PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 15 September 2011

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AO, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Council committees

Privileges Committee — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

Procedures Committee — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

Legislative Council standing committees

Economy and Infrastructure Legislation Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Economy and Infrastructure References Committee — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

Environment and Planning Legislation Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, *Mr Tarlamis, Mr Tee and Ms Tierney.

Environment and Planning References Committee — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

Legal and Social Issues Legislation Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

Legal and Social Issues References Committee — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

 # Participating member

Joint committees

Dispute Resolution Committee — (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik. (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer. (*Assembly*): Mr Battin and Mr McCurdy.

Economic Development and Infrastructure Committee — (*Council*): Mrs Peulich. (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw.

Education and Training Committee — (*Council*): Mr Elasmar and Ms Tierney. (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick.

Electoral Matters Committee — (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis. (*Assembly*): Ms Ryall and Mrs Victoria.

Environment and Natural Resources Committee — (*Council*): Mr Koch. (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford.

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier. (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling.

House Committee — (*Council*): The President (*ex officio*) Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller.

Law Reform Committee — (*Council*): Mrs Petrovich. (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mrs Kronberg and Mr Ondarchie. (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish.

Public Accounts and Estimates Committee — (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula. (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott.

Road Safety Committee — (*Council*): Mr Elsbury. (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson.

Rural and Regional Committee — (*Council*): Mr Drum. (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr O'Brien and Mr O'Donohue. (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt.

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: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Mr M. VINEY

Acting Presidents: Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

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Deputy Leader of the Government:
The Hon. W. A. LOVELL

Leader of the Opposition:
Mr J. LENDERS

Deputy Leader of the Opposition:
Mr G. JENNINGS

Leader of The Nationals:
The Hon. P. R. HALL

Deputy Leader of The Nationals:
Mr D. DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Hon. Bruce Norman	Eastern Metropolitan	LP	Leane, Mr Shaun Leo	Eastern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lenders, Mr John	Southern Metropolitan	ALP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Lovell, Hon. Wendy Ann	Northern Victoria	LP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Brien, Mr David Roland Joseph	Western Victoria	Nats
Dalla-Riva, Hon. Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Davis, Hon. David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elsbury, Mr Andrew Warren	Western Metropolitan	LP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Hon. Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Hon. Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Hon. Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

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THURSDAY, 15 SEPTEMBER 2011

Thursday, 15 September 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petition presented to house:

Buses: Kinglake service

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria, calls on the Baillieu government to reinstate the important Whittlesea–Kinglake shuttle bus, which was removed without warning and consultation with commuters.

In particular, we note:

1. The shuttle bus was originally funded to enable bushfire survivors in the Kinglake area to access services in Whittlesea, Greensborough and beyond.

2. The only bus service remaining for Kinglake residents to Whittlesea is the single 562 service at 7.05 a.m. with a return at 4.47 p.m. meaning that it is almost of no use to people who need to commute for work or study purposes.

3. The cancellation is causing great distress to local residents, who use this bus service to access employment, shopping, health and educational services.

4. The cancellation of this service shows a callous disregard for bushfire survivors, many who are still doing it tough financially including some who are still yet to complete the rebuilding of their homes.

The petitioners therefore request that the Legislative Council of Victoria urges the Baillieu government to work with the Kinglake community to reinstate this important service.

By Ms BROAD (Northern Victoria) (38 signatures).

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2010–11

Hon. M. J. GUY (Minister for Planning), by leave, presented report.

Laid on table.

OFFICE OF THE PUBLIC ADVOCATE

Report 2010–11

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), by leave, presented report.

Laid on table.

PARLIAMENTARY DEPARTMENTS

Reports 2010–11

For Mr VINEY (Eastern Victoria), Mr Leane, by leave, presented reports of Department of the Legislative Council and Department of Parliamentary Services.

Laid on table.

PAPERS

Laid on table by Clerk:

Accident Compensation Conciliation Service — Report, 2010–11.

Adult Parole Board of Victoria — Report, 2010–11.

Alexandra District Hospital — Report, 2010–11.

Alpine Health — Report, 2010–11.

Australian Centre for the Moving Image — Report, 2010–11.

Bairnsdale Regional Health Service — Report, 2010–11.

Barwon Region Water Corporation — Report, 2010–11.

Bass Coast Regional Health — Report, 2010–11.

Benalla and District Memorial Hospital — Report, 2010–11.

Bendigo Health Care Group — Report, 2010–11.

Central Gippsland Region Water Corporation — Report, 2010–11.

Central Highlands Region Water Corporation — Report, 2010–11.

Child Safety Commissioner — Report, 2010–11.

Cobram District Health — Report, 2010–11.

Coliban Region Water Corporation — Report, 2010–11.

Community Visitors — Report, 2010–11.

Consumer Affairs Victoria — Report, 2010–11.

East Gippsland Region Water Corporation — Report, 2010–11.

Emergency Services Superannuation Scheme — Report, 2010–11.

Energy Safe Victoria — Report, 2010–11.

Fed Square Pty Ltd — Report, 2010–11.

Food Safety Council — Report, 2010–11.

Geelong Performing Arts Centre Trust — Report, 2010–11.

Gippsland and Southern Rural Water Corporation — Report, 2010–11.

Goulburn Valley Region Water Corporation — Report, 2010–11.

Goulburn-Murray Rural Water Corporation — Report, 2010–11.

Grampians Wimmera Mallee Water Corporation — Report, 2010–11.

Hesse Rural Health Service — Report, 2010–11.

Human Services Department — Report, 2010–11.

International Fibre Centre — Minister's report of receipt of 2010–11 report.

Kerang District Health — Report, 2010–11.

Kyneton District Health Service — Report, 2010–11.

Legal Services Board — Report, 2010–11.

Legal Services Commissioner — Report, 2010–11.

Library Board of Victoria — Report, 2010–11.

Lower Murray Urban and Rural Water Corporation — Report, 2010–11.

Mallee Track Health and Community Service — Report, 2010–11.

Maryborough District Health Service — Report, 2010–11.

Melbourne Recital Centre — Report, 2010–11.

Melbourne Water Corporation — Report, 2010–11.

Metropolitan Fire and Emergency Services Board — Report, 2010–11.

Museums Board of Victoria — Report, 2010–11.

National Gallery of Victoria Trustees — Report, 2010–11.

North East Region Water Corporation — Report, 2010–11.

Northeast Health Wangaratta — Report, 2010–11.

Numurkah District Health Service — Report, 2010–11.

Office of Police Integrity — Report, 2010–11.

Parliamentary Contributory Superannuation Fund — Report, 2010–11.

Public Record Office Victoria — Report, 2010–11.

Queen Elizabeth Centre — Report, 2010–11.

Racing Integrity Commissioner's Office — Report, 2010–11.

Residential Tenancies Bond Authority — Report, 2010–11.

Royal Victorian Eye and Ear Hospital — Report, 2010–11.

Royal Women's Hospital — Report, 2010–11.

Rural Finance Corporation of Victoria — Report, 2010–11.

Shrine of Remembrance Trustees — Minister's report of receipt of 2010–11 report.

Small Business Commissioner's Office — Report, 2010–11.

South East Water Limited — Report, 2010–11.

South Gippsland Region Water Corporation — Report, 2010–11.

State Owned Enterprise for Irrigation Modernisation in Northern Victoria — Report, 2010–11.

State Sport Centres Trust — Report 2010–11.

State Trustees Limited — Report, 2010–11.

V/Line Corporation — Report, 2010–11.

V/Line Pty Ltd — Report, 2010–11.

Victoria Law Foundation — Report, 2010–11.

Victoria Legal Aid — Report, 2010–11.

Victorian Arts Centre Trust — Report, 2010–11.

Victorian Civil and Administrative Tribunal — Report, 2010–11.

Victorian Equal Opportunity and Human Rights Commission — Report, 2010–11.

Victorian Institute of Forensic Mental Health — Report, 2010–11.

VITS LanguageLink — Report, 2010–11.

Wannon Region Water Corporation — Report, 2010–11.

Water Industry Act 1994 — Report on major water users, 2010–11, for City West Water Limited, South East Water Limited and Yarra Valley Water Limited, pursuant to section 77A of the act.

Western District Health Service — Report, 2010–11.

Western Region Water Corporation — Report, 2010–11.

Westernport Region Water Corporation — Report, 2010–11.

Yarra Valley Water Limited — Report, 2010–11.

Yarram and District Health Service — Report, 2010–11.

Young Farmers' Finance Council — Report, 2010–11.

BUSINESS OF THE HOUSE

Adjournment

Hon. D. M. DAVIS (Minister for Health) — I move:

That the Council, at its rising, adjourn until Tuesday, 11 October 2011.

Motion agreed to.

MEMBERS STATEMENTS

Department of Transport: report 2010–11

Mr BARBER (Northern Metropolitan) — I would like to congratulate the government on the Department of Transport's annual report. This year it is completely free of the gloss, glitter and photos of smiling commuters that we have seen in past years. The result is that the annual report is 48 pages shorter than the previous one, and I hope the savings made were invested back into public transport.

Unfortunately, though, when we turn to the actual performance of the agency, which is in the back of the report, we get some disappointing news: the government, despite its time in office so far, has not managed to produce a target for reducing fatalities involving cyclists and pedestrians or serious injuries involving cyclists and pedestrians — two groups of highly vulnerable users that it claims it wants to protect and claims it wants to encourage in both cycling and walking. It has not brought forward a target in that area, nor has it done so for reducing facilities and injuries on public transport, where the indicators show there has been little improvement.

When we move over to the section on the sustainability of Victorian public transport and improving the mode share for public transport, including bicycles and pedestrians, we find that everything that should be up is down and everything that should be down is up. It seems that the new spin is to have no spin, but, when it comes to performance in the area of transport the government has delivered little.

Victorian certificate of applied learning: funding

Mr EIDEH (Western Metropolitan) — The VCAL (Victorian certificate of applied learning) program is highly regarded within the state of Victoria, across all suburbs and regions where secondary education is valued. Sadly, this does not include the government, given that it has savaged the program by slashing funding. This has caused teachers and students across our state to fear the end of VCAL.

Not all students are suited to academic studies at our universities, and VCAL is the program that offers them an excellent level of education with some practical work-related subjects. Anyone who has any knowledge of VCAL would be genuinely impressed with what its committed teachers have achieved — but not the Baillieu government, whose actions have been roundly condemned by educators and by parents, amongst many others.

I put it to the Baillieu government that not only will these cuts impact on VCAL programs in schools around the state, they will also significantly cut the opportunities available to students who participate in this program. This action could have a severe impact on TAFE applications in the years ahead, on skills training and on employment, and this is coming at a time when we need more skilled, trained workers and not fewer.

Bendigo Braves: grand final

Mr DRUM (Northern Victoria) — I would like to raise the fact that this Saturday the Bendigo Braves will be in the Australian Basketball Association grand final. The team finds itself in the grand final after having fought hard all year under its coach, Ben Harvey.

Last week the Braves fought out the South East Australian Basketball League conference grand final, which they were able to win against Knox. That was a great victory, and it is the second year in a row that they have been able to take home their conference title. This week they travel to Dandenong to take on Nunawading.

I just want to wish them all the best, and I want to urge all Bendigonians to get behind the Bendigo Braves, make the trip down to Melbourne and out to Dandenong, because they have done an amazing job. Their imports, Luke Meyer and Ivan McFarlin, are a credit to America, given the way that they have come across and added professionalism and some real culture to the team.

It is a credit to the city of Bendigo that the team members are able to perform at the level they do. I congratulate the coach, Ben Harvey. Hopefully the team will win the grand final this Saturday.

Country Fire Authority: Bacchus Marsh brigade

Mr O'BRIEN (Western Victoria) — On Sunday, 11 September, I had the pleasure of presenting an

important piece of firefighting equipment to the Bacchus Marsh CFA (Country Fire Authority) on behalf of the Deputy Premier, the Honourable Peter Ryan.

The significance of the timing of the event, occurring on the 10th anniversary of the September 11 attacks, was not lost on the CFA members present. I join the house in offering my condolences to all those tragically lost 10 years ago in the attacks on America, including the 343 courageous firefighters.

The Bacchus Marsh brigade plays a vital role in the local community. Last year it responded to 148 turnouts in our local and regional districts. It has also been active in forming strike teams with other brigades, and it contributed to the efforts of our emergency services on Black Saturday and during the recent Victorian floods. It is a fully volunteer brigade, and Bacchus Marsh itself is a growing area, with the population having more than doubled in the last 20 years.

The brigade recently celebrated its centenary, and like most country brigades it has grown from humble beginnings, with its original base in 1910 being an iron shed leased to it for approximately 1 shilling per annum.

I was pleased to hand over the keys to a new piece of firefighting equipment, a big-fill appliance. The primary purpose of the big-fill appliance is to act as a mobile water point with fast-pumping capabilities that significantly reduce the turnaround time for replenishing empty tankers. The device is also able to be deployed at major fire incidents for long durations.

Our government is proud to continue its strong support of country organisations such as the CFA, and on this occasion it contributed $85 000 towards this new equipment. I commend the community on raising an additional $60 000. I congratulate the 82 members of the Bacchus Marsh CFA brigade and hope their brigade will still be working in the region in another 100 years. I wish them good luck with the big-fill appliance.

Climate change: awareness

Mr LEANE (Eastern Metropolitan) — Albert Einstein once said that only two things are infinite: the universe and human stupidity. I am not sure about the first one, but I reckon that as humans we do try, we do learn and we are prepared to experiment.

I have learnt a couple of things recently. One is that using steam is the best way to clean suits. Another learning experience I had yesterday was when Mr Finn tried to teach us that the black plumes that come out of factory chimneys are not a form of pollution but just steam, very similar to steam that would come out of a kettle.

This morning when I was stuck in a traffic jam on the south-eastern arterial looking at the steam coming out of car exhaust pipes I was lucky enough to have a very big truck beside me on the right-hand side, so I wound down the window and held my coat up to the truck's diesel 'steam' to test this theory. I now question Mr Finn's assertion. I also lack the desire to wear my coat today. It was a bad result — Albert Einstein was right.

Road safety: school holidays

Mr ONDARCHIE (Northern Metropolitan) — I wish to speak this morning about road safety in Victoria. Members have heard me talk about this before, given there have been tragedies on our roads over many years and I live close to where five young people died on Plenty Road in Mill Park not long ago. A 23-year-old Northcote man lost his life in Thornbury just last night when the car he was driving flipped a number of times and hit several trees.

Successive governments have worked hard to try to reduce our road toll, but it is the responsibility of every Victorian — every driver, every passenger and every observer — to do something about our road toll. In Victoria we are approaching the school holiday period, a time when families will be out and about in cars on holiday activities or going on vacation and there will be young people moving around the streets and roads more often than they do usually on business days. My call today to every Victorian, whether they be a passenger, a driver or an observer, is to slow down and preserve lives in Victoria. As we approach our school holiday period I urge every single Victorian to be aware of young people moving around on our roads. Slow down and save lives, because I just do not want them to die.

Echuca College: facilities

Ms DARVENIZA (Northern Victoria) — I was very pleased a few weeks ago to have the opportunity to visit Echuca College, primarily to view the progress of the multipurpose synthetic grass surfaces which are being installed. They will include hockey fields and 12 tennis courts. The project was partly funded by a $500 000 community facility funding program grant that was announced by the previous government.

While I was at the college I met with the principal, Mr Chris Eeles, who took time out to give me a tour

that included the new and redeveloped buildings and facilities. The 875 students at the college have access to a comprehensive and innovative curriculum with state-of-the-art facilities. The college is designed to accommodate learning neighbourhoods with flexible learning spaces while also catering for specialist subjects, including very impressive media, dance, music, drama, information and communications technology, Victorian certificate of applied learning and vocational education and training subjects. It was great to see that a state-of-the-art facility like this is available in northern Victoria.

The day I visited the college was sports day, so there was a lot of colour and movement and a very happy vibe. The college believes that if you provide the best opportunities and facilities for students, every student will have the opportunity to achieve their very best. I congratulate Mr Eeles and his staff and thank him for taking me on the tour.

Indian Consul General

Mrs PEULICH (South Eastern Metropolitan) — As co-chair of the Indian Friendship Group of the Victorian Parliament I would like to extend a very warm welcome on behalf of the Parliament to the new Indian Consul General, Dr Subhakanta Behera, his wife, Rajashree Chintak Behera, and their two children, Ananya and Amruta. We had the pleasure of hosting the new Consul General here for a meal with some of the members of Parliament, and he was delightful company. I also had the opportunity of sharing an evening with him recently, hosted by Australian Indian Innovations Incorporated — known as AIII — at the Cinnamon Club in Cheltenham.

Dr Behera comes to Melbourne with substantial experience in intercultural relations. He is a lecturer, and has a PhD from the University of Oxford. He has a great interest in extending trade relations between India and Victoria as well as enhancing the educational and cultural opportunities for members of his own community and the exchange between India, Australia and Victoria.

Parkdale Secondary College: bus interchange

Mrs PEULICH — I would also like to mention a special visit I made to Parkdale Secondary College for the launch of a bus interchange by the Minister for Public Transport, Mr Mulder. The school has students from Carrum, Sandringham and Mordialloc and is much better for the opening of this facility. I look forward to seeing its development in the future.

Victorian certificate of applied learning: funding

Mr TARLAMIS (South Eastern Metropolitan) — I rise to congratulate the Carrum Downs Secondary College on its recent success in receiving a number of awards. In addition to receiving the pathways and transitions award at the Victorian Education Excellence Awards earlier this year, it was recently awarded a VET in Schools Excellence Award. These awards recognise the tremendous and valuable work the school is doing. Another indication of this valuable work was its recognition through the VCAL (Victorian certificate of applied learning) achievement awards, with Katrina King receiving the VCAL Teacher of the Year Award for 2010.

Carrum Downs Secondary College currently has more than 100 students in the VCAL program, so members can understand my anger and concern at the Baillieu government's decision to cut $48 million in funding for coordinators for the much-needed and highly successful VCAL program, impacting on 70 per cent of government secondary schools along with TAFEs and registered training organisations. For Carrum Downs Secondary College it will mean a funding cut of around $108 000.

Youth: Frankston round table

Mr TARLAMIS — Last month I attended a very successful Frankston youth round table organised by the member for Cranbourne in the other place, Jude Perera, Cr Brad Hill and the William Angliss Institute of TAFE. The round table brought together residents, business owners, Victoria Police, the Frankston Youth Resource Centre and the Department of Education and Early Childhood Development. Discussions centred on developing a program consisting of training, mentoring and job placement in order to provide an alternative pathway for at-risk young people in the Frankston area. Too often the solutions put forward are simply to lock them up, and while strong law enforcement is necessary, the problem is more complex and options need to address the core issues. I congratulate those involved and look forward to the development of this program.

Colin Wilson

Mr TARLAMIS — I would also like to take this opportunity to congratulate Colin Wilson from Noble Park who is completing a certificate III in hospitality (commercial cookery) at Holmesglen TAFE and who won the 2011 Victorian training award for Victorian Apprentice of the Year.

Western Metropolitan Region: multicultural events

Mr ELSBURY (Western Metropolitan) — I rise today to express my gratitude for living in such a fantastic and multicultural society. Last week I had one of the most multicultural weeks of my life, having participated in a City of Brimbank citizenship ceremony at Victoria University in Sunshine. People from all over the globe came together wanting to be a part of this great and wonderful community. I congratulate them not only for picking the greatest country on earth but also for picking the greatest state on earth of which to be a member.

I also attended functions for Macedonian independence, a Ukrainian schools event and Ethiopian New Year celebrations, which just shows the great bevy of cultures that we enjoy in this wonderful state.

Scouts: Kariwara district

Mr ELSBURY — I also went to a cultural event involving the Kariwara district of Scouts Victoria, which covers the area from Footscray through to Williamstown. The great work these people do in promoting good civics amongst young people should be applauded. I congratulate each and every member of the scouting fraternity who was at that meeting and who took up positions of office. I look forward to working with Scouts Victoria into the future.

Fulham Correctional Centre: training award

Mr P. DAVIS (Eastern Victoria) — I am delighted to have the opportunity to make some remarks concerning real recognition of a significant employer in Gippsland which employs some 312 staff, all of whom are involved in some level of training whether it be a certificate II in justice, a certificate III in criminal justice or a certificate IV in correctional management. I refer specifically to the Fulham Correctional Centre just outside Sale, which is a medium/minimum security prison holding more than 800 inmates. It also includes a unit for young adult offenders.

The centre is a very significant employer in the Gippsland region, and Skills Victoria announced at the recent Victorian Training Awards dinner that it was the leading state employer. I note the enthusiastic reception for that by the GEO Group Australia managing director, Pieter Bezuidenhout and of course the acknowledgement of his team at Fulham, led by general manager, Troy Ittensohn, and all of the staff. This is a real recognition of the commitment of the staff in a very difficult work environment. I cannot imagine the challenges that confront the staff daily.

PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011

Statement of compatibility

Hon. D. M. DAVIS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make this statement of compatibility with respect to the Parliamentary Salaries and Superannuation Further Amendment Bill 2011.

In my opinion, the Parliamentary Salaries and Superannuation Further Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The object of the Parliamentary Salaries and Superannuation Further Amendment Bill 2011 is to limit the increase in the salary payable to members of the Victorian Parliament for the financial year beginning 1 July 2011 to 2.5 per cent.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

Section 20 — Property rights

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

I consider that the bill does not limit this right. The bill sets out a limit on the increase to the salary payable to members of the Victorian Parliament which is precise and not arbitrary. Any impact on this right will therefore be in accordance with law, as permitted by section 20.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not limit any of the rights under the charter act, it is not necessary to consider section 7(2).

Conclusion

I consider that the bill is compatible with the charter act because it does not limit human rights.

Hon. David Davis, MLC
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. D. M. DAVIS (Minister for Health).

Hon. D. M. DAVIS (Minister for Health) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this short bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to limit the increase in the basic salary payable to members of the Parliament of Victoria to 2.5 per cent for the 2011–12 financial year.

Members would know that, under the principal act, the salaries of members of the Legislative Assembly and the Legislative Council are set by reference to the basic salary payable to a member of the federal Parliament, minus a monetary amount.

The federal basic salary is, in turn, set by reference to various principal executive offices of the commonwealth.

On 1 July 2011 the basic salary payable to a federal member of Parliament increased. By force of the current law, this flows on to the salaries of those states who use a reference formula linked to the federal salary, of which Victoria is one.

The government believes, consistent with our stance in regard to negotiations with other parts of the Victorian public sector, that it is appropriate that the salary increases of members of this Parliament should be capped at 2.5 per cent.

This bill will achieve that aim by temporarily limiting the basic salary increase to 2.5 per cent for the current financial year, which commenced on 1 July 2011.

The salary capping will be retrospective to 1 July.

The measures in this bill ensure that as members of Parliament we are not asking for restraint in the public sector that we are not prepared to apply to ourselves.

Our general public sector wages stance is directed by the external factors affecting Victoria at this time, including a loss of GST revenue from the commonwealth, predicted decreases in other payments to the state, and the general economic situation facing not just Victoria but the entire nation.

This bill is a demonstration of the good faith in which we are conducting negotiations with representatives of the public sector.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Hon. M. P. Pakula.

Debate adjourned until later this day.

ROAD SAFETY CAMERA COMMISSIONER BILL 2011

Second reading

Debate resumed from 1 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to rise to make a contribution on the Road Safety Camera Commissioner Bill 2011 and to indicate that the opposition will not oppose the bill. I am grateful to my colleague Mr Merlino, the member for Monbulk in the other place, for putting the opposition's position on this bill on the record in the other place. I start by indicating that the opposition will be seeking to amend this bill. We will deal with that more fulsomely in the committee of the whole, but the essential nature of the opposition's amendments is to provide the road safety camera commissioner with own-motion powers. The nature of those amendments was provided to the government on Tuesday, and at this stage I am unaware of the government's position on the amendments.

Mr Barber — I haven't seen your amendments.

Hon. M. P. PAKULA — They will be circulated, Mr Barber.

Mr Barber — Give us the gist.

Hon. M. P. PAKULA — I am happy to provide you with the gist, Mr Barber. I also ask that my amendments now be circulated.

Opposition amendments circulated by Hon. M. P. PAKULA (Western Metropolitan) pursuant to standing orders.

Hon. M. P. PAKULA — The gist of the amendments is to provide the road safety camera commissioner with the authority to investigate any matter in relation to the road safety camera system on his or her own motion. We say that because the powers that are being given to the road safety camera commissioner in this bill are in fact quite limited. They are essentially powers that can be exercised upon reference from the minister. We think that if this is going to be a truly independent and robust office, then the powers of the commissioner need to be more expansive than that and he or she needs to be able to conduct investigations of those matters that they see as being appropriate for investigation.

I think it is important to put on the record that the bill does not do a great deal in terms of reducing the impact

of speed on collisions, injuries and fatalities on our roads. We think this bill can only be successful in its objective of providing greater safety on our roads if it is part of a much more holistic strategy about improving driver awareness and ensuring that the government provides for the community a strong plan with regard to road safety. The government has been dragging its heels in that regard.

It is unfortunate that when in opposition the now government bagged road safety cameras relentlessly and remorsefully. It did this for no other reason than political gain. Those of us who are now in opposition are grateful for the fact that the government has finally got on board with the message that road safety cameras save lives. Speed is still one of the biggest killers on our roads. Speed is responsible for something like a third of all road casualties in Victoria. Reducing speed on our roads reduces road trauma, reduces the number of collisions and reduces the number of fatalities.

We have a record of 30 or 40 years of bipartisan work to reduce road fatalities and road casualties through compulsory seatbelts, random breath and drug testing, those highly visible public safety advertising campaigns, strengthening the licensing regime and having greater safety requirements for vehicles. It is important that that record not be diminished in any way and that important work continues and is supported by all parties in the Parliament.

The Labor Party has always been consistent on this matter. In government we said that speed cameras save lives. Now that we are in opposition we are not taking the opportunistic approach the Liberal Party took when it was in opposition and said, 'Speed cameras are all about revenue raising', 'Speed cameras are all about consolidated revenue', and, 'Speed cameras are nothing but a money grab'. You are not and will not be hearing that from the Labor Party. We say in opposition what we said in government: speed cameras save lives. They are an incredibly important part of ensuring that drivers are aware of the fact that if they speed, not only could they kill or cause injury to themselves or others but they will be caught and they will be fined.

The bill does a number of things. It creates the office of the road safety camera commissioner, implementing the coalition's election commitment to establish that office to oversee the road safety camera system. The commissioner will be empowered to conduct at least annual reviews and assessments of the accuracy of the system itself and the information that is provided to the Department of Justice. The commissioner will be empowered to undertake investigations, but only those that are requested or agreed to by the minister, into the integrity, accuracy and efficiency of the system. The commissioner will also be empowered to receive complaints. But importantly — and we think this is a deficiency in the bill — the commissioner will not investigate individual complaints; they will simply be referred to Victoria Police, the courts and the Ombudsman through the existing review process. The commissioner's complaints investigation power is limited only to issues that suggest a systemic failure.

The fact is that the bill does not do anything about reducing driving speeds, it does not on its own do anything that changes driver behaviour and it does not on its own do anything about road safety more generally. Those parts of the government response to trauma on our roads are delivered by programs like Arrive Alive. Ten months into office this government has still not renewed Arrive Alive. We think that is an extraordinary deficiency in the government's approach. The government is bringing into Parliament a bill to create a road safety camera commissioner to deal with the efficacy of the road safety camera system in an environment where it has not renewed Arrive Alive, which shows it is only half-serious about road safety.

The government is also not doing anything to teach young drivers the right way to drive on the roads. This deficiency was identified by the previous government, which is why it committed to the road safety experience centre. Notably the government has ditched that proposal, using as a reason the lack of funding and the lack of capacity in the budget. The Transport Accident Commission annual report, which was tabled in the Parliament yesterday, puts the lie to the notion that there is no money for the road safety experience centre. In fact the government has drawn down something like $100 million from the TAC in this financial year, which would have been more than enough to fund the centre.

