supporting their request to meet with her and talk to these issues, but as yet I have had no response from the minister. Some would say the government does not directly employ specialists at hospitals, and that is true — the board does — but with this particular hospital the government was quite willing to get involved by sacking the board and putting in place an

administrator. It has recently reappointed a new board, and that is good, but the government was quick enough to take a hands-on role in terms of the management of the hospital in the past, and I think the government should sit down with these paediatricians and try to resolve the matter now. The local member, the member for Gippsland South in the other place, Peter Ryan, has offered to mediate in the whole process, and the government should accept that offer. That is an example of how valuable specialist services are and how difficult it is to replace them in country hospitals.

I also want to make mention of the dire needs of Gippsland Southern Health Service and particularly the redevelopment of its Leongatha campus. Its building is antiquated, and the people of South Gippsland deserve better. It is one of the major health providers in that region. The Leongatha campus is in desperate need of a \$30 million upgrade or rebuild, and it was fully expected that the first stage of funding of \$9 million to \$10 million would be in this year's state budget. The service's plea to me was, 'Please see if we can get some continuity of staged funding for the hospital. We expect to get stage 1'. When the budget came down the service did not even get stage 1. It did not even get a look-in with respect to that. I would challenge anybody in this house to go around to some of our major hospitals in Victoria. The Leongatha campus of Gippsland Southern Health Service is one that I would rate right at the top as in desperate need of redevelopment. But no funding has been allocated at this point in time.

In terms of trying to keep this debate balanced I want to mention a couple of good things that are happening. One of those is the cancer care centre which has just been opened at Latrobe Regional Hospital. Its funding was in excess of \$20 million — \$10 million came from the state government, \$10 million from the federal government, and the local community is raising something like \$3 million to enhance that. The centre is a welcome addition to health services in the Gippsland region. I might add, though, that the Gippsland region is the last region in Victoria to have such a specialised cancer care service facility, and it only happened because the federal and state governments put their heads and their money together to open that facility.

I also want to mention that a great boost to country Victoria was the recent announcement by the federal government of funding for medical places at some of our regional university campuses. Some of those places have been allocated to Monash Gippsland, which in future will provide a really good resource which the Gippsland community may draw upon for its future medical needs. That is a welcome development, but the federal government has funded those places with, I

might add, assistance from the state government in a minor way.

There are plenty of health issues that need to be addressed in the community. I have only had time to mention a few of those this morning, but there are many that I could have canvassed. I want to leave some time for my colleague Mr Baxter to raise some of the issues concerning his electorate. I am pleased this motion is before the house today. As the Honourable Kaye Darveniza said, there are plenty of issues that need to be addressed, and these are some of them. Hopefully, following this debate this morning, the government will be prompted to address some of the issues that have been raised by the opposition and The Nationals.

Hon. D. McL. DAVIS (East Yarra) — I am pleased to make a contribution to this debate. I congratulate the Honourable John Vogels on bringing this motion to the chamber. This motion condemns the state government for its activities in the health field over the last few years. It has been almost seven long years of Labor's cuts and closures. This is a government, it is true, that has spent more money on health, but it has not got the outcomes and the results for the community.

The fact is that in Victoria waiting lists and waiting times have increased, and outpatient treatment is a shambles. We can say that with great clarity and safety following the Auditor-General's report, because the information was not available under this government until that point. We can also say very clearly that emergency departments across the state are in chaos.

Today I want to contrast the state government's performance in health with the constructive and positive approach adopted by the opposition with its recent announcement of an initiative to deal with the rural doctor shortage. I congratulate the member for Caulfield in the other place, Helen Shardey, for the work she has done in bringing forward this policy for rural doctors. I make the point that there is a shortage of doctors in country Victoria, as there is across the state and indeed nationally and internationally. Victoria will have to not only train more doctors but also compete nationally to retain and attract sufficient numbers of doctors.

Mrs Shardey and the new Leader of the Liberal Party, Ted Baillieu, have said that a Liberal government will dedicate \$48 million towards fixing the rural doctor shortage in Victoria. There will be training for new doctors for country Victoria's future by funding 40 new medical degree scholarships a year for country Victoria — that is, 40 every year in addition to what the federal government has announced recently. We will

attract more doctors to country Victoria by recruiting 150 doctors from interstate and overseas. There is now real competition in the international marketplace for sufficient medical health professionals.

Victoria has to offer an attractive environment instead of targeting and victimising doctors in country Victoria, like this government has done, to make it difficult for them. On every occasion when there has been difficulty with a country health service, the minister has vilified doctors. The department has not provided the background support that is needed to retain and keep active doctors across country Victoria. The truth is that in small country towns across the state doctors need proper support and financial incentives. They need after-hours assistance, but that has not been provided by this government.

This government let the cat out of the bag early in this current term. In 2003 the hospital services report on the Hume region was leaked by the opposition to the community and the press, but the Premier ran a million miles from that document. I hasten to explain to the chamber that the Hume hospital services plan was to close nine hospitals in the Hume region. It was a plan to wind back maternity, obstetric and surgical services in those nine hospitals. That is the government's plan statewide. Whatever they said after the document was released, the fact is that by stealth and trickery, with pressure and incentives, they are seeking to close and wind back smaller country hospitals and centralise things in Melbourne and the big regional centres.

Survey after survey shows that this is not what country Victorians want, as I know from having spoken to large country meetings. The Honourable Wendy Lovell convened a meeting in Rochester that was attended by 1400 people when the government wound back their country services and closed surgical services for the community peremptorily. That was a disgrace.

At Rochester there were more than 500 operations a year, and this year there will be none. It was only the public pressure exerted by Ms Lovell and the community that has seen the government step up to the plate and rebuild that hospital. It is still to be seen whether surgical services can be reintroduced for that town. Across the state the government has been closing maternity units, obstetric services and surgical services. The minister admitted as much on ABC radio in September 2003. She said surgical and obstetric services might not be available or viable in some country hospitals and that there would be a reduction in the number of country hospitals offering surgical or obstetric services. She told the truth on ABC radio, but mostly she has been untruthful about this issue. She

tries to cover up the fact that the government's plan is to close country services.

The list of maternity or obstetric services that have been closed or face suspension is instructive. The list includes hospitals at Beechworth, Birchip, Boort, Charlton, Cobram, Creswick, Dimboola, Donald, Moorabbin, Nathalia, Nhill and Seymour. It also includes the Angliss hospital midwife caseload program and Warracknabeal hospital.

I made this point to Mr Viney during his contribution. He was talking about Kennett government closures, but he was pinned on the peremptory closure of surgery and obstetrics at Warracknabeal hospital. That will never be reopened under this government. People who live far to the north of Warracknabeal often have to drive up to 2 hours to get to Horsham hospital to have their babies delivered. The fact is that services are being closed by this government; they are being wound back, and it cannot be long before there is a tragedy on the side of the road, where a mother gives birth to a baby and either one or both are lost because this government has closed or wound back services and because of its nasty and vindictive attitude to services in country Victoria.

The list is not complete. At Williamstown hospital in the Premier's electorate — a good community hospital whose doctors used to deliver babies — that maternity service has gone. There are closures at Winchelsea hospital, Wycheproof hospital, Yarram hospital and others. I have referred to my list as at late last year, and I am sure that there will have been further closures in country Victoria since that time. This is a government of cuts, a government of closures and a government that has spent more money but has not got value in the services it provides. It has squandered money. It spends money on bureaucrats, it spends money on advertising and it spends money on spin. It generally is not getting the result for the community.

In contrast the federal Liberal Party is working hard to provide solutions. I congratulate the federal government on its announcements of additional medical places in Victoria. The Deakin school at Geelong is a great announcement that is supported strongly by the Liberal Party. I congratulate in particular Stewart McArthur and his wife, Bev, for the advocacy they indulged in over a long period to ensure that that medical school was placed in Geelong, that it will be of the highest standard and that it will provide a sweep across the south-west of the state, where greater services will be delivered through the presence of those trainee doctors and the opportunities that will provide.

I also congratulate the federal government on the announcement of places at Monash and Melbourne universities. They are important announcements that will strengthen the outreach of those medical schools into country Victoria. I make the point that this will assist Victoria to grow and retain the doctor work force. The Victorian Liberal Party initiative — the Helen Shardey-Ted Baillieu initiative — is very much focused on dovetailing with that federal plan and will assist by bonding doctors through the scholarship program to the state. It is also crafted in such a way that it will focus on attracting and recruiting interstate and overseas doctors.

The truth of the matter is that this government has squandered money and wasted resources everywhere. You need look no further than the announcements yesterday in the interim report of 14 July 2006 on the review of the governance and effectiveness of Rural Ambulance Victoria. The report was conducted by the State Services Authority, the Orwellian-named body that was recently created by this government — and I see Mr Jennings asking — which is a shadow mechanism for controlling departments that are unhelpful to the government of the day.

It is interesting to read the report. It is an attempt to whip Rural Ambulance Victoria into line. Well might it be whipped into line, because it needs it. Rural Ambulance Victoria has been a disgrace for a number of years and is getting progressively worse. I notice the spin in this document looks at bedding down Rural Ambulance Victoria changes from 1999. For goodness sake! That is seven years ago, unless somebody has not yet mastered arithmetic. Those opposite try to blame the previous government, but the government has been in charge of Rural Ambulance Victoria for almost seven years.

The review was disgraceful not only in the sense of what it uncovered but also because it shows there is no acceptance of responsibility at a government level for the failure to fix this. There have been warning signs — announcements, leaks and signs of harassment and bullying. There has been strong information coming forward. The Public Accounts and Estimates Committee report made it clear that the management of Rural Ambulance Victoria was a disgrace and a shambles and needed to be fixed. I warn country Victorians that this government would love to centralise and take over Rural Ambulance Victoria. Country Victoria needs to watch very closely. I make the point that Rural Ambulance Victoria needs to be made to work properly. It needs to be fixed. The management and cultural issues need to be dealt with, but that does not mean it should be amalgamated or taken over, or that linkages should be built with the Metropolitan

Ambulance Service that may well see the loss of rural identity for Rural Ambulance Victoria.

Mr Stoney understands that another ambulance service, the Alexandra and District Ambulance Service, is in the government's sights. The government has taken over the power to appoint the board for what was a fine community-run ambulance service. That service needs to watch closely what happens in the light of these findings about Rural Ambulance Victoria.

It is worth putting on the record some other statements. At page 6 the report says:

The predominant features identified in consultations, individual interviews and submissions include:

a hierarchical, autocratic management model;

'micro management' and duplication of roles and processes;

a management model that was compliance focused rather than improvement oriented;

staff not feeling valued or 'listened to'; and

a lack of trust and antagonism between management and staff, described commonly as 'them and us' or alternatively 'white and blue shirts'.

There is a whole series of quotes. I could go on for a long time, but the truth is that this is a highly critical review. It is rightly highly critical. One place it does not put any responsibility is with the Minister for Health, who is culpable for failing to act over a number of years. It also does not refer to the failure by the Premier and the cabinet generally to take some responsibility. These problems at Rural Ambulance Victoria go back some way. They have been known and should have been dealt with and acted on a long time ago. The mismanagement, the incompetence and the blundering on Rural Ambulance Victoria are typical of this government and its management of health more generally.

Mr Hall referred to the ongoing saga at Sale. This is a failure to deal with the issues of a particular health service and a failure of government leadership and management at the end of the day. Equally importantly there is also a report in the chamber today about the government's failure to manage cemetery trusts properly. That is a damning report, which again points to the failure of the Minister for Health to take responsibility and to deal with these issues properly. I note there is a referral by the minister to the Auditor-General, but that was off the back of the series of damaging allegations surrounding the findings by the Auditor-General in relation to the Cheltenham cemetery.

In conclusion I make the point that this government's failure is in great contrast to the constructive approach adopted by the opposition. We have put forward an important plan for country doctors and the medical work force in general. There is a need to have further work become public in terms of dentists and other paraprofessionals because there is a shortage in the health work force across a number of levels in this state. None of that deals with the fact that the government is running down the level of competence and the capability of many of our services through its mismanagement and ineffective oversight of these important services. I congratulate Mr Vogels on moving the motion and look forward to the chamber deliberating on it.

Mr SMITH (Chelsea) — I rise to oppose the motion moved by Mr Vogels criticising the government on its performance and attitude towards health. The opposition is implying in the motion that it has been on the road to Damascus. I do not believe that. Some might argue that opposition members ought to be there now, but I will not go down that particular road. More importantly, I do not believe the public believes them either. I was not going to highlight the fact that they have form and that their history on public services et cetera is quite appalling, and an alligator would not swallow the notion that all of a sudden they are born again, as it were.

My colleagues have highlighted the ravaging and destruction of public services at large that occurred when the opposition was last in government, so I do not intend to repeat or expand on that, although there was plenty more to highlight. I shall deal with the facts. Since 1999 the Bracks government has invested \$3.7 billion and counting to build and refurbish our health system across the state — not only metropolitan Victoria but across the state. The key word is 'refurbish'. When you look at what happened in Germany after the blitzkrieg of the Second World War you realise that it had to rebuild and refurbish to a significant extent, and our health system needed that sort of refurbishment after Mr Kennett and company had finished with it.

Let us not forget that the opposition has a very strong view about private versus public when it comes to these sorts of issues. They believe, as they demonstrated with the Austin Hospital, that private does it better. I have to say that in some areas there is a strong argument that the private sector can perform better, but certainly not in health services, education and core services that the public not only demand but actually genuinely need. The Austin Hospital has been a triumph, if you like, of substance over ideology. The hospital is a magnificent

contribution to the Bracks government's attitude of providing health services to the public as a public entity rather than a private entity.

The Royal Women's Hospital and the Royal Dental Hospital have been significant beneficiaries of ongoing investment from the Bracks government. My colleague the Honourable Kaye Darveniza mentioned the fact that since 1999, 1.3 million people have been attended to or have entered into hospitals in Victoria and that this represents a significant increase of 370 000. It is a demonstration, proof positive, that the system is working.

For anyone to suggest that the Victorian health system is in some sort of massive disarray, I say: look around not just this country but around the world and you will find that very few places provide a better health system than what we have in Victoria. No-one, particularly on this side, suggests for a moment that it is perfect or that there is not room for some improvement, because of course there is room. We should all be looking at a model of continuous improvement in the health system because that is what people want and demand. Let us be honest: there is no bottomless pit of money, so people cannot have a doctor on every corner — that is impossible. We all know about the shortages of health professionals not just in Victoria or Australia but in the Western World.

The Honourable David Davis mentioned the shadow Minister for Health in the other place. I remind the house that both of those members, the member for Shepparton in another place — a former member of this place — and I, together with others, are members of the joint parliamentary Family and Community Development Committee. In a recent inquiry we looked at the accessibility of general practitioners to people in this state, in particular those who bulk-billed, and the impact on emergency services of our public health system as a result of people struggling to find doctors who bulk-bill or work after hours.

During the course of that inquiry we travelled far and wide across Victoria and discovered that there is a significant shortage of health professionals just about everywhere. What was interesting was the attitude of some health professionals to their role and how they saw themselves. I am not going to get into an exposé of some of their personal attitudes but I quote one doctor from Mansfield who said, 'Dr Kildare is dead and buried; he no longer exists and we are running a business'.

We are in a brave new world and it is incumbent upon us to find ways and means of attracting more

professionals into service in the health arena. We cannot disclaim, as the opposition tries to do, the responsibility of the federal government for the funding of places in universities for doctors. We all know that it costs a bucketload of money to train doctors. We all know that the time lines we are now confronting to address the shortfall of health professionals is of the order of 10 years, so we must start doing things right now to address the long-term shortcomings.

Having said that, I want to highlight that the Bracks government emphasised this need, particularly at the recent Council of Australian Governments meeting, and negotiations are taking place to address the problem. The federal government seems to have accepted its responsibility now and realises that a more cooperative approach with the states will deliver the sorts of outcomes we all want to see. Privately those opposite will agree that there is not a bottomless pit and no matter how much money you put into it, it will never be enough because the public, by and large, demands instant service of the highest standard, and with the latest and greatest equipment. I do not criticise them for that, but the fact is we have to be realistic.

I note that increased services are being provided — for instance, the access to cancer treatment that has been improved with the radiotherapy centres being built at Geelong, Bendigo, the Latrobe Valley and Moorabbin. I had the great misfortune to visit the Moorabbin radiology centre on numerous occasions a few years back with my good wife who had contracted breast cancer. The place was pretty chock-a-block, not just with women but predominantly women who were coming from far and wide, particularly from eastern Victoria where they did not have the services that this centre provided. There is still an ongoing need in the Latrobe Valley and the southern part of the Mornington Peninsula.

The government has invested lots of money in providing these sorts of services across the state in more diverse geographical locations than previously existed. So I find it a bit rich to accept that the motion moved today is genuine. I believe it is disingenuous to suggest that we are not doing our bit in terms of providing health services and resources to the public at large.

It would be easy to get very emotional about this. I think I am doing a great job in containing my rage at the hypocrisy of those opposite, particularly from Mr David Davis. The man is a charlatan to suggest that on the one hand, there is a disaster in the regional ambulance services of Victoria but then on the other hand, to criticise the government for doing something about it. That is nonsensical. What is this person on

about? He has form in this regard. He will go anywhere and say anything to try and convince people that they are the goods, but we will do our bit to ensure that people do not forget their history and their track record.

I have to say that I am extremely proud of the performance of the Bracks government over the period that it has been in office. For the record, since coming to office the government has re-employed or trained 6400 extra nurses throughout the state compared with the 4000 that that lot on the opposition benches retrenched. That fact goes a significant way to demonstrating who really cares. We talked about the ambulance services in Victoria. We have had a huge investment in ambulance services across the state.

I want to emphasise our positive attitude towards regional Victoria. I have already outlined the increased services in terms of radiology services alone, their location, et cetera, and I will refer also to the hospital redevelopment projects we have embarked on. The Kyneton District Health Service was the beneficiary of \$12.7 million, Lorne hospital received \$10.5 million, and Colac Area Health received \$13.5 million. In addition — there is more — we have the increased number of nurses in regional Victoria, which is 1844 to date and growing.

What are these people on about, seriously? I would love to see how they try to gazump that, because it would be totally out of character for members opposite to genuinely deliver services in these areas in the way they claim they will. It would be — I will not say an oxymoron — totally out of character for them to actually do that. The track record of this government is there to be seen. The public, by and large, know that we deliver better on health in particular, education and a broad range of services that the public demand. We always have, and we always will. This motion is being opposed by members of the government. I condemn it and I suggest and hope all members of this house do likewise.

Hon. W. R. BAXTER (North Eastern) — I sometimes feel sorry for poor Mr Viney. He gets rolled out to defend the government on motions like this, and we heard him at it again this morning — that tired old rhetoric that we have heard so many times from Mr Viney about health matters — saying that the Kennett government closed hospitals. As Mr Drum said, the community is sick of hearing about that. If Mr Viney wants to go down that track, I will remind him that it was a Labor health minister, David White, who closed Prince Henry's hospital. Do we want to keep dredging back into the past and coming up with these sorts of issues that are quite irrelevant now?

At least the former government was honest when it changed health structures in rural Victoria. It actually named health services for what they had been doing for the last decade. One in my own electorate, Elmore, for example, was renamed the Elmore health service because that is what it was. It was no longer an acute hospital and had not been for years. The health service is still in Elmore, everyone is perfectly happy with it, and all the government was doing was being honest — not like this government which, as has already been alluded to by members this morning, is removing services from country hospitals but still leaving the shell there as if the hospital actually exists as a fully operating acute hospital, when in many cases that is certainly not the case. What did the Kennett government do when it came to government? It inherited a health service in this state where hospitals were dirty and decrepit, there was a culture of bullying amongst the staff and amongst union officials, and almost without exception budgets were being overrun and hospitals were in serious deficit.

It was that government, particularly under the ministership of Robert Knowles, who I think was one of the best health ministers the state has ever had, that introduced the weighted inlier equivalent separations (WIES) system and got hospitals onto a better financial footing. This government is still using the WIES system. It did not abandon it; it acknowledged that that was a good way to go. As Mr Drum alluded to today, WIES now perhaps needs a little more finetuning, but the principle introduced by the former government remains, and it has proved over time to have been a very worthwhile initiative.

We have heard a bit about the shortage of general practitioners this morning, and it is generally assumed by the public that the shortage of GPs applies mainly to small rural towns and remote areas. It does not. It applies in the suburbs, and it applies in our large regional centres. I went to a meeting in Albury-Wodonga five or six months ago convened by one of the local gynaecologists who was very concerned about the shortage of GPs and specialists in the district, and particularly, given the age profile of GPs, how that shortage is going to be aggravated over the next decade. He was very concerned that insufficient was being done about it. It was a wake-up call for me, because I had not realised there was such a shortage of GPs in a city as large as Albury-Wodonga, with some 100 000 people. My wife is at the doctor's today. She has waited over three weeks to get that appointment, which is indicative of the workload that GPs are facing.

That meeting resolved, with the help and support of the two municipal councils, Albury and Wodonga, to fund a recruitment officer to go overseas and find specialists and doctors to come to north-eastern Victoria and the southern Riverina. I commend that initiative — it is a tremendous idea. I particularly commend the mayor, Lisa Mahood, and the chief executive officer, Peter Marshall, for taking up the cudgels and acknowledging the problem that is there — a problem that is not being sufficiently addressed by the government — and getting in and doing something about it themselves. I wish them every success.

I want to talk about the lack of funding for hospitals in the budget. The only hospital being funded in this budget is Rochester Hospital. I pay full marks to the local community at Rochester for some very good work they did, together with the local members, in convincing the minister to fund a fully fledged hospital in Rochester, complete with an operating theatre. But Nathalia, for example, is a small town which has a very old hospital — a former private residence which was converted to a hospital in the 1950s. The hospital has not had surgery for years and it does not intend to have an operating theatre in the future. Nathalia is sorely in need of a new hospital, as the current hospital will not meet accreditation in 2008. It was fully expected that funding for the new hospital would start this year. The planning has all been done, the site has been identified and the hospital staff and the hospital board have done some very good work in accumulating some funds to assist with the provision of facilities at a new hospital. It was an extreme disappointment that there was absolutely no mention in the budget this year of when Nathalia might get some funding for a new hospital.

The community can see that it is well overdue. Does the community have to get into gear — like the community of Rochester were forced to get into gear — and conduct rallies down here, letter-writing campaigns and the like to convince this government that justice needs to be done and that the community deserves a new hospital? That is not the way small country communities should need to work. They have enough things on their plate as it is maintaining the economy and the community spirit of their towns, without having to engage in stunts and all sorts of measures to embarrass the government into funding a hospital. These things should move forward as a matter of course. That is what happened under the previous government: there was an orderly program to refurbish, renew and replace hospitals right throughout country Victoria and the suburbs. Why can it not happen under this government? Why is this government so attuned to fixing only the hot spots rather than addressing the proper needs?

Hon. H. E. BUCKINGHAM (Koonung) — I served on the Box Hill Hospital board from 1994 to 1997. As a hospital, we struggled with ageing infrastructure, lack of space, ageing equipment and nursing shortages. Despite that, the hospital retained its AAA rating and accreditation and always did very well with infection control. We constantly, however, had to reassess the services that we offered. I can remember fighting at many board meetings to keep paediatric services. Paediatric services were not that attractive — they did not make a profit like cardiology or renal services did. Happily, we retained paediatric services. We coped with the difficulties of casemix funding, which usually meant ‘In quicker and out sicker’, as we used to say.

All of these things happened under a Liberal government. The Liberal government did not address any of these issues. When I was sacked from the board by Jeff Kennett — as good community members were with the rejigging of health services when he did to hospitals what he had done to local government — Box Hill Hospital still had ageing infrastructure, a lack of space and equipment shortfalls. In this year’s budget this government has allocated over \$38 million to the first stage of the rebuild of Box Hill Hospital, a much respected and utilised service in my community.

How much do we need to spend on health in Victoria? Clearly with ageing infrastructure, an ageing population and changing demographics with the population spreading further out of metropolitan Melbourne much needs to be done in the health area, and we have started to do that. The figures have been cited this morning and they are worth citing again — \$3.7 billion is a lot of money to be spending on health. It is being spent on rebuilding, on building new hospitals and on upgrading. I think the most important statistic cited this morning is the one that says we have upgraded or refurbished over 50 per cent of all public hospitals and health services.

This government has increased funding to all of our hospitals by 83 per cent. That amounts to 1.3 million patients being admitted this year, which is, as the Honourable Kaye Darveniza noted, an increase of over 307 000 since 1999. We have employed more nurses — 6400 of them — and 1300 more doctors. We have gladly spent \$329.5 million on mental health funding. Of interest to me is the amount of money that has been spent on setting up radiotherapy centres in Geelong, Bendigo, Latrobe and Moorabbin. This government has also purchased over \$300 million in medical equipment like computerised tomography scanners, new radiotherapy machines and monitoring equipment.

Can you spend more on public health? Probably, but we have spent a record amount to date. Our health record stands. As a patient in the public health system two years ago I cannot speak highly enough of the treatment I received. I would like to place on the public record that I had a stem cell transplant. That is the only form of treatment for the cancer I was suffering from. If I had lived in the United States this would have cost \$250 000 and it is not available in the public health system — if you cannot afford it, you cannot get it and you die. Here in Australia it is available in the public system. The private system chooses not to provide this treatment, although I believe Cabrini is looking at it, because it is just too expensive to offer. I had my treatment at the Peter MacCallum Cancer Institute. It was world-class treatment and it is the reason I am here today. We offer best practice in Victoria in our health. We offer the best treatment available. We offer the best drugs — I was able to access, through a clinical trial, Thalidomide, which is the best treatment available for the type of cancer I had.

Yes, public health needs money spent on it. This government has spent an enormous amount. Can you spend more? Yes, of course you can. However, I would like to finish by saying that I do not support this motion. I think we have a world-class health system in Victoria.

Ms HADDEN (Ballarat) — I rise to speak in support of the motion, and I thank the Honourable John Vogels for bringing this very timely topic into the chamber for debate. I also want to acknowledge and thank The Nationals and the Liberal Party for generously allowing me some of their valuable time to speak. As an Independent member of this chamber I have no speaking rights in general business unless the parties give me time to speak, which has an enormous impact on my rural electorate of Ballarat Province.

The health system in Victoria is under-resourced — there is no doubt about that. While the government says it is spending millions and millions putting money back into hospitals, I wonder where that money is actually going. It is not being seen on the ground.

The national president of the Australian Medical Association, Dr Haikerwal, has warned of a looming medical training crisis right across Australia, including Victoria. He has alerted all of us to the fact that there will be a crisis in medical training unless the commonwealth and the states work together to provide the resources and infrastructure necessary to train the next generation of doctors. He has also warned us about the alarming shrinking of the GP work force expected in the next few years. We have had a 130 per cent

increase in the number of medical school places across Australia but there has not been a corresponding increase in training and teaching capacity.

It is the responsibility of the states to provide medical training places. If they do not live up to their responsibilities and provide the resources and facilities to ensure that the students receive quality medical training, we will have some big problems looming ahead. We know it is very expensive to convert a medical student into a doctor — it requires an internship to be provided by the state. It is a long haul — it is between 5 and 10 years in training — and we have to have the best because health is very high on people's agendas.

The issue of hospitals was debated in this chamber in October last year and I participated in that debate. That debate concerned public hospital performance. It is interesting that there is very little information on the government web site in the *Your Hospitals* reports — you get bare, basic information that really does not tell you very much. However, it is interesting that the figures for patients listed for elective surgery at Ballarat Health Services have increased alarmingly. I will go through that data. In the period July to December 2004 the number of elective surgery category 2 patients listed for less than 90 days was 131. In the period to June 2005 it increased to 218 and in the period July to December 2005 it increased to 228. The number of elective surgery category 3 patients for Ballarat Health Services in July to December 2004 was 606. The number of elective surgery category 3 patients in January to June 2005 was 701 and it increased to an alarming 811 in the six months from July to December 2005. The number of elective surgery category 3 patients listed for less than 365 days in the July to December 2004 period was 522. It increased to 597 in the January to June 2005 period and then it increased to an alarming 727 in the July to December 2005 period.

The number of patients being treated, according to the *Your Hospitals* report, has increased alarmingly in Ballarat. Ballarat is a major centre which services the western half of the state. The total number of patients admitted to Ballarat Health Services in the period July to December 2004 was 13 245. That increased by 1041 patients in the period July to December 2005, to 14 286. The total number of emergency department presentations increased by 3000 patients to 20 645 in the period July to December 2005, compared to the period July to December 2004. There are certainly more people seeking help through emergency presentations, but the hospital is having difficulty providing all the services that are required to keep people alive.

The hospital services reports were published quarterly from 1996 until the Bracks government stopped that in mid-2005. They are now published six-monthly. That is not good enough. This government maintains that it is open, accountable and transparent. It should put that into practice and revert back to quarterly hospital services reports.

Government members have been telling us this morning that the number of nurses has increased — I think it is up to 6400 extra nurses since Labor came to government in 1999. I would like to know where those nurses are. Nurse numbers in Ballarat Health Services, as at 2004, saw a net increase of just 112 in a four-year period. Djerriwarrh Health Services had a net increase of 13 nurses and Hepburn Health Service had a net increase of 21 nurses in the four-year period from June 2000 to June 2004. I would like to know where all these extra nurses are.

The figure for the number of patients cancelled from waiting lists no longer appears in the *Your Hospitals* report, which is alarming. The cancellation figure at June 2004 for Ballarat Health Services was 218, for Barwon Health it was 430 and for Bendigo Health it was 151, but those figures are now deleted from the *Your Hospitals* report.

The Victorian president of the Australian Medical Association (AMA), Dr Mark Yates, is a constituent of mine. He has been calling on the state government to improve the waiting lists data from public hospitals and saying there is an urgent need for more beds for elective surgery right across the state. He says many thousands of Victorians face a long wait to see a specialist so that they can be assessed before they even get onto the official surgery waiting list. The six-monthly *Your Hospitals* document does not detail those hidden patients because they have not got onto the waiting list, and in turn that is because they cannot get to see a specialist. That needs to be improved dramatically by the government.

Dr Yates says that the doctors are telling the AMA there is a major problem in the state. They are frustrated and concerned about having to continually tell patients that their surgeries have been postponed and they must endure a long wait. Dr Yates says it is very simple. He says if the government wants to reduce surgery waiting times the state needs more beds dedicated to elective surgery and to attract more doctors to work in Victorian public hospitals.

The Royal Children's Hospital, an icon of this state, is cash strapped. It could not pay its tax bills last month, and it received a top-up of something like \$40 million

in transitional funding to allow it to pay that bill. This is disgraceful. It is clear that if a hospital has to rob Peter to pay Paul then it is not being properly funded by the Minister for Health.

We have been hearing about the rural ambulance service and its spending. That means money is not available for its core service. It spent \$13 million in five years on WorkCover bills. Its legal bills cost \$1 million in the three-year period from 2002 to 2005. That money has been taken away from its core role of transporting people. The Rural Ambulance Victoria review interim report, which was tabled in Parliament yesterday, recommends that the board and the senior management should develop an action plan. Whoopee! That is great. But where is the real improvement that rural ambulance officers have been crying about? That brought about this review, but the interim recommendation is for an action plan. We will wait and see.

In September last year the AMA Victoria president, Dr Mark Yates, called on the government to stop failing rural and regional areas and deliver a promised service in Albury-Wodonga. Dr Yates said the government needed to create a rural health strategy for high-quality, safe and consistent services outside the metropolitan area. He said that the AMA had been helping doctors in Portland, Sale and Albury-Wodonga who were struggling to provide health services.

Recently we have heard Dr Peter Lazzari, who represents a body of senior doctors in public hospitals placing the blame for the failing health system and hundreds of deaths squarely on the Bracks government. Dr Lazzari has broken ranks with the AMA and says that the state is in crisis. An article in the *Sunday Herald Sun* on 16 July quotes him as saying:

The beds are bursting and the government is the architect of a genocide against innocent Victorians.

They are so wrapped up in economic rationalism they forget they are costing lives. For every bed we are short — now more than 500 and rising — a Victorian dies. That is more than 500 deaths a year, 10 a week.

I do not have much time left. I want to concentrate now on mental health services. They are in crisis. The AMA called for additional funding of at least \$80 million to ensure that the challenges of the mental health service sector would be met. Unfortunately the Premier, Mr Bracks, responded by spending \$80 million this year on his self-advertising, telling everyone what a good bloke he is before the election. I say, 'Shame on you, Steve Bracks'. The Premier should stop the wasteful self-advertising and put that money into mental health services.

An article on the front page of the Ballarat *Courier* today slams the Ballarat Health Services psychiatric unit. The headline is 'Psych unit's safety shame'. It says that the coroner slammed the service after the death of a man last year who committed suicide after jumping the back fence of the Ballarat Health Services Grampians psychiatric unit. The coroner, Max Beck, said 94 involuntary patients had escaped from the Ballarat Health Service psychiatric acute care unit over a six and a half year period. What is going on? This is alarming. Those of us who live and work in Ballarat know it goes on but to get it out into the public arena and expose what is happening is very difficult. Thank goodness the coroner has had the courage to speak out.

The parents of the deceased person, Mr Kranz, feel let down by the system. Mrs Kranz is quoted in the Ballarat *Courier* today, 19 July, as saying that the mental health system had let her son down, that it was a revolving door and that it did nothing to help her son recover. She did give thanks for the many individual mental health workers, but she believed the system failed to pay her son proper attention.