While the establishment of a road safety camera commissioner might be an admirable part of the suite of measures that government can put in place to try to reduce trauma on the roads, in the absence of the road safety experience centre, Arrive Alive and the continuation of what was for a long time a bipartisan approach to road safety, it is not in and of itself any kind of solution to trauma on our roads.

It is also worth noting that just a couple of weeks ago the Auditor-General handed down a report into the road safety camera system. That report confirmed what the Labor Party has said for years, that the road safety camera program is and was extremely effective and that the location of cameras was based on safety outcomes, not revenue raising as had been claimed by the Baillieu opposition. The primary conclusion of that report puts

to shame the scaremongering about revenue raising and the relentless attempt by the Liberal Party in opposition to in effect reduce public confidence in the road safety camera system. The report found that the road safety camera system is and always has been about saving lives and reducing the incidence of speeding on our roads.

This bill was prepared and introduced to Parliament before the Auditor-General's report was handed down. One would have thought that a government that was intent on reducing road trauma, saving lives and putting in place the system with the greatest efficacy would have waited until the Auditor-General's report was handed down and his findings made public before bringing into Parliament a bill of this nature.

Mr Barber — Why didn't it?

Hon. M. P. PAKULA — That is a good question, Mr Barber — why didn't it? Proper governance would suggest that the report should have been evaluated, the recommendations should have been considered and a measured, balanced and informed response to that from the government would have been appropriate.

It is also interesting to note that the report casts serious doubt on the wisdom of publishing the location of road safety cameras in newspapers every week. The fact is that one of the most effective aspects of the road safety camera regime is that motorists do not know where they are — they could be anywhere, any time. Drivers have to assume that if they speed anywhere, there could be a road safety camera.

Whilst in metropolitan Melbourne the publishing of the locations of cameras might not be as big a problem because there are a huge number of road safety cameras identified in the newspaper each week, in regional areas it is much easier for drivers to identify where road safety cameras will not be in that upcoming week. I fail to see how there is any benefit to the community in letting thousands of drivers know that for the upcoming week they can speed in certain areas without any concern about being spotted by a road safety camera because the locations of those cameras have been published in the newspaper that week.

Mr Ondarchie shakes his head, but if he does not believe me, he should read the Auditor-General's report. The Auditor-General makes it clear that there is a huge question mark over the wisdom of publishing the locations of road safety cameras on a weekly basis in terms of providing to motorists information about where those cameras might be that week.

After the Auditor-General's report was tabled in the last sitting week I was in the Assembly gallery during question time when the Minister for Police and Emergency Services audaciously said, 'Road safety cameras save lives'. I know it is inappropriate to yell from the gallery, but I felt like yelling out, 'Have you told the member for Polwarth that?'. He is now the Minister for Roads, but he was the worst offender in the last Parliament and the one before that in terms of reducing public confidence in speed cameras. On 5 August 2003 the member for Polwarth made it clear what his view was about speed cameras — and by extension the view of the Liberal Party — when he said, 'They are simply about revenue raising'.

If it had been one rogue member of Parliament saying this, it might not have been such a big problem, but for the last four years Mr Mulder has been the shadow minister for public transport and for roads and he is now the Minister for Public Transport and the Minister for Roads, so his position quickly became the position of the entire Liberal Party. It was a point the Liberal Party emphasised again and again to scare up a few votes, but it had a complete disregard for the road safety element of the campaign it was running and for the way that those utterances were shaking confidence in the road safety camera system.

In 2007 Mr Mulder said in an interview with the *Sunday Age* that:

> The Bracks government —

as it then was —

> uses the term 'road safety camera' to deflect attention away from what Victorians see as a 'speed camera revenue-raising bonanza' …

In 2009 in his own media release the member for Polwarth described them as 'fixed cash register' revenue raisers and as nothing more than 'a dash for cash'.

That is all great hyperbole when in opposition, but the government is now discovering that things you say can come back and bite you very hard on the posterior when the evidence is in from none other than the Auditor-General. That evidence suggests that in fact speed cameras are about saving lives, reducing road trauma and reducing speed.

I do not think we can be generous enough to suggest that any of these comments were inadvertent or off the cuff; they were not just thought bubbles from the now Minister for Roads. Those comments were deliberately made to diminish public confidence in the road safety camera system and deliberately done to rustle up a few

votes from drivers who were upset about being fined; they were crafted to create in the public mind the perception that speed cameras were designed to rip motorists off by deception. When you think about what is at stake and the enormous cost of road trauma, not just financially but in terms of anguish for families, those comments were dangerous, irresponsible and reckless, and they did nothing to enhance road safety in the minds of motorists.

It is also probably true to suggest that the comments were so numerous and so often repeated that many Victorians went to the last election firmly of the view that an incoming Baillieu government was actually going to reduce the number of speed cameras, reduce the amount of revenue that was garnered from speed cameras and increase the leniency or the tolerance of the speed camera regime. In fact the reality has been otherwise. We saw in the budget that the government is expecting an increase in the amount of revenue it will receive from speed cameras. Not only was the campaign run by the Liberal Party irresponsible, it was also quite deceptive, because it created in the public mind an impression that the government had no intention of acting on when it took office last November.

To sum up the Labor Party position, we think the evidence is in about road cameras, and the evidence has been in for a long while. The Auditor-General's report merely confirms what those of us in the Labor Party have always believed: road safety speed cameras are about saving lives. They do have an impact on driving behaviour. We take the view that the campaign that was run by the then Baillieu-led opposition was consistent and not reputable. We think it undermined public confidence in road safety cameras. It was a baseless case that was being peddled, and it has undermined the integrity of the government's response now that it is in office.

Everybody can have a road to Damascus conversion, and it appears that the Baillieu government has had exactly that — if the comments of the Minister for Police and Emergency Services are now to be believed. If he did not believe speed cameras saved lives when in opposition, it seems he believes it now. All the evidence has been there for a long time, but maybe it took an Auditor-General's report for the police minister to believe it. Whether or not the Minister for Roads now believes it is a matter of some ongoing conjecture. I have heard Mr Ryan express the view now that road cameras save lives. I expect it might be too big an ask to get Mr Mulder to make such a spectacular backflip given his previous public commentary.

In regard to the amendment, I do not need to say a great deal more about it other than to say this: Mr Ryan has consistently described the office of the road safety camera commissioner as an independent office. It is not consistent with the notion of an independent office that the only things the road safety camera commissioner can investigate are those matters that are given to him or her by the minister to investigate. So the amendment we are proposing is a simple one.

Mr Tee — A good one.

Hon. M. P. PAKULA — Thank you, Mr Tee, I think it is a good one too. It provides this independent commissioner with the power to investigate any matter in relation to the road safety camera system on the commissioner's own motion. If the government genuinely seeks to create an independent office, then the government should have no difficulty supporting that amendment. It is not an amendment that has been dropped on the government at the last minute; it was provided to the government two days ago. I am hopeful that the minister has now had ample time to give it consideration and equally hopeful that the minister will respond in the affirmative in regard to the government's support for the amendment. If it is not prepared to, I for one would be extremely interested to hear what rationale the government is prepared to put forward for denying the road safety camera commissioner the opportunity or the ability to commence investigations on his or her own motion. With those few words, I indicate again that the opposition will not be opposing the bill, and we commend it and our amendment to the house.

Mr BARBER (Northern Metropolitan) — The only reason we have this piece of legislation before us today is to provide the government with a political fig leaf to help it cover up part of its policy confusion in this area. I do not know, because I have not been able to find out, whether whilst in opposition the government promised to develop a road safety camera commissioner, and I will be asking the minister, Mr Dalla-Riva, about that. But I do know that at the beginning of this year the government announced a response to issues around speed cameras, and that response was to request that the Auditor-General do an audit of the road safety camera system, to create the office of road safety camera commissioner and to publish the details of where road safety cameras are being deployed.

Those are three confusing and contradictory policy responses, about which the government has only become more confused since then. Why is the government confused? Because it is afraid. What is it afraid of? It is afraid of the anger of that section of the

community at getting speeding fines, anger which whilst in opposition government members were involved in whipping up. The government understands the anger well, because it was part of whipping up that anger, and now it is afraid that that anger is going to come back to it. So as a fig leaf or a sop to its policy confusion the government has brought forward a proposal to create a totally unnecessary road safety camera commissioner.

The government is still completely confused about the third strand of its policy, the publishing of the location of road safety cameras, because in his report the Auditor-General has now told the government that publishing the camera locations is not only unnecessary but also damaging to the overall functioning of the system. It will reduce the efficacy of the program, thereby putting lives at risk. Mr Ondarchie, who jumped up a few moments ago and made a little community service announcement urging everybody to slow down, should think about that. He should read the Auditor-General's report — —

Mr Ondarchie — I do think about saving lives.

Mr BARBER — Mr Ondarchie should have been here over the many years gone by when his fellow Liberals urged more latitude to allow people to drive faster. Liberal members of previous Parliaments, certainly the Parliament previous to the one to which I was first elected, campaigned for more latitude in an upwards direction on speed camera measurements. While the Transport Accident Commission was running the Wipe Off 5 campaign, Liberal members were calling for speeding motorists to be given a margin that would have added 6 or 7 or 10 kilometres an hour to the speed limit, depending on the local limit. So I am with Mr Ondarchie in urging people to slow down, and we know with certainty — because the Auditor-General and everybody else under the sun, including the Monash University Accident Research Centre, has told us — that speed cameras as currently operated cause people to slow down and thereby save lives.

The Greens will be opposing this bill. We do not believe it is necessary to create a specific road safety camera commissioner, because the Auditor-General has told us that there is nothing wrong with the program as it has been operating. I would like to see the money that is going to be spent on this particular office being spent on actual road safety. There is no shortage of projects for that money to be spent on. I would like to see the government cease advertising the location of road safety cameras, as suggested by the Auditor-General when he said that advertising would reduce the efficacy of the program. He did not go as far as recommending the government stop doing it, because that would be making a recommendation on policy, but he did say it should be reviewed. I am not saying we should review it; I am saying we should stop doing it.

The government did one other thing earlier this year. It created a website from which we can now get — more than we have had before — a lot of statistics about the operation of the road safety camera system. That is the site on which the government advertises the location of the cameras, which I disagree with, but it is a site that also gives us a lot of statistics about the operation of road safety cameras. The government has done us a favour with that. In the past whenever statistics on road safety cameras were produced it was all in terms of revenue — it always had a dollar figure in front of it. But what we learn from looking at the data in a different way via that website is the level of speeding and, frankly, idiotic behaviour by motorists, and the amount of it is staggering. It is only because of road safety cameras that we get even a snapshot of it.

For example, that website shows the top 20 red-light cameras in the state by number of infringements. There would not be anybody in this chamber who would suggest that running red lights is okay under any circumstances. Among that top 20, the no. 1 red-light camera is at the corner of Elizabeth and Victoria streets, Melbourne, an intersection that I cross every working day. Last year at that intersection 9229 people ran a red light. That is, frankly, a terrifying figure, particularly for me as I cross that intersection nearly every day when I go from my office to the Victoria Market for my afternoon snack.

You need only divide that figure by the number of days to see how often people are being caught for running red lights and how much of a hazard that presents to the large number of people who visit the Vic market, travel to the hospitals around that intersection or move around the university precinct and the area where my office is. We would hope that that figure would be zero. There should be zero running of red lights at that or any other intersection. Frankly, if we are not seeing a constant downward trend in that statistic, then our program is failing and we need to consider more measures to prevent that behaviour.

There is no reason that the government can put forward for that figure, apart from its political problem — that is, the hole it dug itself by taking an extraordinarily populist but ultimately destructive stance on this for many years in opposition, not just over the last four years but throughout its time in opposition. I cannot remember who it was who described politics as a choice between the disastrous and the merely

unpalatable — I get the feeling Mr David Davis knows who it was — but clearly a softening or a weakening of the road safety camera program in Victoria in any way would be a disastrous move. The impacts of speeding are already disastrous, and if the government finds it a little bit unpalatable to back down on the stance it took in opposition, that is a small price to pay. If the government wants to backflip on this or other related issues, I will not criticise it for backflipping; I will actually applaud it for seeing the light.

The government should back down on its policy of advertising the location of road safety cameras. We have not heard from the government what it will be doing on that; perhaps a government speaker will let us know. Beyond that I will save the issues that I have with the operations and mechanics of this particular measure — that is, the way the road safety camera commissioner will be set up — for the committee stage when we will examine the bill clause by clause.

Mr DRUM (Northern Victoria) — I am delighted to stand to contribute to the Road Safety Camera Commissioner Bill 2011. It is an interesting mix of positions that we have from Mr Pakula and Mr Barber. Mr Pakula stated that Labor members are not going to oppose the legislation; however, they are going to move an amendment. The Greens, happy with the status quo, are going to oppose the bill. We will work our way through those positions as we go on with the debate.

Firstly, this bill is going to establish the position of the road safety camera commissioner, and it is going to give us the transparency and accountability that Victoria's road safety camera system needs. For years now Victorians have been sceptical about the government's use of speed cameras, and that has simply been a fact. It has just been the way it is. Over the years we have had a string of problems in relation to the positioning of speed cameras, and there has been very poor opinion of the integrity of the system. Quite simply the Victorian public has had no confidence in the way that speed cameras have been used. As the Auditor-General has indicated in his report, one of the major things that has been lacking in this system has been a communication plan — that is, someone to identify the success of the cameras.

For the opposition to effectively be saying that the public's lack of confidence has something to do with the Minister for Roads, Terry Mulder, or the Minister for Police and Emergency Services, Peter Ryan, is quite absurd. The fact is that those ministers have been reflecting the lack of confidence within the community, and we are bringing that sentiment into the Parliament with this bill. We are taking the appropriate action that we need to take to ensure that confidence is restored.

We know very well that road safety cameras save lives. As members have said here this morning, the havoc and pain that is heaped onto the families of road trauma victims is substantial and horrendous, and we need to do everything we can to prevent it. As a father of children — one with a licence and two with their learners permits — it is frightening to go through that stage where your kids are entering the road user system. You want to make sure, if you are in a position of decision making or law making, that the laws you make are going to ensure that your children, along with everyone else's children, return home at night.

We place an enormous amount of importance on ensuring that the road laws we make have a sense of integrity about them. That is what this bill is going to do. We are doing everything we possibly can to give our drivers confidence so they can have faith in the system and will realise that they need to stick to the speed limits so they can drive according to the conditions. They will then have confidence that the road safety cameras are there for their own safety and not for revenue raising, as has been the strong perception over the last 10 years. It is about putting integrity back into the system. We need to keep working hard to cut the road toll to its absolute minimum, and this has always been the case.

The commissioner will be appointed by the Governor in Council and will have three main roles. The first will pertain to situations involving quality assurance, which has always been an issue of contention. Are the cameras accurate? Do they operate in the way they are supposed to operate? Every now and again we have instances where the accuracy of cameras and camera results are challenged. One happened only last week: an off-duty policewoman was able to win a court hearing.

The question of quality assurance continually eats away at public confidence in the system, and it will be taken into the role of an independent commissioner, who is going to have the ability to oversee the accuracy and fairness of the road safety camera system. The commissioner will have whole-of-system monitoring ability, and that function will be laid out for him or her. This will ensure the regular review and assessment of the operation of the road camera system and ensure that appropriate information will be made public. The Department of Justice in its annual reports will make sure that information is available to the public of Victoria.

The second role that the commissioner will undertake will be one of investigation and review. Obviously we are not going to investigate individual cases where a person feels aggrieved at picking up a speed camera fine or a red light camera fine. However, when the commissioner believes that a series of complaints is pointing towards a systemic problem he will have the opportunity to investigate. That will give the public more confidence that this system is operating in an independent and transparent fashion.

The third role to be taken on by the commissioner will be that of complaint management. The commissioner will be able to handle a whole range of complaints from people right across the state about the road safety camera system, and he will be able to ensure that those complaints are dealt with in the appropriate manner.

The legislation states the road safety camera commissioner will appoint a reference group. This reference group will consist of a range of experts in the field. They will be able to give advice to the commissioner and research and analyse the road safety camera system. This reference group will have terms of reference laid out by the commissioner to ensure that the work it does is in accordance with the commissioner's wishes and that it will be able to service the commissioner in the best possible way.

The government has consulted widely on this issue with Victoria Police and VicRoads. Both those organisations have discussed the creation of the position of the commissioner. They are supportive of the government's proposal to put in place this independent commissioner to undertake this work.

Mr Pakula's proposed amendment would create an opportunity for the commissioner to investigate any issue he wishes. I need to impress upon the opposition that this is already the case when you look at clause 10(e) of the bill, which states that one of the functions of the commissioner is:

> to investigate complaints referred to in paragraph (d) …

Paragraph (d) refers to 'complaints concerning any aspect of the road safety camera system'. The commissioner can investigate any complaints concerning any aspect of the road camera system. Clause 10(d) then states:

> (i) if appropriate, to refer a complaint to an appropriate person or body for further action; or
>
> (ii) to provide information on the available avenues for resolution of a complaint …

More importantly, clause 10(e) says he or she is:

> to investigate complaints referred to in paragraph (d) —

which I just went through —

> that appear to indicate a problem with the road safety camera system and to make recommendations to the Minister to address any systemic issues identified …

The government clearly believes the subject of the opposition's proposed amendment is well and truly catered for in the legislation. If the opposition wants broad and wide-ranging powers of investigation for the commissioner and it wants the commissioner to be able to undertake own-motion investigations regarding the road camera system, then we can clearly indicate to the opposition that those powers already exist under the government's legislation. If the opposition would like the minister when summing up this debate to read that into the second-reading debate, I know the minister would only be too happy to do that.

I urge the opposition to think about whether it truly needs to proceed with moving its proposed amendment having been given the absolute assurance that if the commissioner wishes to undertake own-motion investigations, he is going to be able to do that under clauses 10(d) and (e).

Putting more independence around the control and monitoring of the road safety camera system will give the public more confidence and create more integrity around the system. It has been proven that if people truly believe that the system is working for their benefit, then they will change their driving behaviour. If we can change driving behaviour, then we are likely to get the results we all want — that is, a lowering of the road toll and a reduction in accidents and incidents. For that to happen we need to make sure that people who are in cars, using our transport system and using our road network have full confidence in the integrity of the system.

We believe this is a good bill. I know the Deputy Premier, who is also the Minister for Police and Emergency Services, has been very passionate about restoring public confidence in the road safety camera system to ensure that people understand that the cameras are working accurately. They are not about and have nothing to do with raising revenue. It is about putting information out there for people to see. People will realise if they get caught by a camera, then they only have themselves to blame. They will realise the cameras are there to slow down drivers in dangerous areas and it is not about picking up a speeding fine in an area that is suitable for doing that.

This is a good bill. We thank the opposition for not opposing it. We hope the assurances we have given regarding the ability of the commissioner to undertake own-motion investigations will enable this bill to proceed straight to the third-reading stage. However, if the opposition wishes to take the bill into a committee stage to further thrash that out, I am sure that in his contribution the minister will be able to make further strong statements about the issues in relation to own-motion investigations. If need be, I am sure we will thrash it out in the committee stage.

We are hoping the legislation will give Victorian drivers confidence in the system. Hopefully we can all achieve a lowering of the road toll. I applaud the police minister for introducing this bill into the Parliament. We all hope it has the desired effect.

Mr SCHEFFER (Eastern Victoria) — As Mr Pakula has indicated, the opposition does not oppose the bill, and I support the amendments Mr Pakula has circulated. I note that Mr Drum has made some observations in relation to the amendments, and if I get time in my contribution I will come back and make some comments on them.

The minister's second-reading speech starts with a reminder that the creation of the new position of road safety camera commissioner of Victoria was the result of a coalition election commitment to promote increased transparency and accountability of the road safety camera system. The minister's carefully worded introduction rather coyly alludes to the furious resistance by some sections of the driving public to many of the evidence-based and successful efforts by successive Victorian governments to reduce the number of road crashes.

Initiatives that reduced speed limits and identified offenders were seen by our 'kings of the road' as examples of a nanny state which was progressively eroding some kind of inviolable right of drivers to make their own safety assessments of road conditions and drive at any speed they personally thought was safe. The minister's words, in my view, also primly sidestepped the ruckus kicked up by those who alleged that speed cameras were only ever about government revenue raising.

But of course there has never been any serious doubt on the part of any responsible authority that the speed camera system operating in Victoria is effective. The fact is that government road safety programs are effective, which is why the road toll fell from 444 fatalities in 2001 down to 288 in 2010. Each and every one of those theoretical families whose members were not killed in a traffic accident are grateful for that, and it is a very important contribution that successive governments have made to community safety.

This issue has been examined a number of times. The Auditor-General's 2006 report *Making Travel Safer — Victoria's Speed Enforcement Program* found that:

> Both the numbers of motorists speeding on our roads and the degree to which they speed have reduced since 2001. Road trauma has also reduced, with current data indicating that the target of 20 per cent fewer fatalities by 2007 will be achieved.
>
> We found no evidence that the speed enforcement program is focused on raising revenue. Speed cameras are used at sites and times that match identified speed risks and crash histories. Sound quality assurance has been introduced to minimise errors in detecting speeding motorists, although some aspects can still be improved.

Mr Drum says that the siting of speed cameras and their operation has, over the last 10 years, been in some doubt. This is a 2006 report of the Auditor-General that states clearly and unequivocally that the system had integrity. The report found that while 15 per cent of motorists were driving several kilometres faster than the speed limit, the increase in speed camera surveillance had brought down the number of infringements.

The 2006 report also looked at whether the speed enforcement program was about risk or revenue, and the Auditor-General was satisfied that speed enforcement initiatives were mainly targeted at reducing road trauma rather than raising revenue.

Over past years there has been a consistent campaign by groups that follow court actions that contest the accuracy of speed cameras, and where there is a finding that a camera has been faulty or a process not followed, this is taken as evidence that the system as a whole is corrupted and unreliable. Letters to the papers and websites under headings such as 'Police speed cameras info', 'Citizens against road rip-offs' and 'RoadSense' carry all sorts of assertions that the system is rigged, making it virtually impossible to have fines reviewed and revoked, and that the income from fines is a bonanza for state governments.

The proponents of these views support making public the locations of speed cameras and believe that it is the right of motorists to be warned so they know where they can speed with impunity and where they need to observe the speed limit to avoid fines. While the previous Labor government strongly supported evidence and the Victoria Police on the value of speed cameras, it has to be said that the coalition over the last 10 years at best allowed the anti-speed-camera constituency to believe they had a case.

The coalition allowed the 'kings of the road' constituency and the anti-nanny-staters to believe that the coalition agreed with them that speed cameras were about revenue collection, that they were overused and that their locations should be revealed, and that was all transmitted with a wink and a nod.

I had voters approach me — and I am sure many other people campaigning on the Labor side also had this experience during prepolling — who were tearing up ALP how-to-vote cards only on the basis that we would not support what these voters thought was the coalition's anti-speed-camera policy. In the lead-up to the 2010 elections the coalition was put under greater scrutiny and was forced to concede that the number of speed cameras should not be reduced.

Days before the election, in a debate with the then police minister, James Merlino, Peter Ryan said that Victorians think speed cameras are about revenue raising, and he went on to say that while the number of cameras should not be reduced, a coalition government would make sure that there was greater transparency. While the change in policy was of course a good thing, it did expose the mendacity of the coalition in opposition and in government. That was a big step away from the attacks we had seen in previous years.

The *Herald Sun,* for example, ran an article on 22 December last year quoting a spokesperson for the Minister for Police and Emergency Services, Peter Ryan, as saying that the coalition was committed to publishing the locations of mobile speed cameras as a first step in making the whole system more transparent. The same article quoted the Premier as saying that his government would locate cameras where they were needed, not just for revenue — again, a wink and a nod — implying that the government agreed with the 'kings of the road' who said that speed cameras were for revenue raising, not for safety. So the coalition has been dragged into changing its position on speed cameras.

As my colleague Mr Pakula said in his contribution, for years the coalition has pandered to pressure exerted by dangerously uninformed and opportunistic anti-speed-camera groups. Mr Barber described the government's current reaction as one of fear, and I do not think that is putting it too highly. But now that the coalition is in government it has been forced into supporting the evidence and implementing the speed camera program.

And so we come to the Auditor-General's report on the road safety camera program, which was released late last month. Its findings are absolutely consistent with the 2006 report that I mentioned earlier in my contribution, and I agree with Mr Pakula that it is extraordinary that a piece of legislation like this comes into the Parliament and that there is no evidence at all that the Auditor-General's report and his findings have in any way informed this legislation. This report is an incredible embarrassment for the government. It has no road safety strategy and no road safety plan after some 10 months in government.

The Auditor-General's August report disposed absolutely of any lingering temptation on the part of the government to pander to the 'kings of the road' constituency. The report says — and it should be in *Hansard*:

> While there can be no absolute guarantee over the accuracy of any system, the processes and controls in place provide a particularly high level of confidence in the reliability and integrity of the road safety camera system.

The report again makes out the case for the serious dangers caused by motorists who speed, run red lights, drive while under the influence of alcohol or drive when they are fatigued, and the Auditor-General says that speeding is the cause of about a third of all road casualties, equating to about 100 deaths and 2000 serious injuries a year.

The report points to research from Western Australia that estimates that if all vehicles reduced their speed by just 1 kilometre per hour, there would be 10 fewer deaths a year and 90 fewer serious injuries. The report says that Victoria's road toll has consistently been below the national average, particularly in recent years, and that successive governments — and this is really important — can claim credit for the state's achievements in bringing about that significant reduction in road trauma.

The report concludes:

> Cameras have been repeatedly shown to be effective in reducing crashes and speeding.

And that:

> There is a high level of confidence in the accuracy and reliability of the equipment used in the road safety camera system. The equipment meets the needs of the system and legislative requirements for accuracy.

I hope this will put an end to the undermining of speed cameras that we have seen over the past decade.

The final thing I want to say about this is that the Auditor-General's report also looked at the issue of public acceptance and understanding of the integrity of these cameras and examined a number of public misconceptions. I do not think this has been done

before. There is only time now to mention one of the key misconceptions, which is that fines resulting from speed cameras are driven by revenue raising. The report states that revenue collected from speed camera-detected infringements represented 0.47 per cent of total general government revenue — or $211 million — and all such revenue is reinvested in the road system.

Victoria has a strong record of bipartisanship on road safety. This should not be an area where the community is divided and ill-informed resentments against good, evidence-based initiatives are fomented to discredit governments for political advantage. Let there be an end to this, and let the coalition government stand with Labor, Victoria Police, road safety experts and the general public and give no tacit support, no nods, no winks to those who seek to undermine the many good practices that we have developed in this state.

I want to come to the amendment that Mr Pakula has put forward. I understood Mr Drum to have said that the legislation already allows for the new commissioner to conduct own-motion investigations. Mr Drum referred to clause 10(e) of the bill, which indicates that the commissioner could investigate complaints referred under paragraph (d) of clause 10. My reading is that paragraph (d) means that the commissioner can only conduct an investigation after he or she has received a complaint; so it is still reliant on having got the complaint in the first place.

My understanding of an own-motion inquiry would be that the commissioner, for example, could identify from another source a systemic issue that he or she thought was important to investigate in the public interest and then he or she could proceed on that basis. The wording of the legislation before us means the commissioner is still reliant on the receipt of complaints, so I do not believe that Mr Drum's contribution deals adequately with the amendment, but we will see how the discussion unfolds in the committee of the whole.

Mrs COOTE (Southern Metropolitan) — It gives me a lot of pleasure to speak on the Road Safety Camera Commissioner Bill 2011 and to say that I have listened with great interest to the contributions that we have had here this morning. I would like to put on record my acknowledgement of the great contribution made by Damian Drum on behalf of the government. In his contribution he put down a number of the issues that are of major concern to the government. I ask people who are interested in this debate to read his contribution and see that it refuted all of the things Mr Pakula and in turn Mr Scheffer have alleged and have directed against the government in relation to its attitude towards road safety cameras.