That number of escapes from a lock-up psychiatric unit — 94 in a six and a half year period — is absolutely alarming. I say to the Minister for Health, 'Get out into country Victoria. Leave the cameras and the spin doctors at home and see what really goes on, because this is alarming'. It has happened during her reign and this government's reign, and there has been no improvement in mental health. We ought to be looking after those in our country communities who are less fortunate than ourselves. Quite frankly, this government is not doing that.

It makes me very sad, because time and again people — patients, former patients, parents and other family members — come into my office crying out for the help that the Ballarat mental health services are not providing them. The crisis assessment and treatment system in Ballarat is a disgrace; it has failed, it does not work. If the crisis assessment team is called, it will not come out; it tells you to ring the police. The police say they will not come out as it is a mental health issue, so the family is left to try to control and manage a mentally ill family member.

The situation is in crisis, as Mr Vogels reported to this house in his motion. I urge government members, if they have any backbone, to vote for the motion.

The ACTING PRESIDENT

(Hon. R. H. Bowden) — Order! The member's time has expired.

Hon. J. A. VOGELS (Western) — In reply to Ms Hadden, I do not think government members have any backbone, and I am sure they will not be supporting this motion.

This has been an interesting debate. It was first proposed for debate by the Honourable David Koch, little realising that he would be in hospital himself when he was supposed to be here debating the motion, so we have carried it forward for him. I would like to thank those who contributed to the debate — Ms Lovell, Mr David Davis, Mr Drum, Mr Baxter, Mr Hall and Ms Hadden — for their very positive contributions. They differed vastly from the contributions from the Labor Party side, where we had the typical rhetoric from Mr Viney, Ms Darveniza and Mr Smith. They harped on about what happened last century — all of it being out of context, but they just go on and on!

An honourable member interjected.

Hon. J. A. VOGELS — That was last century — get over it. We're now in the 21st century.

Mr Viney talked about spending extra dollars on infrastructure. There is not much point having infrastructure if you do not have staff to work in the hospitals. He also talked about Rural Ambulance Victoria. I think I saw in today's newspaper that the chief executive officer of Rural Ambulance Victoria has resigned. Once again the government will probably blame this on the Kennett government. This lot have been in power for seven long years — in fact they have been in power longer than the Kennett government was in power.

I remind the community that the Labor Party has been in power in Victoria for 18 of the last 25 years and that the Kennett government was in power for only seven years, yet according to Labor, everything that has ever gone wrong was in those dark years of the Kennett government. We all know the disastrous position Victoria was in when Jeff Kennett won the 1992 election; it needed to be fixed up, and some tough decisions needed to be made.

The federal government has announced it will find about 200 extra places to train at Deakin University and Monash University GPs who will then work in country Victoria, which is very positive news. We have said that if a state Liberal government is elected, we will find another 40 places.

Mr Drum spoke for The Nationals. He talked about WIES funding, which stands for 'weighted inlier equivalent separations. This funding model has been a

disaster in the last couple of years, especially for rural Victoria. Our smaller rural hospitals find it difficult to attract doctors to treat their patients, who then have to travel to the regional centres. A good example in the Western District is Warrnambool. The Portland hospital is an absolute disaster, so its patients are being shunted off to Warrnambool, to Southwest Healthcare, which reached its WIES target six weeks before the end of the financial year. We all know that if you treat more patients than your target, you do not get funded for it, so you are basically doing it for nothing. As someone pointed out, it is much easier in Melbourne because if you reach your target you close beds and go on bypass. Rural hospitals are unable to do that.

We also talked about shunting off patients by helicopter from Bendigo to Melbourne. Once again we in the west of Victoria cannot do that, because this government still refuses to fund an all-emergency helicopter service for south-west Victoria, even though Woodside Energy, a gas exploration company in the Western District, has promised it would put in \$20 million towards the cost of that service. This government refuses to take up the offer. The people of south-west Victoria are clearly second-class citizens according to the Bracks government.

I only have a couple of minutes left so I would like to thank everybody who spoke. It is a matter of where your priorities lie. This government was prepared to spend \$1 billion on the Commonwealth Games, which lasted about 10 days, and we did not get value for our money. In the budget I see we will spend \$180 million on a new Rugby and soccer ground. That might be nice, but I would sooner see that money spent on health.

The only sport the Telstra Dome was used for during the Commonwealth Games was Rugby. The rest of the time it lay idle, yet we will spend \$180 million on another soccer and Rugby pavilion. This government can spend \$80 million per annum on spin, and it will no doubt outdo itself in the lead-up to the next election. It will probably spend \$100 million on spin selling itself to the public. We would like to see this sort of money spent on health services, especially in country Victoria.

The Liberal Party has announced a \$48 million package which would go some way towards alleviating these problems. It would pay for an extra 40 medical degree scholarships, it would pay for the recruiting of 150 doctors from interstate and overseas, and it would streamline the process from application to registration. At the moment Victoria is the worst state in Australia — not by inches but by miles — in attracting overseas doctors. It is an absolute nightmare.

We would also increase funding to hospitals for on-call and after-hours support from \$28 000 per year to \$60 000 per year so that doctors can afford to get in some locums, if they can find them. We would also provide relocation funding for doctors setting up country practices. It has been an interesting debate. I commend the motion to the house.

House divided on motion:

Ayes, 17

Baxter, Mr	Forwood, Mr
Bishop, Mr	Hadden, Ms
Bowden, Mr	Hall, Mr
Brideson, Mr (<i>Teller</i>)	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr (<i>Teller</i>)	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr
Drum, Mr	

Noes, 21

Argondizzo, Ms	Mikakos, Ms
Broad, Ms	Mitchell, Mr
Buckingham, Mrs (<i>Teller</i>)	Nguyen, Mr
Carbines, Ms (<i>Teller</i>)	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Eren, Mr	Smith, Mr
Hilton, Mr	Somyurek, Mr
Jennings, Mr	Theophanous, Mr
Lenders, Mr	Thomson, Ms
McQuilten, Mr	Viney, Mr
Madden, Mr	

Motion negatived.

Sitting suspended 1.04 p.m. until 2.05 p.m.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Accident Compensation Conciliation Service: appointments

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Minister for Finance, Mr Lenders. I refer to the recent appointment of conciliation officers to the Accident Compensation Conciliation Service. I note that the minister appointed a selection panel comprising Brian Corney, who has been the acting workplace advocate, Beth Wilson, the health services commissioner, and Tony McMahan, a senior conciliation officer, to recommend appointments to him. I ask the minister why he twice rejected the recommendations of the selection panel, which included the government's own workplace advocate?

Mr LENDERS (Minister for WorkCover and the TAC) — Mr Atkinson addressed his question to the Minister for Finance, but, without being overly pedantic, I will take the question, which concerns the WorkCover portfolio, as being directed to me as the Minister for WorkCover and the TAC.

I think the general principle, as Mr Atkinson knows, is that, if Governor in Council appointments are required, the minister needs to recommend appointments to the Governor in Council. That is the simple premise, I guess, of the Westminster system. The minister is responsible for making nominations for Governor in Council appointments. I will not talk specifically on any particular processes I may engage in.

Hon. B. N. Atkinson interjected.

Mr LENDERS — I will not talk about them, because you have a system where the minister makes a judgment and refers that recommendation to cabinet and then to Governor in Council. I think the first thing Mr Atkinson ought to reflect on is that a minister is responsible for the nominations they make, and a minister therefore makes nominations when they are satisfied that the nominations are appropriate nominations to make. That is the general principle. I will not go into the details of any particular recommendations I will make. But the general principle — —

Hon. D. McL. Davis — Why not?

Mr LENDERS — I take up Mr David Davis's inane interjection about why not.

Mr Gavin Jennings — They are all inane.

Mr LENDERS — I will take up Mr Jennings's comment and say that it is not particularly peculiar for Mr Davis's interjection to be inane. The fundamental principle of the Westminster system is that in the end this Parliament has a minister who is accountable and responsible for their decision. If Mr David Davis is suggesting something about a minister's decision at every single juncture, he has obviously forgotten things like cabinet in confidence and commercial in confidence. He has forgotten the ability for someone to actually do things under cabinet in confidence and commercial in confidence. I will stand accountable in this house for any decision I make — —

Hon. D. McL. Davis interjected.

The PRESIDENT — Order! Mr Davis!

Mr LENDERS — I will not speculate upon what advice I may have received from my department on particular issues, but I will stand accountable for my own decisions.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — The minister twice rejected a list of 13 names forwarded to him by the panel he appointed, which included the workplace advocate. Then he did not reappoint two people recommended by the panel and appointed four more for just 10 months, strangely to take them to just beyond the next election. Could the minister advise the house what criteria he used to change the recommendations of the panel he appointed?

Mr LENDERS (Minister for WorkCover and the TAC) — In reply to the supplementary question, I reiterate that a minister is responsible for making appointments and for making recommendations to the Governor in Council. If a minister sets up any form of advisory panel or considers any recommendations, it is the minister who needs to be satisfied — they are purely it. What this government has done is maintain the accident conciliation system, unlike the Kennett government, which sacked the court and the judges. This government has improved WorkCover benefits. This government has put in place an Auditor-General, empowered an Ombudsman and actually had the Parliament sitting so that we can face Mr Atkinson at question time many more times than the opposition ever faced us.

Hon. D. McL. Davis interjected.

The PRESIDENT — Order! If Mr David Davis interjects one more time, he is out!

Mr LENDERS — I urge Mr Atkinson to read some of the manuals on the Westminster system and to reflect that the government he was part of closed down the Parliament, was not accountable and would never face a question.

Sport: major events

Ms ROMANES (Melbourne) — My question is to the Minister for Sport and Recreation, the Honourable Justin Madden. Following the huge success of the Melbourne 2006 Commonwealth Games I ask the minister to outline to the house what action the Bracks government has taken to showcase Victoria's major event expertise and to create job opportunities for our major events industry here and around the world.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I welcome Ms Romanes's question. I know she has a particular interest in the benefits of the Commonwealth Games not only in terms of her own electorate but also right across the state. Major events that we host in this state, whether they be the Commonwealth Games and the Volvo Ocean Race that were held in recent times, the FINA world championships that we will host next year or the events we have grown used to — the Australian Open, the Melbourne Cup, the Australian Football League Grand Final — all generate economic activity. In the order of \$1 billion of economic activity is created every year, year after year, through these events. The benefits come through tourism dollars, employment or business benefits to industry in this state.

The Commonwealth Games Business Benefits program was established in the lead-up to the Commonwealth Games. It was a great opportunity to promote investment, attract tourism and showcase our industry. Before the games even started we had of the order of \$500 million of games investment in infrastructure spending across the Melbourne Cricket Ground, the Melbourne Sports and Aquatic Centre, the athletes village and the William Barak Bridge. We had something like 87 per cent of local content in those four infrastructure projects. That was in the building industry alone. Whether it be in infrastructure, transport management, technical sport expertise or event management itself, we are world leaders in every sense of the term. That was showcased through our observers program at games time, when we had hosts of international events from around the world coming here to learn from our expertise.

More recently — in the last few weeks — we had a special event in the state which went largely unrecognised but which complements what we did not only at games time but right across event delivery. We had a bid cities seminar for those cities that are bidding for the 2014 Commonwealth Games. Three candidate cities — Halifax, Canada; Glasgow, Scotland; and Abuja, Nigeria — are interested in and committed to bidding and were here to learn from the expertise that delivered the 2006 Commonwealth Games. Not only those cities but the international Commonwealth Games Federation recognise the expertise that we have and can transfer to other cities who wish to host such events.

As well as the opportunities and chances for countries to take up our expertise —

Hon. Bill Forwood — On a point of order, President, on a matter of occupational health and safety,

I wonder if you could request the minister to speak a little more quietly. It is very loud over here.

The PRESIDENT — Order! There is no point of order. The minister, to continue.

Hon. J. M. MADDEN — I am pleased to note that Mr Forwood is listening. I am pleased that somebody in the opposition is listening to this. Can I also say that the organisers of the Doha Asian Games, which will be delivered later this year, have been very conscious of taking in what we delivered with the Commonwealth Games, and because of that we have a number of organisations directly providing services to the Doha games. Holmesglen Institute of TAFE, Cleanevent and Bytecraft are providing services to the games. Whether it be the Commonwealth Games, our events, our expertise or our industry, or whether it be us trying to attract the World Cup soccer in years to come, we will be leading the charge to make sure we are delivering only the best events and generating the best economic activity possible because of it, thereby making Victoria a better place to live and raise a family.

Accident Compensation Conciliation Service: appointments

Hon. B. N. ATKINSON (Koonung) — I direct my question without notice to the Minister for WorkCover and the TAC, Mr Lenders. I refer to the recent appointment of conciliation officers to the Accident Compensation Conciliation Service and ask the minister: could he advise the house if any private agreement was struck by him with any of the conciliation officer appointees on the terms and conditions of their employment?

Mr LENDERS (Minister for WorkCover and the TAC) — The minister makes a recommendation to the Governor in Council on the appointment. There are approximately 30 conciliation officers. A recommendation is made, and beyond that it is the prerogative of the senior conciliation officer to organise whether a person is full time or part time. I certainly have expressed to the senior conciliation officer and to anyone else, as this government has in general employment practices, that if people wish to work part time or full time, those sorts of things are to be encouraged. Has there been any separate arrangement with any individual member? No. Those sorts of issues are for the senior conciliation officer at the time. The senior conciliation officer then makes a recommendation to the minister, who then takes it to the Governor in Council, as to whether someone is full time, 0.8, 0.6, 0.4 or whatever. That is my answer to Mr Atkinson.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I note that one of the two candidates the minister asked the Governor in Council to appoint as a conciliation officer, who was not recommended by the panel he appointed, is a training official with the National Union of Workers, Nina McCarthy. I notice that according to the union web site she is on extended sick leave. She was not recommended by the panel the minister appointed to assess candidates for the conciliation officer positions, and she claims she has a private agreement with the minister on her working hours. Could the minister advise the house what the terms of employment are for Ms McCarthy?

Mr LENDERS (Minister for WorkCover and the TAC) — As a general observation I could say that Mr Atkinson is probably showing his true colours about the rights of someone who has not been well returning to work and having impediments put in their way. If what he thinks about women coming back into the work force part time, other than showing his true spots and prejudices in those areas, assuming that is where this is coming from — —

Honourable members interjecting.

Mr LENDERS — I think they protest a bit too much about their true prejudices, the role of women and the role of someone who wants to return to the work force.

I recommend appointments to the Governor in Council based on the merits of people who can do the job well, whether it be as a conciliation officer or in any other role. The issue of whether someone is full time or part time is in the end one that I make a recommendation to the Governor in Council about as well. But obviously I work through the senior conciliation officer who has traditionally recommended that a lot of people work part time because they choose to.

Our Environment Our Future: renewable energy

Hon. J. G. HILTON (Western Port) — My question is to the Minister for Energy Industries. Has the minister been made aware of any potential investments that may be made in regional Victoria as a result of the Bracks government's Victorian renewable energy target announcement, and what effect will this have on jobs in regional Victoria?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question. I know he is especially supportive of the initiatives we

have taken in relation to bringing more renewable energy into this state. I can report to the house that the reaction of the business community since the announcement of the Victorian renewable energy target (VRET) scheme two days ago has been outstanding. It appears that about the only organisations that have tried to talk down VRET and talk down investment in regional Victoria have been the Liberal Party and The Nationals.

Yesterday I reported to the house that the Premier and I had had the great pleasure of announcing the \$400 million Waubra wind farm proposed by Acciona. But that is only the beginning of new investment in this area. A range of companies are already talking about potential renewable energy projects ranging from biomass to solar to wind, all due to the Victorian government's VRET scheme. Companies that are looking to invest include Pacific Hydro, which wants to complete its Portland project and move on to other projects; the Australian Gas Light Company, which has a number of projects including a substantial new hydro plant at Bogong, and Babcock and Brown, which is interested in bringing new biomass into the state.

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — The Leader of the Opposition does not care about investments by these companies in new hydro in Victoria, new biomass in Victoria and new wind energy.

Hon. Philip Davis interjected.

Hon. T. C. THEOPHANOUS — He does not care — —

The PRESIDENT — Order! The Leader of the Opposition!

Hon. T. C. THEOPHANOUS — He does not care about these issues. Instead he goes around making up numbers and lying about numbers to the general community when he has no basis for those numbers except his own tacky back-of-the-envelope calculations. He goes out and tries to whip up — —

Hon. Philip Davis interjected.

The PRESIDENT — Order! If the Leader of the Opposition wants to ask a question he should get his name on the list, otherwise he should stop interjecting. The minister should ignore interjections and continue his response.

Hon. T. C. THEOPHANOUS — I am happy to ignore the lies of the opposition. The proposals are not

just for wind power. As I mentioned, Solar Systems is proposing a 150-megawatt \$400 million project that could get up as a result of VRET if it is also able to obtain assistance from the federal government. I hope the federal government supports that project.

The government is leading by example in relation to this. I was really distressed, and I am sure the people of western Victoria would have been distressed, to hear Mr Vogels talking down wind energy and carrying on about how he does not support wind turbines in country Victoria. Let me ask Mr Vogels this question: does he care about the 80 people who are employed at the moment at the Keppel Prince factory in his electorate? Does he care about the 120 workers who work in the Vestas factory? Mr Vogels is happy for 200 people in country Victoria to lose their jobs.

Accident Compensation Conciliation Service: appointments

Hon. B. N. ATKINSON (Koonung) — I address my question without notice to the Minister for WorkCover and the TAC, Mr Lenders. I refer to the recent appointment of conciliation officers to the Accident Compensation Conciliation Service and particularly to the appointment of Nina McCarthy, an official of the National Union of Workers and the sister of the federal member of Parliament for Chisholm, Anna Burke. Although not recommended by the minister's panel, Ms McCarthy has WorkCover experience but not mediation experience and seems unlikely to gain any under her current working conditions. Ms McCarthy was appointed as a conciliation officer for three days a week, but has advised the Accident Compensation Conciliation Service that she is able to work only intermittently. In fact she started off by working just 4 hours a week and now comes in randomly two or three times a week for no more than half a day and is not sure on which day of the week she will attend. I ask the minister if he was aware of her working conditions when he made the appointment?

Mr LENDERS (Minister for WorkCover and the TAC) — To be charitable, Mr Atkinson displays an extraordinary lack of knowledge — or, to be uncharitable, I would say 'ignorance' — of these matters. If he thinks that because someone was a union official they would have no knowledge of conciliation then I suggest he should climb out of his ivory tower and visit a work force to see the role that is played by union officials. A significant role of union officials is to be an advocate for workers and to be a conciliation officer; they do a whole range of things. They go out and mix with people and deal with people who are

disadvantaged and often put out by the system. We can talk about the role of a conciliation officer. Those officers see people who have been victims of an accident, people who are involved in disputes about the receipt of benefits, and they go to someone who makes a conciliation — and that is what it is. They look at the circumstances and make some findings in a conciliation sense. I would have thought someone who has been out there mixing with people and seeing how people respond to these circumstances is probably one of the more qualified people to deal with conciliation rather than it being a black mark against them.

Hon. Bill Forwood interjected.

Mr LENDERS — Mr Forwood should probably heed his own words and quieten down a bit so he does not have an occupational health and safety issue in his own right.

Mr Atkinson needs to reflect on why he is doing this. It is absolutely grubby politics to say someone should be held accountable for what their sibling is doing. This government appoints people on their merit. On Mr Atkinson's second point about whether it is appropriate for someone to be appointed part time and then work less hours, if he looked to the conciliation service he would find that it is probably not a bad thing in its business plan for the service if a number of people work fewer hours because this government has injuries coming down and disputes coming down so there is less need for a conciliation service.

I am not at all concerned. The more people in the service who want to work part time the merrier, provided they are being paid for working part time. It is a sign that the system is working, that this government is bringing down injuries in workplaces and that its methodologies are correct in the WorkCover system because people are disputing them less. Rather than Mr Atkinson sitting here and nitpicking and finding cause for criticism, I think he should roll up his sleeves, have a look at the system, see that it is working and pay tribute to it.

I am very relaxed if conciliators are working part time, provided they meet the needs of the service and the senior conciliator says he can meet the casework that he has to do. The general underpinning of this — that injuries are coming down and claims are being better managed — is something to celebrate, not to be complaining about. I am delighted with the recommendations that have been made. I am relaxed about people working part time if it suits them. I look forward to Mr Atkinson's supplementary question because it gives me another chance to explain to the

house how the WorkCover system is working and how the conciliation system is working.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I think the appointment of Ms McCarthy has more to do with her Labor and union credentials than her experience in conciliation. The minister changed the panel recommendation when he appointed her; she was not one of their recommended people. Ms McCarthy is on duties of her election, effectively, because she claims that the minister personally agreed to working arrangements that allow her to work when she feels like it — hours chosen by her so that it is impossible to set mediation session appointments for her and therefore to discharge her duties. Has the minister, as Ms McCarthy claims, personally agreed to her working arrangements?

Mr LENDERS (Minister for WorkCover and the TAC) — I am not going to outline in this house every thing I do. I interview candidates for these positions because I take my role of recommending a Governor in Council appointee seriously.

Hon. Richard Dalla-Riva interjected.

Mr LENDERS — Mr Dalla-Riva ought to reflect before he opens his mouth one more time to make those inane comments. What his federal colleagues did was appoint one of Kevin Andrews's staffers straight to the federal magistracy, making him a judicial officer for life, because he felt like it.

I actually interview people for these appointments. Like all members of the Bracks government, I believe that if people want to work family friendly hours to get the life-work balance, if women in particular wish to be working part time — if that is something they think they wish to do — we will seek to accommodate it. In the end, the scheduling is one for the senior conciliation officer. They make recommendations back to me as the minister. That is why we move forward.

**Information and communications technology:
computer games industry**

Hon. H. E. BUCKINGHAM (Koonung) — I refer my question to the Minister for Information and Communication Technology. The minister has previously informed the house of Victoria's growing and thriving computer games and digital animation industry. The growth of this sector is dependent on its ability to fill the high-skilled jobs involved in the development of computer games. Can the minister please inform the house of initiatives being undertaken

that help young Victorians develop the skills required to fill these jobs and continue to grow the whole industry?

Hon. M. R. THOMSON (Minister for Information and Communication Technology) — I thank the member for Koonung Province very much for her question. As members would be aware, the Bracks government has worked very closely with the Victorian computer games industry to help it become globally recognised as a computer games development hotspot.

There is a long list of firsts that the Bracks government has undertaken on behalf of the industry. We were the first Australian government to have a computer games industry action plan; the first Australian government to send a trade mission to E3, the world's leading computer games trade show; and we were the first government in the world to obtain access to PlayStation 2 and Xbox development kits for the local game industry.

We are not resting there, however. We are continuing to help the industry to grow in this state and to provide the jobs for the future for young Victorians. To do that, we need to ensure that students have access to the most up-to-date technology to enable them to have the best of possible skills. This is a fast-moving industry, and it does require that attention be given to the developments that are occurring across the world.

That is why the Bracks government has in fact granted almost half a million dollars to Deakin University to establish Victoria's first motion capture studio, which will assist in making students job-ready for the computer games industry.

This state-of-the-art facility will be used to capture and generate 3D images that can then be used to bring realistic, cutting-edge animation for video games and special effects for TV, film and advertising. This will form part of Deakin University's creative arts, IT and animation programs. The motion capture facility will help provide graduates with the skills they need to fill what are highly skilled jobs that are needed to grow the industry here in Victoria.

There are also other benefits to the computer games industry. Deakin University has in fact entered into an arrangement with leading animation studio, Act3animation, to manage the commercial operations of the facility. This will mean that the industry, as well as researchers and students, will have access to the most up-to-date facilities. This is in fact the latest technology. This will mean that the Honourable Bill Forwood, who I know enjoys playing games on his Blackberry, will be able to play games developed with better animation,

developed right here in Victoria and based on the use of these facilities.

It will benefit not only the computer games industry but also researchers in the health sector. It will help them examine the biomechanics of the human body and will also be used by engineers for applications such as ergonomic modelling and robotics. This motion capture studio is not just a great investment in the future of the Victorian computer games industry; it is a great investment in Victoria's future. It is another example of the Bracks government investing in world-class infrastructure that will develop the skills of young Victorians, the jobs of the future and provide a great opportunity for young Victorians.

Accident Compensation Conciliation Service: appointments

Hon. B. N. ATKINSON (Koonung) — I address my question without notice to the Minister for WorkCover and the TAC, Mr Lenders. I refer to the recent appointment of conciliation officers to the Accident Compensation Conciliation Service. I note that the minister overruled the panel he appointed to recommend conciliation officers to the Accident Compensation Conciliation Service. I also note that one of his appointees claims to have a sweetheart deal with the minister that allows her to turn up when she feels like it and to reject assignments in country Victoria.

I ask the minister: is the Nina McCarthy appointment, on what she claims are modified working arrangements personally agreed by the minister, the reason that he has sought to change the conciliation services officer appointment procedures in the legislation to allow the minister rather than the Governor in Council to personally make future appointments?

Mr LENDERS (Minister for WorkCover and the TAC) — I welcome whatever piece of legislation Mr Atkinson is actually referring to on that particular one. I reiterate that this government has an accident conciliation service that is working well, because we have less casework before it because we are actually bringing down injuries.

I also take up Mr Atkinson's misogynist attitude towards women in the work force. The absolute underpinning of his statement is that if a person is not working 40 hours a week, there is something inherently wrong. I urge him to reflect upon his misogyny before he once again makes utterances.

This government practises what it preaches. If people wish to negotiate flexible working practices with

government, then we encourage it. If people are paid to do a part-time conciliation officer's role, then we encourage it. The only question on all of these issues is: how do you manage a time and place?

Hon. B. N. Atkinson — I know a lot about her appointment.

Mr LENDERS — Mr Atkinson says, 'I know a lot about her appointment'. I interviewed both applicants for appointment. I am not sure whether Mr Atkinson's problem is that both the applicants appointed were women or whether he is concerned that they were not mates of Peter Reith. We have appointed good people to the accident conciliation service. We are, as always, looking at how that service operates — that is, does it meet its need?

Mr Atkinson should rejoice in the fact that the service has less client demand, because injuries are down in the WorkCover system and claims are being settled more satisfactorily from the point of view of both the authority and its clients. Mr Atkinson may cloak his misogyny in whichever way, shape or form he likes, but I would urge him to focus on the attributes of a successful system rather than let fly with his uninformed comments which essentially have no regard or respect for women working part time in the work force.

Supplementary question

Hon. B. N. ATKINSON (Koonung) — I note that the minister has reappointed four experienced and competent conciliation officers for terms of just 10 months, allowing their positions to be reconsidered after the next election. Could the minister advise if the short-term, 10-month appointments were made so that he could change the conciliation services officer appointment procedures in the legislation to allow the minister to personally make future appointments rather than the Governor in Council?

Mr LENDERS (Minister for WorkCover and the TAC) — I think Mr Atkinson, if he reflected on good management, would think that batches of conciliation officers being appointed several times a year — with the advertising that goes with that, the appointment process that goes with that, and the instability in organisation that goes with that — is far less desirable than an annual batch of appointments, once a year, when the process goes through.

If Mr Atkinson wants to reflect on good management rather than on his conspiratorial theories when he is not fantasising about misogyny, he might find that

annual appointments are a better process than half-yearly appointments.

Secondly, I would not presume, as Mr Atkinson does, that this Parliament is merely a rubber stamp of the executive for something he is fancying the executive might want to do rather than actually presenting legislation to the Parliament. I suggest that if that action were to happen, it would require legislation. and he would be here to scrutinise it, so I urge him to read the legislation and reflect on it.

Neighbourhood houses: funding

Mr SCHEFFER (Monash) — My question is to the Minister for Housing. Can the minister inform the house what the Bracks government has done to extend neighbourhood houses services in Victoria, including work opportunities?

Ms BROAD (Minister for Housing) — I thank the member for his question. The Bracks government believes every Victorian deserves access to the opportunities that can be provided by neighbourhood houses. That is why the government has extended neighbourhood houses services.

The opportunities provided by neighbourhood houses include helping people to develop skills to pursue lifelong learning as well as developing contacts with other people in their community who can help each other. As well as making communities better places to live and raise families, these opportunities help people to get jobs. That is why the Bracks government has provided funding for 167 000 extra hours per year of community activities in neighbourhood houses since 1999 when the government was first elected. It is also the reason that more than 125 000 Victorians use neighbourhood houses every week.

I recently announced another significant boost to local employment in many areas of Victoria with the funding for an extra 380 hours per week for coordination positions in neighbourhood houses. The government expects that this boost, together with this year's budget initiatives, will result in a boost to local employment opportunities and lead to an extra 4852 hours per week of programs and activities provided by neighbourhood houses for Victorians.

This is a new record in funding for Victoria's neighbourhood houses. This means a threefold increase to recurrent funding for neighbourhood houses, from \$6.1 million in 1999, when the government was first elected, to \$18.1 million in this financial year. This is in contrast to the previous Liberal government's refusal to

provide any increases whatsoever to neighbourhood house funding for five years under the previous Kennett Liberal government. There is a marked change with the election of the Bracks government from the approach that was taken by the previous Liberal Kennett government.

These significant increases in funding deliver a great investment for neighbourhood houses, a great investment in facilities, a great investment in new neighbourhood houses which will be established across Victoria as well as a terrific investment in terms of the additional hours for coordination, which directly translates into increased opportunities for more Victorians to utilise neighbourhood houses and the opportunities that come with those services.

The government believes this is a great investment for families as well as communities, and we make this investment because we believe all Victorians deserve access to the opportunities that can be provided through neighbourhood houses.

Our Environment Our Future: employment

Hon. W. R. BAXTER (North Eastern) — My question without notice is directed to the Minister for Energy Industries. I refer to claims by the government at page 17 of its document *Our Environment Our Future* that the Victorian renewable energy target will create up to 2200 jobs. I ask the minister to explain how this figure was calculated or is it just a figure that was plucked out of air too thin to drive a turbine?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — I thank the member for his question and for his quip attached to the question as well. At least he has not lost his sense of humour in the last days of his remaining time with us in the Parliament.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — The Parliament will not be sitting! No, I have not lost my sense of humour.

I thank the member for the question. If members will allow me, I will try to answer the question. We, in putting together the Victorian renewable energy target (VRET) scheme, gave it an enormous amount of thought, but one of the things we also did was extensive economic modelling in relation to the development of the scheme.

The economic modelling that we did was not just on one aspect of the scheme or even on one particular scheme. We took cognisance of a range of issues,

including the ramp-up rate, how quickly the wind facilities would come on-stream, how many renewable energy certificates would be released and over what time frame, and what time frame was best suited for the market.

Obviously extensive consultations took place with all the various parts of industry which had differing points of view about how quickly and how much renewable energy we should bring into play. Then we did extensive modelling of a range of models, including the model that we finally agreed on. That modelling was done to identify the cost to consumers and that cost was identified through the modelling as being of the order of less than \$1 per month, which we made public. The modelling also identified that there would be \$2 billion of investment that would take place as a result of the introduction of the VRET and the amount we were allowing in penalties attached to the scheme, the \$43 penalty that was attached, and on the basis of the ramp-up rate.

In identifying the probable projects that would be brought on-stream, some of which I mentioned in answer to an earlier question, there was an estimate of the number of jobs involved in putting together those projects. The member would know that already in the announcement on the Waubra wind farm that involved, according to the company, 150 jobs, so there are 150 jobs in just one project that is being brought to bear in relation to the VRET scheme. We are very confident of the modelling and of the numbers that are being made public. We believe this is a very good scheme and will result in jobs in regional Victoria. I hope members of The Nationals are able to get past their resistance to renewable energy and see the jobs that will be created.

Supplementary question

Hon. W. R. BAXTER (North Eastern) — I say to the minister that if he had attended Professor Costar's speech in the Legislative Council committee room last evening he would not be reciting my obituary today. Be that as it may, I thank the minister for his answer as to how those calculations of 2200 jobs had been arrived at. I ask him, in the converse, has similar modelling been undertaken to calculate how many jobs will be lost to the state because we will be less competitive due to electricity prices being driven up by the Victorian renewable energy scheme?

Hon. T. C. THEOPHANOUS (Minister for Energy Industries) — The modelling was done by McLennan Magasanik Associates, a well-respected and well-known economic consultancy. That group has

undertaken research and modelling in relation to the VRET scheme. That modelling identified there would be jobs created of the order that I have already identified to the member and also identified the costs to the scheme which are minimal. We do not believe there will be significant impacts on the rest of the economy arising from this. We believe the scheme ought to be supported on the basis of what is there at the moment.

Transport Accident Commission: head office relocation

Hon. J. H. EREN (Geelong) — My question is to the Minister for WorkCover and the TAC, Mr Lenders. Can the minister inform the house how the Bracks government decision to move the headquarters of the Transport Accident Commission to Geelong is already contributing to jobs growth in the Geelong region?

Mr LENDERS (Minister for WorkCover and the TAC) — I thank Mr Eren for his question. I know his absolute passion for all things in Geelong and particularly about bringing more jobs to Geelong, Victoria's great city on Corio Bay. It is a city the Labor government is committed to growing, is committed to booming along, and one that, sadly, the opposition talks down, like it did in the days when it saw regional Victoria as the toenails. I am glad Mr Eren asked me this question, because I saw a fantastic article in the *Australian Financial Review* of 11 July headed, 'Building rush reshapes Geelong'. The article on page 54 by Mark Phillips was fantastic. It states in part:

The TAC and some of the other plans we have got for Geelong will make sure that happens and give us a brand new look and feel.