One of the issues that has been raised in the debate both here and in the other place has been about the difficulty of changing behaviour. In the 1970s — which seems and indeed was another century — I spent a considerable amount of time in the United Kingdom. While driving along freeways there you would see roadside pull-ins where police would be sitting in very highly decorated vehicles. At that stage we did not see the police — they were always lurking behind something so that you never saw them in any detail. I used to think, 'Why are they sitting there? Why are they there if they want to catch people, to fine people and to make certain that they change? Why is it that they would be so obvious?'. The reason they were so obvious is everybody did modify their behaviour. They saw the police sitting there, and just the very visible police presence reminded travellers on the road that it was time to modify their behaviour and to make certain that they did do the right thing on the roads. You would see this happen in the fact that people did noticeably modify their behaviour.

So here we are in 2011 — and I guarantee this will be here beyond 2011 — with the idea that cameras and camera locations modify people's behaviour. This was the very issue that we listened to while in opposition, and it is the very thing that the Minister for Police and Emergency Services, Minister Ryan, raised in a policy announcement during the election campaign last year. He has now followed through on this and is doing as he said he would do: each week he publishes a list of where the cameras are going to be.

There has been criticism of this and questions asked about whether it is going to work. I would suggest that it does work. You only have to see where those cameras are positioned. I notice that my colleague Ms Crozier is here in the chamber at this time, and she would concur with me that there are several fixed cameras within our electorate and you can see very noticeably that drivers monitor and change their behaviour when they know those cameras are going to be there.

The cameras alert people to the fact that there is, for example, a school zone. Near the corner of Chapel Street and Dandenong Road there are three schools in very close vicinity and there are speed cameras. You watch people modifying their behaviour not just when they think the cameras or police are going to be there but at other times. As Ms Crozier rightly says, there is exactly the same situation in Alexandra Avenue — people do modify their behaviour.

Speed cameras do work; we know they work. Opposition members have been referring to the Auditor-General's report. In its summary it says one of the misconceptions about road safety cameras is the belief that they do not reduce road trauma:

> An extensive body of research and evaluations both throughout Australia and overseas have demonstrated that road safety cameras result in improved road safety outcomes including lower speeds and reductions in fatalities and serious injuries from crashes.

I am sure members of this chamber would acknowledge that they have modified their own behaviour when they have known they were driving in an area where a speed camera has been positioned. If you travel down the Geelong Freeway, as I know my colleague Mr O'Brien does on a regular basis, and you were not aware of the fixed speed cameras on the bridges that cross the freeway, you could probably lose your licence on one trip down that freeway. You can see people modifying their behaviour; people who know the road reduce their speed. They watch what they are doing, and not just when they are travelling under the bridges but for a considerable time. Motorists knowing where these cameras are placed has made a difference to their driving, and in his report the Auditor-General says that is exactly the way he sees it too.

While I am speaking about the Geelong Freeway, I refer to another misconception that was highlighted in the Auditor-General's report — that is, that speed cameras should not be placed on freeways because freeways are safe. The Auditor-General provides evidence against this misconception:

> While freeways are often well-designed and constructed roads, the large traffic volumes and high speeds of freeways reduce the inherent safety of these roads and mean that crashes are likely to have serious road trauma consequences.
>
> Between 2006 and 2010, 122 people died as a result of crashes on roads in metropolitan Melbourne 100 kilometre-per-hour zones, which are typically freeways.

Much has been said about the tragedy of road trauma and the ramifications not just on the families but also on the victims' workmates, friends and the wider community. The road toll is extraordinarily sad and expensive. There is an enormous financial cost to the community.

One of the things that it is important to try to come to terms with is what is happening with our young people, a subject which has been mentioned this morning. Increasingly, when you wake up in the morning and turn on the radio the first thing you hear is that there has been another significant car crash. This morning there was one in the northern suburbs and a young man aged in his 20s was killed. The lives of his family, his community and the people who witnessed the crash have been shattered forever. It is really important that we, as a Parliament and a community, look at how we can modify the behaviour of young people.

In Victoria we have a particularly good record on road safety, and this legislation is another step in supporting the changes that are needed. The Road Safety Camera Commissioner Bill 2011 is an important step in dealing with road safety, and it shows that Victoria once again has taken the lead in dealing with road trauma, just as it did with the mandatory use of seat belts and with drug and alcohol testing. These are things of which we can all be very proud. Victoria has taken the lead internationally by introducing this legislation.

I remind the chamber of the powers the road safety camera commissioner will have. The commissioner may request information from the Department of Justice concerning the operation of the road safety camera system and may make copies of or take extracts from documents relating to the operation of the road safety camera system. The commissioner will have three key roles. The first is a quality assurance and reporting role. The commissioner will undertake a review and assessment of the operation of the road safety camera system and may request information from the Department of Justice. Secondly, the commissioner has an investigation and review role which will involve publishing findings and recommendations in an annual report which will be tabled in this Parliament. The third is a complaints management role which will involve the investigation of complaints about the road safety camera system, including systemic problems.

Today the opposition highlighted the issue of the lack of confidence in the speed camera system, and I do not think there is any doubt about that being so. We only need to look at the huge number of problems that were experienced with the point-to-point cameras on the Hume Highway to see that. It is important to note that people made complaints and those complaints were looked at. If we had had mechanisms such as those that are being introduced by this legislation, those complaints would have been dealt with more quickly. It is important for the community to be secure and confident in the knowledge that they can go to the road safety camera commissioner who will deal with some of the complaints about the systemic problems that are being experienced. That confidence will be important in maintaining safety on our roads.

In their contributions to the debate, Mr Pakula and Mr Scheffer were quite scathing about the government

when it was in opposition. Mr Scheffer said that this bill was an attempt at a wink and a nod. I take great issue with that proposition because this legislation has been very well thought through. As I said earlier, the Minister for Police and Emergency Services, Mr Ryan, listened to people and took note of what they said while he was developing the policy. He looked closely at the issues people were concerned about. This is not an attempt at a wink and a nod; this is a well-thought-through policy which is now manifested in the legislation before us.

Mr Pakula has proposed an amendment to the powers to enable the commissioner to self-reference. I have just read out what the commissioner's responsibilities and powers are going to be. I believe, as Mr Drum says, that power will be covered within the powers the commissioner will have.

Mr Pakula went on at great length about the fact that the Liberal Party in opposition had denigrated speed cameras. Mr Pakula has not yet been in opposition long enough to understand what it is that the public has said and how it has real issues that it wants us to listen to. I am sure that as Mr Pakula gets further into his opposition role he will learn it is very important to listen to what the public is saying. This is another reason why the bill is before us today. It is not about the Liberal Party denigrating speed cameras; it is about the Liberal Party listening to and reflecting on what the public was saying to it. It was no accident that the *Herald Sun* featured these issues on its front pages. It is a very important issue, and people were very concerned that the former government was using it as a revenue-raising exercise.

By debating the Road Safety Camera Commissioner Bill 2011 today we are talking about an issue that reflects what the public wants security in; and it will build security into the system. The bill will give the public an opportunity to raise and give voice to its issues, and in having confidence, the public can monitor its behaviour as a consequence.

My concern today is that the bill passes without amendment. It will give strength to our system and it will reinforce our attitude to road safety, which I believe is second to none. I remind members that it was a Liberal government that brought in mandatory seatbelt legislation all those years ago under the late Lindsay Thompson, who was a very fine Premier. I believe the Liberal Party has a long and strong record on road safety. We are all very concerned about the road toll in this state. It is salutary to note how high it was 30 years ago. It has been reduced by half; however, it is still far too high and huge numbers in our community are affected by it. It is very poignant when driving on any road in Victoria to see the bumper stickers that say, 'I've been touched by the road toll'. If you look at the drivers and at the people in those vehicles, you see they are people just like us. They, too, have been affected by the road toll. Our charter is to reduce that road toll even further, and that will be our proud legacy.

Mr EIDEH (Western Metropolitan) — I would like to make a contribution to the Road Safety Camera Commissioner Bill 2011. When John Brumby was the Premier of our state those who are now ministers constantly criticised the government over traffic cameras. Time after time Premier Brumby, the police ministers as well as other Labor ministers referred to traffic cameras as measures for increased safety on our roads. Yet when in opposition the Premier, Mr Baillieu, and his colleagues constantly and wrongly called them revenue raisers, despite police coming out and stating that they were more about safety than revenue.

Today we are talking about the very same cameras which the Baillieu government now accepts as being about safety and not about revenue as their main concern. Indeed the government will install many new cameras because it now realises that they are about safety. The Victorian Auditor-General reviewed the program and found that the cameras were and are intended for safety purposes and not for revenue raising. This government is publicising the locations of the cameras against the direct advice of the Auditor-General, and it is bringing in even more cameras. I cannot help but believe that the government has never heard the word 'safety'. In fact the government has as yet done absolutely nothing to add to road safety in our state.

Then there is the concept of a camera commissioner; it is not one that I can find readily in the Auditor-General's report. The report does not declare any belief that such a position is warranted. The purpose of having a camera commissioner is not to enhance safety, because there is no logical rationale for it; it is not to change driver behaviour, because it will not; and it is not to save lives, because the very role of the commissioner is not about safety. It is about spin and about the pretext of doing something when after a year in government the Liberal Party is yet to write a single positive policy for this area. People's lives will not be saved by this bill or by the camera commissioner, and that is the greatest tragedy here. Instead of debating possible improvements that could really save lives, we are tinkering because Baillieu ministers have not yet been given permission to think.

Can we do something about the growing numbers of pedestrians killed on our roads? Are there real legislative changes we can agree on and enact that will bring about fewer deaths on our roads? These are the things I believe we should be talking about and agreeing on. In a previous time it was this Parliament that lead the world in compulsory seatbelt legislation and it passed laws relating to a .05 blood-alcohol level, airbags in cars, safety cameras, random testing for alcohol and then for drugs, better design for cars and more. In the Victorian Parliament we can achieve far better than this bill, including the consideration of policies and legislation that could reduce the number of people killed and injured whether they are walking, cycling or driving.

The opposition is not opposing this bill, but the bill will not have any significantly recognisable positive effect on road safety.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Road Safety Camera Commissioner Bill 2011 that we have been so energetically talking about today. I am a bit surprised by the opposition's opening comments that it will not oppose the bill. I have to say that I was looking for a bit more energy from opposition members in terms of their advocacy and support for the bill. It is a bill that will give Victorians some certainty. The overarching message, which Mr Barber touched on — and I find myself agreeing with Mr Barber today — is that we want to save Victorian lives.

The bill establishes the first ever independent Victorian road safety camera commissioner, who will monitor and review the integrity and efficiency of Victoria's road safety camera system. The Baillieu coalition government has already introduced legislation to deal with hoons, which has had a positive impact on the reactions of Victorians. We have locked up some hoons and taken some cars off the roads. We are working actively, as have previous governments, to reduce the road toll, which today tragically sits at 205 deaths on Victorian roads this year, which is 4 up on last year. Enough is enough. In my electorate in places like Whittlesea, Nillumbik, Hume, Richmond, Darebin and Banyule we are actively working to try to reduce the road toll.

The bill will provide credible expert advice about road safety camera operations to the Parliament and to the community. Its scope will cover all facets of automated road safety camera networks, including intersection cameras, which Mr Barber talked about, fixed freeway cameras and mobile cameras. The commissioner will be appointed by the Governor in Council and will have three very clear key roles: to undertake a quality assurance and reporting function, to review and assess the operation of the road safety camera system at least every 12 months and to regularly review the information which is made available about the camera system by the Department of Justice.

The commissioner will also have an investigation and review function and the ability to publish findings and recommendations in an annual report. The commissioner will also receive complaints about the management function. The commissioner can take complaints from any person aggrieved by the road safety camera system. It will not be an investigation of individual complaints per se; it will look more at the systemic issues associated with road safety and road safety cameras. The commissioner may investigate issues where there are one or more complaints that require some attention.

Like some other speakers here today, I have children who either have a drivers licence or are about to get a drivers licence. One of my children has a licence and two are learning to drive. Being taught to drive is as nervous a moment for the kid as it is for the parent who is doing the teaching. In my daughter's first driving lessons there was sweating, there were tears and there was shaking — she was fine; that was all me! But as parents we have to take this very seriously, as all Victorians do. That is why this bill is so important in giving Victorians some assurance.

Mr Pakula talked about integrity. He said the government had done this to scare up a few votes. I think that is a disappointing statement. This bill is about integrity and efficiency. Integrity and efficiency may be unfamiliar terms to the previous government; nonetheless, that is what this bill is designed to improve. It is sad and it disappoints me — because I expect better of him — that he would use today's debate for the sake of political expediency as opposed to saving Victorian lives.

Mr Pakula said in his contribution that voters went to the election with a firm view, and they did. They went to the election with a firm view that enough was enough and it was time for change. They wanted certainty, and that is what this bill gives them. It gives some certainty and some integrity to the road safety system. I want Victorians to get home safe and well every night from their workplaces and their recreation. This bill works towards getting people home safe every night. I do not want them to die. I am sure my learned colleagues in the chamber feel the same way I do.

The Auditor-General's report on the road safety camera program, which Mr Pakula touched on, was handed down on 31 August. It was an interesting report, because it demonstrated that there was a need to strengthen assurances and establish regular, independent testing of the accuracy and reliability of mobile speed camera measurements. It also found that there was a need to increase the accuracy of mobile camera infringements, a need for a stronger assurance that the mobile camera operators complied with critical procedures and a need for improved transparency and certification. 'Transparency' is a word I could spell for the previous government. The report said the Department of Justice should be requiring certification service providers to comply with appropriate quality controls. The Road Safety Camera Commissioner Bill 2011 does exactly that.

One of the interesting things we talked about this morning was reducing the speed limit by 5 kilometres per hour. The risk of serious casualty doubles with just a 5-kilometre-per-hour speed increase on a 60-kilometre-per-hour urban road or a 10-kilometre-per-hour speed increase on rural highways. This is a very important bill. It will increase public confidence in the road safety camera system. When people understand clearly that cameras are accurate and catch only those doing the wrong thing, it leads to behaviour change.

The bill will promote improved safety performance; it will get Victorians home safer every night. There has been a lack of confidence in the system under the former government. Introducing the commissioner will increase the assurance of integrity for all Victorians.

The commissioner may form a reference group made up of experts that will advise the commissioner about various aspects of the road safety camera system. This bill clearly reflects the Baillieu government's commitment to the safety of Victorians and to ensuring the integrity of the road safety camera system. The cost of road trauma is not only in the financial impact but also in the emotional impact on families, friends and networks. In Victoria last year there were 288 road fatalities, and there were over 1400 Australia wide. Road trauma led to almost 5500 hospital admissions in Victoria in 2010 and over 32 500 across Australia.

The annual financial cost to Victoria, according to the Auditor-General's report, was about $3.8 billion. That converts to $27 billion across this great nation. Speed is a factor in about 30 per cent of all road fatalities. Victorians are still more likely to die violently as a result of a road crash than from any other cause. It is a huge human cost to families, friends, workmates and extended family. It has a ripple effect throughout our community. In previous weeks others have talked about the growing health needs of Victoria. Depression is an example of that. There are a growing number of people suffering from depression in our community. I wonder if some of that depression is a result of road trauma.

The recent evaluation of red light and fixed speed cameras in Victoria highlighted a 47 per cent reduction in casualty crashes. More and more Victorians are looking for certainty from their road safety cameras, and there has been some doubt in the past. While those opposite deny it, there has been some concern when somebody got a fine from a road safety camera that has not been accurate. Just last week in the courts we saw a policewoman who was able to overturn the decision of a road safety camera based on evidence from a work experience student. Victorians want some assurance. This bill is about that, it is about this government's transparency and it is about adding integrity and certainty to the road safety camera system. I commend the bill to the house.

House divided on motion:

Ayes, 35

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	O'Brien, Mr
Crozier, Ms	O'Donohue, Mr
Dalla-Riva, Mr	Ondarchie, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms (*Teller*)
Eideh, Mr	Ramsay, Mr
Elasmar, Mr	Rich-Phillips, Mr
Elsbury, Mr	Scheffer, Mr
Finn, Mr (*Teller*)	Somyurek, Mr
Guy, Mr	Tarlamis, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Tierney, Ms
Koch, Mr	Viney, Mr
Leane, Mr	

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr BARBER (Northern Metropolitan) — I ask the minister to outline the cost of this measure.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Before I start, I seek leave to have Mr Drum join me at the table.

Leave granted.

Hon. R. A. DALLA-RIVA — Thank you. The budget for the first year of the office is approximately $1 million, which will be met through existing budget reprioritisation within the Department of Justice. That is the advice I have.

Mr BARBER (Northern Metropolitan) — I thank the minister for that answer. That is all from me on clause 1.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — My question relates to the definition of 'road safety camera system'. Everything in this bill hangs off this definition, because all the other procedures and mechanisms relate to the road safety camera system. The definition says 'road safety camera system' means:

> the road safety cameras, speed detectors and processes prescribed under the Road Safety Act 1986 that are used to detect offences …

Can the minister be more specific about exactly which sections of the Road Safety Act 1986 that is referring to?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the matters prescribed under the Road Safety Act 1986 are within part 1, section 3:

> *prescribed road safety camera* means a type or class of road safety camera that is prescribed by regulations for the purposes of this Act …

Then I have another document, the Road Safety (General Regulations) 2009 SR No. 115/2009. Under the heading 'Evidence relating to speeding and other offences' part 3 sets out division 1, which is headed 'Road safety cameras and prescribed processes'. Regulation 30, headed 'Prescribed road safety cameras' lists the prescribed camera systems. I do not know if Mr Barber wants me to read out the page. Regulation 30 is at pages 22 and 23. It sets out the different types of camera systems that are prescribed in paragraphs (a) to (q).

My understanding is that the only other one is hand-held radar devices used by Victoria Police, which are not automated road safety cameras but are devices which use radar technology to detect speeding drivers. They are managed by Victoria Police. The document I have goes on to say that whilst these devices are technically included within the responsibilities of the road safety camera commissioner, because they are covered by the same act and regulations as road safety cameras, the remit from the minister, in agreement with the Chief Commissioner of Police, is that the road safety camera commissioner will not report on their use or operation because the camera commissioner's focus is on the automated road safety cameras, where an individual police officer has not issued the infringement.

Does Mr Barber have the right section? Does he want me to leave this copy for him during question time?

Mr BARBER (Northern Metropolitan) — No. Chair, it is not an issue of the regulations, but we are at question time so I will follow on with the sections of the act.

The DEPUTY PRESIDENT — Order! Does Mr Barber have further questions on this clause?

Mr BARBER (Northern Metropolitan) — Yes.

The DEPUTY PRESIDENT — Order! Given the time, it is appropriate to break for questions.

Business interrupted pursuant to standing orders.

BUSINESS OF THE HOUSE

Photographing of proceedings

The PRESIDENT — Order! I advise the house that staff from Parliament's education and community engagement office will take photographs of proceedings during question time today. The photographs will be used for various official parliamentary publications.

Adjournment

The PRESIDENT — Order! I also indicate that during question time we will be circulating a note on adjournment debates that reiterates the standing order requirements and interpretations for matters raised on the adjournment.

QUESTIONS WITHOUT NOTICE

Department of Human Services: director of housing

Ms BROAD (Northern Victoria) — My question is to the Minister for Housing. I refer the minister to the announcement made by the Secretary of the Department of Human Services on 30 June 2011 that the director of housing, Margaret Crawford, would be taking leave from her position at DHS to assume a secondment at the Department of Transport. Does the minister support the director of housing returning to her substantive position at the Office of Housing when that secondment concludes at the end of this month?

Hon. W. A. LOVELL (Minister for Housing) — The director of housing, Ms Crawford, has been engaged in a leadership program as part of the public service. As part of that she has been on secondment to the Department of Transport for a period of time. I do not employ the director of housing; that is an administrative matter for the secretary of the department.

Supplementary question

Ms BROAD (Northern Victoria) — In response to the minister's answer to my substantive question, I refer the minister to section 10(1) of the Housing Act 1983, which states:

> In the exercise of the powers, discretions, functions and authorities and in the discharge of the duties conferred or imposed upon the Director by or under this or any other Act, the Director shall be subject to the direction and control of the Minister.

That makes the director of housing quite different from any other appointment — something I would have expected the minister to know. I ask: what direction has the minister given to the director of housing regarding her appointment under section 9 of the act, which sets out that the director is a ministerial appointment and is entitled to hold office for the entire term for which she has been appointed?

Hon. W. A. LOVELL (Minister for Housing) — The director is on a secondment, which was a secondment of her choice, not of my choice, and the employment of public servants is not a direct responsibility of mine.

Teachers: laptop computers

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister responsible for the Teaching Profession, who is also the Minister for Higher Education and Skills, Mr Hall. I ask: can the minister advise the house of the progress of the current cycle of the program for the replacement of laptops for teachers?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank Mr O'Donohue for his question and his interest in this important topic. He asked about the laptop program, formerly called the Notebooks for Teachers and Principals program, which was established in 1998 by the then Kennett government and has been pursued by the previous government and now the current government. Under the program there is a distribution of laptops to teachers and principals in the state of Victoria and they are replaced periodically. The Department of Education and Early Childhood Development contributes to the cost of the notebook replacements, and fundamentally the system has not changed since it was first introduced in 1998.

We are currently in the fifth cycle, and somewhere between 18 000 and 20 000 teachers are now due for and are currently in this cycle for replacement equipment. The current fleet of notebooks being replaced was deployed in 2008, with the offer then of Windows on Lenovos — formerly IBMs. I think members would be familiar with the Lenovo brand, given that they are the laptops most of us have. The cost for those in 2008 was a $4 per fortnight pre-tax contribution by teachers, and for the Apple option the cost was a $7 per fortnight pre-tax contribution by teachers.

There have been minor criticisms by some, who have suggested that the machines on offer are not the best and most current. I need to clarify a couple of matters about those criticisms. First of all, the normal process is for the department to sit down with suppliers and negotiate the best possible deals. Several manufacturers utilise the Windows operating system, so it is a competitive process. Arising from that, the current offer is a Windows Lenovo at a $4 fortnightly pre-tax contribution, the same as it was in 2008.

The Apple system has also been offered. As its operating system is unique, it cannot be subject to competitive tender. At the time of the negotiations the department sat down with Apple, which offered two machines — a 13-inch Apple MacBook and a 15-inch Apple MacBook Pro. The government negotiators looked at both machines and decided that on both cost and capacity factors the appropriate machine to be made available at a reasonable cost to all was the Apple MacBook.

Subsequent to that decision, and without the knowledge of the department, Apple withdrew that particular machine from retail distribution. It decided it would concentrate it purely for the educational field. While some criticism has been made that this machine is obsolete, I again press that that is far from the case. It was purely a decision by the company to prioritise this product for the education market.

As a result of the tenders for these machines and the offers made to teachers, 15 509 teachers opted for the Windows notebook and 3035 teachers opted for the Apple notebook. There was some criticism of the Apple product. In view of that criticism Apple came back to the department with an informal offer to supply another notebook product. The supply of another notebook product would have meant some significant changes for those teachers. I would like to explain those changes, perhaps by way of a supplementary question. If there were one coming, I might have time to elaborate on the implications if that notebook were to be changed.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — The minister indicated that 3035 teachers had opted for the Apple notebook, and I ask: what implications would there be for those 3035 teachers if an alternative Apple product were offered?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — I thank Mr O'Donohue for the supplementary question. It is an important point that he raises. If we had to go back and tender for another product, to be fair to all teachers we would have had to offer the opportunity to consider that third alternative to at least the 3035 teachers who had opted for the Apple product but perhaps the entire 18 000 teachers involved. Given that the department was unsure if teachers would be prepared to pay the additional cost of the third machine belatedly proposed, that this would have led to considerable delays and that the assumption was that all 3000 teachers would change to the new machine, it was deemed by the department not to be an alternative, particularly given that the capability of the machine did not in the department's view offer a significant advantage. With that, the current process continues, and I look forward to 18 000-odd teachers receiving new replacement notebooks in the near future.

WorkSafe Victoria: prosecutions

Mr LENDERS (Southern Metropolitan) — My question is to the Assistant Treasurer. I draw Mr Rich-Phillips's attention to the WorkSafe Victoria annual report and in particular to the fact that the success rate for prosecutions has dropped from 89.9 per cent to 74 per cent in the last year. My question to him, noting that, is: why?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. The answer to his question is because while WorkSafe can undertake prosecutions, it does not determine the outcome.

Supplementary question

Mr LENDERS (Southern Metropolitan) — I thank Mr Rich-Phillips for his succinct answer. He said WorkCover only determines prosecutions, not their outcome. I put it to him that a drop in the rate of successful prosecutions from 90 per cent to 74 per cent is significant both in terms of workplace safety and ultimately the premiums for employers. My supplementary question is: noting the drop, what key performance indicators will he set for the Victorian WorkCover Authority to bring the rate of successful prosecutions back up to a level that both ensures safety and reduces premiums?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his supplementary question. On the issue of workplace safety, the annual report for the Victorian WorkCover Authority shows that Victoria has had the safest year on record. The performance in that area is very good. Mr Lenders's question talked about an aggregate for success in prosecutions. Obviously success in prosecutions depends on the nature of the individual matters that are pursued year-to-year, case-by-case, and that will vary from year to year.

Manufacturing: defence contracts

Mrs PETROVICH (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade. Can the minister advise the house of the importance of the Victorian manufacturing sector gaining fair access to commonwealth defence procurement projects?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I thank the member for her question and for her understanding of the importance of the defence industry in Victoria. I am pleased to remind members of our election commitment to strengthen Victoria's defence industry.

We know that last year Victoria's defence industry was worth almost $2 billion, with exports valued at $236 million, and importantly the industry employed more than 8000 people in Victoria. The uniqueness of

this industry is that, whilst there are defence contracts which deal with overseas companies, the predominant purchasing is through the commonwealth defence procurement programs. The commonwealth has announced that the defence procurement spend that is directed to local industry will be $5.5 billion a year, rising to $7.7 billion a year over the next decade because the Australian Defence Force needs to replace up to 70 per cent of its equipment.

Our local defence industry here in Victoria is highly competent and competitive, and it should be able to win a significant share of this business. This outcome will be particularly important for regional Victoria. We know, for example, that BAE Systems Australia has been manufacturing the modules for the air warfare destroyer and will soon be value-adding to the landing helicopter dock ships at Williamstown. That is employing over 1000 people at Williamstown, and I understand the shipyards will be operating, dare I say it, at full steam ahead for the next three years.

Significant companies here in Victoria are also playing a crucial part in the F-35 joint strike fighter project. Only last week I was pleased to be present with the Vali Group at its 125th anniversary celebrations, where I inspected the production line of the modules deployed in land-based military vehicles. It is important to understand that Vali recognises — as do a lot of interstate and overseas companies — that Victoria is where the action is in terms of military vehicle manufacturing capability.

In regard to that, Thales in Bendigo is delivering the internationally renowned Bushmaster. This vehicle demonstrates the strength and capability of the Victorian manufacturing sector. It has a proven track record as an effective combat vehicle in over a decade of operations in some of the world's most hostile battlefields, and it has protected Australian lives against the threat of roadside bombs. It is important we ensure that companies like that gain access to the commonwealth procurement process. We know Thales received an additional 100 orders for Bushmasters earlier this year, and it is also up against some major international rivals in the competition for the Land 121 phase 3 project.

It is important to note in the context of the question asked that the outcome of that tender is critical for Bendigo and also for Australia's defence industry. This government recognises the importance of Thales in Bendigo for the future of manufacturing not only in Victoria but also in regional Victoria in particular. We are engaged with the commonwealth on this matter and will continue to be so. The commonwealth supports Thales in its plans to expand its design, development and manufacturing operations in Bendigo so that it can compete for future military vehicle orders in domestic and international markets. We urge the Gillard government to recognise the importance of ensuring that Thales in Bendigo is given the opportunity to continue to build this world-class vehicle, to build on exports and to become the leading centre globally for military vehicle manufacture.