He was referring to the fact that some of the infrastructure was aged and that there had not been a lot of investment for a long period of time. He was talking about the Transport Accident Commission (TAC) building and a lot of other new buildings in Geelong which showed that the city was powering forward as a great Victorian place to live, work and raise a family. It is a great Victorian place. Peter Dorling, the executive director of the Committee for Geelong, said:

There is general agreement now all over town that we are on the move.

Sadly, I do not agree with Mr Dorling's comment 'on the move', because it reflects a bit on the Kennett government. I do say that, unlike the Kennett government's rhetoric of being on the move, this Bracks government is actually bringing things on the move and bringing development and jobs to Geelong, a great city based on manufacturing and service

industries, which now will have an added incentive from the TAC of some of the health services and medical claims management in this state to increase the great diversity that already exists in Geelong.

The thing about cities like Geelong moving along is that you want some advocates for cities that are moving along. These things just do not happen. A city as vibrant as Geelong, where a lot of things are happening, still needs some advocates. I note and give credit to others as well as advocates like Mr Eren and Ms Carbines, who are very vocal advocates for Geelong. We even had Mr Peter Ryan, the Leader of The Nationals in the other place, wanting more government agencies to move to regional areas. Mr Ryan said this in a page 11 article in the *Age* of 23 November 2005.

Hon. Bill Forwood interjected.

Mr LENDERS — It is interesting that Mr Forwood is interjecting, because Mr Forwood's comment to Mr Ryan wanting more jobs in regional areas was 'ridiculous'. That comment was made in the *Age* of 23 November last year. Mr Forwood is still one of Mr Kennett's acolytes who believes in the toenails theory. Mr Forwood is a toenails man! He believes, like Mr Kennett, that the heart of Victoria is in Melbourne and regional Victoria is the toenails.

Honourable members interjecting.

Hon. Bill Forwood — On a point of order, President — —

The PRESIDENT — Order! Sit down, Mr Forwood. I ask the house to come to order. I will not tolerate frivolous points of order. I am just making members aware of that so they are advised.

Hon. Bill Forwood — Thank you for your ruling. It has been a longstanding practice of the house that honourable members cannot put words in other members' mouths. I am certain that I have never ever referred to country Victoria as the toenails. Therefore I ask the member to withdraw any accusation that I ever did refer to country Victoria as the toenails.

Mr LENDERS — On the point of order, President, I do not recall that I attributed to Mr Forwood the word 'toenails'. I said he was an acolyte of someone who liked toenails. If Mr Forwood takes offence to that, I certainly withdraw.

The PRESIDENT — Order! I call on the minister to conclude his answer.

Mr LENDERS — An acolyte of Jeff Kennett, who probably did not use the word ‘toenails’, is Michael King, the Liberal candidate for the Legislative Council electorate of South Barwon. He is a Geelong Liberal identity. I was saying nice things about Mr Ryan, and I guess if they had a coalition Mr King and Mr Ryan would go together quite well, because Mr King believes it is good to move things into regional Victoria and that it is quite important. Sadly for Mr King, the rest of the Liberal Party does not.

It is people like Mr Eren and Ms Carbines who stand up for and fight for Geelong. That has been recognised in articles published in the *Australian Financial Review*, in the *Age* and wherever we go. It is recognised by their community where, sadly, the acolytes of the former Premier, who believes that regional Victoria is the toenails of Victoria and Melbourne is the beating heart, are still out there. It is only people like Mr Eren and Ms Carbines who protect regional Victoria from those acolytes of the toenails. I wish the TAC a successful move to Geelong.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Finance) — I have answers to the following questions on notice: 5426, 5430, 6663, 6665, 6857, 6864, 6869, 7485–7, 7511, 7514, 7527–9, 7536, 7553, 7611–3, 7633, 7675, 7695–7, 7717, 7843, 7850, 7863–5, 7869, 7873, 7880, 7905–7, 7957.

EVIDENCE (DOCUMENT UNAVAILABILITY) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill amends the Evidence Act 1958 and the Victorian Civil and Administrative Tribunal Act 1998 to clarify the powers of the courts and the tribunal to intervene in civil proceedings where relevant documents are unavailable, whether before or after the commencement of those proceedings.

Background

This bill forms part of the Victorian government’s package of legislative measures to address the legal and policy implications arising from the Victorian Court of Appeal decision in the McCabe tobacco case.

During the 2005 spring sitting of Parliament, I introduced the Crimes (Document Destruction) Bill, which created a new criminal offence of destruction of documents to prevent their use as evidence in judicial proceedings. (The bill has now had a successful passage through the Parliament and received assent on 4 April 2006). At that time, I indicated in the second-reading speech that further complementary legislative reforms for civil proceedings would follow.

I am now pleased to introduce this bill, which implements the recommendation by Crown Counsel at that time, Professor Peter Sallmann, for a new statutory provision to provide judicial officers with very similar discretionary powers in dealing with the unavailability of documents both pre and post-commencement of proceedings.

The importance of this bill is indicated in Crown Counsel’s reminder that the very basic feature of our civil justice system is that material relevant to civil justice proceedings be available to the court for the proper and fair resolution of those proceedings.

Powers of the courts and VCAT

The purpose of the bill is to enable the courts and the Victorian Civil and Administrative Tribunal to intervene in civil proceedings where relevant documents are unavailable to ensure a fair outcome between parties in civil proceedings.

It is proposed that the commencement of the bill will coincide with the date of commencement of the Crimes (Document Destruction) Act 2006, either on a date to be proclaimed or, if not proclaimed, on 1 September 2006.

The legislation includes a broad definition of when a document is unavailable, including documents destroyed, disposed of, lost, concealed or rendered illegible, undecipherable or incapable of identification (whether before or after the commencement of a proceeding).

When a document or a copy of a document is unavailable in a proceeding, the court may make any ruling or order it considers necessary to ensure fairness to all parties, either on its own motion or on the application of a party. Without limiting the court’s existing powers, the bill provides additional powers whereby a court may draw an adverse inference from the unavailability of the document; presume a fact in dispute between the parties to be true in the absence of evidence to the contrary; prevent certain evidence from being led; strike out all or parts of a defence or a statement of claim; or reverse the burden of proof.

Reversal of the burden of proof

A general rule of law is that the burden of proof lies on the party who asserts the affirmative of the issue or question in dispute, and any legislation seeking a reversal of the burden of proof requires strong justification.

For example, where an assertion by a plaintiff that the documents sought from a defendant contain information relevant to assessing the personal injury suffered by the

plaintiff, then the burden of proof generally lies on the plaintiff to prove that assertion. Where documents alleged to contain information about a defendant's manufacturing process are unavailable, the impact of their unavailability makes it difficult for a court to genuinely test the content of the documents as to whether the manufacturing process is related to the plaintiff's injury. It also makes it impossible for the plaintiff to prove the contents of the missing documents.

In such a case, and depending on the reasons for the unavailability of the documents, a court may consider it appropriate to reverse the burden of proof where the matter in question is specifically contained within the knowledge of the defendant and was not available to the plaintiff.

Guidelines for the exercise of judicial discretion

Before exercising judicial discretion, the bill provides that a court must have regard to the following: the circumstances in which a document became unavailable; the impact of the unavailability of a document on the proceeding, including whether the unavailability of the document will adversely affect the ability of a party to prove its case or make a full defence; and any other matter the court considers relevant.

Under this provision, the kinds of matters a court must consider include:

- whether litigation was contemplated or should reasonably have been anticipated at the time a document became unavailable;

- the reasons a document was unavailable;

- when a party knew, or could reasonably have known, that the documents contained, or may have contained, evidence of legal wrongdoing or a breach of legal obligations;

- the nature of the relevant party's activities, its size and mode of operation, organisational sophistication, and its litigation history.

The weighting a court would apply to such matters differs in each particular case. For example, a large company manufacturing harmful products and operating in a litigious environment would no doubt be adjudged differently from a small firm or individual that has rarely caused harm and never been sued.

The legislation allows for all relevant matters to be taken into account, and applies to either a plaintiff or defendant where documents are unavailable during civil proceedings.

Transitional provision and retrospective effect

The legislation will apply to proceedings commenced on or after the date of commencement of the legislation regardless of when a document became unavailable. As the legislation is prospective, the rights of parties to any proceedings that may have commenced before the commencement of the legislation will not be affected.

A court's powers to take into account the unavailability of documents will be able to be used in respect of documents that may have been destroyed prior to the commencement of the legislation. Any perceived unfairness involved in considering documents that became unavailable prior to the date of commencement can be raised before the court as a

relevant factor which may influence the exercise of the court's judicial discretion.

Impact on document management policies

The proposed legislation may cause some organisations to review their document management and retention policies to ensure they are comprehensive and effective in relation to documents that may be required in evidence.

I note Professor Sallmann's comment that modern corporations already need top-class document management policies not only to fulfil various legal obligations but also to perform at the optimal level as a business.

Furthermore, we live in a world that legally requires all of us to retain documents, irrespective of whether proceedings have been instituted. Familiar examples can be found in federal legislation such as the Income Tax Assessment Act, the Social Security Act and the recent WorkChoices legislation and regulations (which require employers to keep daily attendance records, including starting and stopping times for all employees, including chief executive officers, for seven years).

The legislation is therefore not expected to have a significant impact on document management regimes.

Conclusion

The issue of document destruction has figured prominently in recent years across a number of jurisdictions, including the Enron case in the USA. References to the McCabe case are now appearing in international journals in articles on the destruction of potentially disclosable documents in civil litigation and the importance of document retention policies. As a leading Australian law firm has noted, similar laws are likely to be adopted throughout Australia in the wake of this legislation.

This bill is a further example of the Bracks government's continuing commitment to ensuring that the integrity of the Victorian justice system is protected and enhanced.

Finally, I would like to take this opportunity to thank all those contributors to the Sallmann report and those persons who responded to the various consultations during the development of this proposal.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

This is an historic day for Victoria. Today the government fulfils its commitment to provide better protection for human rights for all people in Victoria through the enactment of a charter of rights and responsibilities that will strengthen and support our democratic system. Whether you are a man or a woman, young or old, whether you live in Mildura, Moe, Melton or Mordialloc, whether you are living with a disability, whatever your income or your background or your religion — this bill is about those rights and values that belong to all of us by virtue of our shared humanity.

Australia has a proud record of respect and acknowledgment of human rights. In 1948 the United Nations adopted the Universal Declaration on Human Rights and Australia played a significant role in developing several of its resulting treaties. In 1980, Australia ratified the International Covenant on Civil and Political Rights. Signed by a federal Labor government in 1972 and later ratified by a federal coalition government, the ICCPR represents a widely recognised and accepted standard of democratic civil and political rights and values which transcend political differences and have widespread acceptance in our community.

However, Australia is the last major common law-based country that does not have a comprehensive human rights instrument that ensures that fundamental human rights are observed and that the corresponding obligations and responsibilities are recognised. Many other common law countries have recently enacted human rights charters and it is to these countries which we have often looked for guidance in developing our laws.

This bill is based on human rights laws that now operate successfully in the Australian Capital Territory, the United Kingdom and New Zealand. Importantly, it is nothing like the United States Bill of Rights. This bill promotes a dialogue between the three arms of the government — the Parliament, the executive and the courts, while giving Parliament the final say. Unlike the United States, courts will not have the power to strike down legislation.

The bill represents the first legislated charter of human rights for an Australian state. It follows a comprehensive community consultation undertaken in 2005, during which around 2500 people and organisations took the time to provide views about whether human rights could be better protected in Victoria. That consultation revealed overwhelming community support for a change in Victorian law to better protect human rights. This support came from across the state, in city and rural areas, and across all sections of the community. After giving detailed consideration to the Human Rights Consultation Committee's report and the views of the Victorian community, the government has decided to introduce a bill based on the model recommended in the committee's report, but modified in light of responses to the report.

This bill further strengthens our democratic institutions and the protections that currently exist for those human rights that have a strong measure of acceptance in the community — civil and political rights. We must always remember that the

principles and values which underlie our democratic and civic institutions are both precious and fragile.

The bill will benefit all Victorians by recording in one place the basic civil and political rights we all hold and expect government to observe. There are, of course, many laws operating at both the commonwealth and state level that protect human rights and set out the responsibilities of governments, organisations and citizens in the general community. However, as these rights are included in a variety of places they are often hard to find. In addition, there are gaps in the existing legal protection of human rights.

The bill will be a powerful tool in assessing whether human rights protection in Victoria reaches minimum standards. The bill will promote better government, by requiring government laws, policies and decisions to take into account civil and political rights. The charter will make sure that there is proper debate about whether proposed measures strike the right balance between the rights of Victorians and what limits can be justified in a free and democratic society.

The bill will also be a powerful symbolic and educative tool for future generations and new arrivals in Victoria. This will help us become a more tolerant society, one which respects diversity and the basic dignity of all.

Importantly, the charter recognises that with rights come responsibilities, and that everyone in the community has a responsibility to respect the human rights of others. The bill explicitly states that nothing in the charter gives a person, entity or public authority a right to limit or destroy the human rights of any person. In other words, nothing in the charter may be interpreted as giving any group or person any right to engage in any activity aimed at destroying any of the rights recognised by the charter or aimed at limiting them to a greater extent than is provided for in the charter. Human rights cannot be used as a pretext to violate the rights of others. For this reason, the bill provides that rights should not be seen as absolute but must be balanced against each other and against other competing public interests.

Some people would have preferred other human rights to be protected in the bill, including economic, social and cultural rights, and rights specific to particular groups in the community. Victoria's experience of a formal human rights instrument is only just beginning. It will be a matter for us as a community to determine, in light of Victoria's experience with this charter, whether further rights should be protected by the charter in the future. These are issues that can be looked at as part of the review of the charter in four years time. Furthermore, nothing in this bill abrogates or limits any human rights or freedoms, including economic, social and cultural rights, children's rights and women's rights, which are protected in any other law, including international law.

I will now turn to the features of the bill. I would first like to focus on the rights which will be protected in the bill.

Part 2 — Human rights to be protected in the bill

The bill provides that only persons have human rights and that all persons have the human rights set out in part 2. For the purposes of the charter, and as a result of an amendment in the other place, 'person' is defined as a human being. While there is arguably no legal distinction between a natural person and a human being, this amendment puts beyond doubt that for the purposes of the charter 'person' means 'human being'.

Neither the charter nor this amendment defines when life begins. Whether or not any of the charter rights and obligations is relevant to a person before their birth will depend on the right that is being claimed and the circumstances in which it is claimed. Nothing in the charter affects any law applicable to abortion or child destruction.

The human rights which are protected by the bill are set out in part 2.

The bill focuses on civil and political rights. These are the rights which have a strong measure of acceptance in the community. As in other jurisdictions, the International Covenant on Civil and Political Rights has been the starting point for the rights set out in the bill, making it consistent with other human rights instruments in places such as the Australian Capital Territory and New Zealand. However, there are some ICCPR rights which have been modified by the bill to ensure consistency with existing Victorian laws. In some instances a right or part of a right contained in the covenant has been omitted from the charter. Where there is a lack of consensus within Australia and internationally on what a right comprises, or where rights cover matters of commonwealth jurisdiction and are consequently inappropriate in state legislation, the rights have not been included in this bill.

Part 2 reflects that rights should not be seen as absolute but must be balanced against each other and against other competing public interests. Clause 7 is a general limitations clause that lists the factors that need to be taken into account in the balancing process. It will assist courts and government in deciding when a limitation arising under the law is reasonable and demonstrably justified in a free and democratic society. Where a right is so limited, then action taken in accordance with that limitation will not be prohibited under the charter and is not incompatible with the right. It is intended that the law in this context includes limitations specified by the common law as well as by statutory provisions. This approach is adopted in many modern human rights instruments, such as those in the ACT, New Zealand, Canada, and South Africa. The general limitations clause embodies what is known as the 'proportionality test'. The weight to be attached to each of the factors listed in clause 7 will vary depending on the particular right and circumstances that are being considered.

Laws which are necessary in order to protect security, public order, public safety or public health which limit human rights are examples of laws which can be demonstrably justified in a free and democratic society. This bill provides a way of discussing how new powers can be balanced against existing rights. This bill will not stop the government from taking strong action to protect the community from terrorist threats or criminal activity.

Similarly, the reasonable limitations provision will apply in well recognised situations where full, free and informed consent to medical treatment might not be possible because of an emergency or because the person is incapable of giving consent. Recognising that some types of therapeutic research are integrated with medical treatment, recent amendments to the Guardianship and Administration Act provide procedures for the conduct of such research, including where consent is not able to be obtained. These are also expected to be within the ambit of the reasonable limitations provision.

Again, the reasonable limitations clause will apply in respect of the right to freedom of movement when there is a properly made order whereby a person is imprisoned or detained, and also where those with legal responsibilities for people who may present a risk to themselves or others, such as a guardian under the Guardianship and Administration Act, have a discretion to act to restrain their freedom of movement or decide where a person for whom they are responsible should live. Nor should the right to move freely within the state apply when someone is subject to a lawful order that restricts their movement, such as a family violence intervention order. It is also important to state that the right to freedom of movement is observed through government restraint and is not a positive right to services, such as public transport services, to facilitate people's movement.

There are some particular rights where it is necessary to detail some specific limitations. Such limitations are not exhaustive and do not exclude the application of the general limitations provision in clause 7. There are obviously many situations in which consideration of a human right may arise and it reflects commonsense that the limits of the right should be determined by reference to the general limitations clause if there is no specific exception.

The charter builds upon the existing strengths of Victorian law — for example, the charter adopts Victoria's existing antidiscrimination legislation as the basis for the grounds of discrimination addressed in the charter.

The right to freedom of thought, conscience, religion and belief includes the freedom to choose a religion or belief, and the freedom to demonstrate the religion in various ways, either individually or as part of a community and either in public or private.

The right to life is a key civil and political right and is protected by the bill. As mentioned above, as the provision is not intended to affect abortion laws, a clause is included to put beyond doubt that nothing in the charter affects the law in relation to abortion or the related offence of child destruction. The government is mindful of the range of strong community views on this issue and has never intended the charter, which is aimed at enshrining the generally accepted core civil and political rights, to be used as a vehicle to attempt to change the law in relation to abortion.

The bill also provides for the widely accepted and recognised rights in the criminal justice system, such as the right to humane treatment when deprived of liberty, the right to a fair hearing, rights in criminal proceedings, rights of children in the criminal process, and the right not to be tried or punished more than once. In relation to rights in criminal proceedings, the bill provides that a person charged with a criminal offence has certain rights, without discrimination, including the right to choose a defence lawyer or to be defended through legal assistance provided by Victoria Legal Aid if eligible. It is intended that the bill reflect the limits on the right to representation at public expense under current Victorian law. The terminology used in the bill is consistent with that used in the Legal Aid Act 1978.

The bill establishes a right to privacy and reputation. A person must not be subject to interference with his or her privacy, family, home or correspondence that is either unlawful, or that is arbitrary (even if lawful). It is intended that the right to privacy be interpreted consistently within the context of Victoria's extensive legislative framework protecting

information privacy and confidentiality and health records, which allows for disclosure of information in limited circumstances.

Consistent with the international covenant's protection of ethnic, linguistic or religious rights, the bill provides for the rights of all persons to enjoy their identity and culture, declare and practise their religion and maintain and use their language. Recognising the special importance of the Aboriginal people as descendants of Australia's first people, the bill provides for indigenous people to maintain their kinship ties, and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources to which they have a connection under traditional laws and customs.

Part 3 — Application of human rights in Victoria

The processes for the parliamentary and court functions under the bill are set out in part 3.

Clause 28 of the bill gives effect to the government's preferred model for protecting human rights, namely a parliamentary-based model including a mechanism whereby legislation being introduced into Parliament is certified as compatible with the jurisdiction's human rights obligations. The tabling in Parliament of a statement as to the compatibility of a proposed bill with the charter is a key feature of successful human rights laws in the United Kingdom, New Zealand and the Australian Capital Territory.

The bill requires a member of Parliament introducing the bill to prepare a statement of compatibility for the bill. This statement must indicate whether in the member's opinion, the bill is consistent with the charter, and if so, how it is consistent, or, if the member considers that the bill is inconsistent with human rights, the nature and extent of the inconsistency. A failure to comply with the requirements for preparing and tabling a statement of compatibility does not affect the validity of any statutory provision.

Clause 30 of the bill provides a role for the Scrutiny of Acts and Regulations Committee to consider any bill introduced into Parliament and to report to the Parliament as to whether the bill is inconsistent with human rights. There is also a consequential amendment in the bill's schedule to recognise the committee's new role.

Consistent with preserving the sovereignty of Parliament, clause 31 of the bill provides that in exceptional circumstances, Parliament can declare in an act, that the act or a provision within the act will operate notwithstanding that it is incompatible with one or more of the human rights contained in the charter. 'Exceptional circumstances' may include threats to national security or a state of emergency which threatens the safety, security and welfare of people in Victoria. It is the intention of the government that this override power should only be used in such circumstances where it can be shown that the public interest will be best served by doing so. The member of Parliament who introduces a bill containing an override declaration must make a statement to Parliament explaining the exceptional circumstances that justify the inclusion of the override declaration.

The consequence of Parliament making such an express declaration would be that the charter would have no application to the act or provision for a period of five years.

This would mean that for five years after the provision comes into operation, the Supreme Court would not be able to make a declaration that it cannot interpret a statutory provision in a way that is consistent with a human right, and that the courts would not be required to interpret the statutory provision in a way that is consistent with human rights. The override declaration does not remove the usual rules of statutory interpretation or the application of the common law. The bill also provides for Parliament to be able to re-enact the override declaration at any time where exceptional circumstances continue to exist.

Clause 32 of the bill recognises the traditional role for the courts in interpreting legislation passed by Parliament. While this bill will not allow courts to invalidate or strike down legislation, it does provide for courts to interpret statutory provisions in a way which is compatible with the human rights contained in the charter, so far as it is possible to do so consistently with their purpose and meaning. It allows for international law and international judgments to be considered in interpreting a statutory provision. This means that the judgments and determinations made in respect of the International Covenant on Civil and Political Rights will be relevant in interpreting a statutory provision. The bill states that statutory provisions are still valid even if they are inconsistent with a human right.

Clause 33 of the bill allows a court or tribunal to refer a question of law or statutory interpretation that relates to the application of the charter to the Supreme Court upon application by a party to the proceeding and if the court or tribunal considers that such a referral is appropriate. This recognises the need for a court with the authority of the Supreme Court to determine the significant issues that may arise under the charter.

Clause 34 of the bill provides for the Attorney-General to intervene in any proceeding before any court or tribunal involving the application of this charter. Clause 35 provides that a party to a proceeding must give notice to the Attorney-General and the Victorian Equal Opportunity and Human Rights Commission if an issue arises in a Supreme Court or County Court proceeding regarding the interpretation of a statutory provision in accordance with the charter or if a question is referred to the Supreme Court. This will ensure that the government and relevant statutory bodies are not caught unawares by possible developments in the interpretation of the charter and that the government has the opportunity to make representations on these important issues.

Where the Supreme Court is of the opinion that a statutory provision cannot be interpreted consistently with a human right, clause 36 provides that it may make a declaration that such statutory provision cannot be interpreted consistently with a human right. Such a declaration does not affect the validity of the statutory provision, nor does it create in any person any legal right or give rise to any civil cause of action. Its purpose is to allow the Parliament to reconsider the provision in light of the declaration of inconsistent interpretation. This will be achieved by requiring a notice of the declaration to be sent to the Attorney-General.

Pursuant to clause 37, the notice will be tabled in Parliament at the same time as the relevant minister's formal response to the notice. These provisions ensure that there is transparency and parliamentary accountability in the way the government responds to such findings by the court. This is consistent with

the dialogue model of human rights that seeks to address human rights issues through a formal dialogue between the three branches of government, while recognising the ultimate sovereignty of Parliament to make laws for the good government of the people of Victoria.

Clause 38 of the bill provides that it is unlawful for a public authority to act in a way that is incompatible with a human right protected by the bill or to fail to give proper consideration to a human right protected by the bill. This is a key provision of the charter. It seeks to ensure that human rights are observed in administrative practice and the development of policy within the public sector without the need for recourse to the courts. The experience in other jurisdictions that have used this model is that it is in the area of administrative compliance that the real success story of human rights lies. Many public sector bodies that already deal with difficult issues of balancing competing rights and obligations in carrying out their functions have welcomed the clarity and authority that a human rights bill provides in dealing with these issues. In conjunction with the general law, the charter provides a basic standard and a reference point for discussion and development of policy and practice in relation to these often sensitive and complex issues.

As a result of an amendment in the other place, subclauses 38(4) and 38(5) have been inserted to ensure that the obligation on public authorities to act compatibly with the charter does not have the effect of requiring religious bodies to act contrary to their religious doctrines, beliefs and principles. 'Religious body' is defined to mean a body established for a religious purpose or an entity that establishes or directs, controls or administers an educational or other charitable entity that is conducted in accordance with religious doctrines, beliefs or principles. This provision will apply where a religious body may be a public authority when undertaking a public function, for example, a denominational hospital providing hospital services, and also to a religious body that may have dealings with a public authority that, for example, licenses or funds it. The limitation is similar in intent to those that operate in respect of the Equal Opportunity Act 1995 for religious bodies. However, it is not intended that clause 38(4) will affect the application of any other laws that may be relevant to a religious body.

The definition of 'public authority' in clause 4 is an important provision that determines the limits of the duty in clause 38. The intention is that the obligation to act compatibly with human rights should apply broadly to government and to bodies exercising functions of a public nature. To promote consistency with existing statutory definitions, the bill makes reference to the definition of 'public official' contained in the Public Administration Act 2004. This definition includes within the scope of the charter public sector employees, certain judicial employees, certain parliamentary officers, persons holding a statutory office or a prerogative office and directors of public entities.

Other core government bodies which will be bound by the charter include Victoria Police, local councils and entities created by statute that perform a public function (for example, the office of the Ombudsman).

The charter does not apply to private businesses or entities or non-government organisations except to the extent that they may be exercising functions of a public nature on behalf of the state or a public authority.

The obligation to comply with the charter extends beyond 'core' government, to other entities when they are performing functions of a public nature on behalf of the state. This reflects the reality that modern governments utilise diverse organisational arrangements to manage and deliver their services.

The bill lists a number of factors that may be taken into account to determine if a function is of a public nature. These factors are intended to guide the courts and government on the scope of this concept but are by no means prescriptive. Similarly, the fact that one or more of the factors exists, does not necessarily mean that the function is of a public nature. The tests for whether or not a body is exercising a public function need to be distinguished, however, from situations in which the private sector is merely being regulated by statute in the operation of a private business. In the latter case it is not intended that private businesses be covered by the charter merely as a consequence of being subject to regulation by a public authority.

Clause 4 of the bill also provides guidance on the meaning of 'on behalf of the state or a public authority' by clarifying that this phrase is not intended to be confined to situations of agency, in the strict legal sense. In relation to entities acting on behalf of the state, the degree of government regulation and control of the functions being performed will be one factor to consider. For example, non-government schools are independent of government and, although subject to regulation, are not controlled by government. As such, they are not acting on behalf of the state for the purposes of the charter and will not be covered by the charter.

As a result of an amendment made in the other place, clause 4 also provides that just because an entity is publicly funded to perform a function, does not necessarily mean that it is performing that function on behalf of the state and therefore is bound to implement the charter. This provision puts beyond doubt the intention that while public funding may be relevant in deciding whether the entity is acting on behalf of the state, all of the circumstances such as the degree of government regulation and control of the functions being performed must be examined.

Clause 46 of the bill sets out regulation-making powers to enable further certainty to be provided in relation to the application of the charter by prescribing entities to be public authorities or prescribing them not to be public authorities for the purposes of the charter, as provided for in the clause 4 definition of 'public authorities', including when exercising specific functions.

In the 18-month period leading up to full implementation of the charter, the government will continue to work with interested organisations and will use the regulation-making power if and where necessary to give certainty to organisations by ensuring they are appropriately prescribed as public authorities or that they are not prescribed public authorities for the purposes of the charter in relation to the exercise of certain functions.

Clause 39 of the bill also sets out who may seek a remedy for a breach of the obligation on public authorities to give proper consideration to a human right protected by the charter. It also provides for the circumstances in which a remedy may be sought. It is intended that there should be no new causes of action in respect of breaches of human rights and that damages should not be awarded for breaches of human rights.

This reflects the government's intention that any available remedies should focus on practical outcomes rather than monetary compensation. Public authorities will still be bound by the charter and existing causes of action that are available to address unlawful actions by public sector bodies are still available in respect of breaches of the charter in the same way that they are available for breaches of other laws.

Part 4 — The Victorian Equal Opportunity and Human Rights Commission

Part 4 of the bill confers various additional functions on the Equal Opportunity Commission Victoria, which is renamed as the Victorian Equal Opportunity and Human Rights Commission.

The bill recognises the need for an identifiable and independent monitor of the charter, as well as the importance of community education about human rights. Conferring these functions on the existing commission has the advantage of removing the need to establish a new statutory agency whilst building on existing expertise. Under clause 41, the commission will report each year on the operation of the charter. The annual report will examine the operation of the charter, including declarations made by the Supreme Court during the year and any override declarations made during the year.

The commission, when requested by a government department, may review a public authority to determine the consistency of programs and practices with human rights. These types of cooperative activities would make a significant contribution to the development of a culture of human rights in Victoria.

The bill provides for the commission to undertake community education about the charter.

This bill does not allow individual complaints about human rights breaches to be made to the commission. Involving the commission in complaints handling would conflict with the primary responsibility of the courts and tribunals to interpret Victorian law. This bill seeks to achieve a rights-respecting culture across government and the community. It is therefore appropriate that the energies of the commission be focused on achieving that cultural change across government and in the wider community.

Part 5 — General provisions

The bill provides for a review of the operation of the charter after four years, and again after eight years of operation. Human rights are not static, nor are the values and aspirations of the Victorian community. These reviews will help to preserve the flexibility of the charter, to assess whether it is working effectively and to ensure that it continues to reflect the values and aspirations of the Victorian community. The range of matters to be considered in the review include whether the charter should include additional human rights and whether the right to self-determination should be included. Some of these matters were supported during the community consultation and it is appropriate that they be considered further once the charter has been implemented and there has been an opportunity to consider its impact.

Conclusion

This is a significant day in the history of the Victorian Parliament and, in fact, in the history of Victoria itself. We

have a proud heritage of reform that puts the fair go front and centre and, in this tradition, this bill is the first human rights legislation enacted in any state in Australia. Having drawn on the experience of comparable jurisdictions such as New Zealand, the UK and the Australian Capital Territory, the government has developed a carefully tailored model that reflects the aspirations, values and circumstances of the Victorian community.

It is a model which encourages and promotes dialogue about human rights between all the institutions of government — the Parliament, the courts and the executive. It ensures that human rights are taken into account when developing new laws and policies. It ensures that the courts consider human rights when interpreting laws. And above all else, it promotes the need to respect and promote human rights across government and in the community.

As with all human rights charters, the bill owes much to the vision enshrined in the Universal Declaration of Human Rights that arose in response to the horrors of the Second World War. Emerging from the shadow of so many atrocities and acts of inhumanity, the global community recognised that civilised societies needed a lasting statement of the fundamental values shared by everyone. Because they are so fundamental for the freedom and good government of our communities, those human rights are still relevant today. It is with this background and legacy that this bill brings human rights to the Victorian community in a relevant and practical way. It enshrines values of decency, respect and human dignity in our law, and lays the foundation for protecting human rights in the daily lives of all Victorians.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Mr GAVIN JENNINGS (Minister for Aged Care) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Long service leave is a long-established employee entitlement not just in Victoria but in all Australian jurisdictions.

Under the federal government's WorkChoices, there is a change to the matters that can be included in awards. The commonwealth has said long service leave is to be preserved as an award entitlement under WorkChoices, but this 'preservation' does not amount to protection. In fact the WorkChoices legislation actually puts long service leave entitlements at risk.

Nurses and other workers mainly in health care have an award long service leave entitlement that is superior to the standard in the Long Service Leave Act. These employees may lose this entitlement if long service leave is removed from the award through the award rationalisation process, or the award ceases to apply following a transmission of business.

This bill proposes to amend the Victorian Long Service Leave Act to protect and maintain award long service leave entitlements that are superior to the act. This in effect protects existing rights and the status quo. The act will prescribe the basic Victorian standard, but will also recognise the longstanding superior standard operating in some industries, notably nursing.

The state act can be overridden by a federal agreement, which is why the bill contains notification provisions. The bill amends the Long Service Leave Act to require employers to advise their employees if any workplace agreement has the effect of modifying or removing their long service leave entitlement as provided for under the Long Service Leave Act.

The federal Workplace Relations Act now denies employees in workplaces with fewer than 100 employees a right to claim unfair dismissal in the Australian Industrial Relations Commission. An employer in such a business will be free to terminate employment in order to deny an employee their long service leave benefit, and the employee would have no right of redress in the commission. An employer could also demote the employee, or in the case of a casual employee, refuse to roster that employee for work.

The bill deals with the failure of the federal Workplace Relations Act to protect employees from being dismissed in this situation. The bill prohibits an employer from dismissing an employee or otherwise taking action against that employee, merely to avoid obligations under the Long Service Leave Act.

It is, however, difficult for an employee to prove that the sole reason for the dismissal was to avoid legislative obligations. The bill therefore specifies a reverse onus of proof where the employee is on long service leave, has applied to take leave or has otherwise advised the employer of an intent to take leave. This will mean that if an employee establishes the facts constituting the offence, the employer's unlawful intent is presumed, unless the employer proves otherwise.

In situations where the employee has not applied for leave or is not on leave, the employee would still be free to take the matter to court and seek reinstatement, but the reverse onus would not apply.

The industrial division of the Magistrates Court will be given similar powers to those enjoyed by the Supreme and County courts under the Juries Act. The court will be empowered to reinstate an employee in his or her former position or a similar position. If it is impracticable to reinstate the employee, the court may order the employer to pay the employee appropriate compensation.

In addition, a civil penalty of up to \$10 000 may apply.

The amendments to the federal Workplace Relations Act that have necessitated this bill came into operation on 27 March 2006. Workers' entitlements to long service leave in this state have been exposed since then. Therefore it is

proposed to make certain provisions of this bill operate from 27 March 2006 to ensure that employees' accrued entitlements are protected on and from that date.

The provisions relating to the requirement to notify employees and the prohibition against termination in part 3 of the bill will not operate retrospectively but will take effect from 1 October 2006.

Summary

The Long Service Leave (Preservation of Entitlements) Bill will help ensure certainty in respect of the long service leave entitlements of Victorian employees. The legislation is necessary as a direct result of the uncertainty created by the federal government's WorkChoices legislation. The bill will also provide an employee with a course of action should their employer exploit the federal laws and seek to deny them their entitlement.

I commend the bill to the house.

Debate adjourned on motion of Hon. C. A. STRONG (Higinbotham).

Debate adjourned until next day.

GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Second reading

Ordered that second-reading speech be incorporated for Hon. J. M. MADDEN (Minister for Sport and Recreation) on motion of Mr Lenders.

Mr LENDERS (Minister for Finance) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

Gambling regulation is by its very nature complex. It must evolve to respond to the new and emerging technological and technical challenges that constantly arise in such a multifaceted industry.

The Gambling Regulation (Further Miscellaneous Amendments) Bill 2006 reflects the government's ongoing commitment to deliver reforms that will enhance the regulation of the gambling industry, without compromising on rigorous probity measures.

The bill forms a critical plank in the government's policy platform of introducing a new regulatory framework for public lotteries licences.

The bill also simplifies the confidentiality regime contained in the Gambling Regulation Act 2003 and clarifies that the regime is intended to cover information held by the minister and the commission, and people acting on their behalf.

I will now turn to the key features of the bill.

Facilitating a new public lotteries licensing regulatory landscape

In November last year, I announced that the public lotteries licence process has entered its final phase, with a short list of registrants invited to formally apply for up to two public lotteries licences. The government anticipates it will be in a position to announce the final outcome of the current public lotteries licensing process in the near future.

The current licence held by Tattersall's expires on 30 June 2007 and the government has indicated short-listed registrants have been invited to apply for a single exclusive licence from July 2007 or for one of two licences covering specified segments of the lottery market in Victoria.

As a result of the public lotteries licence review which commenced in the second half of 2004, amendments were made to the Gambling Regulation Act last year. Arising from and consistent with the public lotteries licensing process, this bill introduces further enhancements to the future regulatory framework for public lotteries.

In particular, the bill will:

ensure that a public lottery licensee is responsible for all aspects of the conduct of a lottery, including those aspects that are conducted by another person on its behalf;

empower the minister to require a public lottery licensee to enter into an ancillary agreement as part of the licensing process;

enable the minister to appoint a temporary licensee to ensure continuity of the delivery of lotteries in the unlikely event that a licence is suspended or cancelled as a result of disciplinary action;

provide for more flexibility in terms of amending licences, to ensure that they can be 'living documents' that keep pace with the rapidly changing systems and products available in this field of gambling;

introduce a range of additional regulatory measures that will, amongst other things, safeguard against the sale of lottery tickets to minors and ensure rules can be made for certain lotteries such as footy tipping;

reinforce this government's commitment to openness and transparency by providing that any public lotteries licence and its ancillary agreement will be public documents; and

provide for transitional arrangements for any new licence recipients to ensure that such licences will be fully effective on 1 July 2007.

I am confident that the future licensing arrangements post-June 2007 and the package of legislative proposals contained in this bill and previous statutes provide the basis for a continued robust lotteries sector in Victoria.

Simplifying existing confidentiality safeguards

The Gambling Regulation Act currently contains a complex confidentiality regime which protects 'protected information' — that is, information with respect to the affairs

of any person, or information with respect to the establishment or development of a casino.

Over time, the regime has been interpreted in a multitude of ways and has given rise to considerable debate about how some of these provisions should be applied.

The proposed amendments contained in this bill are intended to simplify and clarify:

what information is subject to the regime;

who the regime applies to; and

how information can be released.

One of the most notable of these amendments is the proposal to restrict the application of the confidentiality provisions to the minister and the Victorian Commission for Gambling Regulation and those acting on their behalf.

In effect, this proposal ensures that the regime does not apply to information generated and held by the casino operator, Crown Ltd or to any other gaming venue operator. Rather, the casino operator and gaming venue operators will be in the same position as any other private corporation governed by the regulatory framework.

Furthermore, the bill contains amendments that will further safeguard against breaches of the general prohibition against disclosure of such information. For instance, there is an amendment that will prohibit a person who has lawfully obtained information from disclosing that information to a third party except in specific circumstances.

Finally, there are also a number of amendments that ensure that this confidentiality regime operates in a less cumbersome way. The bill provides the commission with the discretion to release protected information to enforcement agencies and other regulators where it considers such a release appropriate. These measures strike a balance between preserving the confidentiality of the information, and facilitating an exchange of information that is unfettered by administrative processes, for the purposes of ongoing regulation and law enforcement.

In short, the proposed amendments will simplify the application of the confidentiality provisions as a whole and, in particular, the circumstances and manner in which confidential information can be released.

I commend the bill to the house.

**Debate adjourned for Hon. B. N. ATKINSON
(Koonung) on motion of Hon. E. G. Stoney.**

Debate adjourned until next day.

**ELECTORAL AND PARLIAMENTARY
COMMITTEES LEGISLATION
(AMENDMENT) BILL**

Second reading

**Debate resumed from 18 July; motion of
Hon. J. M. MADDEN (Minister for Sport and
Recreation).**

Hon. C. A. STRONG (Higinbotham) — I rise to speak on this piece of legislation and put on the record that the opposition will not be opposing it.

I will deal briefly with the bill, which covers three main areas. Two of those areas refer to recommendations that came from the Scrutiny of Acts and Regulations Committee's electoral democracy report. This was an inquiry that SARC initially undertook in the last Parliament. At that stage I was a member of SARC and on the electoral democracy subcommittee. The committee made a whole series of recommendations, two of which are picked up in this bill.

There are several other provisions contained in the bill, and the main one of interest to the house is the correction of a mistake made to the Constitution (Parliamentary Reform) Act when it was introduced and passed through this house 12 months or so ago — a mistake that deleted references to by-elections in this place. The bill corrects that mistake, as I said, although interestingly it is hardly likely to come into effect, given there are only a few days left for this house to sit.

The most interesting part of the bill deals with electronic voting. At the next election there will be six trial centres for electronic voting. Members have heard a lot over the years about electronic voting and what that will mean in the future, how it will work et cetera ad nauseam. But what will happen at the next election is that there will be six pre-poll voting centres, as we know them, which will carry out a trial of voting by computer. That will be most interesting for everybody to experience, and the briefings we have had have certainly been interesting as to how that will actually work.

It is of interest to run through that process. The six centres will basically be pre-poll centres — in other words, voting by computer will not happen on polling day. The trial will be particularly aimed at those who have a vision impairment or those who are normally not able to vote without some sort of assistance. The system will be set up with a touch screen and with earphones et cetera, so that somebody who is visually impaired or who has some other difficulty in voting will

be led through a series of instructions by a touch-screen computer and by the audio that will come through their earphones to enable them to make their choice of a member for both houses electronically.

In essence what will happen is when they go to register to vote they will be given a smart card which will go into the computer to validate that they are the person they say they are and that they have voted so they will not be able to vote again. What that will mean for electronic voting in future elections will be determined by the outcomes of this trial.

The bill sets out a whole lot of provisions that legally make this electronic voting possible. It sets out a whole lot of provisions which create penalties for breaches of protocols, security and the whole electronic voting procedure. They seem to be adequate and I do not think there is any purpose in going through them. The provisions set up a regulatory and legal regime for electronic voting.

The issue of security is interesting and I will touch on it briefly. We all worry about the security of computers. If the votes go into the computer, how will they be counted? How are they not tampered with? How can we be sure that somebody has not got into the computer and downloaded the wrong votes to the wrong party, and so on and so on? This whole process was explained to us at great length by an officer from the Victorian Electoral Commission. Essentially the process can be summarised by saying that the computer itself will be akin to a ballot box. All the securities that exist around a ballot box at a pre-poll centre will be mirrored as the securities around the computer. The computer will not be networked so it cannot be tampered with electronically — each of these computers will be stand-alone. They will be, as a ballot box is, closed every night — there will be an electronic way of closing them. Every day the electoral commission officer will require a code to open the computer for voting, as you would open a ballot box for voting. There will be an ability to download onto a memory stick the results of every day's voting, so if anything should happen to the hard disk there will be a back-up. However, that will only be a back-up — it will not necessarily be read back unless there is some disaster with the computer. The computer will be locked down every night and it will be opened up each day so people can put their votes in, exactly as they would a ballot box.

At the end of the pre-poll voting period, when it comes time to count the votes, the computer will be programmed to print out completed ballot papers. There will not be an electronic process for counting the votes

from the computer. The computer will print out a series of ballot papers and those ballot papers will be counted as any normal ballot paper would be counted. It is simply using a stand-alone computer as a ballot box with all the securities which already exist for ballot boxes. Those votes will not be counted electronically, they will be counted manually because the computer will print out ballot papers for counting.

Another issue concerning electronic democracy that is dealt with in this bill is the use of audio and audiovisual links for parliamentary committees. In essence this means that if they choose, and it will still be up to the committee to choose, parliamentary committees will be able to take evidence over video or audio link. In addition, they will be able to hold meetings over video or audio link. In other words, if one or two of the committee members are remote from where the committee is meeting — if one member is right out in the country and the committee is meeting in Melbourne — that committee member can join in and be part of the committee meeting over a video or audio link. These video and audio links will work for the taking of evidence and for the carrying out of meetings. I think that has the potential to improve the ease with which these committees carry out their operations and certainly the ease with which they take evidence. Those are essentially the provisions that deal with electronic democracy.

The bill goes on in part 3 to amend the Constitution (Parliamentary Reform) Act 2003. What this does is very interesting. The Constitution (Parliamentary Reform) Act totally changed the way this house will be structured. It changed it from the 22 provinces to the 8 regions and in the process moved to proportional representation, which we all know will seriously disadvantage country voters. It made all those changes and also changed the way vacancies in this house in the next Parliament will be filled. Vacancies in this house in the next Parliament will be filled by a joint vote of the Assembly and the Council — a little along the lines of the way we fill a vacancy for the Senate.

In its enthusiasm for all these changes the government deleted all of the provisions dealing with by-elections for this house. It failed to foresee that between 2003 and 2006 there might well have been an occasion where we needed a by-election and there were no provisions in the act at all to allow for such a by-election to take place. Luckily there has been no call for a by-election so that has not caused a problem. This bill reinserts the by-election provisions that were incorrectly deleted. The point needs to be made that that insertion has relevance only between now and the election in November. It is somewhat of a belt-and-braces move to

put these provisions in now — four months from the next election, after which we will not need them — when we have been without them since 2003. However, I think this is a salutary reminder of how one needs to be very careful in the drafting of pieces of legislation which will fundamentally change our constitution. This was a very serious omission. If a vacancy had been caused in this house for whatever reason — the death or retirement of a member — the house and the government would have been seriously embarrassed because there would have been no way a new member could have been nominated or elected. This corrects that mess in the previous drafting.

It also amends the layout of the ballot paper that will be used for the upper house at the next election. The bill foresees that if there are more than 20 members or groups on the ballot paper — remember that the new ballot for this house will be like the Senate ballot paper and go from left to right across the page —

Hon. B. N. Atkinson — Deputy President, again with some distress I bring your attention to the state of the house, where there is now only a minister on the government side. Not a single government member beyond the required minister is in the house. There is no quorum.

Quorum formed.

Hon. C. A. STRONG — I was explaining that the other amendment to the Constitution (Parliamentary Reform) Act deals with the ballot paper. Essentially the ballot paper for the upper house proportional representation election will be a little like the Senate ballot paper. It will have all the groups set up in columns along it. The groups will run from left to right across the ballot paper. The amendment provides for when there are more than 20 groups. If the ballot paper had 30 groups on it, it may be 1 or 2 metres long, which would probably cause trouble in the booth. The bill says that when there are more than 20 groups the groups will run from left to right and then down the page so that rather than have a ballot paper that is 1 or 2 metres wide we will have a ballot paper that is 2 metres long. I am not entirely sure how that improves matters but that is what the bill provides for — a long ballot paper instead of a wide ballot paper.

Part 4 of the bill amends the Magistrates' Court Act. They are belts-and-braces provisions, but they amend the Magistrates' Court Act to make it clear that any of the offences under the existing Electoral Act, such as bribery, forging ballot papers and any serious electoral fraud, will be indictable offences rather than summary offences. As members of Parliament we can agree that

the strongest possible sanctions should apply to people who forge ballot papers and bribe candidates in an endeavour to rot the democratic system.

The final provisions deal with the Parliamentary Committees Act. I must say that I found the first of those rather intriguing. We all know that the basic charter of the Scrutiny of Acts and Regulations Committee (SARC) is to look at legislation that is coming before Parliament and report to the houses on that legislation and the effect it will have on Victorians' rights, various freedoms and other privileges, so that when the Parliament deals with a particular bill it is aware of the extent that it may infringe those rights and privileges.

The bill foresees that if SARC has a particularly large workload it may not be able to get through its analysis of all the legislation prior to it coming before this house. It amends the Parliamentary Committees Act to provide that SARC can report on a bill after it has been through this house so long as that report is presented within 10 sitting days after the bill has received royal assent. In other words, SARC can report that an act infringes on our rights and liberties after it has gone through this house and after it has received royal assent.

I must say that I find that slightly intriguing, and unfortunately it tends to significantly reduce the usefulness of the Scrutiny of Acts and Regulations Committee. Unfortunately it elevates the needs of the administration of government over the workings of Parliament. What it tends to say is, 'We need the act from the administrative point of view, and we cannot wait for Parliament to effectively scrutinise that act before we pass it and give it royal assent'.

I feel that is a very unfortunate change for Parliament to potentially be considering pieces of legislation that are important to our rights and privileges before the Scrutiny of Acts and Regulations Committee has a chance to look at them. Whichever way you look at it, it is a very significant diminution of the powers and usefulness of this place. I think it is very sad. That is fundamentally the reason why the Liberal Party took the view that it could not support the legislation but chose the route of not opposing it.

We all know we have a regime in place that allows various parliamentary committee reports to be tabled outside of a parliamentary sitting. I understand that various amendments to those provisions have been requested by the clerks to make it quite clear this can happen in all cases. If the clerks require amendments to clarify that, we can only support them.

In conclusion I will say two things. Firstly, the trial of electronic voting will be extremely interesting. It is a very positive step and I am sure past, future and present members will watch that trial with great interest, because it foretells very interesting things ahead of us. Secondly, I think the change to the Parliamentary Committees Act that means SARC does not have to scrutinise a bill before it comes into Parliament is a very retrograde step. I hope some time in the future that will be revisited so that we as parliamentarians have all the facts and information available to us before we make a decision, rather than having all the good work by SARC done after the event. I commend the bill to the house.

Hon. W. R. BAXTER (North Eastern) — The Nationals will not oppose the legislation either, although it is with something of a heavy heart that I do not oppose the ludicrous provision that enables the Scrutiny of Acts and Regulations Committee (SARC) to review legislation after it has already been passed by the Parliament. To me that seems like an oxymoronic situation. The Parliament established the Scrutiny of Acts and Regulations Committee to give it advice on whether legislation brought to Parliament by the executive impinges on or transgresses certain freedoms of the citizenry, and here we are saying notwithstanding that we are happy to vote on legislation before we have had the benefit of that advice. I am terribly uncomfortable with that situation.

We all know SARC is under great pressure to produce reports in a timely manner before legislation comes before the chambers. We also know how tardy some ministers have been and continue to be in responding to requests and correspondence from SARC. Quite often SARC writes to a minister seeking clarification, drawing attention to perceived deficiencies or requesting more information, and quite often SARC reports in due course that the minister has not responded in time for the response to be incorporated in the report on the bill in question, which will be debated by Parliament that week. The executive has a bit of a hide, frankly, to request this amendment when it itself has been so tardy in assisting SARC to undertake its duties in a timely manner.

I put it on the record that The Nationals will watch very closely to see how often this amendment is deployed. I earnestly entreat those members of the government who are on SARC not to allow themselves to be browbeaten by members of the executive into delaying an inquiry into particular legislation until after it has been passed, because this amendment will surely permit that to occur. A huge responsibility rests upon the chair of SARC and its government members — more so than its

other members — to ensure that this provision is not abused.

I support the amendments to the Parliamentary Committees Act to enable videoconferencing. Clearly in this age of superb technology we would be silly, if not somewhat Luddite-like, to ignore the possibilities of videoconferencing. It certainly will be of considerable merit to members who live some distance from the metropolitan area to be able to participate in committee meetings without needing to come to Melbourne, particularly when the business to be transacted might be important but has a relatively small time requirement. For example, they might be able to adopt some amendments to a report or to formally adopt a report. It seems to me there is no reason why videoconferencing could not be employed in those situations or during the course of an inquiry to hear from a witness who, for one reason or another, is unable to be present. Presumably that could include witnesses who are interstate or overseas.

The added advantage would be of sparing country members from coming to Melbourne to meetings only to find that those meetings fail through the lack of a quorum because some of their suburban colleagues do not make an appearance. I can tell the house from experience that there is nothing more galling than spending 3 or 4 hours driving to Melbourne only to have a meeting fail through want of a quorum, then to waste the rest of the day driving back to your electorate office. Hopefully this provision will go some way to avoiding that sorry situation in the future.

Having said that, I emphasise that there is nothing like the face-to-face thrust, to and fro, when a committee debates a subject and the contents of its report. Technology is wonderful, but the nuances, body language, expression and strength of arguments are often much better assessed and carry much more weight in face-to-face situations with members sitting around a committee table. Whilst there should be the opportunity to have videoconferencing, I would not want it to become the norm because it would derogate from the value of the committee system in this Parliament, which system we hold fairly dear and which has a very good reputation built up over many decades. I hope that by and large committees will continue to transact their business in person, in each other's presence in the committee room.

In terms of the amendments to the Electoral Act, I share Mr Strong's views about the introduction of electronic voting. Here again technology is coming to the fore. It seems obvious to me that over time electronic voting is going to become the norm. We know that it is used in

some other places around the world — in some locations and jurisdictions with less rigour, success and validity than one would hope. Perhaps I should take comfort from the fact that in this country or in this state we seem to have an electoral system which is much more rigorous than those which apply in many jurisdictions, and long may it be so. However, it is obvious that if we can move to electronic voting, some clear benefits can be gained in terms of environmental considerations — for example, in the use of less paper, in terms of time, ease for the voter and the like.

The initiative contained in this bill will enable electronic voting to be trialled at the next state election at pre-poll voting centres. I understand that there will be about six of them, including a couple in the country — Shepparton has been mentioned for one — and will be used mainly by those who are visually impaired. That is an acceptable way to go. Clearly the community and the electorate at large will want to be very sure that electronic voting will not be subject to fraud and manipulation and that votes cast electronically will not be able to be interfered with, because if there is no confidence in the voting system, then the whole fabric of our democratic system will be undermined. We will see how it goes; I hope it is a success.

No doubt many lessons will be learned in November this year and will be able to be applied. That might require some amendments to be made by the next Parliament. I will stand by to see what they are if they should come forward, and there is no doubt that the Minister for Energy Industries, Mr Theophanous, and I will comment on them at the time, because I think he is coming back, too.

The way electronic voting might be deployed in the future will also require a good deal of thought. For example, it could turn out that it will save country electors having to travel, as many of them now need to, if they are not general postal voters or do not apply specifically before each election for postal votes. With the closure of polling booths, which are now called voting centres, over the past 20 years or so as populations decline, many of my electors, for example, have to travel quite long distances to vote. In future electronic voting may enable them to vote at, for example, the local post office; I am not sure about that. Obviously that is still to be decided and is dependent on the experiment that will take place this year.

Surely there is potential for electronic voting to offer a lot of advantages to electors in more remote regions as well as perhaps in the very busy suburban booths, by enabling quicker throughput. We will wait and see. It is interesting, and let's give it a go. From the briefings that

I have had I am confident that the Victorian Electoral Commission is approaching this experiment very carefully indeed. It is putting a lot of safeguards in place, as it ought, but I am satisfied with what the commission is doing.

Speaking more generally about the situation that is going to apply on 25 November, I do not think that the public at large has any idea yet of the gravity, magnitude and significance of the changes this government has made to the Legislative Council, despite the best endeavours of people, such as me, to get that message out. I have to confess that I have failed in my own area, because when I raise the subject at meetings or someone asks me a question about it, it is clear that people in many parts of northern Victoria do not have the slightest understanding or inkling — none whatsoever! — that they are going to be in an electoral region that constitutes 48 per cent of the state of Victoria. They have no idea that they are going to be voting for five members of Parliament from that region in a system of proportional representation.

I believe that the Victorian Electoral Commission will be undertaking an extensive advertising program prior to the election to endeavour to explain to electors what these changes are all about, and I hope that the commission is more successful than I have been. Clearly it has more resources than I have, and clearly people might focus more on the issue as the election approaches. But at this point in time I would have to say that there is a great deal of ignorance — and I do not use the term in a pejorative way at all — out in the electorate about what will be dramatic changes. They are the greatest changes to our constitution since it was first drafted 150 years ago.

I am not certain that the public is going to be too happy when it realises what the changes are. I am quite certain that the public is not going to be happy with the fact that so many of these changes have been entrenched in the constitution, are by and large set in concrete and are going to be very difficult, if not impossible, to change in the future, even if they prove to be unworkable in practice. It could well be that at least in some of the detail the system may prove to be pretty unworkable and impractical.

They will be fascinated, as I am, and as were the people who last evening attended the Australasian Study of Parliament Group meeting in the Legislative Council committee room. It really is an extraordinary circumstance that a measure can be entrenched in the constitution, by a vote of this Parliament, upon legislation introduced by the government, and that it cannot be changed without a referendum. It seems odd

that you can entrench it just by government and parliamentary vote but that to change it you need a referendum. One would have thought that the entrenchment of something in the constitution ought also to be by referendum so that the requirement would apply on both sides of the equation. We know it does not.

This government has taken advantage of that fact. It has entrenched a whole range of issues in the constitution that go to matters of great detail — for example, the number of members of Parliament. How are we ever going to change that in the future, particularly if it is deemed there should be more members of Parliament, if a referendum is required to make that change? I just think it was an unwise thing to do, and I think this course of action being taken by this government will be thought of by future governments as unwise. It will not hurt this government, that is for sure, because we will not realise in time whether these things are practical or not because we will not have had the experience. This government is going to be long gone before the community in all probability concludes that some of the entrenchments into the constitution that this government has made have been less than desirable. I am sorry indeed that the government took the course it did and entrenched so much detail in the constitution. Certainly we should entrench principles, but it absolutely escapes me why you would entrench the detail.

One of the amendments in the bill goes to the issue of the Legislative Council ballot paper and provides for the ballot paper to have two or more ranks of groups on it. Mr Strong said that might mean that instead of having a wide ballot paper we will have a long one. Mr Strong might be right, but I think instead of having a rectangular ballot paper we might have one that is somewhat more square. I would have to concede that a square one will be easier for the elector to deal with than a long rectangular-shaped ballot paper.

We are going to have an extraordinary number of candidates standing at this election. This is a new system that introduces proportional representation and sets a quota of 16.67 per cent to be elected. Whilst those of us who are practitioners in this game know that that is a very high hurdle to get over, I am quite sure there are many citizens in the community who do not quite realise that. There will be groups and individuals who think this is their chance to be elected to the Parliament of Victoria even if they are absolutely single issue propagandists. I would not be surprised if we have a very large number of nominations this time around.

Hon. C. A. Strong interjected.

Hon. W. R. BAXTER — And a very large ballot paper, Mr Strong — a square one in the light of this amendment rather than a rectangular one. It probably will not happen in subsequent elections because a fair number this time around will lose their deposit and realise that getting elected to Parliament actually entails a lot more than simply nominating and paying a deposit, but that circumstance is going to be present in the coming election. I think this amendment goes some way to dealing with what could have been an awkward situation if we were to have ballot papers that were a couple of metres long.

I was somewhat concerned for a while about the possibility that those groups that drew in the top bank of groupings might somehow or other have been at an advantage over other groups who drew in the second bank. That may be true, but if it is, it is so much at the margins that I do not think it can be worried about. I had a look at what the commonwealth has done. It does not have a particular provision that deals with this. I well recall the New South Wales election of the Legislative Council three elections ago. Its ballot paper was as big as a tablecloth. It was obviously ridiculous. I accept that something needs to be done. This amendment seems to be somewhat reasonable.

I want also take this opportunity in talking about the Electoral Act to again express my disappointment with the actions of the Electoral Boundaries Commission of Victoria in the way it constituted the eight regions for the forthcoming election of the Legislative Council. I think the idea of mixing rural and regional areas in with the suburbs of Melbourne, which the Eastern Victoria Region and the Western Victoria Region clearly do and the Northern Victoria Region does to a lesser extent, is unwise. It cuts into the concept of community of interest, because there is absolutely no community of interest between the good citizens of Melton and those of Rainbow, who now find themselves in the same region. I think a similar thing could be said about the citizens of Mount Eliza, who find themselves in the same region as those of Bendoc. It seems to me that the concept of community of interest was completely overlooked by the commissioners to the detriment of electors, particularly those who live in the more remote parts of the state.

As some members of the house may be aware, The Nationals made a submission to the Electoral Boundaries Commission of Victoria that in terms of the rural and regional regions, Gippsland and north-eastern Victoria should be placed in an eastern region. That concept was rejected by the commission. The reasoning in its report and what it expressed at the hearings was that the commission believed it was not possible to

represent an area like that because of the necessity to cross the Great Dividing Range and that that would be difficult to do.

I did not accept that argument at the time, and I do not accept it now. I point to the redistribution that is going on in New South Wales, where the federal electoral commission has redrawn the boundaries, for example, in the seat of Eden-Monaro so that Eden-Monaro contains not only its traditional towns along the south coast, such as Bega and Merimbula, but crosses the Great Dividing Range at altitudes much higher and slopes much steeper than those that apply in Victoria to include Tumbarumba and Tumut in the electorate of Eden-Monaro.

One has to ask the question: why is that not seen to be a problem in New South Wales for members of the House of Representatives who clearly have a role much greater than some people envisage will be the representative role of members of the Legislative Council in the next Victorian Parliament? Yet in Victoria the Great Dividing Range was seen to be an insurmountable boundary. In allowing it to be an insurmountable boundary we have ended up with regions which are going to cost regional communities very dearly indeed as to the attention they are going to receive from the five members elected to each of those regions.

One wonders about the future of democracy at times in terms of one vote, one value. I am not arguing that we move away from one vote, one value, but over time as we become an even more urbanised nation some attention has got to be given to fairness and equity. Again I refer to the draft proposals in New South Wales which have abolished the seat of Gwydir and placed it in the seat of Parkes, which is now going to comprise some 50 per cent of the area of New South Wales. In other words the seat of Parkes is going to cover an area one and a half times the size of the state of Victoria. It is just impossible to contemplate how the member representing Parkes is to do his or her job.

That is not to say that much of the electorate is desert, as might be the case, for example, in Western Australia or western Queensland. New South Wales has population centres, albeit many of them very small, dotted right throughout its north-west; beyond Bourke and north of Broken Hill there are communities. I do not know that we have got a satisfactory solution in this country at this time in terms of democratic representation which produces a circumstance like the draft electoral maps do in New South Wales.

If one wants to look at a similar situation emerging that also sends a few chilling messages to people who live outside the capital cities, one could contemplate what is going to occur in Western Australia at the next election. There are going to be 59 Legislative Assembly seats, of which 48 will be in the area from Perth down to Margaret River — a tiny area — and the other 11 are going to encompass an area about a third of the size of Australia. It is perhaps difficult to explain the concept without having a map for honourable members to study, but it is an extraordinary circumstance that is going to occur in Western Australia.

I am not offering a solution to it today. What I am signalling is I do not think a democracy can survive in the robust form we have got if that is going to be the continuing trend, if we have more and more members of Parliament clustered on the coastal fringe and in the capital cities and we have areas in rural and remote regions which are so large that representing them just becomes a total impossibility. I suppose I could comfort myself that Victoria is 3 per cent of the landmass of Australia and perhaps does not have problems quite to the degree of the larger states. That is true, but nevertheless the circumstance I outline is concerning, and I think we should be conscious of it.

I say that this is another bit of finetuning in terms of the changes which are to come into effect on 25 November. Given the sittings of the house that are left there probably is not time for any further changes to be made before we go to the polls this time round, but there is doubtless going to be some legislation emerge from that experience. The next Parliament can consider it and do its best to ensure that the high regard in which our system is held and the very great confidence that people have in it are not in any way undermined.

Ms MIKAKOS (Jika Jika) — I am pleased to speak on this bill, which makes a number of amendments. In particular it amends the Constitution (Parliamentary Reform) Act 2003 to provide for the timing of by-elections and also makes provision for ballot papers for the Legislative Council where there are more than 20 groups of candidates. As has been correctly identified by other speakers, that is in order to minimise the size of the ballot paper to ensure that voters are able to vote with a piece of paper that is a manageable size.

The reforms are part of what I regard as the most historic and significant electoral reforms in this state's history — that is, as they relate to the introduction of proportional representation for the Legislative Council. That reform, of which this government and I as a member of it are extremely proud, will ensure that this chamber represents the true wishes of voters in

Victoria. Whilst we have heard the Honourable Bill Baxter's concerns about that — he gave us a blow-by-blow account of the fact that The Nationals are doomed across the country, not just in this state — I think the reforms will be a positive thing for Victoria.

I understand that the Victorian Electoral Commission is planning a significant education campaign to make sure that voters understand these changes. Unlike Mr Baxter, I think voters are very familiar and comfortable with the concept of proportional representation and voting in those systems, given that they have voted with a similar style of ballot paper for Senate elections for many years. I hope that the Victorian Electoral Commission campaign makes an effort to produce information in other languages to ensure that all members of our community become familiar with and understand these changes.

The bill also makes amendments to the Parliamentary Committees Act 2003 that are based on recommendations of the Scrutiny of Acts and Regulations Committee (SARC), of which I was a member in the last Parliament, to allow committees to take evidence by electronic means if the committee chooses to do so. The amendments also determine that members of committees can participate by audio or video link.

That will facilitate the greater participation of regional members of Parliament. I welcome that amendment also. A quorum would still need to be formed by committee members physically present. I note that these amendments are based on a SARC report and indicate how important it is that modern democracy keeps pace with changing technologies. These are not changes for change's sake but are intended to ensure that the principles of democracy are maintained and strengthened. I know that in other countries, in particular in Switzerland, many forms of electronic voting are utilised to ensure that the views of voters are obtained on a number of issues. Eventually Australia will no doubt move down that track also.

Electronic voting is also extremely important in this context as this bill allows for the first time the full involvement and participation of vision-impaired constituents in the democratic process. The legislation will give vision-impaired people the ability, if they so choose, to vote secretly and without assistance for the first time. They will be able to do this through an electronic voting trial which will be made available at six sites across metropolitan and regional areas during the coming state election.

Other members referred to changes to the ability of SARC to consider a bill within 10 days after the bill receives royal assent if SARC was unable to consider the bill when it was introduced into Parliament. I emphasise that it will remain the prime objective for SARC to table its *Alert Digest* before the resumption of the debate after a bill is second-read.

Hon. B. N. Atkinson — Acting President, this is one of the more valuable contributions from the government, and it is a pity that more government members are not prepared to hear it. Only two government members plus the member on her feet are in the house. I draw your attention to the state of the house and the government's failure to maintain a quorum.

Quorum formed.

Debate interrupted.

DISTINGUISHED VISITOR

The ACTING PRESIDENT (Mr Smith) — Order! I draw the house's attention to the presence in the gallery of a former Deputy Leader of the Government in this place under the previous government, the Honourable Rob Knowles.

Debate resumed.

Ms MIKAKOS (Jika Jika) — The changes in relation to SARC's role are ones that were requested, as I understand it, as part of the consultation process the Human Rights Consultation Committee undertook with SARC in relation to the introduction of a charter of human rights. As members would be aware, it is envisaged that SARC will play a considerable role in considering issues of compatibility with human rights principles, as is prescribed in the charter of rights and responsibilities legislation that will soon be debated in this chamber. It was actually the committee that wanted to ensure that it had some flexibility to consider bills after they have been passed and given royal assent, in cases where the committee had not had the opportunity to properly consider those bills prior to the second-reading debate.