Road safety: experience centre funding

Mr LENDERS (Southern Metropolitan) — My question is to the Assistant Treasurer. I draw the minister's attention to the annual report of the Transport Accident Commission and its after-tax operating profit of $279 million. I also draw the minister's attention to the performance profit from insurance operations, and I ask him to now reconsider his earlier decision not to proceed with the construction of the road safety experience centre, as clearly the TAC is not in the red as was outlined earlier this year as being his reason for not being able to fund this important project.

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. I note that he was diligently scouring through the annual reports that were tabled this week. I note that as a result of decisions made by the Baillieu government the annual reports are in fact available for members to consider this week, where in the past they would not necessarily have been available. Mr Lenders asked about the financial situation of the Transport Accident Commission and its reported financials from this year. He referred to the operating profit for the TAC and he also referred to the performance profit from insurance operations this year.

On the first question of a net result for the agency, as Mr Lenders appreciates, that includes investment returns, and it is fair to say that the situation is one that the house would reasonably expect to have changed substantially since the reporting date due to shifts in investment performance in the TAC. As Mr Lenders would appreciate, it is not a guide from which future long-term funding commitments can be made. The TAC scheme requires very prudent management of its operating statement and indeed balance sheet, and the project that Mr Lenders refers to is one that would require the ongoing commitment of substantial resources. To take a snapshot as of 30 June 2011 and say that is the basis for a long-term financial decision to be made is not correct.

Supplementary question

Mr LENDERS (Southern Metropolitan) — It is nice to have a minister who actually answers questions, but I put to Mr Rich-Phillips, firstly, that despite what he is saying, the same annual report shows that last year a $100 million dividend was taken out of the Transport Accident Commission.

Hon. G. K. Rich-Phillips — Who did that?

Mr LENDERS — The same TAC showed a dividend being taken out, and if Mr Rich-Phillips is suggesting no further dividends will be taken out, let us have a discussion on that. My specific question to him is: given that the TAC has a performance profit from insurance operations, given that a dividend was taken out last year and given that it has a net result from transactions profit, is it not the case that the non-funding of the centre is a choice of the Baillieu government rather than a financial consideration for the TAC?

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I thank Mr Lenders for his question. On the issue of a dividend being taken from the TAC last year, Mr Lenders would have to ask the Treasurer who made the decision to take that dividend why it was done.

An honourable member interjected.

Hon. G. K. RICH-PHILLIPS — Mr Lenders asked about dividends this year. As he would know, that is a decision to be made between the Treasurer and the responsible minister after consultation. On the question of the road safety experience centre, no funding arrangement was ever put in place by the previous government when that was proposed, including no arrangement for it to be funded by the TAC.

Planning: Northbank development

Mr ONDARCHIE (Northern Metropolitan) — My question — —

Hon. M. P. Pakula — Put your serious face on!

Mr ONDARCHIE — Isn't it interesting to hear the noise from those on the other side suffering from relevance deprivation?

My question is to my friend and colleague the Minister for Planning, the Honourable Matthew Guy. I ask the minister to inform the house of what action the Baillieu government has taken and will continue to take to revitalise the Northbank precinct of the Yarra River.

Hon. M. J. GUY (Minister for Planning) — I begin by thanking my good friend and colleague Mr Ondarchie for his question about the Northbank precinct of Melbourne. It is my pleasure to inform the house of some action the Baillieu government has taken to revitalise the Northbank precinct of Melbourne. Let me begin by being generous to a number of governments that have seen the Northbank precinct as an area for Melbourne to revive and where we need to see great change occur. Investment stemming back to the Kennett government, the Bracks government and even the Brumby government has seen the north bank of the Yarra change over a period of time. That investment will see that precinct of Melbourne develop into an area that will be unique and different and an attraction for Melbourne.

It was my pleasure to join the Lord Mayor of Melbourne recently to announce an additional $1.3 million from the state government and a further $9 million from the state government to go forward and revitalise that Northbank precinct and link the CBD to Docklands.

As I said at the start, successive governments have seen the Northbank precinct as an area that we must revitalise. In the 1990s I can remember the Kennett government revitalising the turning basin. I give credit for the investment made by the previous Labor government, which developed underneath some of the rail bridges to try to bring people down to the area and open up Northbank. This investment and action by the Baillieu government to link the CBD with Southbank via Northbank will bring people into Southbank along the riverfront.

This investment is incredibly important to make sure that urban renewal is not just limited to one part of the city. It is an incredibly important investment that we have made with the City of Melbourne, and we have worked well with the Lord Mayor and the City of Melbourne to ensure the revitalisation of the Northbank precinct with the $1.3 million the state government has provided. The state government is also providing a further $8 million or $9 million or so for the area underneath the bridge towards Southbank to ensure that there is mobility to Southbank.

This action is well worthy as it maintains urban renewal as a focus of this government. It is action that will bring people to Northbank, and it will be longstanding. Indeed it will take 20 to 30 years to see that area revitalised. It is critically important that action like this

in terms of urban renewal takes place so we can put in the infrastructure early and ensure that the urban renewal that follows is productive and beneficial to Melbourne for the long term.

Department of Business and Innovation: freedom of information

Hon. M. P. PAKULA (Western Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. Can the minister advise the house whether his departmental FOI officer is ever required to consult with or seek approval from the Premier's private FOI adviser, Mr Don Coulson, before deciding whether to release documents under FOI?

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — I am pleased the member has asked the question, because we on this side of the house take FOI responsibly and obviously have processes in place to ensure that the FOI act is complied with. As Mr Pakula would know, his government had a system that did nothing but block — —

Mr Lenders — On a point of order, President, the question Mr Pakula asked was about government administration in a minister's portfolio and private office and did not ask for a commentary on any former government or a history lesson. I ask you, President, to draw him to government administration under his portfolio.

The PRESIDENT — Order! I am sure the minister is mindful of my previous rulings and comments on the themes that are developed in response to opposition questions and the fact that they ought not rely on a commentary on the opposition, opposition policy and so forth. Nevertheless, at this point the minister has just started his answer. It is relevant for a minister to discuss a previous system for the purpose of benchmarking changes that he may have made. It may well be — in fact I would certainly hope it is — that that is the context in which the minister has made his remarks thus far. As I have indicated previously, I would not want the theme or direction of his answer to focus in any great way on the matters that he has commented on to date. I think it is okay for him to do so in the sense of that benchmark situation, provided he proceeds to an answer apposite to the question.

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — He is trying to work out his football tips for the weekend. Maybe it would be better if Mr Pakula spent his energy worrying about his team at Subiaco rather than worrying about what happens here. I stand here proud to say that we as a government went to the election with a clear commitment to deliver an FOI officer. That stands in stark contrast to those opposite, who year after year drove down FOI.

Hon. M. P. Pakula — On a point of order, President, the question was extremely specific. The question went to the matter of whether Department of Business and Innovation FOI officers had to consult with the Premier's private office adviser before releasing documents. I did not ask for a history lesson. I do not want to tell the minister how to suck eggs, but perhaps if he does not know the answer, he could just take it on notice or provide me with an answer rather than a history lesson. I would suggest to you, President, that the minister is straying from the question in terms of relevance.

The PRESIDENT — Order! I think on this occasion Mr Pakula is being rather harsh on the minister. I would have thought that the material the minister is presenting to the house is relevant to Mr Pakula's question. The indication of what the government's commitment was at the last election as part of what Mr Pakula asked in terms of systems that the government is using is relevant material for the house. The minister has nearly 3 minutes left for his answer, and I dare say he will get to the substance of what Mr Pakula's question asked in specific terms. However, the context which the minister is providing is apposite to the question.

Hon. R. A. DALLA-RIVA — I know those opposite do not want to hear about the failures, and I accept that. We will not go back on that because clearly they have had a long history of FOI failures. What I can say is that we will comply as a department with the FOI process and the requirements of the act. In terms of the details of the particular question, that is a matter for the department and the responsible officer.

Supplementary question

Hon. M. P. PAKULA (Western Metropolitan) — I am lucky I did not hold my breath waiting for an answer because I would have been carried out of here by now. I note that the minister was not responsive to the substance of what has happened. Can I at least ask the minister to provide the house with an assurance that his departmental FOI officers have at all times and will at all times be able to carry out their statutory functions without ever having to clear the release of documents with the Premier's private office?

An honourable member — Everyone is giving you advice.

Hon. R. A. DALLA-RIVA (Minister for Manufacturing, Exports and Trade) — No, they are not giving me advice; they are giving me the tips for who is going to win on the weekend. Is it going to be Carlton? I do not know. I would like to support a Victorian team.

In terms of the supplementary question, I am pleased to talk about FOI. We went to the election with a clear commitment on the FOI process. I am pleased that every time the opposition brings up FOI we can talk about how we had a clear policy at the last election. We will comply with that election commitment. But in terms of the specific question, as I said, the department will comply with the FOI act and deal with it as the department sees fit.

Housing: Catchment Youth Services

Mr ELSBURY (Western Metropolitan) — My question is for the Minister for Housing, who is also the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell. I ask: can the minister inform the house of any recent initiatives to engage with young Victorians in need of crisis accommodation in the north and west metropolitan region?

Hon. W. A. LOVELL (Minister for Housing) — I thank the member for his question and his ongoing interest in the vulnerable youth in the north and west metropolitan region, particularly those in need of housing services who are at risk of homelessness or recurring homelessness.

Last week I had the honour of launching the new Catchment Youth Services website. Catchment Youth Services delivers refuge and other support services to young people who are in crisis, homeless or at risk of becoming homeless. Catchment Youth Services has been running for 29 years providing crisis accommodation and delivering the family reconciliation program. Catchment operates a crisis refuge for young women and men and accompanying children on a 24-hour-a-day, 7-day-a-week staffing model. Catchment's family reconciliation program provides outreach support to young people at risk of homelessness. The aim of the program is to prevent young people from becoming homeless and to reconcile them with their families where it is safe and appropriate to do so.

The website is designed to provide important information to young people in crisis and features a link to Twitter and Facebook accounts to engage with the young demographic. The site includes emergency contact details for young people who are homeless or at risk of homelessness, as well as some practical tools to raise the profile of the service and the important work that it does. The website is available in four different languages and, in recognition of the changing demographic of the population in the northern suburbs, these include: Vietnamese; Somali; Dinka, which is a Sudanese dialect; and Oromo, for the Ethiopian community.

The work of services such as Catchment Youth is vital to arrest the growing number of young people who find themselves in hard times or at risk of homelessness. I would like to congratulate Erin Ashmore, the chair, and Philip Murphy, the executive officer of Catchment Youth Services, and all the volunteers and staff that work so hard to assist vulnerable young people in the north and west area of metropolitan Melbourne.

Western Region Health Centre: dental service funding

Ms HARTLAND (Western Metropolitan) — My question today is for the Minister for Health. It relates to the Western Region Health Centre dental service which, as he would know, is a vital community service that sees 10 000 clients per year, including 400 children a month. The dental service is at risk of closure due to long-term funding neglect. The buildings are derelict, and the equipment is antiquated and cannot be repaired. So decrepit are the clinics that anything could happen at any time. Last week I was told that if there was a major storm, there was a possibility of the roof coming in.

The health centre board says that without the necessary funding for a major rebuild at the Geelong Road and Paisley Street sites, it believes it will be forced to close at the end of this financial year. Will the minister prevent the closure of the Western Region Health Centre dental clinic in the next eight months and provide necessary funding?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question. She asked a question about this matter at an earlier time. I note that four of the five members for Western Metropolitan Region have asked similar questions, including Mr Finn, Mr Elsbury and Ms Hartland. I note that Mr Pakula is the only one who has not yet made some representations.

An honourable member interjected.

Hon. D. M. DAVIS — He does live in the southern metropolitan area. My point essentially is that Ms Hartland's question is reasonable, but I think it is important to understand some history here. One of those points is that over 11 years Labor chose not to invest in the western region. Labor chose not to invest in dental health services, and I understand the importance of this. Mr Finn has raised the state of the physical infrastructure, as has Ms Hartland. I have also had correspondence.

Hon. M. P. Pakula — Are you going to correct the record? I raised it with the minister on the adjournment.

Hon. D. M. DAVIS — You were the last in line, were you? Is that right? I correct the record then. You were the last in line; you finally came in.

Honourable members interjecting.

Hon. D. M. DAVIS — My point is that both my department and my personal staff have had several communications with the particular service that Ms Hartland refers to, and a good deal of work has been done to progress these matters. I do not want to give any pre-budget indications or otherwise, but I understand the seriousness of the matter Ms Hartland is raising after the 11 years of neglect that the new government is facing with respect to this service.

I note that in the previous Parliament there was a noticeable dearth of information given to the parliamentary chambers about the need for funding of these dental services. There was a significant failure by a number of members to raise those matters. I accept Ms Hartland's point that there is a need. As I said, my department has had a number of conversations with dental health services and with the relevant agency. My own officers have been in communication with staff at the clinic, and we are deeply aware of the issues that are faced.

I make the point that the previous Minister for Health, Mr Andrews, who is now the Leader of the Opposition in the Assembly, failed, and he was on the end of a number of health ministers over 11 years who would not invest in these health services.

Supplementary question

Ms HARTLAND (Western Metropolitan) — While I absolutely agree with Mr Davis that this is about long-term neglect, this is not something that has happened overnight. Mr Davis is now in government, and the centre is in crisis. What will he do to make sure this centre does not close and that the 10 000 people who use it each year and the 400 children who use it each month are not without a dental service?

Hon. D. M. DAVIS (Minister for Health) — As I have indicated to the member, I am very aware of the issues she has raised — —

Ms Hartland interjected.

Hon. D. M. DAVIS — No; let us be very clear here. We are dealing with 11 years of neglect. This is not an easy solution. I indicate that my own staff have been closely involved by talking to the clinic and the departmental staff have been very closely involved by working with the clinic. I give the member the commitment that we are giving the issue significant attention. That significant attention is to try to find solutions after 11 years of neglect.

Seniors: New Zealand reciprocal arrangement

Mrs COOTE (Southern Metropolitan) — My question without notice is to the Minister for Ageing, the Honourable David Davis. I ask the minister to inform the house of ways the Victorian government and the New Zealand government are increasing cooperation for seniors.

Hon. D. M. DAVIS (Minister for Ageing) — I thank the member for her question, and I note her long-term commitment to advocating for senior Victorians. It is a great pleasure to announce to the house today that the Victorian government has entered into a reciprocal arrangement with New Zealand that will mean that gold cards and seniors cards are recognised in both New Zealand and Victoria. Seniors who come from New Zealand to Victoria will have their card recognised here. Victorians who are tourists or short-term residents in New Zealand will have their seniors card recognised in New Zealand.

This is a good news story for Victorian tourism, but most importantly of all, it is a good news story for Victorian seniors. Their seniors card will be recognised in New Zealand if they are travelling. They will be able to access the full range of discounts. The outcome for Victorians will be very good. This has occurred around the country as the ministers for the ageing work through a series of protocols with the New Zealand minister to sign up this set of arrangements. There are 500 000 New Zealand gold card holders; those New Zealanders will be able to access discounts in Victoria when they are here.

This will be a boost for tourism, but importantly Victorian seniors will be able to travel in New Zealand and use the full benefits of their seniors card. I look

forward to meeting with a number of Victorian seniors later today to explain to them the benefits of this system.

Ms Broad — On a point of order, President, under standing orders it is a requirement that any member who misleads the house should correct the record at the earliest opportunity. Given it is very clearly the case under the Housing Act 1983 that the minister is responsible for the director of housing and that the Public Administration Act 2004 does not apply, I would invite the minister, through you, President, to correct the record.

Hon. G. K. Rich-Phillips — On the point of order, President, if the minister feels she needs to correct the record, it is a matter for the minister to do that and not for someone else to say she should do that.

The PRESIDENT — Order! I uphold Mr Rich-Phillips's perspective in respect of this point of order. I acknowledge the substance of the point of order, but I agree with Mr Rich-Phillips that it is up to a member to determine whether or not they feel that they have misled the house. Ms Broad has obviously suggested to Ms Lovell that she might check the circumstances that Ms Broad has raised both in her questions and in this point of order, but it is for Ms Lovell to determine whether she believes it is necessary to make any statement to the house further to what she has already provided in answers.

Hon. D. M. Davis interjected.

The PRESIDENT — Order! It is not a frivolous point of order.

Hon. W. A. Lovell — On the point of order, President, I have received advice from my department that it is not actually my responsibility. It says:

> On 14 April 2005 the GIC declared by order … that the office of director of housing is a 'declared authority' under section 104 of the Public Administration Act 2004 … Section 105 of the PAA provides that the provisions of the PAA specified in the order apply to the office of the director despite anything to the contrary specified in any act. The effect of that declaration is that divisions 5 and 9 of part 3 and sections 20(2)(d), 34 and 35 apply to the office of the director.

That is the advice I have received from my department.

Mr Lenders — Yes, but what does it mean?

Hon. W. A. Lovell — I will confirm that; if there is any need for me to make a clarification, I will come back.

Ms Broad — On the point of order, President, and since I have been invited by the Leader of the Government, Ms Lovell might not know what those sections of the Public Administration Act 2004 refer to, but I can assure her that I do. Those sections of the Public Administration Act — —

The PRESIDENT — Order! I say to Ms Broad that points of order are not opportunities for debate. She has expressed an opinion both in her question and when raising a point of order. The minister was not required to do that. The minister did not believe she was giving a personal explanation, but she has provided further information pursuant to Ms Broad's point of order. As I said, points of order are not opportunities for debate.

The matter is closed so far as I am concerned, unless Ms Broad by some substantive process of the Parliament brings this matter before the house or the minister reflects on the statement she has given and then decides that there is some other position to be put by way of personal explanation. I daresay that will not be the case given the information she has provided to the Parliament. As I said, rather than debating an issue by raising points of order, if Ms Broad believes she has an issue with this, then it ought be dealt with using one of the other procedures of the Parliament.

QUESTIONS ON NOTICE

Answers

Ms HARTLAND (Western Metropolitan) — I wish to speak about overdue questions, yet again — —

The PRESIDENT — Order! Can I ask Ms Hartland whether she has advised the ministers in writing of the questions to which she is seeking answers?

Ms HARTLAND — So many times it is not funny. I have, repeatedly. I have faxed and I have rung, and this question is from 24 May. There is a question for Mr Mulder concerning regional rail, and there are also questions from 1 June with regard to people who have been charged with swearing offences. I am particularly concerned about the regional rail question, no. 680, because I asked for the passenger plan for the two weeks when the line was closed down. I presumed that this would be a very easy document to present, but still it has not been done.

Hon. M. J. GUY (Minister for Planning) — First of all, I apologise to Ms Hartland that the answer is overdue, and secondly I would say that I have not seen any other follow-up except for the question itself, so if something has been faxed to my office, which she says

it has, or emailed — although she did say faxed — I have not seen it. But if it has, I will follow it up for her — —

Ms Hartland — I have raised it now four times.

Hon. M. J. GUY — Four times to my office?

Ms Hartland — In this house as well. I have raised it every — —

Hon. M. J. GUY — Without getting into a debate about it, the President asked whether there had been a contact with my office. Whether there has or has not, I apologise for the answer being late, and I will follow it up for Ms Hartland and get an answer as quickly as I can.

Ms Hartland — It has only been five months!

The PRESIDENT — Order! Before Ms Pennicuik contributes on this matter, do I have an assurance that she has also written to the minister in connection with the question she has asked?

Ms PENNICUIK (Southern Metropolitan) — Written or called, and also I have been raising it in this house. So I am repeating — —

The PRESIDENT — Order! I am concerned about this process, because we are tracking over similar questions.

Ms Hartland — But we're not getting answers.

The PRESIDENT — Order! I can understand that, but the standing orders specifically provide that before a member raises it in this house there must be a notification to the minister. Mr Hall mentioned this yesterday. He suggested that it was a practice of the house, and in that regard he was basically saying it is a courtesy to the ministers — that is the way I took his comments — but in fact it goes further than that. The standing orders specifically say that before a member raises with a minister the matter of an answer to a question that is outstanding for more than 30 days there must be notification in writing to the minister. That is standing order 8.12(8), so it is a very clear standing order.

I think it is particularly important that I enforce this, because we have had this messy situation of members jumping up about answers to questions. I understand concerns about answers being overdue, but I do make the observation from an objective position that there are now thousands of questions being lodged and we need to be thinking about just how realistic it is for departments to respond to thousands of questions, particularly where, as I understand it, some of those questions have 47 parts to them. That is a very onerous responsibility.

I understand the points put by Ms Pennicuik previously, perhaps cutely suggesting that the Greens' questions ought to have some priority because they are not involved in a welter of questions. Their value judgement is that their questions are of significant contemporary public interest and not simply a fishing exercise. I accept that position, and I think by and large it would be my observation of the answers to questions that there has been some attempt to meet the Greens' questions with answers because of the goodwill that has been demonstrated. But that does not mean that there are not exceptions to the rule and questions that are outstanding, as Ms Hartland has mentioned and Ms Pennicuik is now also raising.

However, from my point of view I need to ensure not that the questions have actually been canvassed in the house previously, but that written advice has been provided to a minister saying that a question has not been answered and that there will be a query in the house to that effect.

Ms PENNICUIK — Given what you have just said, President, I will not go through what I was going to say, except to point out that the questions I wanted to speak about are questions that were lodged in April and May, and they are not large, multipart questions. They are fairly simple, and it is a long time.

Mr Barber — On a point of order, President, you just ruled in relation to standing order 8.12(8), but preceding that is standing order 8.12(4), which says:

> Immediately it is apparent to a minister that it will be difficult to provide an answer to a question within 30 days he or she should advise the member accordingly.

It is absolutely bleedingly obvious that they are not going to meet these questions within 30 days because it has been months and months, but at no stage have we ever received any communication back in the other direction from any minister referring to their apparent inability to answer within 30 days.

Mr O'Brien — On the point of order, President, Mr Barber should also refer to paragraphs (6) and (7), which read:

> (6) Before placing a question on notice a member should consider whether the information to be sought is readily available in known documents.

And:

> (7) When a question is placed on notice and the information is found … the minister should advise the member accordingly.

Mr Lenders — Further on the point of order, President, I ask you — either by taking this on notice or by answering it now — to advise the house about the situation where a member has written to a minister seeking an answer and the minister has not replied. Do you expect the member then, in the next sitting week, to write a second time? It is a serious question. I have written to ministers asking for answers, but the ministers have not answered. Does your ruling mean that there is an obligation on me to write each time I wish to raise it in the house when there has been an original piece of correspondence?

The PRESIDENT — Order! Dealing with Mr Lenders's question first, no it is not my expectation that there should be a round robin of letters. If there has been an advice to the minister that there is concern about an overdue question, I think that one occasion is adequate to enable the matter to be raised in this place. I do not expect members to reiterate their concern through every sitting week.

In regard to Mr Barber's point of order, I accept the remarks he made. He is obviously accurate in quoting the expectation of the house set out in the standing orders in regard to ministers when they are unable to answer in the specified period of 30 days, and I hear his comment that in fact no such notification has been received — certainly to his knowledge — by any members who have put these questions.

This is part of the standing orders that I do not have a lot of control over. Obviously it is mentioned in the standing orders. I am a lot more comfortable enforcing the fact that there ought have been written notification before the matter is raised in the house, because I can adjudicate that as Chair. I have more difficulty, obviously, in adjudicating the standing order Mr Barber has referred to, because I am not in a position to reprimand the minister or ministers for not complying with that expectation. I think there is an expectation — and a courtesy to members and to the house — under this standing order that ministers advise members when it is apparent, as it says there, that a question cannot be answered within the specified period. Ministers might well consider the system they are using in that respect.

Mr Barber — On a further point of order, President, we have now reassured you, at least on behalf of the three Greens, that we are fully compliant with standing order 8.12(8) and that ministers are fully non-compliant with standing order 8.12(4). Therefore we would like to proceed to raise our requests for an explanation under standing order 8.11(1). I was able to do this yesterday, and I believe Ms Hartland and Ms Pennicuik are seeking to do so today.

The PRESIDENT — Order! I do not do deals. I have made a ruling, and the ruling is based on a clear standing order over which I have authority and which I am able to deliver to the house. The practice in recent weeks might be that a number of members have raised issues without having written to the minister concerned — I do not know whether they have written — and we have just had members standing up and mentioning many questions. From my point of view I am now enforcing this particular standing order, and we are not going to go back just because it might have happened that way yesterday or last sitting week.

Mr Lenders — President, on a further point of order — and I would suggest that this may be one on which you will wish to reflect and take on notice — you say there is no provision under the standing orders for you to enforce a minister not taking a course of action, but could I ask you to take into consideration the option under the standing orders that you could name the minister for not following the rules?

The PRESIDENT — Order! I will take that under consideration.

Sitting suspended 12.56 p.m. until 2.02 p.m.

ROAD SAFETY CAMERA COMMISSIONER BILL 2011

Committee

Resumed discussion of clause 3.

Mr BARBER (Northern Metropolitan) — I understand the minister's explanation. He is saying that the definition of 'road safety camera system' arises out of the definition of 'road safety camera' in the Road Safety Act 1986. The definition in the latter act does that and also refers to the regulations which the minister proffered earlier. That may be his explanation; however, it is not what the definition in this bill says. This definition does not simply say that the meaning of 'road safety camera system' is as per the definition in the Road Safety Act. It says:

> ***road safety camera system*** means the road safety cameras, speed detectors and processes prescribed under the Road Safety Act 1986.

There are a lot of processes prescribed under the Road Safety Act 1986, not simply through regulations but in other sections of the act such as sections 73A, 80A, 81 and 83A. These are the various parts of the Road Safety Act 1986 that relate in various ways to the road safety camera system. Can the minister tell me whether it is

the government's intention that all those other sections of the Road Safety Act 1986 will also be part of the road safety camera system for the purpose of this bill?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. I am advised that, in regard to the matters he refers to, section 3 of the Road Safety Act 1986 defines 'road safety camera' and regulation 30, which I referred to earlier, in the Road Safety General Regulations 2009 describes each of the prescribed cameras. Section 3 of the Road Safety Act 1986 defines 'prescribed speed detector', and regulation 41 of the Road Safety General Regulations 2009 describes each of the prescribed speed detectors. Division 7 of part 3 of the Road Safety General Regulations 2009 defines prescribed processes as 'Process for production of printed image' and 'Prescribed process for the calculation of average speed'. The prescribed processes are referred to throughout the Road Safety Act 1986, as the member has indicated. Section 80, which is headed 'Certain matters indicated by prescribed road safety cameras are evidence', is an example.

Mr BARBER (Northern Metropolitan) — We appear to be following the same thread. For example, issues in relation to evidence, not simply in relation to detection, could become subject to this definition and therefore subject to the work of the road safety camera commissioner. Is that correct?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I will give a lawyer's answer, yes and no — yes in terms of the processes that lead to the — —

Hon. M. P. Pakula interjected.

Hon. R. A. DALLA-RIVA — Mr Pakula is a lawyer; I forgot. It is the processes that lead to the offence, but then the evidence that is taken is determined by the court, not by the commissioner. It only extends to the processes in the road safety camera system. That is the advice I have.

Mr BARBER (Northern Metropolitan) — It is a pity that the definition in the bill does not read that way. What it says is that:

> ***road safety camera system*** means the road safety cameras, speed detectors and processes prescribed under the Road Safety Act 1986 —

which, if we stopped right there, would simply mean prescribed through regulation under a whole range of different sections of the Road Safety Act 1986. That was the more expansive definition the minister started to give.

Then it says:

> … that are used to detect offences …

I now read that to mean that it is only the processes of detection rather than any of the other processes that arise out of the Road Safety Act 1986 that could become subject to an investigation by the commissioner.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that it relates to the processes for detection and not to the processes that would follow if there was a matter before the courts. I have been handed a copy of division 7 of the Road Safety (General) Regulations 2009, which is headed 'Prescribed processes', that accounts for the process for the production of the printed image, and there are a whole range of details at page 32 of the road safety regulations. There is also the prescribed process for the calculation of average speed, which is regulation 48, the prescribed speed detectors under regulation 41 and prescribed road safety cameras under regulation 30. That is the advice I have.