I expect that this particular provision would be used only rarely. I am sure that the committee would only wish to avail itself of this provision on unusual occasions only. It is important that SARC, no matter at what point in time, consider bills or acts of Parliament to ensure that the criteria that it looks at in terms of trespasses on rights and liberties are examined, that all

bills are looked at thoroughly and that all of these issues are considered.

The bill is an important part of opening up our electoral process to proper scrutiny and accountability, but I want to put on the record my great concern as to how recent changes passed by the federal Parliament will impact on our democracy in Victoria. I am particularly concerned that the changes recently passed by the federal Parliament as they relate to the closing of the rolls will create huge confusion amongst voters as different provisions will apply to both the federal roll and the state roll.

Members may be aware that the federal Parliament recently passed changes that will enable the federal roll to close at 8.00 p.m. on the day the writ is issued, making it extremely hard for voters to update information, such as a change of address. In Victoria of course with the benefit of fixed terms voters will have considerably more time to update their voting details. I am extremely concerned about the fact that this will disfranchise many thousands of young people who will be looking at enrolling to vote for the first time in the next federal election. We should be looking at what is happening in other countries around the world such as Canada and New Zealand which close registration on or the day before polling day. We need to be making it much easier rather than more difficult for people to enrol to vote and to have a say. I am particularly interested in what happens in New Zealand where young people in particular, who are frequent users of short message service text messaging, are able to get their enrolment form via a free text message. We in Victoria should also explore these particular ideas in encouraging young people to become involved in the political process.

I am also concerned at the application of the new federal legislation to campaign donations and declarations because these provisions also apply in Victoria, in particular the changes in the threshold for the disclosure of campaign donations from the current \$1500 to \$10 000. With separate state branches existing for political parties it will now be possible for corporate donors to make donations of \$80 000 without having to disclose them. In addition they will have the ability of claiming a tax deduction from the current \$100 to \$1500, which is an outrageous taxpayer subsidy in these days of public funding.

It is important that we look not only at opening up our political process but also at making it more open and transparent, making it easier for people to enrol to vote, and also giving people greater confidence in the political process itself in order to encourage them to

participate in that process. The federal changes are contrary to those ideals. I note that the Labor Party has made a public commitment that it will not accept political donations from the tobacco industry, which is also something I welcome. I hope other parties will follow Labor's lead on that particular issue.

I am concerned that the federal changes seem to slavishly follow the American model where lobby groups, political patronage and massive campaign donations now distort many aspects of the political process. We need to ensure that the public does not feel our democracy is tainted by the perception that money buys political influence. I am greatly concerned that if these federal changes being put in place had existed in the 2004–05 financial year 80 per cent of the receipts from the approximately \$143 million received by major political parties would have escaped public scrutiny. This is a retrograde step for democracy in this country whereby we could have a potential situation at the next federal election where the vast majority of political donations in this country will not be subject to any public accountability whatsoever.

In conclusion, this bill is part of the government's commitment to increasing scrutiny and increasing participation in the political process. It will enable visually impaired people to vote for the first time through a secret ballot. It will also enable our parliamentary committees to use modern technologies to do their proper job. I commend the bill to the house.

Hon. RICHARD DALLA-RIVA (East Yarra) — I rise on behalf of the Liberal Party to make my contribution on the Electoral and Parliamentary Committees Legislation (Amendment) Bill, and join with my colleague the Honourable Chris Strong in not opposing the bill. We do so in light of a number of issues which I will come to later. I put on the record my appreciation of the government officers who provided the briefing which I attended. I also recognise, as I do always, that where the explanatory memorandum is detailed that should be acknowledged, because often we have seen in this chamber that explanatory memorandums are light on information. This bill has a detailed explanatory memorandum.

I thank members for their contributions. I shall go through the bill page by page. Although the bill is set out in five parts, it is part 2 which lists some of the major reforms proposed in the bill. Clause 3 in part 2 inserts a new part 6A to provide for electronic voting. Like most of us at the briefing, I had some concerns as to how the electronic voting system would be established, and in particular how it would be secured

given the capacity of electronic voting to be tampered with.

The interesting aspect of clause 3 is new section 110C which provides that the Victorian Electoral Commission can designate where electronic voting will be available. This will not be available everywhere. My understanding from the briefing is that it will be at designated electronic voting centres. I am sure the commission will provide through the relevant agencies an education program for persons who are visually impaired so that they are sufficiently briefed on where and when the voting centres will be available. It is clear who can access the centres under the proposed section. They can only be accessed by people who are visually impaired and who cannot otherwise vote without assistance, although I understand there is a provision that allows for some assistance should the need arise. The important part for me is new section 110E(2)(g), which states:

the computer program will prevent any person from ascertaining the vote of a particular elector.

In that context we do not want to see the voting preferences of those who are visually impaired, as we should not see anyone's voting preferences other than the broader numbers as they come out at the end of election day. The bill goes through various details, and I will not be laborious about the details other than to say that this is a good step forward and there is sufficient protection enabled in the legislation to ensure capacity is adhered to.

I do hope there is capacity for additional funding. We do not want the situation where the computers are old XT boxes that are whirring away while those with impaired vision are trying to access them. We want streamlined systems that can react instantaneously and make it a professional experience for first-time users.

I also refer to new section 110I inserted by new part 6A, which refers to offences in relation to electronic voting. I note there is consistency throughout the bill in the level of penalty that applies to offences that attach not just to electronic voting but to a variety of issues. Subsection (2) of new section 110I states:

A person who contravenes sub-section (1) is guilty of an indictable offence.

It is important to acknowledge that it is not considered to be a summary offence. That is reflected in the penalty of a level 6 imprisonment, which has a five-year maximum, or a level 6 fine, which is 600 penalty units. It takes into account this government's continual increasing of fees and fines. I think it was

\$100 per penalty unit but is now \$103.10. The government continually adds a tax grab each year. It is a significant fine component.

That is also reflected in other sections of the bill. On page 7, clause 4 refers to false information, which is again regarded as being of a serious nature. Clause 5 refers to forging or uttering electoral papers, and again attracts a level 6 penalty. Clause 6 refers to voting offences, clause 7 refers to bribery and clause 8 refers to interference with political liberty, and the penalties are all at that level. I am sure many members of the Labor Party would be guilty of that offence, but we do not want the jails full of Labor members. Clause 9 refers to tampering, the penalty for which is also at level 6. It is important to refer to the types of offences and the level of penalty that attaches to the fine and/or sentence, as the case may be.

Part 3 of the bill is of concern to the Liberal Party and hence the suggestion of where we are at. We have some queries as to why this provision has been inserted — we know why it has been inserted — at this late point in time with only 129 days remaining before the next state election. The purpose of the bill is really to fix an error in the original Constitution (Parliamentary Reform) Act 2003, but we are now in 2006. By my calculation three years have transpired between the time of the passage of the act and this amendment to section 26, so it raises the question of why. I understand why: if a member, heaven forbid, moves on to a higher authority, there is really no capacity to have a by-election. The reality is that the whole system is changing.

We know through the process that has been undertaken at the preselection level that most of the Labor members have been gutted out of the upper house in one form or another. It is strange that it is being applied now, after so long a period. It also raises the question that the Honourable Bill Baxter asked. We are again enshrining in the constitution further amendments concerning process-type actions. From my understanding he was trying to get at the point that the constitution is not about detailing the process but more about principle. We have come to expect now that the government is so focused on process because its members are from a regulatory framework. That is their concept and belief system and we are now applying it to our constitution. You also have to question whether there is a conspiratorial element to this part 3 amendment in that we know one in particular has been in some difficulty. I question from a conspiratorial perspective what the intention may be of this insertion, given that it is three years since the principal bill was first introduced.

I refer to clause 12, which amends section 32 of the principal act. It refers to the changes to ballot papers, and I understood from the contributions of Mr Baxter and Mr Strong that there is some conjecture about the layout of the ballot paper. As Mr Atkinson and I will be moving to the new Eastern Metropolitan Region I have some concerns, as Mr Baxter has, about some of the groups who believe they can run for an upper house seat and win it, principally because they need a quota of only 16.67 per cent. It strikes me as amazing. What worries me with this voting process, and we have seen it with the local councils — —

Hon. B. N. Atkinson interjected.

Hon. RICHARD DALLA-RIVA — Mr Atkinson is quite right, we have seen the Labor Party courting the Greens as though they were pirouetting down the aisle together.

Hon. B. N. Atkinson — What have they been smoking?

Hon. RICHARD DALLA-RIVA — They may be smoking, but they are pirouetting in the bridal dance to the wonderful tune 'Oh to the glory of government, join us'. The reality is that I am deeply worried about how the ballot paper is being changed to allow for a significant number of persons who may run as single entities. I may be a sceptic, but we have significant evidence from the government now, not only through independent investigations but also through the courts, of where members of the Labor Party who are councillors have engaged in illegal and sometimes, I suggest, even corrupt activity. They have abused the political and voting processes to enable preferences to be directed to them. I think the Liberal Party will be moving some way towards addressing those concerns in the future. That will be revealed closer to the election.

The fact is that we are now changing the form of the ballot paper through the insertion of new section 74(3AA) in the Electoral Act, which states:

The Commission must cause ballot-papers to be printed to be used in a Council election at which there are 20 or more groups of candidates ... in the form of Schedule 1B.

Schedule 1B is set out on page 13 of the bill. It essentially indicates that the ballot paper will change from a landscape form to an A4 form. I understand there is some discussion about what it may be. My real concern is not the paper and the way it is presented but the underlying reasons why.

There is no doubt there are people out there who have single-interest concepts who want to run as members of the upper house, and we wish them well. It should be pointed out to them that the areas this government has now imposed on voters cover anywhere between 400 000 and 450 000 voters across 11 lower house seats, depending on the region. I cite one example of a person who wants to run on the funding of the Kew police station. He will run on that issue in the upper house. That might affect 2000 people, but I do not think it will be a big issue in Mordialloc, Prahran and Oakleigh. The real problem we have is that we will get a large number of people who will believe they will become upper house members. We have seen that happen in New South Wales, although in New South Wales the quota requirement is slightly different.

I think the ballot paper will be quite long, because there are many people who think the upper house will be their vehicle into Parliament. They are sadly mistaken. Many people would be surprised at the amount of work and effort that members of all parties in this place are trying to grapple with.

I understand why the bill is here. I still think this government has an underlying agenda in terms of its approach. As I said, this government has had a history over the past seven years of corrupting the process in relation to local government to enable its Labor mates to stack our councils. We see this time and again through independent reports and the like.

In the remaining 7 seconds I will wind up and say that I did not get to the amendment to select committees provided for in clause 19 of the bill. This is another example of a government gagging debate.

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

Hon. H. E. BUCKINGHAM (Koonung) — I rise to speak on the Electoral and Parliamentary Committees Legislation (Amendment) Bill. This is an excellent piece of legislation. It complements the human rights charter which will come before the house later this week. The bill continues the government's commitment to protecting the rights of citizens, in particular the visually impaired.

I wish to address the majority of my comments today to the part of the bill that amends the Electoral Act 2002. The key amendments contained in this bill have their policy base, as has been mentioned by Mr Strong, in the recommendations made by the Scrutiny of Acts and Regulations Committee in its report titled *Victorian Electronic Democracy*. Sadly my father, who was a

member of this Parliament for 27 years, a local government councillor and a great supporter of civil rights governance and electoral accountability and fairness, is visually impaired. It is a reflection of my father's fortitude and positive attitude that he has adapted to this impairment.

However, the one area where Dad does not like to accept assistance — possibly because of his former profession and more likely because of his deeply held belief in secret ballots — is when he votes at election time. It is not because he does not trust my sister and me. This bill provides for people like my father to cast a secret ballot and to vote unassisted using electronic voting machines. He can also vote in the usual manner, which in my father's case has been a postal vote, relying on the assistance of my sister and me. This bill allows for a trial at six super voting centres, three of which will be in the metropolitan area and three in regional areas.

Hon. B. N. Atkinson — He doesn't want you to know that he now votes Liberal, that's all. He just doesn't want you to know.

Hon. H. E. BUCKINGHAM — Hardly, Mr Atkinson. Voters can attend these centres and have their names marked off the roll in the usual manner. They will then be issued with a smartcard instead of a ballot paper. When the card is inserted into the voting kiosk it will display the correct ballot paper for the area the person is voting in. The voter will then be given a range of options using headphones and a touch screen. Most visually impaired people are used to using this sort of equipment.

The bill also ensures that the trial of electronic voting will be secure and safe. Clause 3 of the bill inserts part 6A into the Electoral Act, and under proposed section 110F it will be an offence to destroy or interfere with any computer program, data file or electronic device. That offence will attract a penalty of up to five years imprisonment. I would like to place on the public record that I personally hope this trial of electronic voting for people who are visually impaired is so successful that all voters will be given the choice of using it at all levels of government in the future. I have already been on the public record endorsing this view when I was a councillor in local government.

I note the bill also amends the Constitution (Parliamentary Reform) Act to provide for the timing of elections and a second form of ballot paper to be used when there are more than 20 groups of candidates for elections to the Legislative Council. I accept some of the comments that have been made here today that it

will be a complicated process should there be large numbers of candidates, so the more simplified the form is, the better it will be for democracy and for the people filling it out.

The bill also amends the Parliamentary Committees Act 2003 to allow parliamentary committees to take evidence by electronic means and to allow committee members to participate in meetings by audio and video link. I serve on the Education and Training Committee with the Honourable Peter Hall from this house, and I know how difficult it sometimes is for him to attend meetings when he needs to be in his electorate, yet he is a very valuable member of our committee and makes very good contributions. I know that this amendment will enable country members in particular to contribute to all-party committees. I commend SARC on its recommendations, and I commend this bill to the house.

Hon. B. W. BISHOP (North Western) — I rise to make a short contribution on behalf of The Nationals to the Electoral and Parliamentary Committees Legislation (Amendment) Bill. Before I start, I am always pleased to listen to the Honourable Bill Baxter. He has such a good grasp of the structure of the political landscape around Australia, and I think he gave us a very good run-down of the issues not only in Victoria but in other parts of Australia as well. The Nationals have had a good look at this bill, and their position is one of not opposing it. I will contain my remarks quite specifically to clauses 19, 20 and 21 of the bill, which deal with the issues of parliamentary committees.

Clause 21 simply frees up the process for the tabling of committee reports and makes it easier. Quite often committees get themselves in a position where it is not easy to manage the time logistics of the tabling of reports, and this amendment will certainly make that easier. I will go on to say that, like most members of this house — and I am sure of the lower house as well — I really enjoy the committee work we are able to do. I have been fortunate to be on three committees in my time in this place. The first was the former Public Bodies Review Committee. It was such a good committee that it was phased out over time and disappeared. It was quite enjoyable working on that committee, and many of the references we got were quite interesting. Then I went to the Environment and Natural Resources Committee. It was also interesting, given my background as a farmer, and I quite enjoyed that committee as well. Of course it had some tough references, which is obviously often the case in those areas.

Lastly, I have had the pleasure of serving on the Road Safety Committee. Whilst they have all been rewarding, I believe my time on the Road Safety Committee has been particularly rewarding and quite instructive as well. All those committees have of course been all-party committees. I will mention the members of the Road Safety Committee; I think it is fair to do that in a debate such as this. From the other house we have the chair, Mr Ian Trezise, Dr Alistair Harkness, Mr Craig Langdon and Mr Terry Mulder, the members for Geelong, Frankston, Ivanhoe and Polwarth respectively. In this house we have the deputy chair of the committee, the Honourable Graeme Stoney, the Honourable John Eren and me. The members of that committee have got on particularly well. I suspect a fair bit of that is due to the capacity of the chairman. Where we have had some tough goes, he has been able to work his way through it with us, and we have generally come out on a unified basis on committee findings.

We have been fortunate to have had some good executive officers. Alexandra Douglas was the first executive officer of that committee in my time, and she is a passionate supporter of road safety. In fact such is her capacity, she has been seconded off to put together a huge young driver research project across both Victoria and New South Wales. I am sure Alex will do a good job there. I am also sure that the results of that research project will be very important, particularly in country Victoria, in reducing road trauma. We have been just as fortunate while Alex has been seconded away to have Richard Willis as our executive officer. Richard is extremely competent and quite experienced. I am sure that when Alex returns to the committee after her secondment he will be snapped up to occupy another position. The committee has also been blessed with good researchers, which is absolutely essential when you go into those rather complex areas.

On the Road Safety Committee we have a fair number of meetings. Mostly they are on the Monday afternoon of sitting weeks, starting about 2 o'clock. That works pretty well because as a country member you can get down here and go to the committee if you have your research done and it does not intrude too much on your time. However, when we get to the out-of-sitting meetings, of which we have a fair few, particularly when we come to finalising our reports, it is pretty tough to come down from the country and it might only be a short meeting. It might go for an hour and a half or a bit longer but to come down from the country for a short meeting does intrude on your day. As I said, when you get to the end of an inquiry you need to be involved — I am sure all of us think the same way — to finish the time off and at times when we are all busy there may be a struggle to get a quorum.

I strongly support the issues addressed in clauses 19 and 20 with the video hook-ups. I think they are great. Without going into too much detail, clause 19 allows a member to participate through an audio or audiovisual link. That would save a lot in my case and that of any other country member who was getting a bit stuck for time for those particular meetings. That is extended in clause 20 to allow the committee to take evidence by audio or audiovisual link. I believe this is a really good move. I have had a bit of experience with these links. Telstra Country Wide in Mildura has a very strong initiative where it beams in to Mildura, say, the Rural Press Club. I have been to a number of those — it might not be the Rural Press Club, it might be some other important statement one of our leaders is making. That works particularly well. I was talking to someone the other day and I can remember doing the legislation in this place to give this sort of opportunity to the courts. They have had it for about 10 years now so I think it has been tested and found to be quite appropriate for those sorts of things.

Further to that, as technology improves I think we will get even better at what we can do there. This will certainly be a great help to those of us in the country. In my case it takes about 6.5 to 7 hours to drive down and then of course I have to get back again so it swallows up a couple of days. If you can use video and audio links, that will be a tremendous assistance to country members to enable them to play the part they want to play on those all-party committees. I admit that there are times in committee work when you need to be facing one another across a table or you need to be at some of our public hearings. However, I think each of us can make that adjustment. It will be great when we have this extra option. It will give us an opportunity to play our rightful parts in those committees without having the difficulty of travelling long distances soaking up a lot of our time.

I think the bill is a good one in that particular area. It will provide a welcome addition to the options country members can use in relation to our capacity to contribute to our committee work.

Mr SCHEFFER (Monash) — This bill is important legislation for many visually impaired Victorians who have had considerable difficulties casting their votes in a way that ensures their secrecy. The right to cast a vote in a secret ballot is fundamental to our democratic system and it is good that the present bill will mean that this right can be extended to visually impaired voters in Victoria. As such, the bill is a further example of the government's commitment to strengthening democracy and redressing disadvantage. The bill will also strengthen parliamentary democracy through the

changes it introduces to the Parliamentary Committees Act so that electronic technologies can be used to conduct committee meetings and gather evidence.

To put these changes into effect the bill amends the Electoral Act, the Constitution (Parliamentary Reform) Act and the Parliamentary Committees Act. It makes some further necessary changes to the Financial Management Act, the Magistrates' Court Act and the Constitution Act. The bill needs to amend the Electoral Act to provide for electronic voting for voters. However, it also amends the Constitution (Parliamentary Reform) Act to provide the final nomination day and election day for a by-election, and to provide for a new type of ballot paper for the Legislative Council which will be used when there are 20 or more groups nominating.

The amendments to the Electoral Act set out in the bill originated in the work of the Scrutiny of Acts and Regulations Committee in 2003. The committee was asked to inquire into a range of matters including netcasting the proceedings of Parliament and to examine the ways interactive technologies such as email might be used to improve the democratic process. The committee was also asked to look at the legal and financial implications of electronically enabled voting.

The committee's first recommendation set out four principles against which any introduction of electronic democracy should be assessed.

Hon. B. N. Atkinson — Acting President, it is with reluctance that I draw your attention to the fact that there are only three members of the government in the house and a quorum is not present.

Quorum formed.

Mr SCHEFFER — I was making the point that the Scrutiny of Acts and Regulations Committee's first recommendation set out four principles against which the introduction of electronic democracy should be assessed. These were that majority rule through popular elections and the primacy of Parliament should obtain; equal participation in civic life for all citizens; the right of citizens to participate freely in public life; and the protection of the rights of minorities in the community. It goes without saying that the introduction of technologies that may in any way compromise any of these principles should be totally rejected.

For this reason the committee considered but rejected for the time being the adoption of remote information computer technology-enabled voting systems but found that computer systems in voting centres have the potential to help people with disabilities or people with

limited English language skills cast their votes. The committee found blind voters, those with vision impairment and those who have trouble using a pen could be helped to cast a private vote with these computer systems. Computer aids of this type have multilingual options and they can be activated simply with one touch. However they can also be fitted with safeguards so that an informal vote is not cast accidentally. The computer systems have the added advantage of being able to help in tabulating votes.

The committee reported that alternative approaches such as braille templates and printing on demand in languages other than English are not very practical in the longer term. The experience in other states suggests that implementation of these alternative approaches is difficult, and they would not be very feasible when you consider the large ballot papers we will be using for the Legislative Council elections.

The committee recommended that the Victorian Electoral Commission should develop and implement a system of electronic voting for local and state elections in Victoria that could assist blind people and those who are vision impaired as well as people with low levels of English language skills. It recommended that such a system should be able to produce a voter-verifiable paper trail that could be kept by Victorian Electoral Commission officials and be restricted to a closed local area network that is also under the control of the commission. The committee recommended that the implementation should be undertaken initially on a limited, pilot basis ahead of an expansion that should be determined on community needs and demands. This is why the bill facilitates a trial of electronic voting to take place during the elections in November this year.

The bill also gives the commission the power to choose the voting centres where electronic voting will be available both on voting day itself and during the pre-polling period. While the bill does not create an automatic entitlement to vote by electronic means, it does limit access to voters who have vision impairment and who could not vote without personal assistance. The bill sets out criteria the VEC must use to determine the effectiveness of the electronic system and stipulates that the system needs to be as reliable and as secure as the paper ballot system.

Hon. Bill Forwood — On a point of order, Acting President, I am reluctant to do this, but I seek an assurance from Mr Scheffer that he wrote his speech himself.

The ACTING PRESIDENT (Mr Smith) — Order! There is no point of order. Mr Scheffer, to continue.

Mr SCHEFFER — Acting President, through you, I can assure Mr Forwood that my speeches are always well prepared by me.

The second part of the bill is concerned with amendments to the Parliamentary Committees Act. The Scrutiny of Acts and Regulations Committee also considered the issue of committees of Parliament taking evidence by electronic means. The committee recommended that the parliamentary committee should be able to use recordings of meetings of this type as evidence, provided that the evidence is taken by a quorate committee. That means that parliamentary committees will be able to accept evidence submitted via email and instant messaging or over the telephone or through videoconferencing.

The Scrutiny of Acts and Regulations Committee recommended that evidence should not be collected in this way in situations where the committee had decided as a general rule not to take evidence electronically or where the committee feels it would not be able to establish the identity of the witness. The committee could also disallow the use of an electronic system where there is a possibility that in-camera evidence would be presented. These amendments to the Parliamentary Committees Act enable joint investigatory committees of the Parliament to conduct all or part of their meetings with one or more of the members joining in by way of a telephone conference or audiovisual connection. The proviso here is that committee members need to unanimously agree to proceed on this basis.

I was interested in Mr Bishop's remarks about committees. He has been on a number of them, and of course so have I in the three and a half years that I have been in the Parliament. I have been a member of the Outer Suburban/Interface Services and Development Committee, the Education and Training Committee and now the Drugs and Crime Prevention Committee. I share the observations that a number of members have made in this debate that the committees pose some difficulties particularly for rural members to attend committees, and this will obviously improve that process for them.

The bill clarifies the Parliamentary Committees Act. A committee can either table a report in the Parliament within 10 sitting days of the report's being adopted by the committee or, when the Parliament is not sitting, within 21 days of the adoption of the report by the

committee, provided that this is unanimously resolved by the committee members. The changes and clarifications are sensible and are supported by all members. The amendments that relate to ordinary meetings being quorate where some members participate through telephone hook-up or by audiovisual contact will be a big help to the committees and allow country members especially to save valuable time by not having to travel the distances that they are sometimes called upon to do. I think it is good, sensible legislation, and I commend it to the house.

Motion agreed to.

Read second time.

Third reading

Ms BROAD (Minister for Local Government) —
By leave, I move:

That the bill be now read a third time

In so doing I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr GAVIN JENNINGS
(Minister for Aged Care) on motion of Ms Broad.

ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 18 July; motion of
Mr LENDERS (Minister for WorkCover and the
TAC).

Hon. B. N. ATKINSON (Koonung) — The opposition will not oppose this legislation. However, it is our intention to move a reasoned amendment that this

legislation be withdrawn by the government to allow further consultation with industry associations representing employers, and indeed with union representatives, because we do not believe there has been adequate consultation on this legislation.

Therefore I move:

That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and redrafted until there has been full consultation with industry associations representing employers'.

From the conversations we have had, there are matters on which the government should reflect before enacting this legislation. Indeed, we think there is some possibility that the Victorian WorkCover scheme would be undermined by some of the changes made by this bill, because insurers have said they believe the scheme may fall into a negative position with an increased demand on benefits and with the current premium position not being sufficient to meet the liabilities of the scheme. In the event that the reasoned amendment is not accepted by the government — and we would be very surprised if it does not accept the amendment — we propose to move into the committee stage of the bill, when we will move another amendment.

The amendment I intend to move at that stage will seek to change clause 6, which allows the Minister for WorkCover and the TAC to change the legislation to allow him to directly appoint conciliation officers rather than have their appointment recommended to the Governor in Council. After the sideshow we have had with the appointment of Nina McCarthy and others, but particularly with her appointment, we believe that is inappropriate and the government simply could not be trusted with that authority.

We have seen the minister become increasingly careless and arrogant. Yesterday I raised problems with tendering at Yarra Valley Water and South East Water, which have systems that are clearly open to rorts. The Minister for Finance, who is also the Minister for WorkCover and the TAC, was fairly dismissive of that. He could not care less about it; he thought everything was fine.

Today the Minister for WorkCover and the TAC did not see the need for probity and due process in the appointment of conciliation officers. He is obviously keen to strike deals that advance Labor Party interests by appointing Labor mates when qualified panels have been appointed to assess the merits of candidates and have made recommendations, only to see those recommendations overturned by the minister in — all too apparently — the interests of the Labor Party.

The government praises itself all too readily for the fact that the money it spends comes from employers. In areas such as this legislation there is a very considerable drain on employers, who have an increased commitment and liability. The government does not have to dip into its own coffers in most respects but is still able to claim all the high ground in terms of propaganda. It is able to say, 'We are delivering all these tremendous new benefits to workers', yet the cost of the benefits falls on employers.

That might not be so bad if the changes proposed in this legislation had been subject to consultation with employers — if there had been an opportunity to discuss with them some of the issues that the government identified and the solutions that the government proposes in this legislation to see if there are other ways to address what the government perceives to be problems.

Considering this sort of legislation and the approach of the government, I am reminded of the roadrunner and the coyote in the cartoon series. There is a lot of the roadrunner in this government, which offers some sort of incentive or tease to employers, only to have them confronted with some slap in the face or untoward penalty when they come close to the government, because it is not fair dinkum in its approach to its policies.

The government has made much capital of the decrease it has made in WorkCover premiums. I remind members that WorkCover premiums were increased by this government and scaled back on two occasions — we are really simply back where we were when it comes to WorkCover premiums. The government has made much mileage out of the decrease, but I point out, as I did in my budget speech, that with a fairly modest payroll tax increase of 3 to 4 per cent on most employers, which is likely — certainly that is what employers tell me will happen this financial year — the 10 per cent cut to WorkCover premiums immediately disappears anyway. The saving is, if you like, on what might have been an additional cost, rather than a real saving to employers — —

Hon. Bill Forwood — It will take more money this year than it did last year.

Hon. B. N. ATKINSON — Absolutely, there will be more money going on premiums, and yet because of the way this legislation is structured, there is every probability that the extra money it takes and the premiums income will not be enough to meet the increased liability.

I will quote a paragraph of the second-reading speech. The context is a discussion of the quite strong financial position of the Victorian WorkCover Authority. The paragraph states:

It is in stark contrast to 1999-2000 when the VWA faced \$1 billion in unfunded liabilities, without enough money to cover entitlements for injured workers in the long term.

I note that the minister claims credit for the fine performance of the Victorian WorkCover Authority, and that he is very quick to boast how his policies and his administration have resulted in a strong financial position for the VWA, particularly in the last two financial years.

As we know, a number of factors have contributed to that, including the performance of the equities markets, but what is most important is that the strong position of the Victorian WorkCover Authority has been achieved because of decisions taken by both the previous government and the current government. That is because what happens in a system like this is that there is a pipeline or a lead time.

When you make a decision, obviously it does not result in an instant change in the financial circumstances of an authority such as the VWA. Decisions that were made by the previous government, and by the Bracks government in its early years, have taken some time to flow through the system to a position where the VWA today is in a very robust position. I would suggest that this year the VWA is again likely to chalk up a surplus of well over \$1 billion. Certainly the result for the half year was well over \$700 million, so the authority is doing well. No doubt it is on that basis that the government in part decided to cut WorkCover premiums.

What the minister needs to be very mindful of in terms of this package that he has brought to Parliament in this legislation is the fact that lead times also apply to this. The reality is that the increase in benefits — and they need to be questioned in terms of whether they have merit — are such that insurers are saying to the Liberal Party that there are going to be problems for the VWA down the track and that its premiums income is not going to meet the costs that are being incurred by these changes.

It is interesting to note the costs that are incurred. I am not going to dwell on all the clauses of this legislation, but clearly the one that has been of most concern to industry associations is the increase in the benefit period from 104 weeks, representing two years, to 130 weeks, representing two and a half years — a full six-month extension of benefits — which, as I said, is

being introduced without any consultation with industry groups, and which is a decision that will put significant new costs on many small businesses in particular and businesses generally across the system.

Most interestingly it was a decision the government made on intuition or on a whim. I was briefed on this legislation by government advisers, and I would like to thank the platoon of advisers I had available. I do not know what they were expecting from me, but quite a contingent of advisers were present. I think we could have been advised on all manner of things. However, I appreciated that and the wisdom of the people who presented it, and I certainly appreciated the information that was provided to me both at that briefing and subsequently in answer to my questions.

One of the interesting things is that at that briefing — and given that this is the most contentious part of the legislation — when I asked on what basis the 26-week extension decision had been made and what actuarial work had been done to justify that decision, the answer was that there was none. I have the notes from what happened that day.

It was indicated to me initially that they were not quite sure why it was 26 weeks. Then it was suggested to me that it was a judgment call made on what is affordable. The judgment was not made on actuarial data but on what the government thinks employers will be prepared to cop — namely, 26 weeks extra costs for the management of benefits. When I sought further information it was shown that this was a unilateral decision made by the government for this legislation, and that it extends benefits beyond all of the other states, particularly the jurisdictions of New South Wales and Queensland, which have the most similarity with our scheme. It introduces a whole new benchmark in terms of benefits payable.

That can be afforded because, from the government's point of view, employers are footing the bill; they are footing the bill now against surpluses and the prospect of there being less opportunity for lower premiums in the future. Indeed if insurers were right in the discussions I have had with them, employers will be the ones footing the bill for increased premiums in the not-too-distant future. And we will come to the argument over whether it is such a great benefit for workers as well, which obviously is the other side of the coin and the only basis upon which you could justify this change.

However, the reality is that no actuarial work was done for the change to 26 weeks, so is it any wonder that the insurance companies say to me, 'We think this spells

problems for the scheme in the future'? It was done as a judgment call and based on what somebody in the government, presumably the minister, decided was affordable for employers — that is, what they would cop.

One of the interesting things about the second-reading speech is that it says:

It is a package that delivers on all fronts. It tackles some of the systemic issues that can hamper a worker rejoining employment and community life, or see a family struggle with the legacy of a very serious workplace injury or death.

In terms of the major provisions put to the house in this legislation, the whole premise of this legislation is supposed to be about a return to work. Indeed that is the justification for the move from 104 weeks to 130 weeks, yet there is so much happening here that is not about return to work at all. Indeed, when I talk about some of the responses from the industry association it will be indicated that industry participants have some real concerns about return-to-work provisions.

They believe that all this government is achieving by making this change — a change made on a whim rather than from analysis — is making things more expensive for employers and simply deferring for six months getting workers back to work. It is simply going to move the date back by six months and not achieve any real change. The notification periods associated with that provision are also expanded, again to no avail as far as employers are concerned.

This legislation does a number of things, and to this point I have dwelt on the most contentious of those issues as far as industry groups are concerned. But this legislation has quite a range of provisions, and some of them affect other pieces of legislation. For the most part the Liberal Party is comfortable with most of those provisions and believes that most of the changes are relatively technical and deserve to be supported. That is the reason the Liberal Party will not oppose this legislation, notwithstanding that it believes it ought to be withdrawn on this occasion and reconsidered in a process of consultation with employer groups.

The legislation increases the level of weekly benefits for injured workers who initially return to work part time from 60 per cent to 75 per cent of their pre-injury salary, and that move is designed to encourage seriously injured workers to return to work more quickly. The benefit payable is reduced by any wages paid by an employer, recognising that the employee is likely to be undertaking modified duties. The premise here is that workers who come back into the work

force — and this is a feature of the second-reading speech — have the social interaction and so forth and gain the benefits of being back at work, with the associated improvement in self-esteem that is more likely to see those workers return to the full-time work force.

That premise is important and certainly one we would subscribe to. However, the issue is whether the mechanism that the government has put in this legislation is going to achieve that. Certainly some of the industry associations have expressed concern about it; they have suggested that what is likely to occur as a result of this provision is that 75 per cent will simply become the base rate for all return-to-work payments for employees, and that the 60 per cent level that currently exists — at the moment it is a range from 60 to 75 per cent— will simply move up to 75 per cent for all employers and become a de facto pay rate or scale for those benefits.

The legislation also provides quicker access to impairment benefits for seriously injured workers by allowing them to seek payouts on claims while still proceeding with any legal action on the basis that any payments made by a court would be adjusted subsequently in terms of benefits they had already drawn down. The bill will allow the Victorian — —

Hon. T. C. Theophanous — What is wrong with that?

Hon. B. N. ATKINSON — There is nothing at all wrong with that. I am simply pointing out that it is a provision of the legislation. In fact I think it is a very valuable step forward, and all of the industry associations agree. They recognise that it is cost neutral and will reduce the level of anxiety and financial hardship that many people have when they are in a situation where they have been injured in the workplace. It seems to be an appropriate clause and is certainly strongly supported by us.

The bill will allow the Victorian WorkCover Authority and its agents to expedite the settlement after an injury or condition has consolidated after 18 months, but will retain the right of a claimant to dispute, vary or add to the claim in respect of the injuries suffered. There is already provision in the existing legislation that allows the WorkCover authority or claims agent to actually move to settle matters in the interests of the injured worker and to again achieve an early result for their claim. The accepted period for most claims regarding a condition or injury is that they will have been settled or consolidated after 18 months.

The clause that is in the legislation at the moment has not been used by the authority and claims agents to this point in time, because it is believed that it has created some difficulties for claimants who believe if they settle on a matter they might not be able to pursue other issues or other injury concerns they may have had as a part of their claims. In other words, this allows the claim to be discussed and settled to the benefit — this again takes away some of the claimant's anxiety — of the claimant by ensuring that their rights or entitlements are maintained. They are able to say, 'Yes, you have addressed part of my claim, but there are some other issues that I have as a result of the workplace injury or illness I suffered and I still want to pursue those'. Under the changes that will be made by this legislation their rights to do that will be preserved. Again, that is not at issue as far as the Liberal Party is concerned.

I have mentioned the new benefit period of 130 weeks, and I will come back to that. The legislation also increases death benefits to affected families by 18 per cent to a total of \$250 000 and it includes overtime and shift allowances in weekly pensions for surviving family members. It provides counselling services by a medical practitioner, registered psychologist or social worker to families of severely injured workers. The counselling would apply with respect to a death or serious injury such as amputation, paraplegia, or burns, for example. The overtime and shift allowances claim will be based on the previous 12 months of employment history. This change is designed to address an issue which has been raised where workers' wages may well have been calculated on the basis of their base rate, when in fact they had previously enjoyed a higher remuneration because of shift allowances or overtime periods.

One interesting case has been brought to my attention of late by an injured worker. He was a salesman and his remuneration package was actually based on a retainer and commission on sales. His problem as a claimant under the current system is that his benefits are now only calculated on the retainer and there has been no allowance for the commission that was payable on his average sales performance over the period. I dare say that if we are to be consistent in the way we treat employees, that is an area which we ought to look at in the future.

The legislation also amends the act so that professional sportspeople are not eligible to claim workers compensation, a move that addresses a loophole in the act between 1985 and 1997 that is subject to legal action involving former Carlton footballer Adrian Whitehead. As I understand it, there was a similar action in South Australia involving former Adelaide

ruckman Shaun Rehn. Both of them had sought access to WorkCover benefits to cover an injury each had received while pursuing their sport. In terms of that matter, Adrian Whitehead's is the only case that is currently before the courts. His legal rights are being preserved. This legislation will not change his right to continue to pursue his claim before the courts.

That case clarifies the position as to what is generally understood about this legislation: this is not legislation that is available to professional sportspeople, with the exception of jockeys. The only professional sportspeople who are included in WorkCover coverage are jockeys. The loophole that has allowed a professional footballer who was retained on a different basis to make a claim has been closed in this legislation. That is supported. The legislation also allows claimants to lodge disputes under the act with the minister, whereas at the moment they are lodged with the Victorian WorkCover Authority.

This is seen as a governance issue, with the Victorian WorkCover Authority being in a position where it may well be receiving complaints against itself. It is felt that it would be more appropriate if there were an opportunity to have disputes taken to the minister so that a degree of additional probity could be introduced into the settlement of any disputes or complaints. That provision is also supported.

The legislation changes the assessment of impairment under the principal act to add provisions for occupational asthma and infectious occupational diseases — a number of exotic ones were suggested to me including brucellosis — which people may well contract in a workplace. The recognition of those or the assessments that were being made as to the degree of impairment needed to be clarified in the principal act. Indeed in the same context the legislation makes a variation in regard to psychiatric impairment. At this stage, as members would be aware, all impairment is assessed according to American medical guides, but what would happen with these infectious diseases or psychiatric impairment would be that they could now be subject to regulations that may be made by the government, by the minister in fact, to augment or substitute the AMA assessment guide in the future.

The psychiatric provisions will also be incorporated into the Transport Accident Commission legislation, and for consistency all three impairment categories will be incorporated into the Wrongs Act. Again that is not opposed, although I might indicate that there was some concern that any move away from the American medical guides and any attempt to set a precedent by introducing a government regulation that would vary

the impairment assessment would set a precedent that might well be taken up in a range of other matters. The key ones raised with me by industry associations were that soft tissue injuries and things such as stress might well be pursued by a number of people in a workplace, and that if the government has already made some changes which take it away from the standard model that has been established for impairment, there could well be a temptation to make other changes.

The legislation introduces a new section to cover workers over 65 years of age who are still in the work force. The provision allows a worker who has received compensation in the 10 years prior to them turning 65 years of age to receive up to 13 weeks of workers compensation benefits in the event that they require patient treatment in hospital post retirement age. In other words if an older worker came into workplace and had an injury, certainly that would be — —

Hon. E. G. Stoney — Acting President, I draw your attention to the state of the house. There are only two government members present.

Quorum formed.

Hon. B. N. ATKINSON — If a worker engaged after the retirement age of 65 were injured in a fresh incident, they would obviously be entitled to a full and new claim under the current legislation. But this legislation is designed to extend a benefit to those workers who suffer an injury prior to their retirement age so that they would receive treatment subsequent to the age of 65, having notionally passed that retirement age. It is not a provision that we oppose robustly, because industry associations have varied views on it, but certainly from my point of view I am not sure this strategy of the government, if enshrined in legislation, will necessarily provide a great incentive to employers to employ older workers or to continue the employment of older workers, because this provision has the prospect of substantially increasing payroll liability.

One of the industry associations remarked in its comments back to me that this provision has the possibility of providing a worker with an extra 13-week bonus in retirement. There is a concern about how this will operate and about its impact on the workplace. My concern, as I said, is about the incentive for bringing older workers back into the workplace, or retaining them in the workplace in the case of this provision.

I am not sure this is the best strategy the government could have come up with. Had it consulted more thoroughly with industry associations it might have done considerably better. The legislation also allows the

minister to sign off on changes from full-time to part-time work for accident conciliation officers. That practice currently requires Governor in Council approval, and the minister is able to enact regulations relating to cross-border provisions on injuries incurred in another state where that other jurisdiction has not enacted complementary regulations.

All of the states were supposed to be working towards some consistency in the coverage of injured workers but not all of the states are at the same level, and we certainly do not want to see Victorian workers disadvantaged when they are working in, say, New South Wales or South Australia. The provision allowing the minister to pursue that and to make regulations in that regard is seen to be desirable. We were benign on the minister signing off on changes to accident conciliation officers up until the Nina McCarthy episode. Now we are not so benign, and I will pursue our objection by way of amendment.

The legislation changes the notice period for termination of a worker from benefits from 28 days or four weeks as it is now up to 13 weeks, and 130 weeks in the case of a seriously injured worker who is subject to benefits. That notice period allows the claimant to initiate any appeal or to pursue return-to-work arrangements. That is the theory, but the reality is, as industry groups would argue and certainly we support that argument, this is simply a deferment of judgment day and of the fact that if you cannot look at a return-to-work option within 104 weeks and if you cannot make arrangements in terms of rehabilitation and so forth within the existing periods, then there does not seem to be much justification for such a substantial change. It is simply an increased benefit but without any real application to the problem which has been an issue of getting workers to return to work in some situations of substantial claims.

The legislation amends the interest payment provisions of the act to have interest calculated on a weekly basis rather than on the global amount in the event that a VWA decision is overturned. The bill also limits interest claims to one year from the time of a conciliation decision. The Liberal Party is comfortable with and supports both provisions.

The legislation repeals an instalment payment provision that has never been proclaimed because of concerns about federal tax and social security implications. We have no quibble with that. The legislation will come into effect in a staggered sense from 1 June, which was the date of the second-reading speech in the Legislative Assembly, but establishes that for the purpose of the 130 weeks entitlement the effective claim date would

be 1 January 2005. For over-65 workers it would be 1 July, covering previous injury claims that potentially date back as far as 1996.

The legislation introduces the power for the Victorian WorkCover Authority to impose penalties on an employer who does not provide accurate information on the predominant activity of a business or the status of that business as a successor to any other business. Currently the VWA can only impose penalties where remuneration is not accurately disclosed and updated, but cannot sanction the lodgment of any other false or misleading information. We certainly do not have any concerns about that information being provided accurately by employers to enable the system to effectively undertake its operations.

The legislation also picks up workers compensation regulations under the 1958 Workers Compensation Act which are due to sunset in August but which are still subject to around 10 or 20 claims annually on pre-1985 injuries. I am advised those regulations could be required for up to another 20 years, which speaks volumes for the longevity of many Australian workers. We are happy to have those provisions incorporated in this legislation that would otherwise sunset and potentially leave a considerable number of people stranded because of the sunset of the 1958 Workers Compensation Act.

As I have said, we have concerns about a couple of key provisions. The major one is the shift from 104 weeks to 130 weeks. I take this opportunity to discuss some of the submissions made to me by a number of industry groups during my consultation on this legislation.

I lead off with a submission provided to me by the Victorian Employers Chamber of Commerce and Industry, which seems to have had the ear of government on a number of issues in recent times and has certainly had a lead role in a number of government announcements. It is clearly an organisation the government has some regard for. VECCI indicated to me that when the Premier announced in November 2005 the changes that are incorporated in the legislation before the house today, to use VECCI's exact words, 'Everybody was surprised'. In an email to me it says:

All past amendments have come about following extensive consultation between employer, medical, legal and union stakeholders and the Victorian WorkCover Authority. On many amendments consensus was achieved. On others the views of stakeholders were articulated and put to the minister. On this occasion, stakeholders were not consulted.

That email from VECCI indicated that it understood the consultation process may have been skewed from a

government point of view by a consultant's survey of stakeholders during interviews as to what weaknesses or anomalies were in the act. All of the industry associations had an understanding that a report would be presented from those interviews and made available for discussion so that problems commonly recognised as such could be prioritised and solutions discussed. The problems VECCI put forward in that interview with a consultant — not in a consultation stage but in an interview by a consultant — were not addressed in either the government's announcement of its new workers compensation package back in November 2005 or in this legislation.

In coming to one of the key areas that VECCI has concerns about, and its concerns are consistent right across the industry groups — that is, about the 104 weeks being increased to 130 weeks — VECCI says:

All this amendment does is transfer the alleged problem from 104 weeks to 130 weeks. The alleged problem is not one that requires an amendment to the act but changes in claims management.

...

The real problem is that agents, the VWA, unions and rehabilitation providers often coerce, bully or bluff employers into providing part-time-created positions of limited productive value for injured workers and then to continue to provide them. Once 104 weeks are achieved and the worker's payments cease, the employer suddenly finds out he is not required to continue to provide the work and ceases to do so. The worker loses entitlement and work at the same period. The fact this was going to happen was probably known to everyone except the worker 18 months previously. This legislation will shift the problem to 130 weeks and the worker will simply get 12 weeks notice instead of 4 weeks.

But the same outcome will occur. According to VECCI:

The problem is the refusal of the WorkCover industry and unions to accept that some workers with injuries cannot be accommodated by their employer. Sometimes this is known in the first few weeks of the injury but the legislation demands this charade of forcing the employer to find and offer some accumulation of meaningless tasks as suitable employment.

The VECCI email further states:

It would be far better to admit this and get these workers into retraining and job programs the moment it is obvious. But it is better for the agent to have an employer paying for part of a week. The VWA will not allow agents to pay for retraining if the worker is back at work with the employer. So by resuming work the worker has denied themselves access to retraining.

I might add that VECCI also takes issue with a \$10 million return-to-work fund to support partnership

programs involving employer and union groups that is supposed to focus on return-to-work opportunities for injured workers. The point that VECCI makes in this regard is that it is:

A means of diverting premium funds to unions suffering from continually reducing membership. Employer groups and unions are paid by our members to represent them. We have participated in developing courses for rehabilitation coordinators and offer those courses to members. I cannot see why funding cannot be sought once a valuable initiative is identified and requires some funding. Like the HSR support Officer Program this will likely support the wage of a union official to coerce employers into offering meaningless 'suitable employment' to injured workers, or to have employers sign rehabilitation agreements which extend their obligations beyond the act.

The Master Grocers Association of Victoria has also indicated its concern about the impact of the proposed changes in the legislation, particularly on small and medium-sized businesses. It notes that very few people have long-term injuries that run the full distance of 104 weeks, but in situations where those injuries occur and there are claimants, this legislation is not going to achieve anything to benefit those people in terms of return-to-work outcomes. The MGAV has questioned the usefulness of extending the benefit period to 130 weeks. It says:

Employers and employees experience potentially difficult predicaments when faced with workplace injury. The extension of the weekly benefit period from 104 to 130 weeks will only assist in reinforcing the mistaken belief and negative expectation that modern workplace injuries have a prolonged period of recovery.

The association continues:

MGAV is concerned that proactive case management and return to work is not performed as well as it could be by VWA claims agents. Frontline claims management personnel have varying degrees of skill and experience and some lack the necessary skills to manage the complex contextual issues that arise in delayed return to work. The small employer is not perceived as an important stakeholder in the system and lacks the required support from the VWA.

The Victorian Automobile Chamber of Commerce says that, whilst it is not opposed to looking after senior mechanics, it is concerned about the increased liability for some employers associated with older aged workers in their workplaces and the fact that any worker who sustained an injury during their employment could claim that they required treatment because of degenerative changes — in other words, the natural ageing process might well become part of a WorkCover claim.

Certainly the VACC is concerned about the rigour with which this particular provision will be assessed by the

Victorian WorkCover Authority and claims agents. It says:

There has been no evidence provided to suggest that workers over 65 are in need of treatment for previous injuries. VACC is concerned about the potential ease with which this provision could be abused.

The VACC has alerted me to a 29 April 2003 press release from the Attorney-General in the other place, Rob Hulls, when he was the WorkCover minister. On that occasion he said:

Until recently, return-to-work rates had been deteriorating for several years across the scheme. With the combination of the return-to-work campaign and claims management initiatives, we have been able to slow and more recently stop that deterioration.

As the VACC points out, when you look at this legislation there is a clear contradiction in the government's claim and its actions. One moment the government and the Victorian WorkCover Authority is praising itself for having improved return-to-work outcomes; the next moment it is making up excuses to justify increasing benefits.

In the opinion of the VACC, the minister should be asked whether there will be a compulsory review of entitlements at 104 weeks and a rigorous review to ensure that in fact this is not simply a deferment of the inevitable return to work or outcome assessment of a claim for another 26 weeks — to allow a worker to simply have another 26 weeks, to have carte blanche without some rigorous assessment of whether the entitlement ought to be maintained.

Certainly the VACC contention, as with all of the other industry associations I have spoken to, is that there is ample time between 52 weeks and 104 weeks for injured workers to be retrained and, if necessary, informed of the termination of their benefits. In other words, the 28 days that exist at the moment is a statutory minimum, but in fact WorkCover claims agents could well provide advice to employees long before the 28 days. In fact they could use the 13 weeks threshold established in this legislation now. They do not have to wait for 28 days — that is simply the minimum provided as a matter of advice.

The Victorian Automobile Chamber of Commerce and other industry association groups are saying that the claims management process is such that they understand when people are going to have difficulty in getting back to work within 104 weeks, or they understand when people are going to need retraining and opportunities in some other vocation or form of work because they simply will not be able to return to

the workplace where they sustained an injury. That is something that can be determined at a fairly early stage. With a proper claims management process, in the interests of the rehabilitation of the worker and interest of that worker's family, a better outcome can be managed from a much earlier date.

We should not be relying on these statutory provisions now to say, 'We will wait until 104 weeks is up and we will give you four weeks notice to say that your benefits are about to cease'. The reality is that the return to work is not being managed well. Industry associations are saying that they do not believe — I have to say that we as a Liberal Party do not believe — they will be managed any better by virtue of this provision in the legislation which extends the period from 104 weeks to 130 weeks. It is simply a deferment of judgment day, a deferment of the decision. It is extra leeway in terms of an employee's position, but it does not change outcomes and it is not, I dare suggest and so do the industry associations, all in the interests of employees.

The Australian airconditioning and mechanical representative organisation has also expressed concern about the \$10 million return-to-work fund and at the moment some vagaries around what will be entailed in that fund and how its money will be allocated. I do not know whether it is simply another income opportunity for the unions to top up their budgets, given that membership is declining, or whether it really is a program that will make a concerted effort to reduce severe claims and achieve greater return-to-work outcomes.

I indicated to the house that there is concern about return to work and the management of that process at this stage. I indicate that I have recently had — and this goes in many ways to clause 3 of the bill — discussions with a consultant and an occupational health and safety rehabilitation provider. Again, I have talked to a number of rehabilitation providers. Their view, certainly to a person, is that the system at the moment is not working in the best interests of employees in terms of return-to-work outcomes. Even some of the delays, such as the 28 days that it takes for an agent to accept a claim, result in delayed responses to injury — sometimes illness but it is usually related to injury. In fact that first 28 days, if there were treatment afforded in that time — and given that the 28-day period can kick in after 10 days if an employer has lodged a claim in the first place, bringing it up to over a month — can affect the outcome so far as an injured worker is concerned and make their rehabilitation more difficult. I understand that in South Australia they have a fast-track model that this government might well have given

some consideration to because it certainly seems to work in a better way for injured workers.

The occupational health and safety people are also concerned that in many cases the rehabilitation and return-to-work options for workers are being driven by lawyers, indeed to some extent by people other than medical practitioners and people who have some understanding of occupational rehabilitation. There is a concern that too often the management of an individual's care is being used not only to the detriment of a worker, but in some cases a situation where there is a broader agenda, and more of an industrial agenda associated with it, rather than concern about the occupational health and safety of an individual. What has been suggested to me by a number of occupational rehabilitation people is that the provision that allows employees to choose from one of three rehabilitation providers has resulted in some cases with a doctor-shopping process of a complaint against one of those rehabilitation providers to avoid a return to work, to delay some of the process and buy time so that they can go back and find somebody else to visit.

I am advised by the Australian Medical Association that it has significant concerns about the range of practitioners who might well in future provide medical certificates. It has launched a broadside at the federal government in regard to its WorkChoices legislation that allows medical certification of sick leave by quite a range of registered health practitioners. It pointed out in one instance that it was aware of — I am not suggesting that it was a WorkCover claim because it may have well been for an illness, which has not been documented further — that the medical certificate was issued by somebody who was registered with the Chinese Medicine Registration Board of Victoria and the certificate identified the practitioner as a doctor, even though they were not a registered medical practitioner. The certificate was titled a medical certificate and stated that the patient was receiving medical treatment. The practitioner also stated that they were an orthopaedic and sports medicine clinician and a therapeutic and cosmetic laser clinician. All of those statements were untrue, yet a certificate was issued. There is concern from the occupational rehabilitation people that a similar circumstance is likely to develop in WorkCover, partly hinging off the WorkChoices legislation at a federal level, in which case we need to look at that. Clearly most employees do not do this because they want to get back to work as quickly as possible. Their injuries are an issue that we are all concerned about.

As I have said in this place before, there is no doubt that all of us want safe workplaces. When somebody goes

off to work in the morning we all expect them to arrive home safely to their family at night. I notice that has been the focus of a recent government campaign. The premise of the campaign is supported strongly. However, the expenditure on that campaign is not supported so strongly. I have had many complaints to my office about the photograph package. When I have shown the photographs and range of information that was contained in the envelope to employers they have said to me, 'That was a waste of money; they should have given us the information and not all of the materials that were effectively promotional materials as part of that package'.

Notwithstanding that, the thrust of the government's premise that workers should be able to go about their work in safe and healthy workplaces is one that is supportable by everybody. As I have said, some people have been doctor shopping and engaging in practices that result in malingering within the system. The industry associations are saying that these changes in the legislation are of no benefit to injured workers and that they will be to the significant detriment of employers. They say the government ought to have sat down with employers in genuine and thorough consultation and worked out better strategies to deal with return-to-work issues rather than simply extend the benefits and create the circumstances that have been described by those industry associations and which I have raised in Parliament today.

Hon. W. R. BAXTER (North Eastern) — I commend Mr Atkinson on his discursive contribution. It is a delight to listen to a lead spokesman who is on top of his brief. We have heard from Mr Atkinson this afternoon an excellent contribution where he covered a number of aspects in a most interesting and informative manner.

Like the opposition The Nationals are not opposing the legislation but will support the reasoned amendment and the amendment in the committee stage, because we do have some misgivings about the legislation. We are concerned with the apparent lack of consultation. We are concerned that the justification for the increase from 104 weeks to 130 weeks is a bit light on. The second-reading speech is a lengthy document, but as we have come to expect from the current minister in whatever guise he is presenting a second-reading speech within his ministerial responsibilities, it is replete with rhetoric. Much of the claims made in the second-reading speech are plainly rubbish. His attempt to draw some comparison between the financial health of the WorkCover scheme now compared with when his government came into office is misplaced and erroneous. If the minister wants to make comparisons

why did he not compare it with the parlous state of the then WorkCare scheme in 1992.

The scheme introduced by the Cain Labor government had merit, there is no doubt about that, but it was a scheme that got out of control because that government was not prepared to stand up to the rorts the unions were encouraging members to indulge in and the scheme was rapidly sinking into a financial mire. It fell to the incoming coalition government, as it did in so many avenues of government, to pick up the pieces and rectify the mess. That was done in so many areas, but it was done in the workers compensation area by a former minister, the Honourable Roger Hallam. I think the state, employers and employees owe a debt of gratitude to Mr Hallam for the very conscientious way in which he got the scheme back on track and cleaned out the rorts but made sure that fairness and equity was accorded to both injured workers and those who pay the premiums, the employers. I liked Mr Atkinson's allusion to the fact that so often this government claims credit for all sorts of things in WorkCover and boasts about its achievements without ever once acknowledging that it is not putting a bean into it. It is the employers who are paying the premiums, yet they are not calling the tune. It appears this might well be another example of those who are paying not being given any opportunity to call the tune.

It is difficult in an emotive situation where you are dealing with injured workers to contemplate opposing what on the face of it seems to be an extension of benefits. The move from 104 weeks of light duties to 130 weeks is on the face of it an extension of benefits. I wonder whether in reality it will turn out to be thus. It seems to me that those who are presently still not back at full time work at 104 weeks fall into two categories. Most of them fall into the category of those who have suffered serious injuries and for whom the rehabilitation period has been long and arduous. One has great sympathy for those employees. At the other end of the spectrum — I think it is mercifully few and is decreasing all the time — are the malingerers who do not have a real interest in getting back to full participation in the work force but grow quite comfortable on the light duties that the employers are obliged under the act to provide.

As Mr Atkinson accurately noted, in some instances, particularly with very small employers, the opportunity for creating light duties, part-time work or whatever is very limited. We have situations where really a make-work position has had to be created, which is very unproductive and a costly drag on the business. I have had some experience in a business with which I am associated with an employee who regrettably falls

into the second category. As far as the employer was concerned the 104 weeks could not come quickly enough. When it did come that employee went off benefits, went out of employment by that particular business and now remarkably does not seem to have any difficulty at all in doing quite heavy work which, when he had the ability to be on light duties, he was able to convince the medical profession that somehow or other he was not capable of doing. As I was saying, there are not too many examples of that, but there are a few, and I wonder whether extending the period out to 130 weeks will give those malingerers and rorters of the system a further opportunity to play the system, so to speak.

Frankly I was quite taken back by the quote from the Victorian Employers Chamber of Commerce and Industry that was read out by Mr Atkinson to the effect that when the Premier made the announcement that the extension would be made it was news to it. One would have thought, bearing in mind its significance, consultation might well have transpired. It is for that reason The Nationals have been convinced to support Mr Atkinson's reasoned amendment. We are not opposing the legislation outright, but we think those who are paying the bills ought to be given a fair opportunity to put their twopenny worth in as to what the system should be.

I also want to comment on why the scheme is in better condition than it was financially, and that goes to the aspect of common-law actions. We well know that the former government under Mr Hallam as minister moved to restrict very much indeed the opportunities for common-law actions. The government was pilloried by the unions and the Labor opposition in this Parliament at the time. The Labor Party gave a commitment at the 1999 election that it would restore common-law rights. It introduced legislation which it boasted about and it conveyed the message to the public at large and employees in particular that common-law rights had been restored. We all now know that was simply not true at all. It made the hurdle so high and the drafting gate so narrow that very few cases actually get into the courts.

I am sure all honourable members have received a communication in recent weeks from an organisation complaining about how the government is undermining the rights of citizens. That correspondence included a very interesting table which demonstrated how few common-law claims are getting through. It is quite misleading, if not dishonest, for this government to continue to claim that it has restored common-law rights; it has not. I am not saying it should, because I supported the previous legislation which restricted

common-law rights. I believe they had their day and that we now have in place another system which compensates injured workers equitably and fairly. We should not be contemplating countenancing the Tattslotto-like system that previously existed with the possibility of civil actions in the courts, where some people got a bonanza and other people with identical injuries missed out for one reason or another. It is not a system that has any appeal to me at all, so I am not advocating its return, but I am criticising the government for its rhetoric in suggesting to ill-informed persons in the community that it has returned when clearly it has not.

The bill also provides for the calculation of benefits for some recipients. I think none of us would disagree with the unfairness of the example Mr Atkinson gave of the salesman. If the salesman is being compensated on a formula that is based only upon his retainer, taking no account of the commissions he earns, that is clearly not fair and ought to be fixed. There are other examples of people who customarily work for penalty rates or for some other increased emolument above the base rate, and that ought to be taken into account in assessing their benefits. There can be no argument about that. The Nationals certainly do not object to those matters being rectified and clarified.

The bill contains a penalty provision for employers who fail to provide accurate information to the authority. As I understand it, at the moment the authority has the power to impose some penalties, financial and otherwise, if the remuneration return which an employer submits is false, but there is no power to impose penalties if other information, such as the nature of the work that is undertaken at a particular workplace, is less than accurate. No employer should be providing information that is not true and accurate, because if they are, they are in effect sponging on other employers, bearing in mind that the cost of running the system is borne by employers.

I am not sure whether WorkCover has much evidence of employers maliciously misstating what they do, but there must be some examples — if there were not, presumably this sort of amendment would not be coming before the chamber — so I am happy that the provision is in the bill. I implore the authority, though, to use this power sparingly and to apply the default penalties only after due and proper investigation and upon being convinced that the supply of deficient information is in fact malicious and not due to some misunderstanding or ignorance. I say that because some government forms — in this case, forms sent out by WorkCover agents — can be jolly difficult to

comprehend by some citizens and small employers in our community.

I am not saying the forms are misleading; they are sometimes less than explanatory and are capable of miscomprehension and misunderstanding. In my own case, as someone who deals with forms day after day on behalf of constituents and in the work we do here, I find some government forms difficult to comprehend. I can well understand how those who deal with them only periodically — once or twice a year — might well inadvertently and in good faith provide not exactly the correct information in answer to some of the questions asked. I am simply saying to the authority that it should use this new power sparingly and only after it has determined that the information is being provided in a way that is designed to defraud the authority.

The Nationals are not opposing the legislation. We are a bit concerned that this is a leap in the dark in terms of an increase from 104 to 130 weeks. We are not sure it has been properly tested, and we are not sure that the financial implications of it have been properly assessed. In terms of Mr Atkinson's amendment to be debated in committee, I will listen to his argument with interest, but bearing in mind what transpired in question time today, it would appear that Mr Atkinson has every right and cause to move such an amendment. It was a bit alarming at question time today to hear that one of our most respected ministers might be beginning to fall into the trap that so many ministers in Labor administrations fall into — that is, of dancing to the union tune rather than acting in a way that is in the best interests of the community at large. I shall await the committee debate on that particular aspect.

Ms ROMANES (Melbourne) — I want to speak to the bill before the house and to oppose the reasoned amendment that has been moved by the Honourable Bruce Atkinson to the motion for the second reading. I also want to assure the house that the key objective of the bill is to deliver increased benefits to injured workers and also, most importantly, to assist them in their return to work.

This bill implements changes recommended in the review of workers' benefits which was completed in 2005 and which involved unions, employers and lawyers. Further amendments are also being made to address recent court decisions that adversely impact on the viability of the Victorian WorkCover Authority scheme and to improve the scheme's efficiency, and those matters were dealt with in Mr Atkinson's presentation. The amendments are consistent with the broad thrust of government policy to continue a soundly administered and fully funded workers

compensation scheme. They are put forward in the context of ongoing consultations that happen on a regular basis with all stakeholders through the Victorian WorkCover Authority, industry groups and employer groups.

What we are dealing with here today in this bill to amend the Accident Compensation Act is a good news story. The bill reflects the good management of the Victorian WorkCover Authority, which has restored financial viability to the WorkCover scheme over the last few years and turned it around from a situation where it was \$1 billion in the red in 1999 to a situation in 2003–04 where the operating result was \$1.2 billion in the black. The positive operating results have continued from that time. That situation has come about because of good management and improvement in occupational health and safety practices because of the authority's greater attention to education and awareness programs and strategies to prevent injuries. Of course it has also come about as a result of legislative changes to improve compensation and to better support workers through the difficulties they face when they are injured.

The Public Accounts and Estimates Committee was provided during the budget estimates hearings with some very graphic demonstrations of the improvements that have been happening in the WorkSafe program in the form of various graphs which showed the positive results in a range of ways. I have in front of me one of the slides that the Minister for WorkCover and the TAC, Mr Lenders, provided to the Public Accounts and Estimates Committee at the 2006 estimates hearing. It shows that in 2001–02 there were 38 reported workplace fatalities, and that number has dropped progressively over subsequent years to 19 reported deaths in 2005–06. I think that is one of the best achievements of this government — to see a dramatic fall in fatalities in the workplace.

Another graph shows the number of injury and illness claims. In 2001–02 there were 31 749 claims. That number continued to rise to 32 009 in 2003–04 but by 2005–06 it had dropped to 30 057. Again, a demonstration that the Victorian WorkCover Authority is tackling problems in this area. A further graph shows claims frequency per 1000 workers. In 2001–02 that figure was 13.91. In 2005–06 it had taken the same curve as the other graphs and was down to 12.1.

These are positive developments. They have come about, as I said, through good management and legislative changes. It is interesting that the changes that were introduced through this Parliament in 2004 to restore common-law rights and introduce a range of compensation reforms were opposed at every step of

the way by the opposition. It is consistent that today the opposition continues to speak gloomily about the WorkCover benefits in the bill. We hear the voice of Hanrahan, the gloom and doom — they are not affordable, they will have a negative impact on employers, the unions have their own motives, and there is enormous cynicism about what they are.

Consistent with what is happening at the federal level there is a lack of sympathy for those workers who are injured and who need assistance to get through a very difficult period and to find the best solution as agreed to by all parties — that is, to return to work — but if that is not possible, to find constructive alternatives. I note that Mr Atkinson acknowledged that most employees want to return to work. I believe all the parties want to see every worker who can return to work and again play an active role in the work force.

The bill provides for a range of initiatives which pass the benefits coming out of the more effective management of the Victorian WorkCover Authority on to injured workers and in some cases to their families. That is paralleled by the third 10 per cent reduction in premiums for employers in three years. The benefits of more effective management of claims and the WorkCover Authority's activities are being passed on to employers and employees.

There was some considerable discussion about the \$10 million return-to-work fund, which is a provision in the bill before the house. That fund is to support partnership programs involving employer and union groups to focus on return-to-work opportunities for injured workers. The fall in claims I outlined before and the extra effort at the front end to prevent injury in the workplace are the backdrop to consider in terms of the extra resources that are being put in to support programs to manage complex situations and the task of getting injured workers back to work. I decry the position put by the opposition that the move from 104 weeks of entitlement to 130 weeks of entitlement is just a ploy for extra benefits. Consultations have shown that injured workers need that extra time to prepare themselves to re-enter the work force and to find their way in that.