Mr BARBER (Northern Metropolitan) — Does that mean that part 13 of the Road Safety Act 1986 headed 'Heavy vehicle speed enforcement' is also included under the jurisdiction of the commissioner?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I have a resounding 'No'.

Mr BARBER (Northern Metropolitan) — More confusingly, the definition then goes on to state:

> … including
>
> (a) images or messages produced by them; —

and the minister just covered that —

> and
>
> (b) their testing, sealing and manner of use.

What I would like to know is: in relation to 'manner of use' — that is, of speed cameras — what issues does that encompass?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — There are three areas to which the issue of manner of use is applied. Again, it is in the road safety regulations. Regulation 31 relates to the use of fixed analog road

safety cameras in a prescribed manner. Regulation 37 relates to fixed digital road safety cameras and their manner of use. Regulation 41 relates to the manner of use of prescribed division 6 speed detectors, and regulation 43 talks about the sealing, the testing and the manner of use.

Mr BARBER (Northern Metropolitan) — I can take it from that then that 'manner of use' is not a generic issue. Everybody has a view on the manner of use of speed cameras. For example, at some stage the Minister for Police and Emergency Services expressed a view that putting speed cameras at the bottom of hills was unfair, because that is where people speed. If I were to take a complaint to the commissioner about some aspect of the speed camera program, is it correct that basically he would reject that complaint unless it was a complaint about the implementation of the regulations themselves?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The issue that Mr Barber raises goes to clause 10, which is headed, 'Functions'. I am happy to explore that a bit further, but in terms of the issues, paragraphs (c) and (e) only talk about the accuracy or efficiency of the road safety camera and about investigating complaints about problems with the system and addressing any systemic issues. The advice I have is that the location would be outside the consideration of the commissioner.

Mr BARBER (Northern Metropolitan) — I had noted that. It does not really matter what those later clauses say because they all refer to a road safety camera system. That is actually defined in terms of its processes and so forth in the definitions section. If nothing makes it through the eye of the needle of the definition in clause 3, then what comes later can only narrow things even further; it certainly cannot widen them. That is why I was asking those questions at clause 3. I am happy to progress now if no-one else has any questions.

Clause agreed to; clauses 4 to 9 agreed to.

Clause 10

Hon. M. P. PAKULA (Western Metropolitan) — I move:

1. Clause 10, page 5, after line 25 insert —

   "(g) to investigate any matter in relation to the road safety camera system on the commissioner's own motion;".

2. Clause 10, page 6, line 2, omit "(i)" and insert "(j)".

As I indicated in the second-reading debate, it is the opposition's view that if the road safety camera commissioner is to be a truly independent office, then that commissioner requires own-motion powers. It appears to us as a consequence of clause 10 that the general power to investigate any matter in relation to the road safety camera system is only exercisable upon reference from the minister. We think it would be far better if there was an additional clause which made it clear that the commissioner had own-motion powers. We hope the government will support the amendments.

Mr BARBER (Northern Metropolitan) — The Greens will support these amendments, for what they are worth. But we have just learnt that under the definitions section of the bill there is an extremely narrow and constrained set of issues that the commissioner could look at, on own motion or otherwise. He can really only narrow in on the specific question of detection, and even then only where the process and the manner is written up in regulations. That is what we have just heard.

It clearly demonstrates that the clientele of this bill is people who have speeding fines and do not like it. The commissioner has no wider remit to look at the efficiency and effectiveness of the program. There is no chance he will entertain my complaint, which is that the government continues to publish the locations of speed cameras. That is clearly not part of the process or the manner under the extremely narrow definition that the government has put forward. While he may have an own-motion power, it would only be an own motion in relation to some issue to do with detection.

We have already heard from the Auditor-General that there is no problem with accuracy as it relates to detection of speed cameras. The detection is as accurate as you can possibly hope for from any system. If this bill created a myki commissioner who was going to scrutinise every aspect of the myki system — with its millions of transactions every day, each involving an exceedingly small amount of money but in toto involving a very large amount of money — it might have my support. We opposed the second reading of this bill, and we will support the ALP's amendments, for what they are worth.

Hon. M. P. PAKULA (Western Metropolitan) — I want to address one matter Mr Barber raised. The amendments have been drafted in very broad terms, and I am mindful of Mr Barber's comments about the definition of the road safety camera system contained in the bill and the minister's answers to Mr Barber's questions in regard to it. But it is the view of the opposition that the nature of the amendments, if carried,

would allow the commissioner to investigate — as the amendments say — any matter in relation to the road safety camera system. This would not be limited simply to detection; it also potentially could pick up the matter that Mr Barber has raised about the wisdom of publishing locations in the paper.

Mr BARBER (Northern Metropolitan) — I will give it a go by putting in a complaint to the road safety camera commissioner. Unlike the Auditor-General, there are no limits as to whether he can look at issues of policy or simply the efficiency and effectiveness of policy. Theoretically he could comment on matters of policy because he does not have that specific limit that is in the Auditor-General's act. The problem with Mr Pakula's amendments, and it is understandable how it has arisen, is that he too refers to the road safety camera system, and therefore it goes back to the definitions in clause 3. If the amendment had been drafted to say 'investigate any matter in relation to the operation of road safety cameras in Victoria', then we would be in a good position, because the commissioner would have an extremely wide own-motion power and the complainants, being that group of people the Liberals and The Nationals have been trying to get to vote for them for the last decade, would have an extremely narrow set of grounds on which they could complain. As I said, I will support the amendments.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the members for their contributions and the amendments. Before I go to those, I want to make a few comments. I understand Mr Pakula's sentiments, but I will put on the record and explain that there is capacity for an own motion within the framework of clause 10. The commissioner can review the camera system, the speed measurement and the processes for detection plus the technical issues regarding the integrity and accuracy of the road safety camera system.

In terms of the issues that were raised, it is important in looking at clause 10 to reflect on clause 10(e), because the advice we have, which I will record in *Hansard*, is that it permits the commissioner to investigate complaints that appear to indicate a problem with the road safety camera system. This clause already permits the commissioner to undertake own-motion investigations regarding the road safety camera system. On that basis, the advice that we have is that clause 10(e) would allow for the commissioner to undertake an own-motion investigation.

It is also important to note that there will be a reference starting point for any investigations, which is the complaint. If Mr Barber has a complaint about the system, then he would be, as he indicated before, at liberty to lodge that complaint with the commissioner once this bill has commenced. The commissioner would be able to do that. That is the advice I have.

Hon. M. P. PAKULA (Western Metropolitan) — I indicate to the minister that on the basis of his response it is my intention to persist with the amendment. I say that for two reasons. First of all, he described clause 10(e) as providing the commissioner with an own-motion power. In fact it is a power that is exercisable in response to a complaint rather than the commissioner simply determining that he wants to conduct an investigation. I would draw the parallel with the equal opportunity commission and its existing ability to respond to complaints and the power the former government gave it, which has since been taken away, to investigate systemic discrimination on its own motion. I think that is the difference between the two things.

I would also indicate that clearly the existence of paragraph (f) suggests that the road safety camera commissioner might investigate matters other than simply matters with regard to a problem with the road safety camera system, because if the only matters the commissioner was ever contemplated to be able to investigate were those in paragraph (e), there would then be no need for paragraph (f). Obviously the government has in mind that it might be possible or likely that the minister would want the commissioner to investigate matters other than just problems with the camera system itself. Our point is that if the minister might at some point in the future determine that he wants the commissioner to investigate other matters, then it is equally appropriate for the commissioner himself to form the view that he wants to investigate other matters, and for that reason we will pursue the amendments.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I appreciate Mr Pakula's response. I still, as I said, put on the record that there is a capacity for the commissioner to undertake own-motion investigations regarding the road camera system. Whilst Mr Pakula talks about clause 10(f), there is also, as he knows, the establishment of a reference group that may conduct research and provide advice within the functions of the commissioner. The one that was mentioned, paragraph (f), states:

> to investigate any matter in relation to the road safety camera system that the Minister refers to the Commissioner —

that is, for example, if there are any complaints coming through to the minister, he can refer them to the

commissioner. The government believes that there is and remains capacity that fits within the amendment that Mr Pakula has proposed, and on that basis we do not believe that his provision needs to be inserted because it already exists.

The DEPUTY PRESIDENT — Order! I will put amendments 1 and 2. I will put them together because amendment 2 is consequential to amendment 1. It is a little unusual to be putting them as one question. The question is:

> That amendments 1 and 2 proposed by Mr Pakula be agreed to.

Committee divided on amendments:

Ayes, 18

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms	Pulford, Ms
Eideh, Mr	Scheffer, Mr (*Teller*)
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tarlamis, Mr
Jennings, Mr	Tee, Mr (*Teller*)
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr

Noes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Ondarchie, Mr
Drum, Mr (*Teller*)	Petrovich, Mrs
Elsbury, Mr	Peulich, Mrs
Finn, Mr (*Teller*)	Ramsay, Mr
Guy, Mr	Rich-Phillips, Mr

Pair

Mikakos, Ms	Kronberg, Mrs

Amendments negatived.

Clause agreed to.

Clause 11

Mr BARBER (Northern Metropolitan) — Clause 11(1) says:

> The Commissioner has all the powers necessary or convenient to perform his or her functions.

That is a fairly standard phrase — it does not mean too much. Clause 11(2) has two paragraphs, and I am particularly interested in clause 11(2)(a). Can the minister tell me exactly what that encompasses in legal terms?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that it would allow the commissioner to, as I said, request information, the reason being that the Department of Justice would hold a vast amount of the information concerning the road safety camera system. It is just making it clear to the department as to the authority that the commissioner would have.

Mr BARBER (Northern Metropolitan) — The paragraph says the commissioner has the power to request information. That does not sound like much at all — I have the power to request a dinner date with Halle Berry — but to return to the bill, the question is: does the department have to comply with the commissioner's request for information?

The DEPUTY PRESIDENT — Order! Did the minister consult with Halle?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — She did not want to meet him! The advice I have is that the commissioner can, as the member said, request the information, but if the department does not provide certain information as requested, the commissioner has the capacity to signify in a report that certain documents have not been provided.

Mr BARBER (Northern Metropolitan) — That is quite interesting, because the Auditor-General or any of those other independent officers have express and highly codified powers to force the compliance of people in various ways, with sanctions involved. This clause on powers, clause 11, does not really say anything. It says the commissioner can make a request, which of course they can, and under clause 11(2)(b) it says the commissioner can make copies of or take extracts from any document relating to the operation of the road safety camera system. The power to take copies of things is not much, but if clause 11(2)(b) somehow implies that the commissioner has the power to take copies of and extracts from any document generated anywhere along the way of the operation of the road safety camera system — which we now know means the detection process — perhaps that gives the commissioner the reach, even into an individual camera if necessary. Would the minister like to confirm that?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Clause 11(2)(b) does say the commissioner may make copies of or take extracts from any document relating to the operation of the road safety camera system. While we have discussed clause 11(2)(a), the phrase 'may make copies of' in clause 11(2)(b) is pretty strong in

that it allows the commissioner to do as he or she sees fit in the exercise of the powers necessary or convenient to perform his or her functions.

Before I move on, I have mentioned reports to Parliament, which are covered in clause 21. That clause says the commissioner may at any time prepare a report for the Parliament on any matter arising in connection with the performance of his or her functions under this act if the commissioner considers it necessary to do so. I draw the member's attention to the fact that, as I indicated earlier, if the department failed to provide certain documents requested under clause 11(2)(a), there is the capacity for the commissioner to make a report at any time on any matter if they consider it necessary to do so.

Mr BARBER (Northern Metropolitan) — Clause 11(2)(a) and clause 11(2)(b) may not bear any relationship to each other. They do not seem to, but you always have to work out the commas and semicolons with this stuff. One may arise out of the other, or they may be completely separate. Is the minister saying in regard to clause 11(2)(b), which refers to the commissioner making copies of or taking extracts from any document, that some of those documents might be held by the police?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I want to clarify that the paragraphs can be read together or separately. The first paragraph makes it clear about the Department of Justice, but as the member rightly points out, the second paragraph's reference to the commissioner making copies of or taking extracts from documents relating to the operation of the road safety camera system may apply to the police department, for example. He or she may ask other departments or other people.

Mr Drum — And take extracts.

Hon. R. A. DALLA-RIVA — And take extracts.

Mr BARBER (Northern Metropolitan) — Pardon my ignorance, but I would like to know whether there are any private operators involved at any stage of the road safety camera system carrying out functions at any part of this chain.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I think I know where Mr Barber is heading. There are private operators at work within the department that provide services to the system. There are also companies that work outside the department that provide either the construction or the infrastructure of the cameras — and I do not know the detail. They would also have to comply with the requirements of clause 11(2)(b). That would apply specifically to those companies and contractors.

Mr BARBER (Northern Metropolitan) — It is quite an extraordinary set of choices that the government has made here in relation to the powers. The Auditor-General, for example, does not of necessity have those powers, and in reports to the Parliament the Auditor-General has often referred to the difficulty of moving outside the bounds of what is defined in his act as a public body to keep following the public interest and the public dollar off through a range of contractors and private institutions. It seems here that where a private operator gets involved in the operation of the road safety camera system, as it is defined in clause 3, and it at any stage generates a document — it could be because it is certifying, for example, the accuracy of a particular device or it could even be the manufacturer of the device, I do not know — the road safety camera commissioner will have the ability to reach right out into the private domain and ask for documents that are held by that private body. The private body may very well have, for a whole range of reasons, some sensitivity about that, but I guess we will find out as we go.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I hear what Mr Barber is saying, although it is not quite true. He and I know through our previous involvement on the Public Accounts and Estimates Committee (PAEC) that the Auditor-General has made issue of that previously. The relationship that is established here is a contractual relationship of the sort that often occurs between a department and a private operator. I am advised by the departmental officers that they have copies of any documents anyway. Mr Barber would find that that would be a requirement between government departments and private operators who control or work within the road safety camera system.

Mr Barber is trying to draw a parallel between PAEC and the Auditor-General and the power to go and investigate anything, which they can, should and do investigate there. This is specific to the system, and the system has arrangements with private operators and private companies, so Mr Barber is correct in the sense that it relates only to the system. I am told by the department that the accessibility of those documents is already there, so getting access to those documents would not be difficult and it would not be stepping, as Mr Barber said, into the private domain, because it is already in operation within the contractual

arrangements between departments and private operators.

Mr BARBER (Northern Metropolitan) — It is a very specific set of instances, and of course the specific instances will be where something has gone wrong, otherwise they would not be investigated. I suggest that when something has gone wrong, everybody will be blaming everybody else, and it is then that cooperation may actually be most difficult to achieve and we might find that not all the necessary paperwork is stored in the right file. But, as I said, I am not contesting the set of powers the government has chosen to give here. I just put it on record that there may be some lack of clarity, and also to some extent, at least from the minister's explanation, a much greater set of powers or at least greater coverage of those powers — but that is neither here nor there.

Clause agreed to; clauses 12 and 13 agreed to.

Clause 14

Mr BARBER (Northern Metropolitan) — The minister has not been specific as to who the persons on this reference group might be, but it becomes important when we talk about later clauses. Is the intention or the vision of the government in this case that this would be a group of experts or a group of stakeholders?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I am advised that the members of the reference group are appointed by the minister on the recommendation of the commissioner and chosen because of their expertise. The function of the reference group is to provide expert advice and information to the commissioner on road safety camera systems. It is expected that the commissioner will welcome robust discussion, including different views on the matters at hand. The commissioner will evaluate any findings or recommendations made by the reference group and incorporate them into his or her recommendations.

Mr BARBER (Northern Metropolitan) — I thank the minister for that additional elucidation. The only reason I raise it is that it becomes important at clause 18, which states:

> A member of the Reference Group must not act as an expert witness in, or comment publicly on, a matter currently under consideration by the Reference Group.

I would presume that 'currently under consideration' means up until the time the commissioner reports to Parliament. It is important for us to understand that under clause 16 these experts will be providing assistance to the commissioner for a fee. It is not as if we are gagging anybody who would otherwise expect to comment publicly, which would be a problem if they were stakeholders and so forth. That is probably an appropriate provision.

Clause agreed to; clauses 15 to 18 agreed to.

Clause 19

Mr BARBER (Northern Metropolitan) — Clause 19 states:

> (1) A complaint may be made to the Commissioner only by —
>
> (a) a person or body, whether corporate or unincorporated, that is aggrieved by any aspect of the road safety camera system;

Can the minister tell me how wide or narrow the definition of the word 'aggrieved' is in this instance?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the commissioner must make a record of all complaints received and be aware of each complaint received even though they may be referred to other bodies for further action. For example, if there is a pattern to the types of complaints that are made or a particularly high number of complaints about one location or camera system, then the commissioner could start an investigation into that location or system and make recommendations to the minister. For the record, the Ombudsman will deal with any complaints against the commissioner or reference group.

Mr BARBER (Northern Metropolitan) — Sure, but we are talking about complaints that may be made to the commissioner. Clause 19 sets out the eligibility to make a complaint. It seems under (1)(a) that a person is eligible if they are 'aggrieved'. If the minister wants to reach to that copy of *Macquarie Dictionary* near his left hand, he will find that the definition of 'aggrieve' is:

> to oppress or wrong grievously; injure by injustice.

My initial problem with this bill is that it appears to be set up as a sop for a certain clientele that the coalition has exploited as a political constituency for a long time — that is, people who get speeding fines and do not like that. What I am trying to ascertain is whether I would have to have had a speeding fine which I do not like in order to make a complaint, or could my grievance be somewhat wider?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that, yes, it is very wide. It can relate to issues

surrounding the location of a speed camera. It can request additional speed cameras. It can relate to any aspect at all, but a complaint cannot be made, for example, because a person does not like speed cameras or something of that nature. But if there is a red light camera somewhere and somebody makes a complaint claiming there should be a speed camera there as well, then that would be a matter the commissioner could look at.

Mr BARBER (Northern Metropolitan) — That is the best news from the minister I have had all day. It is likewise with paragraph (b), which states:

> a representative of a person or body referred to in paragraph (a).

I presume it does not necessarily mean a lawyer, but it could be a group for the purpose of representation — for example, a group with a general interest in road safety might want to — —

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Yes.

Mr BARBER (Northern Metropolitan) — The minister has confirmed that it is a yes.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Yes, it could be parent representatives. As Mr Barber rightly pointed out, a complaint could be made by parent representatives who wanted a camera at a particular location because they believe an intersection is dangerous. That could be the case.

Clause agreed to.

Clause 20

Mr BARBER (Northern Metropolitan) — Clause 20 states:

> The Commissioner or a person who is or has been a member of the Reference Group must not disclose any document if its disclosure under this Act would, or would be reasonably likely to —
>
> (a) prejudice the investigation of a contravention or possible contravention of the law …
>
> (b) prejudice the fair trial of a person …
>
> (c) disclose, or enable a person to ascertain, the identity of a confidential source …
>
> (d) disclose methods or procedures for preventing, detecting, investigation or dealing with matters arising out of, contraventions or evasions of the law …
>
> (e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement …

I am just a bit confused about the interaction between this clause and clause 22, which is headed 'Transmission of reports to Parliament'. Clause 22 states that those reports are absolutely privileged. I take that to mean, therefore, that nothing in them could lead to any cause of action in law. We may have some timing problems. The commissioner may want to disclose certain information that is necessary to inform the Parliament, and that information would be privileged, but at the same time the commissioner is not meant to disclose anything that would be reasonably likely to prejudice various investigations and, for that matter, legal proceedings. Is the commissioner safe to put whatever they believe they need to put into a report to Parliament and not worry about the timing of any particular legal matter? It could be about someone being dragged through court for 100 speeding fines, it could be about a civil action or it could be about a dispute between the Department of Justice and one of its contractors. How would we read these two sections together?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the clause is similar to one in the Freedom of Information Act 1982 and that the reason for this is not to create, as Mr Barber rightly pointed out, a prejudice of matters that are currently before the court. The other reason is not to allow the disclosure of documents that may assist people in avoiding being detected by the road safety camera system, such as the technical specifications of the cameras. That is the advice I have.

Mr BARBER (Northern Metropolitan) — The Auditor-General can disclose even cabinet documents, if he believes it is in the public interest to do so, through his reports. That is about as powerful as it gets. I take it then that 'disclose', for the purposes of clause 20, means 'disclose other than through the provisions of reporting to Parliament', as outlined in clauses 21 and 22. So if the commissioner is disclosing in a report to Parliament, that is fine, but to disclose otherwise they would have to keep in mind clause 20.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — The advice I have is that the purpose of the various clauses is to prevent information from being disclosed to the Parliament that may prejudice the capacity of the road safety camera system to be used for law enforcement purposes. It would be a call on the commissioner to ensure that the system itself be protected to the point

that it not be an open book for information to be provided.

Mr BARBER (Northern Metropolitan) — That is an extraordinarily concerning response. We learnt earlier that, in a strangely drafted, backdoor way, the commissioner can ask for all sorts of information from all sorts of persons. It seems now that, under clause 20, before he or she discloses it to the Parliament or otherwise the commissioner needs to run the ruler over it and say, 'I have to make some sort of personal judgement call as to whether it might prejudice a whole range of different issues'. I would have thought the commissioner's, like the Auditor-General's, first and most important test would be whether they themselves judged that it should be released in the public interest.

The whole thing has been set up to ensure the integrity of a road safety camera system, and yet now we are saying, 'If the reporting to Parliament on that integrity gets in the way of how we are running things, we do not want to hear about it'. I do not find provisions like these in the responsibilities of other independent officers or officers whose main function is to report to Parliament.

If it were simply a clause saying that disclosure of the ordinary, day-to-day activities was not permitted, it would be fine. But when I go to clause 22 I see that the information is absolutely privileged and therefore not only will it not lead to any action against the commissioner but it could not be hauled out in a court of law. That is the reality of absolute privilege: you cannot take a report that has been tabled in Parliament and then run off to a court and say, 'Here is my defence', which is what clause 20(b) is trying to avoid. I would not have thought that was a risk, but I am just seeking a bit of clarification on that.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Whilst I understand Mr Barber, the road safety camera commissioner's function is to ensure the integrity of the camera system. It is the government's view that providing information to Parliament that would undermine the integrity of the system would not be in the public interest and would lead to lives being lost on the road, so we may have to beg to differ on that. The release to the public of information that may damage the integrity of the system or lead to the system being undermined or potentially to people ignoring the system, in our view, may not be appropriate.

Mr BARBER (Northern Metropolitan) — I am not the one with any doubts about the integrity of the system. I have made that very clear. I have said this is an unnecessary office. The government is now telling us that its view in establishing the office is that it has risked disclosure by the commissioner to Parliament, which could put the functioning of the system at risk. It has now had to strap the commissioner down in relation to what material he or she can disclose. That is the opposite of the way it works with the Auditor-General and other positions we establish for the purposes of providing public confidence. The Auditor-General and the Ombudsman have extensive powers to gather information, and it is their judgement as to what information they release. They do the balancing of the public interest because they are, after all, reporting to Parliament, which stands in the shoes of the public in between elections.

I think this is an extraordinarily confused bill. It has been made up on the run — we know that. Until the minister, late in the day, told me otherwise, I thought it was just for people who were cranky about getting tickets or thought they should not have had one. Belatedly the minister told me it can be for anyone with an interest in the placement of speed and red-light cameras. That may make things quite interesting. I have no further comments or questions on any clauses.

Clause agreed to; clauses 21 to 26 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011

Second reading

Debate resumed from 1 September; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms HARTLAND (Western Metropolitan) — This is an extraordinarily straightforward bill which the Greens have no hesitation in supporting. It clearly helps us to align requirements with the provisions in bills about medical practitioners that we have debated in previous times. It allows a process of repealing the bill. The Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011 is extremely straightforward. The Greens have no hesitation in supporting it.

Mr Drum — What do you mean by that? Why did you take that view?

Ms HARTLAND — I will respond to your interjection, Mr Drum. This is a bill for an act to amend the Health Practitioner Regulation National Law (Victoria) Act 2009 to provide for a time period within which an appeal to the Victorian Civil and Administrative Tribunal must be made and for other purposes.

Mr Drum — What time limit?

Ms HARTLAND — Obviously it is quite clear that this is a time limit that the government — your government, Mr Drum — has set. I rarely say this to Mr Drum, but quite sensibly there is an alignment so people know exactly where they stand so they can appeal on matters. With those few words, I say the Greens agree with this bill. We will hear more from other members of the chamber.

Mr JENNINGS (South Eastern Metropolitan) — I have to inform the house that the Telstra or BlackBerry server is not performing its functions adequately today. Some recent communication that has been sent in my direction did not arrive, but I am pleased to have arrived in the chamber to speak on this very simple, elegant bill that is designed to ensure national consistency in the way in which health professionals are regulated throughout Australia and to provide for appropriate mechanisms for any health practitioner who has sought to be registered under those schemes who has failed to be registered to make an appeal to the appropriate administrative tribunal. In the case of Victoria it is the Victorian — it is the 'C' word I am grasping for — Civil and Administrative Tribunal. I should have said 'VCAT' all along and then we would all have known what I was talking about. This legislation allows for an appeal to be made within a 28-day period.

I thank the clerks for their assistance by providing me with a copy of the bill, but earlier today my glasses went missing, so I have been let down. I could not possibly have my contribution enhanced by any reading matter at this stage. However, I am pretty confident, and I can let the members of the house know that I do know what we are talking about. There are 140 000 health practitioners across Australia who are registered under 85 different registration mechanisms. This bill provides for the consistency of appeals across those different categories of health professionals, and this process will be provided in VCAT. It has taken about 10 months of the government's term for this legislation to be here in this chamber; it was introduced in the Assembly on 1 June. It will probably take about 5 minutes to pass in the Legislative Assembly and about 5 minutes to pass in the Legislative Council, but that 10 minutes of legislative work has taken us about 10 months to achieve. However, I am very pleased that the government has now provided for that consistency. It is an obligation under state and federal harmonisation of the regulation of health practitioners. When it comes into effect from 1 July next year it will provide a 28-day appeal period for those who believe they have not been appropriately registered to seek a remedy through VCAT. That is the effect of the bill.

I thank the government for introducing it. The government has just ensured that we are compliant with our obligations to the other jurisdictions across the nation and that we provide certainty and confidence for the 85 health practitioner registration bodies and those who are registered under the scheme.

Ms CROZIER (Southern Metropolitan) — I am pleased to speak on the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011, and I do so because, like Mr Jennings, who holds the shadow portfolio of Health and is very concerned about the health and wellbeing of Victorians, I also believe we need a proper registration process for our health professionals in order to assess their qualifications and experience as well as a fair appeal process should that registration process come into question.

I am sure all of us in this chamber would have been exposed to health professionals, whether it be a doctor, a dentist, a physiotherapist, a nurse or a midwife, on many occasions over our lifetime, and when we or our loved ones come into contact with those various health professionals we put our trust in them, and that can occur at times when we are at our most vulnerable.

Health professionals have a great responsibility in making decisions and assisting with decisions and in providing treatment, care and support to us at our times of need. For most health professionals it is an immensely rewarding career and a great privilege. It is a career that is generally highly regarded among the public. We often hear comments about doctors and nurses being the backbone of our health system.

Many people are involved in the running of our health system, but those health professionals are delivering care and treatment at the front line. They are the face of the health system, and it is the doctors and nurses in our health workforce whom the patients see. But like any profession, there needs to be a process for monitoring and reviewing qualifications and experience so that we can maintain our standards. Our health system is often

regarded as the envy of the world, as a model, and although it is not perfect and we can continually improve on it, we must do what we can to maintain what are regarded by many as very high standards.

As members have heard me say on a previous occasion, I have held a general nurse registration in this state for 25 years and a midwifery registration for 20 years, and although for a large part of those years I have not practised in either of those vocations, it is right and proper that we maintain a process to ensure that people's — in this case the health professionals — skills and experiences can meet the challenges of the modern-day health system, but more importantly to protect the public.

At times health professionals need to have their registration revoked and their qualifications questioned. It is not a common occurrence, but nevertheless it is a necessary safeguard to protect the public. As an example one has only to think of the horrendous situation in Queensland with the Dr Patel case and the devastating effects his practice had on many patients and the bravery of the health professionals who highlighted his practice to the appropriate authorities. I hope we never see a situation similar to what happened in Queensland at that time arise anywhere in this country again.

Members also know that I have spoken before on the issue of the Australian Health Practitioner Regulation Agency, or AHPRA — the organisation that is responsible for the renewal of registrations and the implementation of the national registration and accreditation scheme throughout Australia. I believe there are many merits to that system, one being that one registration enables a health professional to work in various jurisdictions and practise anywhere in the country, and that is highly relevant today with a moving workforce and the high demands of many of the remote areas in rural and regional Australia — and indeed country Victoria.

However, after I first spoke on AHPRA I was concerned when I heard from a number of constituents in my electorate and various health professionals about the unnecessary confusion to both health professionals and hospital administrators with the bungling of the implementation of the scheme, which came into effect on 1 July 2010. I refer to an article in the *Age* of January this year, which says:

> Thousands of Victorian nurses and midwives are at risk of being unable to work next week because they have not registered with the new national registration and accreditation scheme for health professionals.

It goes on to talk about the acting secretary of the Australian Nursing Federation and his comments saying that nurses were responsible for their own registration but his office had received more than 400 calls from members reporting difficulties registering with the new AHPRA agency. That is one article, but there were numerous other articles with headlines such as 'Staff chaos hits hospitals' which appeared a week later. That article says:

> Thousands of Victorian health professionals are either unable to work or are doing so illegally this week after missing a registration deadline set by Australia's new trouble-plagued health practitioner regulation agency.

A report in the *Australian* calls for the federal health minister, Nicola Roxon, to intervene, so there were numerous reports on the bungling of that system, and I think no health professional should be penalised because of administrative bungles.

Following those concerns being raised a Senate inquiry was set up, and its findings were released in June of this year. It made a number of recommendations — about 10 in total — one of which states:

> The committee recommends that AHPRA should issue a letter of apology to practitioners who were deregistered because of the problems revealed by the inquiry and, where it is established a lapse or delay in registration took place, AHPRA should reimburse practitioners for any loss of direct Medicare payments.

It also recommended that:

> … the commonwealth government seek the support of the Australian Health Workforce Ministerial Council to undertake a regular review of the registration of overseas trained health practitioners.

They are just two of the recommendations that the Senate inquiry brought down, and there are a number of others in relation to that whole process of registration for our health professionals.

That registration process had quite an effect on many of Victoria's health facilities and its health workforce. As I have said, Victoria has a large health workforce. For instance, in the nursing profession alone in 2010, according to the Nurses Board of Victoria, there were 92 326 registered nurses, about a quarter of whom were division 2 nurses, but the majority were division 1 nurses. That is a significant health workforce, and they are the people who are looking after patients on a daily basis and are incredibly important to sustaining our very efficient health workforce.

The Victorian health workforce needs to have clarity in relation to all aspects of the registration process as well as clarity on the appeal process, and this bill will

establish a time limit within which a person may commence an appeal under section 199 of the Health Practitioner Regulation National Law Act 2009, known as the national law. The health practitioner regulation national law establishes a national system of registration and accreditation, about which Mr Jennings spoke, involving 10 health professions, and each profession will be overseen by a national board.

When the Health Practitioner Regulation National Law (Victoria) Act 2009 came into effect on 1 July 2010 there were more than 85 health practitioner registration boards in eight states and territories. These were replaced by 1 national agency and 10 national boards corresponding to those 10 health professions, being chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry, and psychology. In Victoria alone 140 000 health practitioners from the 10 professions transferred to that national registration scheme, allowing them to register once and practise anywhere in Australia.

As I have stated, the overriding objective of the national scheme is the protection of the public. The 10 national boards established by the national law have a responsibility to ensure that the only health practitioners registered are those who are suitably trained and qualified to practise and who are able to do so in a competent and ethical manner.

It is a guiding principle of the national scheme that a national board may place restrictions on the practice of health professionals only if it is necessary to ensure that health services are provided safely and are of an appropriate quality. The bill provides a right of appeal for a practitioner who is subject to refusal of registration, and an individual can appeal a decision on a number of grounds. These may include a decision by the national board to refuse to register a person or to refuse to renew or endorse a person's registration.

The national board might impose or change a condition on a person's registration or there may be a decision by a panel to impose a condition on a person's registration or a decision by a performance and professional standards panel to reprimand that person. However, should that come into question, there needs to be a mechanism by which there is an agreed time frame within which a person can appeal.

At the time the national law was established the jurisdictions agreed that it would be appropriate to establish a time limit within which an appeal could be made. It was subsequently agreed that the time limit should be set out in the local law of each jurisdiction rather than in the national law. The national law provides a right of appeal and, as Mr Jennings said, the responsible tribunal in this state to undertake that process is the Victorian Civil and Administrative Tribunal, or VCAT.

All states and territories agreed during the framing of the national law that a time limit of 28 days should apply for lodgement of appeals arising from the national scheme and that this should be incorporated into each jurisdiction's local law, either in the statute by which the jurisdiction adopted the national law or in the legislation that established that jurisdiction's responsible tribunal. However, due to an oversight by the previous government in administering this law, no such time limit was specified in the Victorian national law act or in the Victorian Civil and Administrative Tribunal Act 1998.

Mr Jennings said that it has taken us 10 months to get to this point to rectify this problem.

Mr Jennings — I knew this issue would attack us; it was a pre-emptive strike.

Ms CROZIER — Mr Jennings is right. As I have said, having spoken on this, we have highlighted this issue, and we are rectifying it. I am pleased that he is supporting it.

As Mr Jennings has said and as Ms Hartland has said, this bill enacts a very straightforward process, and the time limit for making an appeal will apply from 1 July 2012. This will allow sufficient time for any person affected to be considered. The 28-day time limit is consistent with other time limits that are in place in other jurisdictions. The time limit of 28 days strikes a balance between giving a person reasonable opportunity to consider whether to make an appeal and then to prepare an appeal application while also allowing for an expeditious commencement of that appeal process. In relation to decisions made before 1 July 2012, a person will have 28 days from the introduction of the time limit to appeal a decision. This will ensure that from 1 July 2012 all persons have 28 days to commence an appeal.

In conclusion, this bill corrects a mistake of the previous government. It is consistent with the time limit that was provided for in the legislation that applied in Victoria prior to the commencement of the national law. This bill reaffirms this government's commitment to ensuring the safe provision of high-quality health care and the equitable and efficient regulation of the health workforce. As I have previously stated, it is a significant workforce and those who work within it

should have confidence in the registration process and they should have confidence in the appeals process.

The passing of this bill is another step by the Baillieu government towards further strengthening health regulation and the health profession, and it will further improve the consumer protection framework within Victoria. I thank those members opposite, Ms Hartland and Mr Jennings, and the opposition for their support of the bill, and with those few words I commend the bill to the house.

Debate adjourned on motion of Ms DARVENIZA (Northern Victoria).

Debate adjourned until later this day.

PARLIAMENTARY SALARIES AND SUPERANNUATION FURTHER AMENDMENT BILL 2011

Second reading

Debate resumed from earlier this day; motion of Hon. D. M. DAVIS (Minister for Health).

Mr LENDERS (Southern Metropolitan) — The opposition will not oppose this bill. The bill is being debated in the house today to expedite the government's legislative program. We on this side of the house have a view that the government needs to manage the flow of business. It has indicated that this is a bill it wishes to address this week, so we have expedited the bill being addressed here today.

The bill is quite clear cut. It seeks to put into place the government's wages policy as it applies for members of Parliament. The substantive comment from the opposition was made by my colleague Tim Pallas, the member for Tarneit in the Legislative Assembly, earlier this week. I associate myself with his comments. As the opposition is not opposing this bill and as Mr Pallas outlined the opposition's position and the purposes of the bill in his contribution to the second-reading debate in the other place, I conclude my remarks.

Mr BARBER (Northern Metropolitan) — There would not be a group of workers in Australia who have had to expend less effort than us in order to get themselves a 2.5 per cent pay rise. At the federal level the Greens have consistently argued for a better way of determining the work value of MPs, but we seem to be members of the one group in Australia who simply have their wages granted to them through a committee of wise people, just like it used to happen back in the days of the Harvester judgement.

Ms Pennicuik — Conciliation and arbitration — those were the days!

Mr BARBER — 'Those were the days', says Ms Pennicuik. Nevertheless, at the federal level Labor, Liberal and The Nationals have combined to create this outcome, and our law in Victoria simply attaches our outcome to that of the federal Parliament. There is little point then in further prosecuting the issue.

Hon. D. M. DAVIS (Minister for Health) — I thank members for their contributions, and in conclusion indicate that, as Mr Lenders said and as is outlined in the second-reading speech, this bill reflects government wages policy. In that context I think there is a role for the Parliament to set a lead in the community, and the government is determined to do that. This is a simple bill, and I commend it to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) AMENDMENT BILL 2011

Second reading

Debate resumed from earlier this day; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make a brief contribution on the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011. As Mr Jennings, who spoke prior to me, said, the opposition is not opposing this bill. I have had an interest in the regulations governing the registration of health practitioners going back many years. I sat on the old Victorian Nurses Council, which was the regulatory authority for Victoria before we moved to our nurses board and then onto the national registration board, so I have long taken an interest in this subject.

As has been pointed out by government members and by members on this side of the house, it is important that we have a body that is responsible for the accreditation, regulation and registration of health

practitioners. Having a national board the way we do now ensures that if you are registered to practise, if you undertake your degree in nursing training or other health professional training in one state, then you know you are going to be able to practise in any state or territory. This legislation also makes it much easier for health professionals who come from overseas, and we have had a very vigorous skilled migration recruitment program in the health area. This bill means that there is only one body that a practitioner needs to go to to ensure that they can have their qualifications and area of practice assessed to see whether they meet the criteria to practise in any state or territory of Australia.

The bill amends the Health Practitioner Regulation National Law (Victoria) Act 2009 and introduces a time limit on a person's right to appeal to the Victorian Civil and Administrative Tribunal against a decision in relation to them. These amendments to the act will not come into effect until 1 July 2012 to allow time for practitioners to be informed about the new 28-day limit, which is particularly important.

The Health Practitioner Regulation National Law came into effect in July 2010, and almost 140 000 Victorian health practitioners have transferred to national registration. National registration provides a very important framework for the regulation of all of our health practitioners. It goes to the registration and to the accreditation that I have already talked about. It also goes to the issue of complaints that might be made against a health practitioner. The conduct of a health practitioner, health and performance, privacy and information sharing are issues that make up that important national framework. This new national law followed an extensive consultation and engagement process right across the country with all stakeholders, particularly high-level stakeholders who really understand the need for proper regulatory practice and accreditation and a sound means of dealing with complaints and conduct.

There was extensive consultation and engagement with the stakeholders and practitioners, and members of the public were also included in that extensive consultation process. I understand that more than 550 submissions were received from professionals, from regulatory bodies and from the general public in informing the legislation.

We see doctors, nurses and health professionals as being very much the heart and lifeblood of our health system. They make an important difference to the treatment, wellbeing and care of the general public, and we need to have sound regulatory and accreditation systems in place.

The law allows for chiropractors, dentists, doctors, nurses, midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists to be registered just once, enabling them to practise everywhere. As I have already pointed out, that is particularly important. There will be one place where you register, unlike the old system where you had to register on a state-by-state basis or within a territory in order to be able to practise in that state or territory. The education and training you received in one state or territory did not always necessarily mean you could be registered to practise in another. This uniformity across the nation means that our health practitioners have the flexibility to practise within the area of the state that they deem most suitable. It also allows health departments and the health system to recruit more easily to fill the vacancies that exist in one state or another from time to time.

The national board is responsible for ensuring that only health practitioners who are suitably trained and qualified to practise are registered. The law provides a right of appeal for a practitioner who is either subject to a refusal of registration or has conditions attached to their registration. Sometimes this can happen when you are granted registration — that is, you are granted registration but there are some conditions attached to it that must be complied with.

This is a good bill, which strengthens our national registration. I do not necessarily agree with the proposition that the government is doing all it can to improve our health system, although I do accept that this is an improvement to the legislation. We are still waiting for additional doctors and nurses to be employed and to learn how many additional episodes of elective surgery are going to be performed in our public hospitals. We are still waiting to hear what the coalition intends to do. Since coming to office, this government has not added a single doctor, nurse or hospital bed to our health system. While this is a good piece of legislation and deserves the opposition's support, there is still a lot more the government has to do and can do to improve our health system. With those words, I commend the bill to the house.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011. It may surprise the Acting President to hear me say this, but I could not agree with Ms Darveniza more: this is a good piece of legislation. In fact all the legislation that has come through the house in this parliamentary year has been good legislation. I commend my colleague Ms Crozier for her contribution today. She is a registered nurse of long standing and the skills she

brought to today's debate were remarkable but not unsurprising. I can tell the chamber that I was feeling remarkably unwell just a few weeks ago; Ms Crozier was able to assist me, and I thank her for that.

The Health Practitioner Regulation National Law (Victoria) Act 2009 came into effect on 1 July 2010. It replaced over 85 health practitioner registration boards in eight states and territories with 1 national agency and 10 national boards corresponding to 10 health professions, including chiropractors — which I know my colleague the Minister for Health knows about — dentists, doctors, nurses, midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists. Almost 140 000 Victorian health practitioners from these professions transferred to national registration under the national scheme.

The bill imposes a time limit of 28 days for the lodgement of an appeal by a practitioner against a decision of the national board under the national law. Under current national law there is no time period in which an appeal has to be lodged with the Victorian Civil and Administrative Tribunal; it could go on forever. Currently, if a medical practitioner is deregistered and wants to appeal against the decision of the medical board, they can appeal to VCAT at any time in the future. That is an unworkable system; there needs to be certainty in the appeals process.

The bill brings Victoria into line with the agreement made with all states and territories that a time limit of 28 days should apply for the lodgement of appeals. The overriding objective of the national scheme and this bill is to protect the public; it is to protect Victorians. The commencement date for the introduction of the limitation period will be 1 July 2012, which will allow sufficient time for medical practitioners to be informed of the change. Once again, the bill reaffirms the Baillieu government's commitment to ensuring the safe provision of high-quality health care and fair and efficient regulation of the health workforce. This is a problem that is being fixed by the government because it was not fixed by the previous government.

I am glad Ms Darveniza decided to talk about health in Victoria, because I am delighted to inform the house that when it comes to health, in its very first budget the coalition delivered on its election commitments to improve the health and wellbeing of all Victorians. In 2011–12 the government made a significant investment of more than $13 billion to improve Victoria's health system, including mental health services, aged-care services, dental health services and palliative care services. Because of the work of the Treasurer and the Minister for Health, substantial funding has been allocated to the health system, including the delivery of the first stage of the coalition government's commitment to provide 800 new hospital beds, and $90 million has been set aside for the waiting list and emergency department reform package.

I am pleased to report to the house that through the budget the health minister has confirmed that $24.5 million has been allocated to the Northern Hospital emergency department, which is in part of the fastest-growing area in my electorate of Northern Metropolitan Region. It needed those services desperately. I was out there last week talking to the staff and to the executive, and they were saying that this is a great move by the Baillieu coalition government, in this case under the stewardship of the Minister for Health. There will be additional acute hospital services, an extra 21 new emergency department treatment spaces and a further seven cots for the special care nursery. This is leadership in health.

In addition, there is $448 million to initiate the Baillieu government's commitment to provide 800 new hospital beds and a $550 million boost to the hospital system especially for elective and emergency departments. It is interesting to note that in my electorate there were significant deficiencies in the health system, a number of which are being addressed by the government. For example, at the Austin Health site in Heidelberg they were most worried that the Olivia Newton-John Cancer and Wellness Centre had a building with no fit-out. A concrete building was to be built with nothing to go inside it because the funding was not provided by the Brumby Labor government. The Baillieu coalition government has provided an extra $45 million to fit out the Olivia Newton-John Cancer and Wellness Centre so it can treat Victorians. That is what this bill goes to: our commitment to improving the health and wellbeing of all Victorians.

In addition to helping fund Labor's black holes for major capital works this government set aside $55 million to fix up the holiday pay issues for nurses. Another interesting revelation when we came to government concerned the new Royal Children's Hospital, which is being built in Parkville in my electorate. There was enough funding to build the hospital but not for an IT system. The former Labor government was expecting the Royal Children's Hospital staff to communicate using slate and chalkboards or maybe even chisels and rocks. This government has set aside $24.9 million to fix the IT system at the Royal Children's Hospital.

This bill is a great leap forward for Victoria in terms of health and wellbeing. It goes a long way towards

bringing us into line in areas of national health law reform. It brings people into line in the areas of chiropractic needs, dental needs, medical needs, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. In my career I spent a small while as an executive director at the Royal Women's Hospital. Women's health needs are paramount in my mind — things that blokes do not know about or even talk about.

This bill goes alongside our reforms to improve health in Victoria. This government has provided funding of $7.3 million to continue dental programs in areas of high need and for at-risk patients. The current budget is going to assist with the relocation of dental clinicians to rural areas. It is going to provide $16 million to improve ambulance services across Victoria. There is also a significant amount of money for 340 new ambulance officers in Victoria, and $56 million has been set aside in the budget to establish the rural capital support fund.

I was delighted to speak with the Minister for Health as he sent off the dental van across Victoria to support rural and regional Victorians. I am glad the other parties are supporting the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011 that has come into this place today. I know their code is 'We will not oppose it', but I suspect underneath it all they are supporting this good piece of legislation. I will conclude where I started, by talking about how good this piece of legislation is, which was reflected by the words of Ms Darveniza.

For the coalition government the protection of the public is clearly the overriding objective of health services. Time and again those opposite have complained about us identifying the black holes and the lack of services provided by the previous government in transport, health, education and law and order. I could go on and on with the list of services that were neglected for 11 years by the former government. This bill, together with a number of pieces of legislation that we have put through in this Parliament, is an overriding example of how well the Baillieu coalition government is going about reforming Victoria and fixing up the things that need to be fixed. We painted the real picture. This bill is a great example of leadership in Victoria, something we have been crying out for over a number of years.

I am delighted the things the government is doing in health will include $88 million for a comprehensive mental health package focusing on prevention, support and treatment. Interestingly, from talking to representatives of the Department of Health in the last 24 hours, one of the fastest growing rates of chronic disease in the state of Victoria is in the mental health area. It is something we have not recognised appropriately as a society. This injection of $88 million to fund the mental health package is a significant step forward for Victoria. If fits perfectly into this bill, which I understand should go through without any opposition.

The system has been unworkable in the past for medical practitioners who were deregistered and wanted to appeal. The bill will provide certainty to the appeal process and bring us into line with the other states and territories by imposing a time limit of 28 days for appeals.

Ms Crozier gave a very good contribution today. She talked about her personal experiences and how this bill fits directly with her provision of health services. We look to her as a medical practitioner and nod, because we welcome the skills and experience she brings to this Parliament.

I commend this bill to the house and reflect on the closing words of Ms Darveniza's contribution today. She said this is a good piece of legislation. It is, as has been all of the legislation put through this Parliament by the Baillieu coalition government.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011. It seems that the Baillieu government is drafting bill after bill that accords with Labor Party beliefs, since this is yet another bill in a long procession over the past year that the opposition will not oppose. The bill is a national bill being mirrored around the nation, and in that sense it follows on from the great policies that Labor initiated in government of cooperating with other Labor governments to enact the same laws that can apply to all Australians. Australians should feel comfortable that they have the same basic rights and protections wherever they may be in this great land. The only difference is that we are supporting a Liberal government that is doing the same thing, in partnership with other Liberal and Labor governments.

The bill, as has already been well explained, creates national registration for a range of health practitioners. In doing this it allows all such qualified persons to be registered and recognised across all state and territory jurisdictions. The bill will provide a massive cutting of red tape and a vast improvement in access to practitioners, especially those who cross our borders.

However, there is worry about unintended consequences due to the action — or dare I say inaction — of this already-failed government. Teachers were faithfully promised before the election that they would be the best paid in the nation if Mr Baillieu, the then Leader of the Opposition and now the Premier, achieved office. He won the election by one bare seat and then decided to forget things, just as he decided to ignore better pay for members of our police force — the police who keep our streets safe. How must health-care workers, who work tirelessly for the wellbeing of their patients, feel about their prospects for higher pay?

In this government's first year in office we have witnessed a tragic failure to deliver on promises relating to the Royal Victorian Eye and Ear Hospital, to a new hospital in Geelong's fast-growing Surf Coast region, to a much-needed helipad for Ballarat base hospital, to critical radiotherapy services on the south-west coast and to improvements to the hospitals in Castlemaine, Kilmore and Seymour. These unresolved projects are merely the tip of the iceberg when considering the needs of the state — needs that the Baillieu government has already failed to meet.

Once they achieve national registration, why would health services practitioners remain here when other states will show them far greater respect than this government? This bill is sensible, rational and long overdue. The opposition supports this bill, but the inaction of the Baillieu government in so many areas of the delivery of health services and health reform could mean that in effect the bill could do more harm than good.

We all hold our doctors in high regard, and deservedly so. Doctors are generally paid well, although we should look further into our rural doctors' needs. I urge our health services practitioners not to lose faith and to believe in the people of Victoria, regardless of the policy tardiness of this government. The Baillieu government must attend to the issues and areas it has continually been ignoring. This government must bring forward measures for a hospital in the fastest growing region in the nation — the broad region that includes Melton and Wyndham. However, as these are generally Labor areas, I doubt that this government will do the right thing by having these issues as priorities. Time will tell, but the people of Victoria should not suffer, especially those living in areas that are desperate for an upgrade to their health services. This strain amongst others facing health-care services should not force our much-valued health services providers out of the industry they chose to belong to. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — I have been listening to the contributions made by others in this debate on the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011, and I would like to commend Ms Crozier for putting the government's position very clearly, for cogently enunciating the effect of the bill and for showing exactly where we stand. I am also pleased to note that the opposition is not going to be opposing this.

Hon. D. M. Davis — In fact it is supporting it.

Mrs COOTE — The minister advises me it is supporting it, which is an even better outcome. I suggest that this bill affirms the Baillieu government's commitment to ensuring the safe provision of high-quality health care and its commitment to the equitable and efficient regulation of the health workforce. Over time the improvements to health regulation will further strengthen these health professionals.

It is important to understand, as I think has been enunciated here already, that this bill deals with bringing what happens in Victoria into line with federal laws. This builds upon much of the work that has already been done by the Baillieu government since it came into government in November.

The Minister for Health, who is here, has made some big changes to health care in Victoria and has put a lot more accountability into the system, which had been lacking. I know the minister has refreshed the hospital boards to such an extent that we are now going to have proper expertise on these boards and will see a direction of accountability and openness, which will be the hallmark of the Baillieu government going forward.

The minister has also looked into supporting the health system in other ways — with the sacking of the Ambulance Victoria board, for example, and looking into the severe crisis that has been affecting ambulance service delivery. With a new board in place and with better direction we are once again going to see security and confidence in our health system. That is what this bill does.

An earlier law abolished 85 health practitioner registration boards across eight states and territories. This is a national law, and it replaced them with a national agency with 10 national boards. The 10 national boards corresponded with 10 health professions: chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. For those of us in this chamber it is interesting to reflect here

today — it may go back a decade or perhaps not as long as that — on the times when there were concerns about some of those professions. People were not terribly certain where those professions fitted in the whole spectrum of our health delivery system. It is very pleasing to see a bill such as this, which actually ratifies and clarifies the situation. This is particularly important, because if we are going to have clarity and confidence in our health system, it is vital to make sure that everyone is very clear about what is being proposed and how Victoria will work with the other states.

Legislation was introduced to protect the public. This is important; this is what I was saying before about the confidence people need to have in the health system. To ensure that health practitioners are suitably trained and qualified to practise in a competent and ethical manner, a Victorian health practitioner may appeal decisions made by a national board — the boards in the areas I read out before. The appeal is lodged through the Victorian Civil and Administrative Tribunal.

There are a number of grounds on which a health practitioner may appeal a decision of the board. These could be wide and varied, but an appeal against a decision can be made if the board refuses to register an individual; if it refuses to endorse the person's registration; if it refuses to renew a person's registration or renew the endorsement of the person's registration; if it imposes or changes a condition on a person's registration or the endorsement of a person's registration; if it refuses to change or remove a condition imposed on the person; if it refuses to change or revoke an undertaking given by the person to the board; and if it suspends the person's registration or imposes a condition on the person's registration.

Other grounds for appeal are: a decision by a health panel to suspend the person's registration and a decision by a performance and professional standards panel to reprimand the person. These are the sorts of conditions I think the public of Victoria want to see. They want to know there are safety nets under these particular professions, and that is what we are looking to achieve.

All the other states and territories across the country agreed that there should be a time limit in which to lodge an appeal and that that time limit should be 28 days. The Victorian legislation, prior to the legislation we are debating today, did not impose a time limit on how long a practitioner had to lodge an appeal against the board's decision. This bill seeks to bring Victoria into line with every other state and territory by imposing a time limit on the lodgement of an appeal of 28 days. The Victorian legislation that existed prior to last year also had a time limit on appeals of 28 days. The commencement date of this time limit will be 1 July 2012 to ensure adequate protection of health practitioners' rights, and they will have ample time to be informed of these changes.

A lot of these issues are quite technical to talk about, but it is important to understand that the underlying benefit of this bill is confidence within our health system. Earlier today during the debate on speed cameras we debated issues about confidence in government service provision. Much of the debate was taken up with the community's perception of speed cameras and how people felt confident that the system was working as it should and how it was set up to do. That is exactly the same as what we are looking at here.

This is basically a technical bill; it tidies up the legislation to bring it into line with other jurisdictions and apply what was there before. It is important for Victoria to make certain that it sends the right message out to the population.

The bill corrects a mistake of the previous government, but the opposition supports it and understands the necessity of putting this measure in place to tidy up a loophole and to make certain that we are in line with other states and that we give confidence back to Victorians in our health system.

As I said earlier, the Baillieu government is looking at supporting the health system right across the spectrum. The minister has already made several changes to how this will happen and how it will work. Recently I heard people saying how good it was to see doctors, the people with expertise, back on the boards and making the decisions. As I said here the other day, recently I went to the opening of the new psychiatric ward for women at the Alfred hospital. There we saw the new chair of Alfred Health, Ms Helen Shardey, who is well known to many of us here. She is doing an excellent job, together with other new members on the board of Alfred Health, formerly Bayside Health. I know there will be openness and transparency. They will be pleased to know that legislation such as this exists to make certain that everybody in the health sector in Victoria is aware that all of these health professionals are accountable and that Victoria works in line with other states.

Mrs PEULICH (South Eastern Metropolitan) — I was expecting to be dropped off the list, but I am glad I have an opportunity to say a few words in support of the Health Practitioner Regulation National Law (Victoria) Amendment Bill 2011. On 1 July 2010 the Health Practitioner Regulation National Law came into effect to help streamline the operation of the health practitioner boards around the nation. It was brought about by an intergovernmental agreement for a national

registration and accreditation scheme for health professionals that was signed by the Council of Australian Governments in 2008. The Health Practitioner Regulation National Law (Victoria) Act 2009 was the mechanism to implement a new regime in Victoria, although some of the mechanics of the Victorian bill were flawed.

This amendment goes some way to rectifying that situation and some of the flaws that were created when the 2009 act was introduced by the previous Labor government. It aims to introduce a time limit on the right of a person to appeal against a decision made in relation to him or her under the Health Practitioner Regulation National Law (Victoria) Act 2009 and provides the time period within which an appeal under section 199 of the Health Practitioner Regulation National Law (Victoria) Act 2009 must be brought.

Prior to the enactment of the national law there were more than 85 health practitioner registration boards in operation in each of the states and territories. It was sought at a national level to streamline that approach by creating 10 national agencies. Those national bodies were for chiropractic, dental, medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology practitioners, and at a later date they included Chinese medicine practitioners, medical radiation practitioners, Aboriginal and Torres Strait health practitioners and occupational therapists.

Almost 140 000 Victorian health practitioners from those 10 professions transferred to national registration under the national scheme. This allowed practitioners to register once and practise anywhere in Australia. This movement has been seen not just in health but in many other professions as a way of recognising greater mobility of the workforce of our population, not just within Australia but also between the states and internationally. This was good for employees in the state in terms of portability.

As I mentioned, the bill inserts provisions into the Health Practitioner Regulation National Law (Victoria) Act 2009 requiring that a person wishing to appeal a decision made by the national board pursuant to section 199 of the national law must commence the appeal within 28 days of the decision. The bill will put in place a time limit within which a person who is aggrieved by a decision of the national board is able to appeal that decision. The time limit imposed by the bill is consistent with the time limit that was provided by the predecessor legislation in Victoria. It is a tried and true time limit that has been applied, and it is not going to have any effect on a person's right or natural justice. That is really important.

One of the interesting experiences here in Parliament is how one's status on the speaking batting list changes from not getting a guernsey to having 10 minutes and then to having 5 minutes, and we need to be flexible enough to adjust. I am happy to adjust.

I do not believe the changes in this bill will unreasonably restrict a person from having a fair hearing of their appeal. It will not affect the grounds on which the appeal can be made or the way in which the appeal will be conducted. The national law provides that the Victorian Civil and Administrative Tribunal is the responsible tribunal for practitioners registered in Victoria and that it can hear an appeal to extend the period of time within which a person can appeal. That puts in place a protective mechanism so that if a person has an issue which they cannot appeal within that period of time, their rights will be protected by the option of an appeal to VCAT. VCAT will have the ability to extend the period past the 28 days.

In conclusion, this bill reaffirms the government's commitment to ensuring the safe provision of high-quality health care and the equitable and efficient regulation of the health workforce. Obviously we have substantial challenges in meeting that objective. I know the minister and the government are working very hard to address some of those endemic problems, with some highly focused initiatives. I look forward to the residents and communities that I represent having access to a more effective health system. This is just one of the improvements. Over time the health regulations will further strengthen the health professions.

I commend the bill to the house and hope that its passage is speedy — given that I am the last speaker, I imagine it will be — because its aim is to address an anomaly that was created by the previous government that needs to be addressed. This bill certainly does that. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. D. M. DAVIS (Minister for Health) — 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.

COMMERCIAL ARBITRATION BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Commercial Arbitration Bill 2011.

In my opinion, the Commercial Arbitration Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purpose of this bill is to:

replace the existing Commercial Arbitration Act 1984 with a new model bill agreed to by the Standing Committee of Attorneys-General, based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration (the model law) as much as possible, and supplemented by provisions relevant for a domestic commercial arbitration scheme;

make Victoria's commercial arbitration laws as consistent as possible with the acts already passed in New South Wales and Tasmania and help align the domestic commercial arbitration regime with the commonwealth's International Arbitration Act 1974;

create an environment which encourages better use of the domestic commercial arbitration regime to:

(a) ensure that businesses have better access to processes for the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense;

(b) develop the model law arbitration expertise of Australian courts, lawyers and businesses and Australia as a centre for international arbitration.

Human rights protected by the charter act relevant to the bill

Section 24 — the right to a fair hearing

The right to a fair hearing under section 24 of the charter act may be engaged, as the requirement for a fair hearing applies to all stages in the proceedings and applies in relation to any proceedings in any Victorian court or tribunal. For example, the right to a fair hearing is likely to be engaged by clauses 11(5), 13(5), 14(3), 16(10), 27H(5) and 27I(4) of the bill, which provide that a decision of a court, that is within the limits of the authority of the court, is final.

While the right to a fair hearing is likely to be engaged, there are not likely to be any charter act compatibility issues as a number of safeguards protect this right, including:

clause 18 expressly provides that parties must be treated with equality and each party given a reasonable opportunity of presenting their case;

parties are given reasonable latitude, for example, to agree on arbitrators (clause 11) and procedures to be followed throughout the hearing (clause 19);

arbitrators can be challenged if there are justifiable doubts as to their impartiality or independence (clause 12);

clause 24A provides for parties to be represented if necessary;

clause 34 provides for recourse against decisions to be sought in the courts in certain circumstances, for example, if a party was under some incapacity; the arbitration agreement is invalid; or the tribunal acted in excess of its jurisdiction. However, even if the criteria for judicial review are met, the court must not grant leave for appeal unless it is satisfied:

that the determination of the question will substantially affect the rights of one or more parties;

that the decision is obviously wrong or is of general public importance and the decision of the tribunal is at least open to serious doubt; and

it is just and proper in all the circumstances for the court to determine the question. The court may then confirm the award, vary the award, remit it back to the tribunal or set aside the award.

In my view these are reasonable criteria. The right to a fair hearing also usually involves public decision making, however, this bill imposes an obligation of confidentiality upon the tribunal. This is reasonable in the circumstances as the proceedings are a part of the broader commercial arrangements between the parties who voluntarily opt into an arbitration process and its associated confidentiality requirements.

Section 13 — the right to privacy

The right to privacy under section 13 of the charter act may be engaged by creating confidentiality provisions relating to personal information. Section 13 confers the right of a person not to have his or her privacy unlawfully or arbitrarily

interfered with. However, the confidentiality requirements under clauses 27E to 27I of the bill restrict the non-arbitrary and lawful release of private information to particular circumstances, for example, with the consent of the parties, or where necessary for the purposes of the act. The confidentiality requirements in the bill are therefore considered reasonable and compatible with the charter act.

Section 25 — the right not to testify against oneself

The right not to testify against oneself pursuant to section 25 of the charter act may also be engaged in relation to the privilege against self-incrimination (section 25(2)(k)). That is, if a person refuses to produce a document or answer a question an application may be made to the court requesting that an order be issued that requires oral evidence or the production of documents. However, clause 27B(5) of the bill provides that a person 'must not be compelled … to answer any question or produce any document which the person could not be compelled to answer or produce in a proceeding before a Court'.

This would mean that there is no limitation upon this right as the person would be subject to the same protections, including the privilege against self-incrimination, as are usually made available in court proceedings.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech, except for statement under section 85(5) of the Constitution Act, be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Commercial Arbitration Bill 2011 will repeal the Commercial Arbitration Act 1984 and provide a new procedural framework for the conduct of domestic commercial arbitrations. The bill updates existing uniform commercial arbitration legislation.

Equivalent commercial arbitration acts have already been passed in New South Wales and Tasmania. South Australia, Western Australia and the Northern Territory have also introduced equivalent bills into their parliaments this year.

The bill facilitates the use of arbitration agreements to manage domestic commercial disputes and will ensure that arbitration provides a cost-effective and efficient alternative to litigation in Australia. The current uniform domestic commercial arbitration legislation across all states and territories has not kept pace with changes in international best practice and still reflects the old English arbitration acts. There is now a compelling need for reform, and this bill will provide for an up-to-date commercial arbitration system in Victoria.

At the May 2010 meeting of the Standing Committee of Attorneys-General (SCAG), ministers agreed to update the uniform legislation. This updated law would be based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration and supplemented by provisions necessary or appropriate for a domestic commercial arbitration scheme. The model law reflects the accepted world standard for arbitrating commercial disputes.

The reform of domestic commercial arbitration legislation is particularly timely when one has regard to developments in international arbitration. The regularity and certainty that is conducive to efficient commerce are fostered by uniform national laws that reflect accepted international practice. In addition, the ability of Australian courts to deal with international arbitration is based on their experience with domestic arbitration.

Notably, the jurisdictions with which we compete for international arbitration work do not have different national and international arbitration laws, and nor should we. I also note that the commonwealth government amended its International Arbitration Act 1974 in 2010 to increase effectiveness, efficiency and affordability in international commercial arbitration. This will help to ensure Victoria capitalises on the growing market in commercial dispute resolution, ensuring business and the legal system are operating in essentially one commercial arbitration environment, whether domestically or internationally.

There are a number of good reasons for adopting the model law as the basis for the domestic commercial arbitration law. First, the model law has legitimacy and familiarity worldwide. It has provided an effective framework for the conduct of international arbitrations in many jurisdictions, including Australia, for over 25 years. It provides a well-understood procedural framework to deal with issues such as the appointment of arbitrators, jurisdiction of arbitrators, conduct of arbitral proceedings and the makings of awards, and therefore is easily adapted to the conduct of domestic commercial arbitrations. Indeed, jurisdictions such as New Zealand and Singapore have based their domestic commercial arbitration legislation on the model law, and it has proven appropriate.

Second, basing domestic commercial arbitration legislation on the model law creates national consistency in the regulation and conduct of international and domestic commercial arbitration. The commonwealth International Arbitration Act gives effect to the model law in relation to international arbitrations. Many businesses, including legal ones, operate domestically and internationally, and one set of procedures for managing commercial disputes makes sense.

Third, practitioners and courts will be able to draw on case law and practice in the commonwealth and overseas to inform the interpretation and application of its provisions.

Following the ministers' agreement at the April 2009 SCAG meeting on the model law as the basis for reform of domestic commercial arbitration legislation, a draft model commercial

arbitration bill was drafted. Two principles were agreed on to guide the drafting of the uniform legislation. First, that the bill should give effect to the overriding purpose of commercial arbitration — namely, to provide a quicker, cheaper and less formal method of finally resolving disputes than litigation. Second, that the bill should deliver a nationally harmonised system for international and domestic commercial arbitration.

The draft bill was sent out for targeted consultation with stakeholders. Feedback was sought, in particular, on the appropriateness, adequacy and desirability of additions and amendments to the model law tailored to domestic commercial dispute management and related matters. The government takes this opportunity to thank all those who contributed to the development of the bill.

The bill is based upon the text and spirit of the model law. This delivers consistency with the commonwealth's international arbitration law and provides the legitimacy and familiarity of internationally accepted practice. However, the model law does not provide a complete solution to the regulation of domestic commercial arbitration. The bill, therefore, supplements the model law to provide appropriately for domestic commercial dispute management. The purpose of the bill is found in clause 1AC of the bill, to facilitate the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense. Stakeholders advocated for and endorsed the inclusion of a paramount objective clause, noting the absence of such a provision as a weakness in the existing uniform commercial arbitration legislation.

I turn now to the details of the commercial arbitration framework established by the provisions of the bill.

Part 1 of the bill applies the bill to domestic commercial arbitration and clarifies that it is not a domestic commercial arbitration if it is an international commercial arbitration for the purposes of the commonwealth act.

Part 2 of the bill defines an arbitration agreement and requires a court before which an action is brought to refer that matter to arbitration if it is then the subject of an arbitration agreement and a party so requests.

Part 3 deals with the composition of arbitral tribunals and provides flexibility and autonomy to parties in selecting the arbitrator or arbitral tribunal to decide their dispute. It enables parties not only to agree on the number of arbitrators but the process by which they will be selected and how they may be challenged. It also provides a default position should the parties not be able to reach agreement. Clause 12 sets out the grounds on which the appointment of an arbitrator may be challenged and obliges proposed arbitrators to disclose any circumstances likely to give rise to justifiable doubts as to their impartiality or independence.

Part 4 deals with the jurisdiction of arbitral tribunals and makes it clear that an arbitral tribunal is competent to determine whether it has jurisdiction in a dispute but also enables a party to seek a ruling on the matter from the court where a tribunal determines that it has jurisdiction.

Interim measures are dealt with in part 4A of the bill. It provides power to arbitral tribunals to grant interim measures for purposes such as maintenance of the status quo and the preservation of assets and evidence. The bill also contains power to grant enumerated interim and procedural orders in addition to those contained in the model law.

Part 4A grants arbitral tribunals the flexibility, unless the parties otherwise agree, to conduct an arbitration on a 'stop-clock' basis in which the time allocated to each party in the hearing is recorded progressively and strictly enforced. This can enable arbitral tribunals to conduct arbitrations in a manner that is proportionate to the amount of money involved and the complexity of the issues in the matter. Similarly, clause 33B, contained in part 6 of the bill, enables an arbitral tribunal to limit the costs of arbitration, or any part of the arbitral proceedings, to a specified amount, unless otherwise agreed by the parties. This gives arbitral tribunals the flexibility to cap costs on the basis of proportionality and provides another mechanism to ensure that arbitrations can be conducted in a proportionate manner to the money and complexity of the issues involved.

Part 4A also provides for the recognition and enforcement of interim measures, issued under a law of Victoria or another state or territory, in certain circumstances. The grounds for refusing recognition or enforcement of an interim measure are also contained in part 4A.

Part 5 of the bill deals with the conduct of arbitral proceedings which provides that parties must be given a fair hearing and that they are free to agree on the procedure to be followed by an arbitral tribunal, or, in the absence of agreement, for the arbitral tribunal to conduct the arbitration as it considers appropriate. This ensures that parties and arbitral tribunals are granted flexibility to adapt the conduct of the proceedings to the particular dispute before them.

Part 5 includes some provisions additional to those in the model law to ensure that arbitrations can be conducted efficiently and cost effectively. Clause 24B imposes a duty on parties to do all things necessary for the proper and expeditious conduct of arbitral proceedings. Clause 25 provides the powers of an arbitral tribunal in the event of the default of one of the parties. Additional powers to those contained in the model law are provided by clause 25 to ensure that arbitral tribunals have sufficient powers to deal with delay by parties or failure to comply with a direction of the tribunal.

Clause 27A enables parties, with the consent of the arbitral tribunal, to make an application to the court to issue a subpoena requiring a person to attend arbitral proceedings or to produce documents. Clause 27D provides that an arbitrator can act as a mediator, conciliator or other non-arbitral intermediary, if the parties so agree, to provide further flexibility for parties to agree on how their disputes are to be determined. If, however, a mediation or conciliation is not successful an arbitrator is prevented from resuming as an arbitrator without the written consent of all parties.

Part 5 also provides an optional confidentiality regime. Confidentiality is viewed as one of the key benefits of arbitration for parties dealing with sensitive commercial topics. These provisions are drafted consistently with those of the commonwealth act and provide a default position if an alternative confidentiality regime is not agreed upon by the parties. As parties often assume that arbitration is both private and confidential, the provisions apply on an opt-out basis to cover situations in which an arbitration agreement does not cover confidentiality.

Part 6 of the bill covers the making of awards and the termination of proceedings. The model law has been supplemented by additional provisions to deal with the issue of costs and the awarding of interest. As stakeholders overwhelmingly suggested that harmonised treatment of costs and interests across international and domestic commercial arbitration legislation was desirable, these are dealt with consistently with the commonwealth act.

Part 7 of the bill deals with challenges to an award, which outlines the circumstances in which an application can be made for the setting aside of an award, or grounds upon which parties can appeal an award, if parties have agreed to allow appeals under the optional provision.

Part 8 of the bill provides for the recognition and enforcement of arbitral awards, which allows for the recognition of awards irrespective of the state or territory in which it was made, and which outlines the grounds on which enforcement can be refused.

The Commercial Arbitration Bill 2011 will ensure that Victorian domestic commercial arbitration laws reflect accepted international practice for resolving commercial disputes and will provide businesses with a cost-effective and efficient alternative to litigation.

Statement under section 85 of the Constitution Act 1975

Hon. G. K. RICH-PHILLIPS — I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of this bill to alter or vary that section.

Clause 40 of the bill provides that it is the intention of sections 5, 11(5), 13(5), 14(3), 16(10), 27H(5) and 27I(4) to alter or vary section 85 of the Constitution Act 1975.

Extent of court intervention

Clause 5 of the bill provides that 'in matters governed by this Act, no court must intervene except where so provided by this Act'. Clause 5 varies section 85 of the Constitution Act 1975 by limiting the intervention of the Supreme Court (the court) to instances specifically provided for in the bill.

The reason for the variation to section 85 of the Constitution Act 1975 is to help achieve certainty regarding the maximum extent of judicial intervention by the court. This will strengthen the finality and authority of arbitral tribunal decisions, providing parties with reduced scope for recourse to the courts during and after arbitral proceedings. This is consistent with the overall objective of the bill.

Decision of the court is final

Clauses 11(5), 13(5), 14(3), 16(10), 27H(5) and 27I(4) of the bill provide that a decision of the court that is made within the limits of the authority of the court is final.

These clauses vary section 85 of the Constitution Act 1975 as they limit the jurisdiction of the court by providing that certain decisions made under the bill within the court's powers and functions are final and binding and are not subject to appeal or review by a court or tribunal.

These are decisions of the court: under clause 11(3) to appoint an arbitrator; under clause 11(4) to take an action under an appointment procedure; under clause 13(4) on a challenge to an arbitrator; under clause 14(2) on the termination of the arbitrator's mandate; under clause 16(9) on the arbitral tribunal's jurisdiction; under clause 27H to prohibit a party from disclosing confidential information in relation to the arbitral proceedings; and under clause 27I to allow a party to disclose confidential information in relation to arbitral proceedings.

The reason for the variation to section 85 of the Constitution Act 1975 is to provide finality for the court's decisions. This will strengthen the authority of the court's decisions, thus reducing the scope for further recourse to the courts and ensuring that the arbitral tribunal can carry out its functions expeditiously.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 22 September.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. D. M. DAVIS (Minister for Health) by Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. D. M. DAVIS (Minister for Health), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to make amendments to the Drugs, Poisons and Controlled Substances Act 1981 (the act) to make it an offence to display in a retail outlet or sell or supply in the course of carrying out a commercial activity a cannabis water pipe or a bong component or a bong kit. The bill also restricts the number of hookahs on display for sale in a retail outlet.

The amendments make the sale of a cannabis water pipe, which is used for introducing into the body a drug of dependence, illegal. This is consistent with similar bans placed on implements used for administering other drugs of dependence, for example, ice pipes. Cannabis use causes health risks to users, particularly to their mental health, with users facing a greater likelihood of suffering from depression, psychosis or anxiety.

In the bill, members of the police force are given enforcement powers to seize and retain a cannabis water pipe, a bong component or a bong kit that is displayed or is for sale or is supplied in contravention of the act. A cannabis water pipe, or a bong component or a bong kit may be forfeited to the Crown and destroyed in certain defined circumstances.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

Section 15: freedom of expression

Section 15 of the charter act recognises the right of freedom of expression which includes the freedom to seek, receive and impart information. Section 15(3) qualifies this right by providing that this right may be subject to lawful restrictions for the protection of national security, public order, public health or public morality.

The new section 80U creates an offence to display a cannabis water pipe, or a bong component or a bong kit in a retail outlet. The new section 80X makes it an offence to display more than three, or another number that is prescribed, hookahs for sale in a retail outlet. Both sections 80U and 80X engage the right to freedom of expression as it restricts a retailer's ability to display cannabis water pipes, bong components, bong kits and display hookahs for sale. The limitation on the display of these devices is intended to restrict the visibility of these water pipes and therefore reduce uptake, which in turn will reduce the risks to public health. Section 80X of the bill intends to provide scope for cultural activity within reasonable bounds, by allowing Middle Eastern and Arabic retailers to continue to sell hookahs so they may continue their cultural practices of using hookahs.

The restrictions in sections 80U and 80X are lawful restrictions reasonably necessary for the protection of public health and therefore do not limit section 15 of the charter act.

Section 20: right to property

Under the charter act, the bill engages section 20, the right of people not to be deprived of property otherwise in accordance with the law.

The deprivation of property under the new section 80ZA occurs under the powers conferred by legislation and for the limited purpose of preventing the display in a retail outlet or sale or supply in the course of carrying out a commercial activity, of a cannabis water pipe or a bong component or a bong kit, all of which items are used for an illegal purpose.

As the bill clearly sets out the powers of members of the police force to deprive a person of a cannabis water pipe, a bong component or a bong kit in prescribed circumstances, deprivation occurs in accordance with law, in confined circumstances. The deprivation is subject to a number of safeguards located in sections 80ZB, 80ZC, 80ZD and 80ZE. Section 80ZA is not incompatible with the right to property.

Conclusion

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. David Davis, MP
Minister for Health

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Baillieu government is committed to protecting the health and wellbeing of all Victorians. Before the election of the coalition government by the Victorian people last year a pledge was made to prohibit retailers from displaying and selling bongs, bong components and bong kits. This bill delivers on that commitment.

It has long been a contradiction in policy that cannabis is an illicit substance in Victoria and yet one of the commonly used mechanisms for consuming cannabis has been widely available for purchase.

Thirty per cent of Victorians aged 14 years and over reported use of cannabis at some stage in their lifetime, making cannabis the most widely used illicit drug in Victoria.

Recent cannabis use is highest in young people aged 14–24 years and those aged 25–34 years.

This is particularly concerning when research has also identified that an estimated one in every three regular cannabis users may develop a drug addiction.

The health risks of cannabis use are well known. In 2010 ambulance attendances in metropolitan Melbourne relating to cannabis increased by 9 per cent from 2009, with 887 attendances.

Cannabis-related hospital admissions also increased in that time and half of all Victorian drug-related arrests were for cannabis use and possession, an increase on the previous year.

There are also increased risks to personal mental health from cannabis use, with research indicating that cannabis use is associated with increased risk in the development of mental illness.

Research published earlier this year finds that cannabis plays a causal role in the development of schizophrenia and psychosis disorders in some substance users. The research paper titled *Cannabis Use and Earlier Onset of Psychosis* outlined that stopping or reducing cannabis use could prevent psychosis in some people.

For young people there is a greater likelihood of developing a mental health problem such as depression, psychosis and anxiety if they initiate into cannabis use early in life and use at high levels. Adolescence is already known as a period of high risk for the development of mental illness, so it is therefore critical to make every effort to restrict exposure to illicit drugs such as cannabis at this time.

It is also known that using a bong — or cannabis water pipe — is the most common method for consuming cannabis in regular cannabis users aged 12–17 years. This bill will restrict access to this method by banning the sale of bongs through retail outlets.

Banning the sale of bongs will reinforce the message that it is illegal to smoke cannabis and further discourage its use.

Attention is now drawn to the detailed provisions of the bill.

The bill amends the Drugs, Poisons and Controlled Substances Act 1981.

The amendments to this act will commence on 1 January 2012.

Definitions

The amendments to the act focus on cannabis water pipes, commonly known as bongs, and hookahs. The bill bans the sale of bongs and bong components, which are individual parts that can be used to create a bong.

Bong kits will also be prohibited from sale and display. By banning the display and sale of bongs, bong components and bong kits a consistent response is being adopted with regards to the availability of drug paraphernalia. Ice pipes and cocaine kits, both apparatus used to consume illicit drugs, have already been banned from sale in Victoria.

A hookah is differentiated from a bong generally by its use, which is for the inhalation of a mixture of tobacco, molasses, fruit and flavouring. However, hookahs are generally larger in size than bongs and often have more than one hose and hose opening, as they are commonly used for communal smoking with a number of participants.

Offences

It will be an offence to display and sell bongs, bong components and bong kits in retail outlets. A retail outlet for the purposes of this legislation includes markets as well as shops.

Currently, bongs are widely available at a large number of retail outlets across Victoria, with retailers displaying shelves of bongs in their windows for sale throughout the city and our suburbs.

By making the display and sale of bongs illegal they will be removed from the shelves of shops and out of shop windows. Bongs will no longer be visible nor available as a retail item. This will stop the confusing message to young people that while it is okay to display and sell equipment used for smoking cannabis, it is illegal to smoke cannabis.

Hookahs

It is not the intention of this bill to restrict the sale of the subset of water pipes such as hookahs and shishas that are used for smoking tobacco products. These pipes, often used by Arabic and Middle Eastern communities for cultural purposes, will be exempt from the ban, though there will be a limit on the number that can be displayed for sale in retail outlets.

It will be an offence to display for sale more than three hookahs in a retail outlet.

The decision to restrict the display of hookahs was made to limit the visibility of water pipes to the general public as a means of reducing the uptake of tobacco smoking and in response to the health risks associated with it.

A number of representatives from Middle Eastern and Arabic communities were consulted in the preparation of this bill, particularly in relation to the limit on the display of hookahs, and there was support for the restriction on the display of hookahs.

Enforcement

Victoria Police will enforce the amendments to this act in line with their existing powers under the act in relation to other drug paraphernalia.

Communication

A communication strategy has been developed to provide information to retailers, consumers and the general public on the new offences. This will also be an opportunity to reinforce to young people, families and the broader community the facts about the harms that can be caused by smoking cannabis.

This bill delivers on an election commitment by the Baillieu government. The bill demonstrates the government's clear

commitment to preventing drug uptake and abuse and sending clear messages to the community that illicit drug use is harmful to health and wellbeing and will not be supported by the government.

I commend the bill to the house.

Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 22 September.

ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time for Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) on motion of Hon. G. K. Rich-Phillips; by leave, ordered to be read second time forthwith.

Statement of compatibility

For Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations), Hon. G. K. Rich-Phillips tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Electronic Transactions (Victoria) Amendment Bill 2011.

In my opinion, the Electronic Transactions (Victoria) Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purpose of this bill is to:

make minor amendments to the existing Electronic Transactions (Victoria) Act 2000 to update the electronic transactions regime to reflect internationally recognised legal standards on electronic commerce;

align Victoria's electronic transactions legislation with the United Nations Convention on the Use of Electronic Communications in International Contracts, adopted by the General Assembly in 2005; and

modernise Victoria's laws on electronic commerce to reflect internationally recognised legal standards, enhance cross-border online commerce and increase certainty for international trade by electronic means and thereby encourage further growth of electronic contracting in Victoria.

Human rights issues

1. Human rights protected by the charter act that are relevant to the bill

The bill does not engage any of the rights under the charter act.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter act, it is not necessary to consider the application of section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006 because it does not raise any human rights issues.

Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations
Minister for Manufacturing, Exports and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of the Electronic Transactions (Victoria) Amendment Bill 2011 (the bill) is to amend the existing Electronic Transactions (Victoria) Act 2000. The bill will augment the current electronic transactions regime by acknowledging the use of automated message systems in the formation of contracts and clarifying rules in relation to invitations to treat, the determination of a party's location in an electronic environment, the time and place of dispatch and receipt of electronic communications and electronic signatures. Furthermore, the bill supports the government's commitment to promote an efficient and facilitative business environment.

The current act is based on the Model Law on Electronic Commerce 1996, which was developed by the United Nations Commission on International Trade Law. The model law provides a set of internationally accepted rules to remove legal obstacles to provide a more secure environment for electronic commerce. In order to achieve national uniformity, the commonwealth, states and territories all passed similar electronic transactions acts.

The current act acknowledges that the ability to transact business electronically is an essential aspect of contemporary business practice. The current act enables business, the community and government to deal with each other via electronic means by providing that transactions taking place under a law of the jurisdiction will not be invalid simply because they are completed electronically, and enables contractual dealings, such as offers, acceptances and invitations, to be conducted electronically. Furthermore, the current act provides for functional equivalence, meaning that

transactions conducted in an electronic environment should not be treated any differently by law than those conducted using traditional media. It also provides for non-repudiation (which prevents parties from denying that they sent or received particular information), as well as providing clarity that the conduct of electronic transactions requires the prior consent of parties.

The United Nations Convention on the Use of Electronic Communications in International Contracts 2005 was adopted by the United Nations General Assembly on 23 November 2005 and updates the model law in light of further knowledge and developments in electronic commerce and a more progressed understanding about the use of the internet in electronic communications. The convention builds on the model law with the purpose of facilitating international trade by offering practical solutions for issues arising out of the use of electronic communications in the formation or performance of contracts between parties located in different countries, to enhance legal certainty and commercial predictability. The convention does not otherwise purport to vary or create contract law.