I will not go through the range of reforms in the bill, as Mr Atkinson has had the opportunity and the time to do that. However, I want to address clause 6 which relates to the appointment of conciliation officers. Just to clarify, the amendment in clause 6 to substitute 'Governor in Council' applies to section 52D(2) of the Accident Compensation Act where the appointment of a person as a senior conciliation officer is to be made on the terms and conditions specified by the minister. It

does not apply to part 1 and the Governor in Council must appoint conciliation officers to do that work. However, it is the minister who has responsibility to specify terms and conditions. That has been done for a specific reason.

Conciliation officers are currently appointed under the Accident Compensation Act on terms and conditions specified by the Governor in Council. On occasion there is a need to vary a conciliator's terms and conditions and the act requires that the matter be referred back to the Governor in Council for approval. This has proven to be inconvenient and is arguably not significant enough to be considered by the Governor in Council. It is proposed to amend the legislation to provide that where there is any variation to a term or condition of appointment of a conciliation officer, including full or part-time employment or remuneration, the minister may approve the varied terms and conditions without reference to the Governor in Council and with the consent of the conciliation officer. This is a very important change to provide that accountability through the minister for those changes without having to go through a cumbersome process to take it all the way back to the Governor in Council.

The provisions of the bill before the house are very significant. They provide for improved benefits for workers. As Mr Baxter has said, they provide for fair compensation. Part of what the government and the community are doing in having a workers compensation scheme is to make sure that there are provisions which protect workers when they are injured or make provision for their families on the tragic occasions when workers are killed in the workplace.

The aim of the legislation is to continue to provide some fair recompense in those unfortunate situations and above all in situations where workers are injured to provide effective, efficient management of claims and support counselling, training or whatever is needed to help workers get back into the work force — or if they are unable to do so, to find other ways to support them through those situations. With those words I commend the bill to the house.

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

Ayes, 20

Argondizzo, Ms	Madden, Mr
Broad, Ms	Mikakos, Ms
Buckingham, Mrs	Mitchell, Mr
Carbines, Ms	Nguyen, Mr
Darveniza, Ms (<i>Teller</i>)	Olexander, Mr
Eren, Mr (<i>Teller</i>)	Romanes, Ms
Hilton, Mr	Scheffer, Mr

Jennings, Mr
Lenders, Mr
McQuilten, Mr

Theophanous, Mr
Thomson, Ms
Viney, Mr

Noes, 18

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hadden, Ms
Bowden, Mr (<i>Teller</i>)	Hall, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL. (<i>Teller</i>)	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Amendment negatived.

Motion agreed to.

Read second time.

Sitting suspended 6.28 p.m. until 8.03 p.m.

Committed.

Committee

Clause 1 agreed to.

Clause 2

The ACTING CHAIR (Hon. J. G. Hilton) — Order! I invite Mr Atkinson to move his amendment 1, which is a test for his amendments 2 to 24 and particularly for his amendment 4, in which he seeks to omit clause 6. Because the amendment tests all other amendments Mr Atkinson can foreshadow his other amendments when speaking on this amendment.

Hon. B. N. ATKINSON (Koonung) — I move:

1. Clause 2, line 2, omit "9, 25 and 26" and insert "24 and 25".

I had proposed to test this amendment on two occasions, in the first instance on clause 2, which would have tested the amendments to virtually all the clauses, but I have made an executive decision — I will test it just the once.

The ACTING CHAIR (Hon. J. G. Hilton) — Order! Thank you, Mr Atkinson.

Hon. B. N. ATKINSON — It is the wonderful thing about shadow ministership rather than spokespersonship, Mr Chairman!

From my point of view this goes to the heart of some of the questions I raised during question time today. I said in my earlier contribution to the second-reading debate that I was quite benign on this clause when I was

briefed on it and when I initially briefed my party on this legislation. However, it came to my attention that the minister had entered into an agreement with Nina McCarthy for a change in her working conditions that are not in the interests of the conciliation service.

It involved the minister refusing to accept the recommendations of a panel he had appointed — a panel that included Mr Brian Corney, Victorian workplace rights advocate, Beth Wilson, the Health Services Commissioner; and Tony McMahon, a senior conciliation officer. These people all have considerable experience, and they interviewed the applicants for the conciliation services officer positions.

In fact 30 candidates were interviewed and the panel recommended 13 people it thought were appropriate and who had the qualifications, skills and experience to be conciliation officers and sent their names to the minister. After looking at the list, the minister thought, 'No, that is not the outcome I want', so he sent the nominations back to the panel and said, 'Think about it again'. The panel did so and, after due consideration and looking again at the qualifications, experience and skills of those people, sent a further recommendation to the minister that their original 13 nominations would stand as the best people on merit who ought to become conciliation officers. The minister then decided to delay the process. As a result he reappointed the 13 people for two months. He had a recommendation from a panel that included the workplace advocate, who is supposed to ensure fairness in the workplace. The panel sent him recommendations of whom he ought to appoint. The minister then said, 'I am not happy about this', and sent it back. Those nominations were again sent to him, and he said, 'All right, I will appoint them for two months'.

Having done that, the minister came to a position where, after that two-month period had expired, he decided, 'I will not reappoint two of the people who have been recommended to me. I will ignore both of those'. Both of those people were conciliation officers who were very well respected. One in particular had an excellent resolution rate and a very high work rate — in fact he was formerly with the National Farmers Federation and the Master Builders Association of Victoria. But no; although this gentleman was one of the most effective conciliation officers and was very highly respected he was pushed aside and not reappointed because a deal had been struck with Nina McCarthy to make sure that somebody from the National Union of Workers (NUW) was given a gig as one of these conciliation officers. The minister refused to appoint two of the people who had been recommended to him and then went on to appoint another four for just 10 months. The reason he did that

was because it takes the appointment beyond the next state election and gives him an opportunity after the election to again tamper with the system and appoint the people he wants rather than the people who on merit ought to be appointed as conciliation officers. That is what this minister is about.

On this occasion instead of appointing the two experienced conciliation services officers who had been recommended by his panel he actually appointed Nina McCarthy, who was a training officer with the NUW, and a lawyer from Ligeti Partners, who are labour lawyers. He appointed those two people in lieu of two very experienced and competent officers. The senior conciliation officer has advised the minister of his concern and has expressed disdain for and his concern about the process of making appointments. What did the minister do? He rang the senior conciliation officer back and said, 'Guess what? Your appointment now stands for just 12 months'. In other words he has even nobbled the senior conciliation officer. He has appointed four officers for 10 months to get them past the election, and he has in effect appointed the senior conciliation officer for 12 months, also to get his appointment past the election, so that he can replace somebody who has expressed concern about the way the minister has treated the panel that he appointed and about the appointments that he has made, particularly Nina McCarthy. Ms McCarthy then claimed to the conciliation service people that she has an agreement with the minister that the working conditions she wants — —

Hon. D. K. Drum — A sweetheart deal.

Hon. B. N. ATKINSON — A sweetheart deal. Ms McCarthy claims she has an agreement that the working conditions she wants have been approved by the minister. According to her, those conditions are that she can turn up when she likes. In fact for the first part of her appointment she was turning up for 4 hours a week and not telling the service when she was going to be there, because to do so would mean that she might be rostered on for work and might have to attend a mediation session. The fact is that if she just turned up randomly — when she felt like it — she could not be rostered on, and that is exactly what was happening.

Then because of concerns expressed to the minister's office about this appointment and about the fact that it was the minister who made this appointment and who overruled the panel that he appointed, which included the workplace advocate, who is there to protect people's fair rights within the workplace, people were ringing up the minister's office and saying, 'Mate, this is on your shoulders. How come you have appointed

somebody who is not prepared to do the work? How come you have appointed this person who is running round our conciliation service saying, ‘I have a deal with the minister, and I do not need to be here except when I feel like it’?’.

After a bit of pressure it seems that Ms McCarthy now goes in two days a week and sometimes three days a week. She is actually supposed to be there for three full days a week under the terms of engagement that the minister notionally had suggested was to be the case. Certainly she replaces somebody who was working 40 hours a week — in other words, someone who was a full-time appointment with a high clearance rate and who was well respected. She has replaced that person, yet having replaced that person initially for 4 hours a week, now she might come in two or three days a week. She never stays for more than half a day.

Hon. D. McL. Davis — And who knows when it is?

Hon. B. N. ATKINSON — Who knows when it is? In fact she still cannot be rostered on for any mediation. The fact is that she says to them, ‘I am not too keen on coming to the city to do mediation projects, and I certainly do not want to go to the country to do conciliation projects’. The reality is that this is a sham. This is a deal between the minister and a union member. I might say that in the questions I have raised today and in this debate I have not argued about a number of other appointments. Indeed I might point out to the house on this occasion that both the Premier’s brother-in-law and the husband of the member for Yuroke in the other place, Liz Beattie, are conciliation officers in this service and are both subject to government appointment. The reality is that they do their work and are held in very high regard for that work.

The issues that I raised in question time today and in this debate tonight are simply about jobs for mates as such. They are about appointing somebody on a sweetheart deal who does not do the work. That is why the minister’s Labor mates down at the conciliation service have been ringing his office and saying, ‘Why did you make this appointment? Why did you appoint her? Did you really enter into a sweetheart deal with her?’. They cannot believe what has happened. They have respect for other conciliation officers, but they are most concerned about this arrangement involving Nina McCarthy. The issue being tested in the clause before the house tonight is that the minister is seeking to regularise something he has already done, which is a sweetheart deal with Nina McCarthy. Tonight he wants this house to pass a piece of legislation that says, ‘If one of the conciliation officers wants to vary their terms of

employment and only come in 4 hours of a three-day week or half a day when they feel like it, then that ought to be all right and as a minister I ought to be able to approve it’.

Tonight Ms Romanes, in her contribution to the debate, tried to have a bob each way. She actually said — and this was the rationale I was provided with at a briefing about this legislation — that this clause ought to be passed as part of this legislation because effectively a situation where a conciliation officer might want to work part time, for instance, instead of full time, is a trifling matter to take to the Governor in Council and that it would be administratively better for the minister to approve this and tick this off. She said that the Governor in Council would be making the overall appointments, but as to their working arrangements, if it were desirable for both the service and the employee that there should be a part-time working arrangement, then the minister could in fact tick it off. As I said at the very outset, I was benign about that and was quite happy to accept it until I came across the Nina McCarthy deal. All of a sudden it seemed to me that this minister was simply trying to regularise a situation which was already happening in his department, already happening in the conciliation service and was causing a great deal of angst among many of the people within that conciliation service.

Nina McCarthy’s contribution to the service is practically nought, because she cannot be rostered on to mediation sessions. It is doubtful she has enough experience or qualifications to do mediation in the first place, notwithstanding that she understands workplace relations and WorkCover in a broader sense because of her training role in the National Union of Workers. But she certainly has no direct experience in mediation. Given the fact that she is only there when she feels like it, she is unlikely to achieve that experience in the short term.

Hon. M. R. Thomson — On a point of order, Acting Chair, I bring to the attention of the committee the fact that Mr Atkinson has been speaking for an awfully long time about nothing to do with the clause but about an issue he was running with during question time today. I suggest that we have been lenient in letting him continue on his rant, but it is time to draw him back to the committee stage of the bill and to deal with this particular clause.

The ACTING CHAIR (Hon. J. G. Hilton) — Order! I do not uphold the point of order. I believe Mr Atkinson’s comments are germane to his amendment, but I ask him to draw his comments to a close and let the minister respond.

Hon. B. N. ATKINSON — Certainly, Acting Chair, and thank you for your ruling. We are concerned that the clause will regularise a position which is of great concern. As Mr Baxter said in his contribution earlier today, this is a minister we hold with some regard in terms of his integrity and support of due process. But this issue today questions the minister's commitment to probity, questions the minister's commitment to due process and questions the minister's judgment in terms of the appointments he makes. In that context he has attempted to regularise his position by seeking the endorsement of members of this chamber for a change to the legislation which would allow for the appointment of more Nina McCarthys in the future; it would allow him to appoint union mates to positions on terms and conditions that suited them and him rather than the conciliation service and those people who depend on its deliberations.

My concerns about this appointment and this clause are that this legislation removes the independent appointment and allows the minister to reach sweetheart deals as he obviously has done with Nina McCartney. He did not deny that today in question time. He kept talking about part-time employment, a matter that I never actually raised. This suggested to me that he knew a lot more about this appointment than he was prepared to let on today in question time. The reality is that this minister cannot be trusted with this power to vary the employment conditions of people who are appointed as conciliation officers. Whilst I was once benign, I am no longer. I do not think this minister can be trusted with the power and we will vote against it.

Mr LENDERS (Minister for WorkCover and the TAC) — I am very disappointed in Mr Atkinson. It is fair enough for him to have a vigorous policy disagreement with government and fair enough to have a go at me and cast aspersions on me to his heart's content. That is a part of the cut and thrust of the place, but I am extremely disappointed that he gets up in this place and besmirches a person who I assume he has never met. She is a person of integrity; her soul sin being that she seeks to work flexible hours, which in the 21st century I would have thought was something doable. If he wants to have a go at me, he can do it, but I would have expected better than to be using this place under parliamentary privilege to be besmirching someone.

The issue before the Chair today is in simple terms — Mr Atkinson is correct about that. It is to say that should the variation — in other words, the capacity to move from full time to part time — be an issue that is one for the Governor in Council, which means the

executive council accepts a recommendation from the minister, or should it be one for the minister to vary those terms and conditions?

If Mr Atkinson and members of this chamber are concerned at all about the probity of any particular person, nothing is proposed here at all for section 52D that in any way removes probity and scrutiny in the initial stage of the appointment and the suitability of a person to be a conciliation officer in the area. The Governor in Council still appoints the person to the position. Presumably the key issue is whether a person is suitable to be a conciliation officer or are they not. Whether they are full time or part time is not an issue. I do not have the figures in front of me, but on several occasions during my 18 months in this portfolio I have recommended to the Governor in Council that people be reduced from full time to part time because that is their request. It may suit them to be fractional, sessional or part time. If Mr Atkinson is concerned that all this makes any difference to the process of a person being appointed, then his concerns can be allayed. There is no difference.

The difference this makes is that if I as a minister wish to suggest that someone who has been appointed full time becomes part time, or someone working part time becomes full time, or someone who is working a 0.7 load works 0.6, or someone on 0.7 goes to 0.8, rather than each time going to the Governor in Council with those changes, the minister can approve it.

Mr Atkinson's concern about the suitability of a person, which is a legitimate concern for a member of this house to have, is not affected by this. Section 52D says:

- (1) The Governor in Council must appoint —
 - (a) a person to be the Senior Conciliation officer; and
 - (b) one or more other people to be Conciliation Officers.

There will be no change. All that is proposed is that if the time fraction and those sorts of issues are changed, the minister does that rather than having the Governor in Council do it. Perhaps he thinks that is something that should not be done by the minister, and that is his legitimate right. It is a legitimate right of the Parliament to do so and vote accordingly. But if his concern is it affects the nature of the person appointed as a conciliation officer, he has no need for that concern. There is no change to the legislation as to the appointment process. All that is proposed is that varying the hours be more streamlined.

I might say, Chair, in the 21st century it is almost like you have the board of BHP or the general meeting of

BHP needing to determine whether or not someone works certain hours. It is not the issue of the appointment; it is the issue of the portion of time. I think it is fairly simple and the amendment speaks for itself.

Mr Atkinson may have concerns about me or whatever else, but I urge him to look at the amendment, see it for what it is, and see it for what it was in his initial assessment, as he said in this place. If he wants retribution for the appointment of a person, he is entitled to do that, but let us have the policy debate on this item. The item stands as one that deserves to be supported.

Hon. B. N. ATKINSON (Koonung) — Can I suggest that there is a big difference between flexible hours and having somebody who is appointed to appear three days a week at their place of employment deciding when they will come in, who comes in randomly, who initially said they can only come in for 4 hours a week and they have an agreement with the minister, who subsequently says they will turn up two days a week and, ‘If I feel like it I might come in three days a week, but I will only be there for half a day, and I will not tell you which half of the day and I will not tell you which day I am coming in’ and so forth — that is not flexible hours. That is really abusing the system and undermining the conciliation service.

But that apart, the minister says this clause does not change probity issues. Can I suggest to him that it does, and it goes to the heart of those probity issues after today. The fact is that this is not about Nina McCarthy’s or anybody else’s appointment. It is now about whether or not we trust the minister to make changes to the working conditions of these people, given the sweetheart deal he struck with one individual and seeks to regularise through this clause. The issue now is about the minister’s probity, and we do not trust him to exercise the responsibility under this clause.

Hon. W. R. BAXTER (North Eastern) — I find myself in somewhat of a quandary. On the face of it the case advanced by the minister has some merit: why should working hours be a matter which goes to the Governor in Council? It does not quite seem as important as that. But on the other hand, like Mr Atkinson I was prepared to accept that in the beginning.

We have had all sorts of allegations made today, which give rise to a tremendous amount of concern that has not been addressed or denied by the minister and leads to the question: have we got a person who has been appointed by the Governor in Council according to the

act as it now stands but who has chosen, for one reason or another, to dictate her own terms as to when she might present herself for duty?

Does this amendment enable the minister or the department to overlook the fact that they have now got an appointee who believes it is her prerogative, if not her right, to dictate to the employer in the sense that she is an employee? I agree that appointment as a conciliation person is a somewhat different position from the normal employer-employee relationship, but if this person is in fact doing what Mr Atkinson alleges, which has not been denied, I can only accept that what Mr Atkinson is saying is either true or at least largely true as to detail.

On that basis, in the absence of a satisfactory explanation, The Nationals are in a position where we are bound to support Mr Atkinson’s amendment.

Mr LENDERS (Minister for WorkCover and the TAC) — Without going over previous ground, to satisfy Mr Baxter, through you, Chair, I can say categorically the Accident Compensation Conciliation Service has not raised with me any issues about the performance of the person Mr Atkinson has — —

Hon. B. N. Atkinson — That is not true.

Mr LENDERS — Mr Atkinson says it is not true. Categorically the Accident Compensation Conciliation Service has not raised that issue with me. I have checked with my office and my officials who assure me they have not raised it with me. Mr Baxter has a legitimate question about a service with 30 conciliators whose senior conciliation officer has not raised it with me. I do not know how many ways I can say that. I have checked with my department and with my officials since Mr Atkinson has spoken. They have not had it raised with them.

Let us go to the hypothetical that Mr Baxter raised. If a new person starts in a job, presumably at the start of that job there is some movement and discussion with the person whom she reports to — that is, the senior conciliation officer. I do not know what Mr Atkinson’s source is, but I am sure that he asserts in good faith that something is not happening, and I am giving him the best assurance I can that I have not had any representations on this issue.

I would urge the house to look back to section 52D and even pass it through the test Mr Atkinson suggests. What we have at the moment is that the minister recommends to the Governor in Council these issues. What we are proposing is that the minister take sole responsibility and not make recommendations to the

Governor in Council on this issue of time, and time alone.

I suggest to Mr Atkinson, and I put it in terms of the hypothetical he has arranged, that that would not make a difference. In the end, if I was doing all the evil things that he is saying that I am doing, I would still make those recommendations to the Governor in Council and then the Governor in Council, on receiving recommendations from me as minister, would almost always act in good faith on those recommendations.

If Mr Atkinson is seeking to deal with that, and if he does not accept the good faith of my actions, I suggest he has other ways of dealing with it, such as by removing me as minister rather than dealing with this clause in the legislation. I suggest to him that he has the traditional means available to a Parliament if he thinks he has a problem. His course of action is actually not to address the legislation, which should be seen as what it is: a measure to remove an anomaly and let issues be dealt with more appropriately where they are. If he has an issue with me as a minister, there are procedures for dealing with them. I suggest this is the wrong vehicle for him to use.

Hon. B. N. ATKINSON (Koonung) — I accept Mr Baxter's position in this debate, because it is the position that I took. As far as the administration is concerned, we were benign on it. We felt that this was an appropriate amendment proposed by the minister, but frankly, as I said, the minister's conduct has not given us any confidence. Whilst the minister suggests that at the end of the day to all intents and purposes there is no difference because the Governor in Council will make a decision based on his recommendation, I still like to subscribe to the fact that there are checks and balances in the system. This is one of the checks and balances. I suggest that at this time, given the experience that we have had on this occasion, it would be best not to make this change to the legislation as it is now and to pass the amendment, which would remove this clause and remove what I regard as a sad episode in this minister's performance.

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

Ayes, 21

Argondizzo, Ms	Mitchell, Mr
Broad, Ms	Nguyen, Mr
Buckingham, Mrs	Olexander, Mr
Carbines, Ms (<i>Teller</i>)	Romanes, Ms
Darveniza, Ms	Scheffer, Mr
Eren, Mr (<i>Teller</i>)	Smith, Mr
Jennings, Mr	Somyurek, Mr
Lenders, Mr	Theophanous, Mr
McQuilten, Mr	Thomson, Ms

Madden, Mr
Mikakos, Ms

Viney, Mr

Noes, 18

Atkinson, Mr	Drum, Mr
Baxter, Mr	Forwood, Mr
Bishop, Mr	Hadden, Ms
Bowden, Mr (<i>Teller</i>)	Hall, Mr
Brideson, Mr	Lovell, Ms
Coote, Mrs	Rich-Phillips, Mr (<i>Teller</i>)
Dalla-Riva, Mr	Stoney, Mr
Davis, Mr D. McL.	Strong, Mr
Davis, Mr P. R.	Vogels, Mr

Amendment negatived.

Clause agreed to; clauses 3 to 48 agreed to.

Reported to house without amendment.

Remaining stages

Passed remaining stages.

HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL

Second reading

Debate resumed from 18 July; motion of Mr GAVIN JENNINGS (Minister for Aged Care).

Hon. D. McL. DAVIS (East Yarra) — Before making my contribution to debate on the Health Legislation (Infertility Treatment and Medical Treatment) Bill I indicate that the opposition is pleased to support it.

It is a small and important bill. I do not propose, given that we support it, to make a long contribution because there has been plenty of discussion on these matters in the community to date. I will summarise briefly what are the major features of the bill.

The bill makes amendments to the licensing provisions in section 93 of the Infertility Treatment Act to allow an infertility service provider to apply for and be granted a licence to conduct treatment in their own right rather than restricting licensing to hospitals and day procedure centres. This is a sensible change that updates this bill and brings it into the modern era. The reality is that many of our laws regarding infertility treatment go back to the 1980s. Although the act was passed in 1995, many of the bases of it go back to the 1980s.

These were in many respects related to the need for precise record keeping and related matters, which were

perfectly legitimate points to be made at the time. However, times have moved on, and this is a sufficient reason to make the changes that are inserted by these amendments.

The bill also makes amendments to the certificate in schedule 3 to the Medical Treatment Act 1988. It will make clear that only those guardians appointed by the Victorian Civil and Administrative Tribunal with powers to make medical treatment decisions may lawfully refuse medical treatment on behalf of an incompetent person by completing the relevant certificate.

These are sensible changes; the conclusion is that these changes are relevant and modern. The issues around infertility treatment and debates that have gone on over a period relating to medical treatments, and the position of guardians and decision-making near the end of life, involve decisions that are fraught with not only personal philosophical positions but also a series of legitimate debates that need to be had at a public level to design public policy in a way that fairly represents the views of the community and not only provide appropriate protections but at the same time allow the individuals involved to exercise those rights that are reasonable.

I shall comment on the issues surrounding infertility treatment and experimentation at this time, the appropriate rules that relate to the governance of research, proper licensing, and the checks and balances that are required around medical research that relates to those treatments that in the end are desired by the community. I put on record the view of the opposition that there need to be appropriate checks and balances in this area. We do not believe this bill in any way substantially weakens those. We think that these changes are appropriate.

I note that the national debate that is occurring at the moment has had several of the states, including the Victorian and Queensland governments, placing on record their view surrounding the issues of human cloning and experimental cloning. These are contentious debates on which I know many have very legitimate and often divergent views. This is one of those areas where people of genuine goodwill, honesty and integrity can have varied positions.

The report on human cloning and experimentation that was received recently by the Prime Minister, the federal government and the states was an important one. I have had the opportunity to read that report, and in a sense, to express a personal view, I think there is much merit in it. I do not necessarily agree with every aspect of it,

but I understand the cogency of the arguments that are put and the thoughtfulness with which the report has been constructed. This will be a point for further debate by many in our community both at the federal and state levels. I look forward to that debate and to a further set of discussions.

This legislation is much narrower than my point of discussion on the broader national issues that are confronting the community at the moment, but I indicate that the opposition supports the narrow and sensible steps that are included in this Health Legislation (Infertility Treatment and Medical Treatment) Bill.

Hon. D. K. DRUM (North Western) — The Nationals share a similar view to that of the Liberal Party and will not be opposing the legislation. The in-vitro fertilisation technology that is helping many families throughout Australia is having a significant impact on a number of lives in Victoria. While it may be true that the success rate of many of the families who are entering into the treatment is not great — it might be as low as 20 per cent in a number of cases — certainly the joy and the happiness that is brought about by that 20 per cent of the clientele makes this technology a valuable part of our society.

All of us who have been lucky enough to have children consider ourselves blessed to have been able to conceive children naturally and to have been in the situation where we have been happy and blessed enough to be able to raise those children. It is easy for us to acknowledge the anxiety experienced by families and couples who are unable to conceive children naturally and their desire to be a more complete and bigger family, to have children of their own, which leads them into this sort of treatment.

Our hearts go out to everyone who undergoes these types of treatment, and we certainly wish the success rates could be better and that other technologies are developed. I know that the Billings method has a rate of success somewhat better than IVF. I am certainly a big supporter of different types of family planning and the success rates that methods such as Billings have is an addition to the list of options that are available to families who have trouble conceiving children.

This industry sector is very important. The Infertility Treatment Authority was established under the Infertility Treatment Act. The authority regulates and monitors the operation of the sector. When it was set up in 1995 it had four specific principles which were: one, to make sure that the welfare and interests of any person born as a result of the treatment or procedure are

paramount; second, that human life should be preserved and protected; third, that the interests of the family should be considered; and fourth, that infertile couples should be assisted in fulfilling their desire to have children. The other work they do is quite varied and is secondary to those principles.

In reading the general report of the Infertility Treatment Authority I noticed that the chairperson, Jock Findlay, has said there are a number of challenges that are relevant to the sector. He said there were challenges in relation to whether they should tell the offspring of donor sperm that is how they were conceived. That is an issue they are wrestling with at the moment. Sometimes the parents have not told their children that, but when they turn 18 years of age it is their right to know that. The authority is working on other issues such as the screening of donor sperm to cut down on health risks and do away with some transmissible diseases that are able to be detected through the screening process. There are a number of highly sensitive aspects to the industry that are being dealt with at the moment. We understand there is considerable responsibility on the Infertility Treatment Authority, which was established in 1995.

The legislation deals with the licensing agreement that has been put in place, which will help each of the respective premises that are used for treatment and are licensed as a facility. At the moment licences are issued to hospitals, whether they be public or private hospitals or part of a hospital, such as a day clinic. The facilities where procedures are carried out will now have their own licences. That will streamline the operation and give day centres the independence they need. It will help with issues that arise, such as the sale of a property and the ability for the property to operate on its own rather than under the umbrella of a hospital or some other organisation such as Monash University.

We have consulted with a large part of the industry, and there has been no opposition to the bill. The Victorian Civil and Administrative Tribunal has said these changes should take place, and we are happy to support them. Clause 4, which amends schedule 3 to the Medical Treatment Act 1988, relates to the slight change of forms for people who wish to refuse treatment for illnesses and also refers to the issues surrounding guardianships and guardians who will have the ability to be agents or guardians of those deemed to be infirm or incompetent persons.

The Nationals have been through the bill and have found that it has universal support. We believe it will simplify the licensing agreements and will enable many day centres to operate more independently than they

currently do, because they will not have to answer to a hospital that effectively holds the licence. With those few comments I indicate that The Nationals will not oppose the legislation. I hope that once these facilities are operating under their own licences they will be able to buy, sell and move the facilities around so that infertility treatment is given to as many couples as possible.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Consumer Affairs) — By leave, I move:

That the bill be now read a third time.

In so doing I thank honourable members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Hon. T. C. THEOPHANOUS (Minister for Energy Industries) on motion of **Hon. M. R. Thomson.**

LAND (FURTHER MISCELLANEOUS) BILL

Second reading

Debate resumed from 18 July; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. D. McL. DAVIS (East Yarra) — I will make a contribution to the debate on the Land (Further Miscellaneous) Bill. This bill revokes permanent reservations over certain land at Belmont, Moreland South and Bendigo. This is one of those bills that

regularly comes to the Parliament to change and alter reservations of land in a number of ways.

The Parliament has a huge role to play in ensuring that reservations are made in certain ways and altered as is appropriate, as land use requirements change.

The bill provides, firstly, for a change at Barwon Heads Road and Breakwater Road, where the road verges encroach on South Barwon Recreation Reserve. There obviously needs to be significant change in that road reserve area, and the change needs to ensure that a roundabout can work and cope with traffic on that corner. I am sure Ms Carbines will have some contribution to make about that.

Ms Carbines — Insight.

Hon. D. McL. DAVIS — She will have some insight, indeed. I am sure that, as a local, she will have a lot to say about this. It is my understanding that this bill, which provides for a change in the permanent reservation in Belmont, comes to the Parliament after the task has been completed there. The bill is late in the sense that it would have been more appropriate before the works and changes had been completed. I will say something more in a moment about the traffic situation in and around Geelong; honourable members might be surprised that I would do so.

The second part of this bill relates to the Moreland McDonald Recreation Reserve in Coburg. A strip of land will be lost to create a road linking Bell Street through Drummond Street to Sydney Road North, and that is supported by the council. There will be the loss of a tennis court, but the relevant club, as I understand it — I would be interested to hear the government clearly confirm this — has been promised new courts in the new Pentridge Estate nearby. It is an estate that I have had a close look at on a previous occasion — an impressive estate.

Hon. M. R. Thomson — What, when it was a prison?

Hon. D. McL. DAVIS — No, after it was a prison, Minister — after it was decommissioned as a prison. It is a very interesting estate that has made clever use of that pocket of land.

As I said, the strip of land that will be lost will create a road linking Bell Street through Drummond Street to Sydney Road North. I understand the proposal is supported by the council. Indeed, I understand the original request came through the council.

The final part of this bill relates to the Crusoe Reservoir and No. 7 Park. It will facilitate the completion of a major aqueduct and passive recreation facility for the people of Bendigo. My research in talking to the local people suggests there is strong support for that development. The reserve contains part of Sandhurst Water Supply Reserve that is no longer required by Coliban Water for water supply purposes and which will become available for recreation that is compatible with the conservation of surrounding bushland. There are also heritage values to be protected. I understand from the second-reading speech and the briefing on this bill — I thank the minister for that briefing — that the old water supply structures and other heritage items will be protected.

The committee of management for this park area will be the City of Greater Bendigo. Indeed, it has a draft management plan which I have seen and which is available for community consultation. I am told that Bendigo has committed between \$4 million and \$5 million to develop this park. Coliban Water has also spent money in the process of decommissioning reservoirs as water supply facilities. Coliban Water will retain control of the structures that remain operational for water supply. It is claimed that the management plan will assist with local issues surrounding flora and fauna.

The opposition strongly supports this bill. My consultations with people in the Bendigo area certainly suggest there is strong support for the development. The concept of significant parkland in and around Bendigo is a valuable one, and the opposition supports it. There needs to be proper management of that parkland that will ensure it is well managed and well protected, both in terms of the heritage values and the floral and faunal values, and also in terms of fire prevention and the management of fire risk. I place on record the opposition's concern to see that there is a proper fire management process in place to ensure that Bendigo is not put at risk.

It is interesting that the government has created a number of floral and faunal reserves in and around Bendigo and its region, and it needs to manage them well. The box-ironbark forest was created recently, and it is interesting to note that that is on the route for trucks travelling up to the Hattah-Nowingi site. There is a concern that that site to the south of Bendigo may be exposed for up to 30 years to many truckloads of toxic material being carried along that highway. That is a long time, and we need to ensure that that area south of Bendigo is well protected. The opposition is concerned about the future of the people along the Calder Highway in the towns and the schools, and it is also

concerned that the values surrounding the forest in that area are protected.

The government has talked at length about the need to have a protective regime in place, and I support that step, but at the same time I think there is a level of hypocrisy when it is prepared to expose some of the flora and the fauna in particular in that box-ironbark area. There are eight species of threatened plants and 14 species of threatened animals in the area. The area around Big Hill in particular is the home of many of those endangered species, and there has been significant survey work carried out there that shows the value of the area to those species. It seems surprising that the government is prepared to expose that parkland to the south of Bendigo to the risks associated with the transport of toxic waste for such a huge distance.

I want to reflect on the situation of transport in and around Geelong. It is important to note that the government appears to be in some confusion about what it is going to do with its Geelong transport policy. In the last week or so I have seen a series of discussions in the media about the future of transport in Geelong. I note the decision of the government to extend the bypass to the south of Geelong but to run it into a T-intersection, which seems to me to be an extraordinary decision — a decision that is short-sighted and not thought through.

Hon. D. K. Drum — Dumb.