In 2007 the Standing Committee of Attorneys-General (SCAG) agreed to consider updating the model commonwealth, state and territory electronic transactions legislation in light of the proposal to accede to the convention. In order for Australia to accede to the convention, amendments are required to be made to the commonwealth, state and territory electronic transactions legislation. Accession to the convention will improve the efficiency of commercial activities and promote economic development both domestically and internationally.

In 2008 SCAG agreed to the development of a public consultation paper on the Australian government's proposal to accede to the convention. The paper contained an article-by-article analysis of the convention, the differences between the convention and Australian law and proposed amendments to the current regime. Nine submissions were received and all were positive and supported Australia's accession to the convention. Subsequently, in 2009 SCAG agreed to the drafting of a model bill to implement obligations under the convention. At the May 2010 SCAG meeting, ministers committed to update their uniform electronic transactions legislation by adopting a model bill prepared and endorsed by parliamentary counsel's committee.

Implementation of the convention does not require significant changes to the current electronic transactions legislation. The amendments are machinery in nature and a careful assessment has been undertaken to ensure that their effects do not unduly disturb settled contract law or domestic practice since the enactment of the act. The amendments will have a low impact on business and the business community while modernising Australia's laws on electronic commerce to reflect internationally recognised legal standards and increase certainty for international trade. In those areas overlapping with the model law, the convention introduces some refinements in the approach since the model law was finalised.

The bill aligns Victoria's electronic transactions legislation with the convention and in particular enhances the legal certainty and commercial predictability of international electronic transactions.

I now turn to the key elements of this bill.

Clause 4 of the bill introduces some new definitions, including for 'automated message system', 'originator' and 'addressee'. Clause 4 also expands the existing definition of 'place of business' so that it refers not only to the place of business of a government, government authority or non-profit body, but also to the place of business of an individual. In doing so, the bill clarifies how the place of business of the parties to a transaction can be ascertained and assists parties to determine the jurisdiction in which the contract was formed.

Clause 8 of the bill amends the electronic signature provisions to refine default rules for determining whether the method used for an electronic signature is reliable by providing that an electronic signature must be capable of identifying the signatory and indicating the signatory's intention for the information contained in the electronic communication.

Clause 10 of the bill revises default rules to determine the time and place of dispatch and receipt of any electronic communication that apply in the absence of any alternative agreement on such matters. For example, the revised default rule for the 'time of dispatch' provides that the time of dispatch is the time when the electronic communication leaves an information system under the control of the originator or the party who sent it on behalf of the originator. Similarly, the revised default rule for the 'time of receipt' provides that the time of receipt of the electronic communication is the time when the electronic communication 'becomes capable of being retrieved' by the addressee at his or her designated electronic address.

The bill also introduces a new part 2A into the act to preserve the principle that contracting parties should be free to agree on matters affecting the formation and performance of a contract between them. Part 2A includes a proposal to form a contract that is not addressed to a specific party (or parties) is to be considered as an 'invitation to make offers', unless there is a clear indication by the trader of an intention to be bound. Furthermore, part 2A confirms that the use of an automated message system for contract formation does not itself preclude valid contract formation in the absence of human intervention on behalf of one, or all, parties to a contract. Part 2A also provides a level of protection for consumers by enabling a person who makes an input error, which has been dealt with by an automated message system, to withdraw the portion of the electronic communication in certain circumstances, while at the same time ensuring that the right of withdrawal of a portion of an electronic communication does not, in itself, confer a right to rescind or otherwise terminate a contract.

The bill aims to modernise Victoria's laws on electronic commerce to reflect internationally recognised legal standards, enhance cross-border online commerce, confirm Australia's commitment to facilitating electronic communications in international trade transactions as reflected in free trade agreements and increase certainty for international trade by electronic means and thereby encourage further growth of electronic contracting in Victoria.

I commend the bill to the house.

Debate adjourned for Hon. M. P. PAKULA (Western Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 22 September.

RESOURCES LEGISLATION AMENDMENT BILL 2011

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. P. R. HALL (Minister for Higher Education and Skills); by leave, ordered to be read second time forthwith.

Statement of compatibility

Hon. P. R. HALL (Minister for Higher Education and Skills) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Resources Legislation Amendment Bill 2011 (the bill).

In my opinion, the Resources Legislation Amendment Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of this bill is to make amendments to resources legislation that are of a minor and technical nature. The bill also enables the authorisation of certain surveys and drilling operations on land for the purpose of geothermal exploration.

Human rights issues

I note that holders of licences and permits as discussed in this statement include corporations and that only persons have human rights (section 6(1) of the charter act). Nevertheless, an individual could be a licensee or permit holder and so the human rights issues identified and discussed below are of relevance.

Entering onto land — right to privacy

Clause 4 of the bill amends section 38AA(1) of the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to require the holder of a prospecting licence or retention licence to survey and mark out the boundaries of the land covered by the licence. Under the MRSDA, a licensee is not entitled to enter land for the purpose of surveying or marking out boundaries unless they have the consent of the owner or occupier (section 38AA(3)(a)) or the authorisation of the head of the Department of Primary Industries, if he or she is satisfied that the applicant has been unable to contact the owner or occupier, or that they have refused or failed to give consent (sections 38AA(3)(b) and 38AB).

Clause 10 inserts a new provision (section 166A) into the Geothermal Energy Resources Act 2005 to enable the authorisation of certain surveys and drilling operations on land for the purpose of geothermal exploration.
Subsection (1) of the new provision will allow the minister to authorise any person to enter (or fly over) any land for the purpose of making a land, geothermal or geological survey on behalf of the Department of Primary Industries.
Subsection (2) of the new provision will allow the minister to authorise any person to enter any land to carry out any drilling operations by the department, for the purposes of carrying out geological tests.

A person entering land (or flying over land) has the potential to engage the right to privacy of those who own or occupy the land, particularly where the land in question includes a person's home. However, the conditions in subsection (3) of the new provision provide important safeguards to minimise any interference with the property including, for example, causing as little harm and inconvenience and doing as little damage as possible, remaining on the land only for so long as is reasonably necessary, leaving the land (as nearly as possible) in the condition it was previously in, and using best endeavours to cooperate with the owner and occupier. Further, the department head or minister exercising the power is also a public authority for the purposes of section 38 of the charter act. This means it will be necessary to take account of the impact of the authorisation upon a person's privacy and home, and to exercise the discretion in a way that would avoid arbitrary interferences with privacy. Accordingly, I consider the bill is compatible with the right to privacy in section 13 of the charter act.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter act.

Peter Hall, MLC
Minister for Higher Education and Skills

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. P. R. HALL (Minister for Higher Education and Skills).

Hon. P. R. HALL (Minister for Higher Education and Skills) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is committed to improving the effectiveness of industry regulation and reducing the level of overlapping regulation in the earth resources sector.

This bill will further those commitments. It will amend a number of acts together with changes of a more minor or technical nature.

In particular, the bill will amend the Mineral Resources (Sustainable Development) Act 1990 to address minor omissions from the Mineral Resources (Sustainable Development) Act 2010 by:

(a) strengthening notice requirements for prospecting licences;

(b) clarifying survey requirements for prospecting and retention licences; and

(c) enabling the renewal of certain exploration licences.

In addition to these improvements, the bill will also amend the Geothermal Energy Resources Act 2005 to empower the minister to authorise the Department of Primary Industries to carry out surveys and drilling operations on any land for the purpose of geothermal exploration. The amendment will be consistent with other earth resources legislation.

The bill will make other changes to the Greenhouse Gas Geological Sequestration Act 2008. At present, the act requires an applicant for a permit or licence under a tender process to submit their community consultation plan with the application. The act also requires an applicant to consult with the community and relevant municipal councils before submitting the plan. Consultation before submission is inappropriate in the context of a competitive tender. The act will be amended to provide that the successful applicant will have three months to submit their consultation plan. This amendment will remove the current anomaly in the Greenhouse Gas Geological Sequestration Act 2008 and will ensure that the administrative burden of submitting a consultation plan is imposed only on the successful applicant under a tender process.

The bill will make amendments to the Pipelines Act 2005 to clarify existing processes for varying pipeline routes. This amendment will reduce administrative burden on industry.

Finally, the bill will include minor and technical amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to clarify regulation-making powers in order to ensure consistency with the commonwealth offshore legislation.

I commend the bill to the house.

Debate adjourned for Mr LENDERS (Southern Metropolitan) on motion of Mr Leane.

Debate adjourned until Thursday, 22 September.

ADJOURNMENT

Hon. G. K. RICH-PHILLIPS (Assistant Treasurer) — I move:

That the house do now adjourn.

Victorian certificate of applied learning: funding

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the attention of the Minister for Education, Martin Dixon, regarding alarming concerns over the government's decision not to provide funding for the coordination of Victorian certificate of applied learning (VCAL) programs operating in some 60 schools across Eastern Victoria Region. The Minister for Higher Education and Skills, Peter Hall, has said in this chamber that it is a fact that from next year VCAL coordination will not be provided in schools. By way of explanation he indicated that to make the budget balance the cloth had to be trimmed from some programs in areas where funding was lapsing or where savings were required. The minister said the government reluctantly identified VCAL coordination as one of those areas.

I ask the Minister for Education to advise me of what assessments his department has undertaken to determine how the 60 schools offering VCAL in Eastern Victoria Region will manage the withdrawal of coordination funding. I appreciate that funding for certain programs will change from time to time, but I would have expected that given the sensitivity of this issue the minister would have called for an impact assessment to satisfy himself that the withdrawal of these resources could be managed by the schools without their having to cut back in other areas. I also ask the minister if he would provide me with details of how schools will be supported through the period of funding withdrawal and whether there will be any flexibility to provide a level of resources to those schools which need the coordination funding continued in whole or part.

Minister Hall represents Eastern Victoria Region and Minister Dixon represents the Assembly electorate of Nepean, which is within Eastern Victoria Region, and they will be aware that the 60 schools affected by this budget trimming are not taking the news quietly. Yesterday I read reports that said the principals and school boards of Dromana, Mornington, Rosebud, Somerville and Western Port secondary colleges have publicly announced that they will protest to the Minister for Education. I ask the minister to immediately meet with the boards and principals of the four secondary colleges to hear directly from them about the severe impact these budget cuts will have on their schools' capacity to deliver these programs.

The principal of Mornington Secondary College, Ms Sarah Burns, is reported as saying that her school would need to find $65 000 to continue the VCAL program, and to her credit she said they will not cut the program because it is working well. Mr Chris Lloyd, the principal of Somerville Secondary College, said the cuts were a heavy blow and will have flow-on effects on the school's career program. The problem is that the schools will have to make spending cuts in other areas. I ask the minister to meet with these secondary colleges as soon as possible and to seriously consider reversing this counterproductive decision that will damage the educational prospects of many students.

Greensborough College: funding

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the attention of the Minister for Education, the Honourable Martin Dixon. It is about Greensborough College, enrolment at which has risen from 355 students to 986 students in the past 10 years. I met with John Conway, the principal of Greensborough College, who is frankly frustrated that the school was neglected by the former government over the previous 10 years. It is run down and needs some attention. He has been a little frustrated about the fact that nothing has been done.

Interestingly enough just before the last election, in a last-bid grab for votes, the former government claimed that it was going to fund a renewal of Greensborough College. At the last minute before it was due to be tossed out of office the former government said it was going to pay attention to a school to which it had given no attention over the last 10 years. The members for Bundoora and Yan Yean in the other place have talked ad infinitum about how run-down Greensborough College is and have called upon this government to fix it up. Additionally Ms Mikakos in this place has talked about the need to support Greensborough College. It is surprising that Labor members have had amnesia over the last 10 years and only now have they been talking to Mr Conway about supporting the school.

This school has had power supply failings over the winter period, and the Minister for Education kicked up $80 000 to help with the power supply needs and to conduct an energy audit. The reality is that that school was neglected by the former government for a number of years. I am calling upon — —

The PRESIDENT — Order! Today I sent around guidelines on the adjournment debate. Perhaps it is a misnomer, but the adjournment debate is not a debate in itself. As those notes outline, members in asking for consideration or action by a minister are required to put forward facts in support of the consideration or action required. They are not, in the context of this debate, to simply enter into a debate proposition. What concerns me about Mr Ondarchie's presentation to this point is that most of it has been about what the previous government did or did not do, and that is debating. It is provocative and encourages a response from members other than the minister, which is not what the adjournment debate is about. I accept that some remarks can be made, but, as I said in question time, they must not be the theme of the total contribution. I can accept that members might make a passing shot about something, but I do not want to hear in the adjournment debate what is effectively a debate or a set speech situation developing.

The guidelines that I sent around today, which represent the views of established rulings and practice of the house as well as the standing orders, clearly state that the call for consideration or action by the minister should be supported by facts. That is clearly outlined in the guidelines. Adjournment matters should not involve a member entering into a debate about what someone else has or has not done.

Mr ONDARCHIE — Thank you for your guidance, President. It is a fact that Greensborough College is suffering from power supply problems. It is a fact that the student population has grown from 355 to 986 in the last 10 years, and it is a fact that it needs some support. I am calling on the Minister for Education, the Honourable Martin Dixon, to join with me and visit Greensborough College.

Asbestos: non-occupational exposure

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Consumer Affairs, Mr O'Brien. It is now 10 years since Australia hosted International Workers Memorial Day in 2001, which had the theme of the elimination of asbestos-related diseases worldwide. It was also in that year that the Howard federal government made cuts to the National Occupational Health and Safety Commission, which saw the demise of the national mesothelioma register, so big gaps now exist in our knowledge of asbestos-related disease.

I have raised various matters of concern around asbestos in this chamber since I came to Parliament in 2006. I return to the subject today to draw the attention of members and the minister to a research paper published in the September issue of the *Medical Journal of Australia* on the trends in causal exposure types to asbestos in Western Australia, which has maintained its asbestos diseases register. It notes the rapid rise in cases resulting from exposure in the home, especially amongst home renovators. I have raised this issue in this house with the previous minister and the former Premier.

The research indicates that direct occupational exposure to raw asbestos or asbestos products remains a predominant cause of mesothelioma and that the number of cases is not expected to peak until 2020. I understand from my previous work in this area that that peak is expected to be around 40 000 Australians. However, with the ban on asbestos mining and use, the number of occupational cases will decrease over the

next 20 to 30 years. On the other hand, malignant mesothelioma cases as a result of non-occupational exposure to asbestos are increasing, and there is little understanding of when and at what level this third wave will peak.

I note that in October last year the Honourable Chris Evans, the federal Minister for Tertiary Education, Skills, Jobs and Workplace Relations, announced that a national asbestos management review had been established. I also draw the minister's attention to a New South Wales Ombudsman's report of November 2010 which contains four recommendations and the August 2011 response of the New South Wales government to that Ombudsman's report, which accepts three of those four recommendations.

My request to the minister is that he take note of the recent developments in New South Wales and in the research community nationally in relation to the growing hazard of asbestos in the community. I have no reason to doubt that the problems experienced in Western Australia and New South Wales are the same as those here. I ask the minister to provide an update as to any plans, based on what is happening in other states and nationally, to address the issue of non-occupational exposure.

Carbon tax: schools

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. As the minister and the house would be aware, I have a close working relationship with the schools in Western Metropolitan Region. I certainly look forward to visiting as many as I possibly can. In fact next week I am off to see my old friends at Westmeadows Primary School. I go back with them to a previous stint in this Parliament, and I am looking forward to that visit.

I think it is safe to say that the schools in Melbourne's western suburbs are staffed by some of the most dedicated teachers around. They are totally committed to their students. The ones I speak to and see in action are totally committed to getting the best education possible for the children they teach. The school councils of these schools have been working hard to keep their facilities up to scratch and to provide the best physical environment possible for their children. Let us face it: not all of the parents on the school councils are rich. In fact many of them come from working-class backgrounds and are battlers. They sacrifice a great deal in order to keep their schools up to scratch. The principals of most, if not all, of the schools in the west hold things together beautifully. I have always said that if you have a great principal, you have a great school. That is almost a truism, and we have some great principals in the western suburbs.

As I said, I visit schools frequently. I love doing it; there is a sense of excitement about the future when you see those children being educated. But a lot of the schools in the west are not flush with funds; in fact many are struggling and have their backs against the wall. Principals and school council presidents tell me frequently, and have been telling me for most of this year, that they are very concerned about the impact of the carbon tax on their schools. They are very concerned about how much more they will have to pay for electricity, gas, maintenance and in fact just about everything, as they see the carbon tax impacting on every service that they have to provide to keep their school running. They are very concerned.

I ask the Minister for Education to instigate an inquiry to investigate the full impact of the carbon tax on schools. I think it is something we should be preparing for now as we know the carbon tax will be coming in the middle of next year, and we probably have a few months to get ready for that. I ask the minister to instigate such an inquiry and to let those principals and school council presidents know exactly what they are in for in the middle of next year.

Manufacturing: Victorian Competition and Efficiency Commission report

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Manufacturing, Exports and Trade, Richard Dalla-Riva, concerning the inquiry conducted by the Victorian Competition and Efficiency Commission into the Victorian manufacturing sector.

VCEC submitted its final report into the Victorian manufacturing sector to government earlier this month on 1 September. VCEC's draft report was released on 22 June and had some toxic recommendations which, if adopted, would drive a stake through the heart of the Victorian manufacturing sector. I will not go through the details of what those recommendations are. I have in this place on numerous occasions detailed what those recommendations are, and it is unfortunate that the government has not ruled out adopting those recommendations. As a consequence the 300 000 Victorians employed in the Victorian manufacturing sector and their families are very anxious at the moment, as are the proprietors of the 25 000 manufacturing firms operating in Victoria. They are waiting to see the final report and the government's response to it.

I therefore ask the Minister for Manufacturing, Exports and Trade, in line with his party's commitment, to be an accountable and transparent member of government and to release the final version of the VCEC report whilst the government considers its final response to this report.

Bendigo: Discovery Science and Technology Centre

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Regional Cities, Mr Denis Napthine, and it has to do with a pre-election commitment made in Bendigo for the ongoing viability of the Discovery Science and Technology Centre in Bendigo. Discovery is a hugely popular attraction. It has an amazing education-aimed tour. I know the minister at the table, the Minister for Higher Education and Skills, Minister Hall, has previously been there and has seen some of the fantastic exhibitions there at the moment. The centre has the ability to spark young students' curiosity in all of the sciences, space, weightlessness and a whole range of subjects.

The Bendigo Trust is the organisation that runs the Discovery centre, and it has been battling with the financial viability of the centre over a number of years. There are issues to do with maintenance. It is quite an old building, and even though it is very popular with children it still needs a lot of maintenance. There is also the need to be able to develop new exhibitions within the building and the network.

An amount of $50 000 was committed by the coalition government in the lead-up to the last election, even though the government of the day, the Labor Party, refused point blank to commit any funding at all to the Discovery centre. The coalition committed not only $50 000 but $50 000 for each of the next three years. That is something that the Bendigo Trust and the Discovery centre are very appreciative of.

One of the new exhibitions they are hoping to get up and running is of the night sky constellation as it would have been seen by our indigenous elders. Going back thousands of years, the exhibition will show how the night sky constellation would have differed from the constellations depicted in the main scientific literature by the Europeans and Americans.

I know there has been an awful lot of ongoing discussion about how this project can be rolled out, but I was just wondering if the minister would be able to update me as to the time lines associated with this commitment. I know the work is desperately needed, and I am hoping the minister will be able to elucidate on exactly where this commitment is at. There has been a lot of conversation between the Bendigo Trust and the Department of Planning and Community Development, and hopefully the minister will soon have some news for us as to how this money is going to be rolled out in Bendigo to better facilitate the running of the Bendigo Discovery centre.

Australian Formula One Grand Prix: Premier's party

Mr EIDEH (Western Metropolitan) — My adjournment matter is for the Premier. I am seeking an explanation regarding the Australian Formula One Grand Prix party he held this year. Within months of winning power by one bare seat, Premier Baillieu hosted a very expensive party at the Melbourne grand prix. It was a party paid for by the taxpayers of Victoria which had 5-star quality food and drink. Who were the people invited to this party only months after the state election? We were not told. The Baillieu government refused to tell us where and on whom it spent the Victorian community's money.

We do know it was not spent on improving the FReeZA program. It was not spent on expanding the Victorian certificate of applied learning. It was not spent on paying teachers or police what had been promised to them. The action I seek from the Premier is that he tell the Victorian people who the money was spent on and exactly how much was spent.

Higher education: south-western Victoria

Mr O'BRIEN (Western Victoria) — My adjournment matter is for the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession. The matter I raise relates to the RMIT University Hamilton campus, and I would like to relate some facts in relation to that. Research has shown that students from regional areas are three times more likely to practise in the area if they are trained and live in a regional area. In this regard I would like to commend the minister on the amount of time he spends meeting with higher education institutions in the western region. I know he has spent considerable time with institutions such as the Gordon and South West TAFE, Deakin University and the University of Ballarat.

I also note that South West TAFE and the Gordon TAFE in Geelong were award winners in the recent Victorian Training Awards. I thank the minister and the department for extending an invitation to me to attend those awards. It was thoroughly inspiring to see all the nominees who did not win and the terrific innovations

that are occurring in our TAFE institutions all around Victoria. The majority of tertiary institutions are based in the metropolitan area. Nevertheless, a great opportunity still exists in the western region to further enhance these facilities, particularly with co-location, which is the situation with RMIT in Hamilton.

It has been shown that students who study in regional areas are more likely to get involved in the area. That can result in there being more specific, tailored applications being available for new industries that are occurring in regional areas. I refer, for example, to the wind farm industry in western Victoria, which requires new skills to be quickly developed. There are also all sorts of integrated industries involved in road construction, planning approvals and approvals in relation to bird habitats and the environment. TAFE institutions have a particular ability to adapt to these requirements and provide skills training in a responsive way.

In this regard I draw the minister's attention to the RMIT campus at Hamilton, because unfortunately earlier this year RMIT announced it would be discontinuing its undergraduate nursing course. The nursing course has been used by many south-western residents as a way to attend university while staying at home, which saves them and their parents the considerable expense of studying and staying in Melbourne. Nevertheless, this campus offers a significant opportunity to expand its TAFE courses and qualifications. In that regard there is a great opportunity to liaise with other south-western institutes, particularly South West TAFE where students undertake modules and training arrangements in various courses.

The action I ask of the minister is that he visit Hamilton in the near future and acquaint himself with the opportunities that exist for the better utilisation of the facilities for the benefit of all regional TAFE students.

Department of Sustainability and Environment: advertising

Ms PULFORD (Western Victoria) — The matter I raise this afternoon is for the attention of the Minister for Water. Like all other members, I am sure, I have a great fondness for reading the local paper and seeing what is making news in my home community, how the local footy and basketball teams have fared and who is having a baby, a birthday or other special occasion. However, I understand that subscriptions alone do not cover the costs needed to print our local and community newspapers. Without advertising the local newspapers we all love would simply not exist.

Last week I received an email entitled 'Another week, and another slap in the face to country newspapers'. This was disappointing news. This email was from a publisher of local newspapers in my electorate. They told me about a group of Victorian government advertisements that are only run in larger papers, and they said that smaller country papers are ignored.

In the week preceding my receiving this email, the Liberal-Nationals government ran advertisements as part of its Living Victoria Water Rebate program. This series of advertisements featured in the Ballarat *Courier*, the *Wimmera Mail-Times*, the *Maryborough District Advertiser* and the *Ararat Advertiser*. Despite the apparent shun, the government is very aware of the existence of smaller newspapers, because these smaller newspapers receive media releases. The robust Baillieu government's media unit manages to send out media releases about public campaigns even to the small papers that miss out on the advertising opportunities. I am told that just 28 out of 84 Victorian country papers received placement requests for these advertisements. Many of these papers are found in western Victoria.

I ask the Minister for Water to consider how his department might more equitably arrange a government advertising allocation so that opportunities can be shared by smaller publications that provide such an important part of the lifeblood of regional community news and information.

Croydon South Primary School site: future

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the attention of the Minister for Education. The action I seek is for the minister to fulfil his party's election commitment to fix the former Croydon South Primary School site, which is empty. There was a commitment to spend $200 000 to make this particular school site available for local community groups. A press release from the member for Kilsyth in the Assembly, Mr Hodgett, says:

> A coalition government will repair the former Croydon South Primary School site and allow local community groups to use the buildings and grounds …
>
> A Baillieu government has committed $200 000 to repairing the run-down site, and will allow local groups to use the site …

A couple of community groups were nominated in this particular press release. It concentrated on local sports clubs and volunteer groups which could use the premises, but Croydon U3A was especially nominated as being able to utilise the facilities when they were repaired and opened in accordance with the election commitment.

The last time I looked at the site it seemed nothing had been done, so unless some action has been taken over the last few days, the action I seek from the minister is that he fulfil this commitment. If the commitment is not going to be fulfilled, I ask the minister to let community groups and me know that it is not going to happen. If there is a delay in getting this done, I ask the minister to release a timetable for when it will be done.

Responses

Hon. P. R. HALL (Minister for Higher Education and Skills) — The most popular minister tonight was the Minister for Education; he had four matters raised for his attention. Firstly, Mr Scheffer raised the issue of Victorian certificate of applied learning coordination and expressed a wish for the minister to meet with some of the schools in Eastern Victoria Region to discuss this matter. I will pass that request on to the Minister for Education.

A couple of invitations were received for visits. Mr Ondarchie has invited the Minister for Education to visit Greensborough Secondary College, and I will pass that information on to him as well.

Mr Leane also raised a matter for the Minister for Education seeking some advice on the Croydon South Primary School site in terms of capital works to be carried out at that site. I will pass that matter on.

Mr Finn raised a matter for the Minister for Education on the impact of the carbon tax on schools. I will pass that matter on to the minister. Those were the four matters raised for the Minister for Education.

Ms Pennicuik raised a matter for the attention of the Minister for Consumer Affairs, Mr O'Brien. She particularly asked whether he would acquaint himself with recent research into asbestos-related disease and whether there were any lessons to be learnt about the way other jurisdictions were dealing with that important matter. I will pass that matter on to Minister O'Brien.

Mr Somyurek raised a matter for Mr Dalla-Riva in his capacity as Minister for Manufacturing, Exports and Trade. He was seeking the early release of a Victorian Competition and Efficiency Commission report, and I will pass that matter on.

Mr Drum raised a matter for the Minister for Regional Cities, Dr Denis Napthine, regarding the Bendigo Discovery Science and Technology Centre — a very important facility for that region, as described by Mr Drum. I will pass that request on to Minister Napthine.

I pass on my commiserations to Mr Eideh for his team, Essendon, bowing out of the finals. To my great joy Carlton were the victors of that contest. However, Mr Eideh asked the Premier for some information about invitations to a Grand Prix event in Melbourne, and I will pass that request on to the Premier.

Mr O'Brien raised a matter for me and requested that I visit the Hamilton campus of RMIT and have some discussions with it about its future. I can dispose of that matter by way of response here tonight. Next Tuesday I will be in Hamilton, and I will be more than pleased to take him up on that request to visit and meet with RMIT. The member can consider it done.

Ms Pulford raised a matter for the attention of the Minister for Water, Mr Walsh, about there being no advertising about the Victorian water rebate program in a small regional newspaper. This is an important issue. I note, though, that the issue of restricted breed dogs was widely canvassed as part of a government advertising program around my electorate. However, I will pass this particular query about the Living Victoria Water Rebate program to the minister for comment.

I have four written responses to adjournment matters previously raised: to Mr Finn for a matter he raised on 8 February; to Mr Lenders for matters he raised on 30 June and 16 August respectively; and to Mr Barber for a matter he raised on 16 August.

I can also respond directly to one adjournment matter raised earlier this week by Mr Leane, who sought a meeting with me on behalf of those who run Operation Newstart in his electorate. I can advise Mr Leane that I would be more than happy to honour his request to meet with that group. I invite Mr Leane to make arrangements through my office for a meeting that could be conveniently held during the next sitting week of Parliament. I am happy to respond to that request.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 4.58 p.m. until Tuesday, 11 October.