Hon. D. McL. DAVIS — It is a dumb decision, not a thoughtful decision and not a decision that is focused on the transport and traffic needs of Geelong into the future.

It seems that there needs to be a rethink by the government, and I certainly encourage the government to have that rethink. I know that the member for South Barwon in the other place has not thought this through well and has been prepared to speak up publicly, perhaps not covering himself in glory in the last few days. I encourage him and the Labor community in Geelong to be quite cautious about the way they approach this and to rethink this in the interests of the community.

I congratulate the federal government on its support for the proper placement of a bypass around Geelong and for the thoughtful way it has approached this matter. In particular, the federal member Stewart McArthur has been very prepared to advocate for a better outcome — perhaps a rethink about where that ring-road is going to end.

In terms of the future of Geelong's transport requirements the government needs to have a rethink, because it appears to have been prepared to spend a lot of money for a very much second-class outcome. Whilst the opposition supports the bill and the changes to the land through the revocation process, it comments that the government has completed the changes in Geelong referred to in the bill ahead of the bill coming to Parliament. That is just another example of it getting its processes wrong and confused.

Hon. D. K. DRUM (North Western) — The Nationals will not be opposing the three revocations of Crown land to enable each of the respective communities to improve what they currently have.

We understand that the piece of land at South Barwon, which runs alongside Breakwater Road, will enable the doing of roadworks that have only five or six weeks to go before completion. I share Mr Davis's concerns that this legislation is somewhat behind on dates. The government has worked to its own time lines and has realised that it had better tidy up the mess it could otherwise have been creating. Anybody who has ventured through that part of Belmont heading down towards Barwon Heads would have considered themselves somewhat lucky if they were able to get through that intersection without some lengthy delay. In its current state the roundabout that services a large portion of the traffic moving from the Belmont-Highton region right across to the industrial areas of Geelong East is unbelievably small.

The roadworks are well and truly past being due; work on those roundabouts and the duplication of the roads are well and truly necessary. I understand that a large portion of the community around the Breakwater region has some concerns with the way things have been done and that that community is having its own fight. I do not have a well-grounded enough knowledge of those community disputes to judge one way or another, but I have read the correspondence that has been going backwards and forwards between the respective residents groups and they have certain issues with the way further works may take place up around Felmongers Road when it comes to crossing over the Barwon. I understand that will create some issues in the future, but the work referred to here seems reasonably positive. It seems everyone is keen to get the work done. It will certainly streamline the traffic flow, which will be very much appreciated by all the locals as well as those holidaymakers and tourists who are travelling through to the coast. At the minute it really is quite a dangerous little bottleneck.

The second aspect of the bill, which deals with land at Coburg, will enable the widening of the road alongside the old Pentridge Boulevard into Bell Street. Whilst it will take away part of the East Coburg Tennis Club, the club has clearly stated that it is prepared to enter into negotiations and work in conjunction with the council to find itself a better home. Possibly because of the fact that it is a growing tennis club it is looking to move to some larger premises and have better facilities in the future. There does not seem to be disquiet in the community about this piece of land. I think everybody is behind the government in its endeavours to make that thoroughfare a little wider than it currently is.

The final piece of land dealt with in the bill is an area in my own city of Bendigo. It has to do with the desire of the City of Greater Bendigo to turn the land in between its disused water storages at Crusoe Reservoir and at No. 7 Reservoir into passive recreational parkland. It will be quite an interesting project, and it has very strong support from the general Bendigo community. The city has a vision of creating an opportunity for families to get away together and enjoy water sports while not taking away from the natural bushland that will surround the water storages. It is looking for families and other groups to enjoy the sandy beaches that it will build. It will have to bring in an awful amount of sand to create beaches. There will be boardwalks, lawns, seats and tables, creative play facilities and shady bushland areas. Hopefully some canoeing and kayaking will be introduced and even some small fishing boats. A basic learn-to-sail school will also be set up on the Crusoe Reservoir. It is hoped that visitors and tourists will cotton on to the fact that Bendigo will finally have a body of water with recreational activities as part of it.

As someone who has lived in Bendigo for nearly five years now I can say that one of the few detracting issues associated with Bendigo is that apart from Lake Weroona, which is quite small, we do not have any significant body of water for swimming other than the swimming pool. This measure has the potential to create some significant benefits for the city and the people who live in Bendigo. In all these revocations of Crown land the local council will be the managing body of the particular groups. Certainly at Crusoe Reservoir and No. 7 Reservoir the City of Greater Bendigo will take up the management role. We have looked very closely at this.

Before I conclude, the one thing I would like to talk a bit more about in relation to the No. 7 and Crusoe reservoirs is that they make up part of the Bendigo water supply system that was built in 1859. Bendigo was established where it is simply because of the gold.

People did not look around to find out whether or not it was a good place to site a major city. It simply grew where it grew. There is no major river that at some stage might have helped its survival. The Loddon River, which is some 25 or 30 kilometres off to the west, did not feature as an area where people might have eventually settled. But Bendigo is where it is.

In the late 1800s there were some very significant problems with how the settlement would survive without any natural water. A system was developed of building storages some 70 kilometres to the south of the city in the Malmsbury-Kyneton region. There were three significant storages in that area. A gravity-fed open channel was developed, which wound its way around that countryside. In among all the mountain ranges between Bendigo and the Malmsbury region a gravity path was found that was able to deliver water 70 kilometres away to smaller storages, of which Crusoe Reservoir is one. By accessing water from these reservoirs — Sandhurst Reservoir, Spring Gully Reservoir and Crusoe Reservoir — Bendigo has been able to survive for 150-odd years. Later, around 1960, Eppalock Weir was built, a portion of which has been seconded to look after Bendigo's water supply.

Nevertheless Bendigo still finds itself in need of greater water supply. The no. 1 topic in the Bendigo region has been, 'How are going to accommodate Bendigo's future needs for water supply?'. The pipeline project has been put forward by the government which will see the government spend between \$70 million and \$90 million to secure water and pump it 40-odd kilometres into Lake Eppalock and another 20-odd kilometres into the city of Bendigo storages. That is a very expensive way to facilitate water needs.

That is why it is opportune to mention that there might be a better way for Bendigo to secure its water needs now that we are going to take Crusoe Reservoir off the system, decommission it and turn it into a passive playground and beach. Bendigo has the ability to be the no. 1 city in Australia as a result of leading the way in capturing stormwater. It is a plan I have spent a lot of time researching, and I believe it is going to lead the way in sustainability in this country. Bendigo is a city of 100 000-odd people and its development is sprawling and growing quickly. The faster Bendigo grows the more we accentuate the water run-off and the accelerated flows that are generated from the continued development. The continued doubling and tripling of all the tinned and tiled rooves and the bitumen roads create greater amounts of run-off every time we get significant rain in the Bendigo region.

We can think a bit differently. We can go to neighbouring irrigation systems such as the Goulburn system and look at channelling and then piping water into our storages, or we can look at becoming a self-sustaining city with ways of capturing our own natural resources that fall in our region. We will not be taking anything away from the environment. The water that normally falls in Bendigo runs down to Bendigo Creek and into a little creek where it has erosion problems and actually causes salinity issues for some farmers. They have to deal with these excessive, non-natural flows of water. By capturing the water we are going to be able to save those environmental problems caused by these unnatural flows. I think it is worth talking to the government again about this plan. I certainly hope the Minister for Water will have a good look at this plan and come on board because Bendigo has the ability to implement this plan quickly and get the feasibility studies under way so that in the not too distant future Bendigo can be one of the leading cities in Australia, starting to capture and reuse its stormwater for a whole host of purposes and uses. If we are going to close down Crusoe Reservoir and turn it into a passive activity recreation area, that will be great. Hopefully we can really use that facility. But it would be also great to think we are moving forward into the future and working out new ways to deal with our own crisis associated with water which is currently gripping the area.

I wish the legislation providing for the revocation of these three parcels of land a speedy passage. The revocation of the reservations will enable the work that needs to take place with the roundabout at Belmont and the thoroughfare at Pentridge Boulevard and will ensure that this land at Crusoe Reservoir is turned into recreational park and creates the best benefits it can for each of the respective communities.

Ms CARBINES (Geelong) — I am pleased to speak tonight in support of the Land (Further Miscellaneous) Bill. This is a very small bill, but its passage will deliver three important pieces of land which will be necessary to deliver road infrastructure in two municipalities and recreational infrastructure in another.

Of course we are talking about the city of Geelong and the South Barwon recreation reserve in Belmont in my own electorate. It is always nice when speaking on these types of bills to find one that includes something in your own electorate. That is good. We are also talking about the city of Moreland and the McDonald Recreation Reserve in Coburg and, as we have heard from the Honourable Damian Drum, the city of Bendigo and the Sandhurst Water Supply Reserve — in particular, the decommissioning of the Crusoe

Reservoir and the No. 7 Reservoir to create a community park.

I would like to spend some time talking about the part of this bill that pertains to my own electorate. The government has worked quite some time in looking at how to address the significant traffic issues associated with Breakwater Road, and on another project the Breakwater Bridge project. The area in Breakwater Road in Belmont is only about 5 minutes from my house and I travel down this road on many occasions to access the Bellarine Peninsula. In fact the route down Breakwater Road, over the Breakwater Bridge and up Fellmongers Road is the way most people who live in the southern suburbs of Geelong access the Bellarine Peninsula.

We have looked very critically at the former roundabout at the Barwon Heads and Breakwater roads in Belmont. It was a traffic nightmare particularly in summer when people were heading down to Barwon Heads or heading to the peninsula. Traffic trying to access those roads was always backed up, sometimes onto the Princes Highway. Clearly the roundabout is not appropriate traffic management for the levels and volumes of traffic that those roads receive in 2006. The government had allocated \$6.4 million to upgrade this roundabout and make it into an intersection controlled by traffic lights. In order to do this we needed to actually remove some of the South Barwon Recreation Reserve to facilitate the construction of the traffic light-controlled intersection. This work is very important to my electorate, and I am pleased to tell Mr Drum that it has already been finished.

When I was driving through that intersection on Saturday night, I saw that the traffic lights were not only installed but were operating. It looks magnificent; it looks fabulous. The work is really well done, and it will significantly enhance the traffic movement from the southern suburbs of Geelong across the peninsula or down to Barwon Heads. The work has obviously been done quite expeditiously by VicRoads, and we were all pleased to see the traffic lights up and operating.

I was interested to hear the contribution of the Honourable David Davis. I note that yet again he was dragging his feet when coming into the chamber. He seemed to be missing in action when the bill was about to be called on. I think he needs to lift his game when it comes to these planning bills. He needs to pay more attention to when he is required in the house. I noticed he got a bit of a telling off from the Opposition Whip as he entered the chamber, and that was good to see. We enjoy it when Mr Davis drags his feet, and he does it on a regular basis.

I was interested in what he had to say about the Geelong ring-road project. It was typical of Mr Davis. He thinks he knows a bit of information. He reads something in the paper and swallows it hook, line and sinker. Then he comes into the house and tries to prosecute an argument that is obviously wrong. Unlike Mr Davis, I live in the area that will be affected by the Geelong ring-road. I think I am the only member of Parliament who lives on the estate that will be affected by the route that was recommended to the government by the independent panel. I know that the Geelong ring-road will bring enormous benefits to the people of Geelong, and particularly those who live in its southern suburbs, as I do. It will make a big difference to traffic movement not just through the city but also across it, and it will certainly save time for people who live in suburbs like Highton, Wandana Heights, Grovedale and Waurn Ponds. Mr Davis should not believe everything he reads in the newspapers.

The second part of the bill relates to the Moreland City Council and the McDonald Recreation Reserve in Coburg. It removes a small section of the reserve to facilitate traffic improvement. As a result of the bill, traffic conditions in the vicinity of Bell Street and the Pentridge Prison redevelopment will be improved. Drummond Street will be widened to operate as a more effective outlet for the newly constructed Pentridge Boulevard into Bell Street. This is important work, as it will increase safety in the local area. I know there is a primary school nearby, as are the council offices and other community facilities in Urquhart Street. This is an important traffic management issue, but it is also an important pedestrian safety issue.

A casualty of the need to acquire some of the reserve will be the East Coburg tennis courts. The existing tennis courts will be relocated to a new, council-owned site on the Pentridge Estate. As part of this deal Moreland City Council will not only relocate the tennis courts but will also improve the facilities for the tennis club members, which will be good to see.

Lastly the bill involves the city of Greater Bendigo and the Sandhurst Water Supply Reserve. Coliban Water no longer wishes to use the Crusoe and No. 7 reservoirs. We heard Mr Drum speak passionately about this project and the recreational benefits it will bring to the people who live in the city of Greater Bendigo. This bill will give the city the option of developing this area as a community aquatic and passive recreational facility. Mr Drum showed me the management plans for the area of the former Crusoe and No. 7 reservoirs. The idea is to create water features and a community park between the two. This will deliver extra open space to the people who live in the area. A considerable

revegetation project will be undertaken, which will enhance the biodiversity of the area. The council has committed some \$5 million to this project, and we are pleased to be able to assist with the passage of this bill this evening. This is important to the city of Greater Bendigo.

This is a small bill, but it is important to three municipalities concerned — the City of Greater Geelong, the City of Moreland and the City of Greater Bendigo. With the passage of this bill those municipalities will have increased flexibility and an increased ability to cope with pressing traffic management issues. The City of Greater Bendigo will be able to develop what should be a most attractive recreational facility, not just for the people who live in the city of Greater Bendigo but also for visitors to that great area. With those few words I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Minister for Finance) — By leave, I move:

That the bill be now read a third time.

In doing so I thank members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL

Introduction and first reading

Received from Assembly.

Read first time for Ms BROAD (Minister for Local Government) on motion of Mr Lenders.

ADJOURNMENT

Mr LENDERS (Minister for Finance) — I move:

That the house do now adjourn.

Glenvill Homes: complaints

Hon. C. A. STRONG (Higinbotham) — I raise an issue for the attention of the Minister for Planning in another place regarding the Building Practitioners Board, and it has been brought to my attention by Mrs Liza Zaicos of 6 Siena Ridge, Hidden Valley. Mrs Zaicos has been another victim of the shoddy workmanship of Glenvill Homes Pty Ltd in the construction of her new home. Like many others she has turned to Consumer Affairs Victoria, Building Advice and Conciliation Victoria and the Building Commission for help, only to be let down, abandoned and ultimately advised to seek justice at the Victorian Civil and Administrative Tribunal.

In the Zaicos case, after expending some \$88 000 in legal costs and faced with the deep pockets of the builder and the prospect of even more cost to proceed in VCAT, they were forced into a losing settlement with the builder. To save others from a similar fate Liza has asked the Builders Practitioners Board to hold an inquiry into the registration of Leonard Warson — it being noted that Mr Warson is the registered builder behind Glenvill Homes Pty Ltd and also Prentice Homes Pty Ltd — in relation to the building works at their home at Lot 293 Siena Ridge, Hidden Valley. I am advised that the board agreed to the request at its meeting of 8 February 2006.

Liza has forwarded me a copy of a letter that she recently wrote to Caroline Lloyd, the chair of the Building Practitioners Board dated 14 July 2006, which in part says:

Recently we have been made aware that the Building Commission is conducting inspections on homes built by Prentice Homes Pty Ltd ...

An inspector of the Building Commission recently advised a Prentice Homes home owner that his visit was in relation to an inquiry being conducted by the Building Practitioners Board. We were somewhat amazed that the Building Commission would inspect a home that was not subject to a complaint and fails to conduct an inspection of our home when our home is the sole source of the complaint before the Building Practitioners Board.

She also goes on to list a whole lot of points and specifically asked:

Why has the Building Commission failed to conduct an inspection at our property given that is where the complaint has arisen?

She also asked:

Why has the Building Commission failed to interview us regarding our allegations?

My request to the minister is to ensure that the Zaicoses are in fact able to give evidence of their experience to the Building Regulations Committee as they are — —

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

Consumer affairs: Geelong businesses

Ms CARBINES (Geelong) — I raise a matter for the Minister for Consumer Affairs, the Honourable Marsha Thomson. It concerns the findings of a recent Consumer Affairs Victoria (CAV) blitz across Geelong, where 36 per cent of business owners were found to be in breach of Victoria's consumer protection laws. An article on page 5 of the *Geelong Advertiser* of 13 July entitled 'Geelong firms nabbed in blitz' gave details of breaches and cited Geelong's motor car traders as the worst offenders. It states:

... with more than 50 per cent of dealers charged with breaching consumer protection laws, such as failing to keep accurate dealings books and prescribed documents, failing to display LMCT —

licensed motor car trader —

and licence details, and problems with cooling-off periods.

Further CAV inspectors revealed that 43 per cent of Geelong real estate agents were in breach of bans on underquoting and overquoting. A CAV spokesperson is quoted as having said that the findings were 'disturbing' and indeed 'very disappointing'. However, I was pleased to see a follow-up article on page 12 of the *Geelong Advertiser* of 17 July headed 'Real estate agents reject claims', in which the secretary of Geelong's Real Estate Institute of Victoria branch, Mr John Grabyn, condemned the practices of underquoting and overquoting in the real estate industry and offered to work with Consumer Affairs Victoria to punish any agent who committed an offence. As a member for Geelong Province I would like to congratulate Mr Grabyn on this offer and the very sensible approach he has indicated.

Obviously not only is this situation not good for Geelong consumers, but it is not good for the businesses that are affected. Therefore I ask the Minister for Consumer Affairs that, in light of the breaches revealed across the car trading and real estate industry in Geelong, she direct Consumer Affairs Victoria to work closely with these businesses to ensure that the interests of Geelong consumers are protected.

EastLink: community consultation

Hon. B. N. ATKINSON (Koonung) — I wish to direct a matter to the Minister for Transport in another place. I suggest to the minister that I am most concerned, as is the City of Knox, about the failure of EastLink to consult residents on several key issues about the ongoing construction of the EastLink project. Two areas have been raised with me by the council that are of most concern and emphasise this lack of consultation. The first is the development of noise walls and associated mounding within the proximity of Richardson Rise and Orlando Close in Wantirna South. There has been no adequate consultation with residents about the impact of those sound walls. Residents have been advised that the plans Thiess John Holland has established for those walls are final and that there will be no consultation. I think that is pretty unsatisfactory because these sound walls do have a significant impact on those residents.

I also note that the City of Knox has discussed with me in the same context of consultation that it is now proposed to build some asphalt-batching plants on the Chesterfield site, which is part of an extended project area of EastLink and an area that does not require a planning permit. That is just as well because the developer had been to the City of Knox previously seeking a planning permit but was knocked back because it was not prepared to comply with some fairly basic and fundamental requirements that the council made in the interests of resident amenity. On this occasion the alternate site that has been chosen does not require a planning permit, but it does require Environment Protection Authority approvals. Certainly works at these locations will have a detrimental impact on nearby residents, and those residents who are affected simply have not been consulted by the proponents of EastLink or indeed by Southern and Eastern Integrated Transport Authority, the authority charged with overseeing the project.

Therefore on behalf of the City of Knox and the residents of Knox who are affected — in this case by these two particular proposals but, as I said, the issue is consultation — I ask that the minister responsible for this project direct the relevant contractors and authority to undertake proper community consultation prior to the construction of both the plants and further works such as noise walls.

Lower Heidelberg Road, Ivanhoe: speed signs

Hon. BILL FORWOOD (Templestowe) — I also raise a matter for the attention of the Minister for Transport in another place. I have received a copy of

correspondence from the principal of Ivanhoe Grammar School concerning the installation of 40-kilometre-per-hour — —

Mr Lenders — Boys or girls?

Hon. BILL FORWOOD — Ivanhoe Grammar School is the boys school; Ivanhoe Girls Grammar School is the girls school.

Mr Lenders interjected.

Hon. BILL FORWOOD — No, it is Ivanhoe Girls Grammar School. This one is IGS — Ivanhoe Grammar School. This letter says that the school is a member of the Round Square international network of schools — whatever that means.

This correspondence concerns the installation of 40-kilometre-per-hour speed signs in Lower Heidelberg Road, obviously opposite the school, and follows previous correspondence to the local council on 5 May 2004 and 20 December 2005.

The principal, Roderick Fraser, makes the point that the school is dismayed and disappointed that no action has occurred. He noted that on 13 December last year there was a potentially fatal accident on that particular stretch of road. Despite the fact that the school has written to the local council, the road is of course under the jurisdiction of VicRoads. It is for that reason that I am raising the matter — —

Mr Lenders — Is it a local road?

Hon. BILL FORWOOD — It is not; it is a VicRoads-designated road. It is for that reason that I am raising the matter with the Minister for Transport. The principal also said:

It is with interest that I notice that in recent weeks new signs have been erected in Burke Road, adjacent to Camberwell Girls Grammar School, Kew High School and Greythorn public school and in Barkers Road adjacent to Xavier College.

There is a case for these 40-kilometre signs to be erected in the vicinity of the schools throughout my electorate. I strongly ask that the minister consider whether or not or how quickly he can get these 40-kilometre speed zones installed at Heidelberg Road outside the Ivanhoe Grammar School. The principal said at the end of his letter:

This letter, and my previous letter dated 20 December 2005, remain on our files as an indication of our concern ... and will be used as evidence that the school took all reasonable efforts to bring about increased and improved safety in line with state government initiatives.

I fully support the approach of Ivanhoe Grammar School. I look forward to a positive response from the Minister for Transport in another place. Given that there is an election coming soon and the seat of Ivanhoe is marginal, I would have thought this was a matter that would be very close to the minister's heart.

Beechworth Primary School: maintenance

Hon. W. A. LOVELL (North Eastern) — I wish to raise a matter with the Minister for Education and Training in another place. The school council president of Beechworth Primary School, Ms Tracey McVea, has written to me. Ms McVea wanted to bring a matter to the attention of the minister. She said:

School council is understandably upset that our school community has to continually battle for funds for what we consider is the government's responsibility, basic maintenance and infrastructure.

Mr Lenders interjected.

Hon. W. A. LOVELL — I said education.

Mr Lenders — Is it a school and which school?

Hon. W. A. LOVELL — It is Beechworth Primary School. Ms McVea said:

For example, some schools like ours, which is 130-years old, receive similar funding to ...

She mentioned schools which are just 20 years old. She also said:

Our school, due to its age and method of construction has special, unique needs.

For example, at our school our 130-year-old historic trees need pruning. This will cost \$15 000. In our principal's office paint is peeling from the 22-foot high walls, but all the funding we can get is for a small patch job. White ants are eating our library, staffroom floor and passageways. We do not have the money to have our school cleaned every day, with obvious health issues arising from this.

... We have uneven floors, poor playground services that cause our children and adults to trip and slip. The maintenance funds we get each year are not anywhere near enough to address these matters, let alone just the general daily maintenance in an old school like ours ... We were promised PRMS —

physical resources management system —

funding three years ago but have not received any, like many other schools, to fix up problems we have identified.

She also said there was a lack of consideration on the part of the government for the unique characteristics of the school. I have been to Beechworth Primary School on a number of occasions and the issue of maintenance

is always raised. It is a beautiful old building, but, as Ms McVea has pointed out, old buildings have unique problems and need additional funding to maintain them. The action I seek from the minister is to give consideration to the unique characteristics of each school and allocate additional funds for Beechworth Primary School and other older schools to cover the additional maintenance costs encountered because of heritage listings, high ceilings and other issues associated with buildings which are up 130-years old.

Omeo Highway: sealing

Hon. W. R. BAXTER (North Eastern) — I wish to raise again for the attention of the Minister for Transport in another place the parlous condition of the unsealed section of the Omeo Highway. On 22 June I attended in the company of the members for Benambra and Gippsland East in another place — —

Mr Lenders — A very bipartisan meeting.

Hon. W. R. BAXTER — Indeed, Minister, and it was a very productive meeting. It was a community meeting held at the Blue Duck Inn at Anglers Rest. It was attended by representatives from the shires of East Gippsland and Towong and various interest groups and citizens from Omeo, Glen Wills, Mitta Mitta, Eskdale and other places. There is a great deal of concern amongst the citizens that no action has been taken to seal the Omeo Highway for some 10 years. It is the last remaining designated state highway that is not been sealed.

It is interesting that under the Road Management Act the manager of the road — in this case it has been classified as the responsibility of VicRoads — has civil liability for roads which are not kept in good condition. I have put a question on notice today which goes to this issue. The suggestion is that there have been a number of claims lodged under part 6 of the Road Management Act against VicRoads for damage caused to vehicles by the unsatisfactory condition of this road. I will be interested to see how the minister responds to my question, but this simply indicates that the road is quite unsatisfactory.

The local community is absolutely sick and tired of the excuses coming from VicRoads that the amount of traffic which uses the road does not justify sealing it. VicRoads knows, like everyone else, it is the chicken and egg theory: if the road was sealed, it would have a lot more use. If you want an example of that conundrum, look at the Great Alpine Road. Once it was sealed, its usage went up by more than threefold. The same will happen to the Omeo Highway. It is beyond

belief that in this day and age when the government says it is encouraging tourism to a great extent, one of the main links between Gippsland and north-eastern Victoria is still an unsealed road.

It is not expensive to do. It does not need a lot of earthworks. There are not many sharp bends that need straightening out, and there is only a small section that needs widening. What it needs is a truck up there with a load of tar to seal it. I ask the government to get on with it.

The PRESIDENT — Order! I ask the Honourable Bill Baxter to rephrase the direct action he asked of the minister. It is a bit like the ute and the couple of guys and the Paterson's curse. To fulfil the guidelines we need something a bit tighter than the member's final comments.

Hon. Bill Forwood interjected.

The PRESIDENT — Order! Mr Forwood will be quiet while I am speaking or he will be out of the chamber! I will give the member the opportunity to rephrase his request.

Hon. W. R. BAXTER — Thank you, President, for your guidance. I thought my request to get a truck up there and get on with it was fairly specific. However, there was a discussion going on here as to whether it met the guidelines, so I take on board your advice. What I am asking of the Minister for Transport is that he put in place at a very early date a program which will see that highway sealed.

Rural and regional Victoria: patient transport

Hon. P. R. HALL (Gippsland) — Tonight I wish to raise a matter for the attention of the Minister for Health. It concerns the Victorian patient transport assistance scheme. I was prompted to raise this matter after receiving a letter from a constituent, Carole Ingwersen, of Traralgon, who wrote to me in her capacity as a health support worker in the Gippsland region expressing her concern at the limited financial reimbursement available to patients who are required to visit Melbourne for specialist medical attention. She raised the issue that the assistance rates were last set in 2003, are not indexed and consequently the value of that assistance has been severely eroded since then, particularly with the price of petrol increasing.

I need to inform members of some of the details of the scheme. To qualify for assistance under this scheme you need to be a Victorian resident residing in a Department of Human Services rural region. Secondly, you need to have a referral for specialist services and

travel more than 100 km one way to receive specialist treatment. Assistance is provided at the rate of 14 cents per kilometre travelled and just \$30 per night if your specialist treatment requires you to stay overnight. If you are not a pensioner or health care card holder, you are required to pay the first \$100 of any claim under the scheme yourself. As I said, these assistance levels are not indexed, and at a rate of just 14 cents per kilometre and given the price of petrol today, the cost of travelling by motor vehicle for people with chronic illnesses who need to do so to seek specialist treatment is very significant. Reimbursement of 14 cents per kilometre does not go a long way towards offsetting those costs. If a person is required to stay in Melbourne, reimbursement of \$30 per night is not going to get you a great bed. Again, that is a significant cost to these people. Indeed the cost of treatment for somebody with a chronic illness is expensive whether or not you are a pensioner or health care card holder.

My request to the minister is to review both the allowances paid under this scheme and the eligibility for assistance. It is my belief that the allowance should be set at a more realistic level to reflect actual travel and accommodation costs. Further, I believe the scheme should apply to all those who suffer from a chronic illness, whether or not they be a pensioner or health care card holder. The allowance should also be indexed so that we do not need to review it on a regular basis and it can be adjusted according to the consumer price index on an annual basis. I ask the minister to take into account those factors and undertake a review of this scheme.

Electricity: life support concession

Ms HADDEN (Ballarat) — My adjournment matter this evening is for the Minister for Community Services in the other place, Ms Garbutt. A constituent of mine, Ms Vicky Pilven, has a complicated medical problem that has required her to be on a life support ventilator and suction unit since 1991. She requires life support ventilation for the rest of her life. Vicky is a disability pensioner and is confined to a wheelchair. She has a tracheotomy and is vision and hearing impaired. Vicky is totally reliant upon the life support ventilator and suction unit provided by the Department of Human Services and up until her May 2006 account had been receiving a life support electricity concession for the past 16 years. Vicky paid the account less what the concession would usually be and then received a letter on Monday, 10 July, threatening the disconnection of the electricity supply to her home and the imposition of a disconnection fee, a reconnection fee, a security deposit and the lodging of her details with an external

credit reporting agency as a defaulter, thereby affecting her credit rating in the future.

The letter from Origin Energy dated 6 July says :

Please note that Origin Energy has the right to disconnect your electricity supply for non-payment and will be left with little alternative but to pursue the disconnection option if payment is not received in the next three business days from the date hereof.

Vicky had until the Wednesday before the electricity supply was to be turned off. Once the supply is turned off she has less than an hour left in her machine for her survival. If it went beyond that time she would die. A reliable electricity supply to Vicky's home and to her life support ventilator is critical to her staying alive. She requires this life support ventilator and suction unit for the rest of her life. Her concession details, medical eligibility details and doctors reports are all with Centrelink and can be accessed by the Origin Energy retailer.

I wrote to Origin Energy on 5 July and again on 11 July explaining that Vicky faced a life-threatening situation if her electricity was turned off or interrupted, that she had been receiving the life support concession from the department for the past 16 years until the May account and asking it to rectify its records urgently because of the anxiety and upset which was being caused unnecessarily to Vicky. Both the Department of Human Services and Origin Energy, by their conduct since then, have acted in a manner which has caused not only upset to Vicky but also threatened her life by threatening to turn off the electricity to her home and remove the life support electricity concession for the life support ventilator and suction unit provided by the department. That is a dereliction of their duty of care to my constituent, given her life-threatening situation.

It is incumbent on both the department and Origin Energy to ensure a reliable supply of electricity to her home for her life support ventilator and to continue the life support electricity concession. I call on the Department of Human Services and Origin Energy to do the decent thing and make sure that Vicky's life support ventilator is not turned off or interrupted and ensure she continues to receive the life support electricity concession to which she is entitled and which she has received for the past 16 years. The action which — —

The PRESIDENT — Order! The member's time has expired!

Before I call the minister to respond to matters raised, with respect to Ms Hadden's adjournment matter she had not asked the minister to take any sort of action.

She referred to Origin Energy and to other parties but this is not the place for a member to call on an organisation to do something, it is to call on a minister to do something. I have some difficulty with her matter because the time expired before she sought direct action. I was listening but — —

Hon. Bill Forwood — You would not want her to die!

The PRESIDENT — Order! That is enough from Mr Forwood; it is the second time he has interrupted me while I have been on my feet.

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Under sessional order 31 I ask Mr Forwood to vacate the chamber for 30 minutes.

Hon. Bill Forwood withdrew from chamber.

Debate resumed.

The PRESIDENT — Order! I ask Ms Hadden to succinctly clarify the action she is seeking from the minister.

Ms HADDEN (Ballarat) — I did ask the question, and I can produce my notes.

The PRESIDENT — Order! I do not want the member's notes, I want her to clarify the matter.

Ms HADDEN — The action I seek from the minister is that she urgently reinstates the life support electricity concession to Ms Pilven.

The PRESIDENT — Order! I thank Ms Hadden very much.

Responses

Mr LENDERS (Minister for Finance) — Mr Strong raised an issue for the Minister for Planning in the other place regarding the Building Practitioners Board. I will refer that to the minister for his attention.

Ms Carbines raised an issue for the Minister for Consumer Affairs regarding a Consumer Affairs Victoria blitz in Geelong. I will pass that on to the minister for her response.

Mr Atkinson raised an issue for the Minister for Transport in the other place regarding EastLink

consultation. I will pass that on to the minister for his attention.

Mr Forwood raised an issue for the Minister for Transport in the other place regarding Ivanhoe Grammar School, which, for the record, is a co-educational school at both its campuses, dealing with speed humps. I will certainly pass that on to the minister for his attention.

Ms Lovell had an issue for the Minister for Education and Training in the other place regarding funding for Beechworth Primary School. I will certainly pass that on to the minister for her response. I suspect that part of her response will be to advise Ms Lovell of the amount of funds that were denied by the Prime Minister's precipitous action on Snowy Hydro, but that is another matter.

Mr Baxter raised an issue for the Minister for Transport in the other place, and this was a fascinating matter regarding the Omeo Highway. I am sure the action Mr Baxter seeks from the minister is one that was not available to a transport minister from November 1992 to October 1996. Nevertheless, I will pass it on to the minister for his attention.

Hon. W. R. Baxter interjected.

Mr LENDERS — I am sure the former minister, the Honourable Geoff Craige, would not have appreciated being corrected by Mr Baxter in the chamber.

Mr Hall raised an issue for the Minister for Health in the other place regarding the Victorian patient transport assistance scheme. I will certainly pass it on to the minister for her attention.

Ms Hadden raised an issue for the Minister for Community Services in the other place regarding the complex needs of an individual client. I will certainly pass that on to the minister for her attention.

Motion agreed to.

House adjourned 10.03 p.m.

