

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

27 May 2004

(extract from Book 6)

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

By authority of the Victorian Government Printer

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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CONTENTS

THURSDAY, 27 MAY 2004

RULINGS BY THE CHAIR	
<i>Notices of motion</i>	1533
PETITIONS	
<i>Mitcham–Frankston freeway: tolls</i>	1533
<i>Water: entitlements</i>	1533
VICTORIAN CHILD DEATH REVIEW COMMITTEE	
<i>Report, 2004</i>	1533
DOCUMENTS	1533
MEMBERS STATEMENTS	
<i>Ian Holten</i>	1534
<i>Justices Geoff Nettle and Liz Hollingworth</i>	1534
<i>Frankston: aquatic centre</i>	1534
<i>Boundary Bend Estate</i>	1535
<i>Australian Corporate Games</i>	1535
<i>Point Nepean: future</i>	1535
<i>Kyneton: arts funding</i>	1536
<i>World Masters Games: report, 2002</i>	1536
<i>Gippsland Women’s Health Service: Lifeskills</i> <i>program</i>	1536
<i>Self-funded retirees: concessions</i>	1537
<i>Horseshoe Bend Farm, Keilor</i>	1537
<i>Laang Speedway</i>	1537
<i>Biofuels: production</i>	1538
<i>Treasurer: statements</i>	1538
<i>Schools: debating teams</i>	1538
<i>Highton: traders group</i>	1539
<i>Computers: blogging</i>	1539
<i>Budget: Mordialloc</i>	1539
<i>Community cabinet: Prahran</i>	1540
<i>Chelsea Flower Show: Australian entry</i>	1540
ARCHITECTS (AMENDMENT) BILL	
<i>Second reading</i>	1540, 1584
<i>Remaining stages</i>	1584
SURVEYING BILL	
<i>Second reading</i>	1542
<i>Consideration in detail</i>	1549, 1563, 1571
<i>Remaining stages</i>	1580
MINISTERIAL STATEMENT	
<i>New Directions for the Victorian Justice System</i> <i>2004–2014</i>	1552
QUESTIONS WITHOUT NOTICE	
<i>Police: corruption and organised crime</i>	1565, 1567 1570
<i>Population: government policy</i>	1565
<i>Water: irrigators</i>	1566
<i>Crime: statistics</i>	1566
<i>Justice statement: law reform</i>	1567
<i>Local government: grants</i>	1568
<i>Children: protection reform</i>	1569
<i>Justice statement: human rights</i>	1570
DISTINGUISHED VISITOR.....	1568
TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL	
<i>Second reading</i>	1580
<i>Remaining stages</i>	1583
TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL	
<i>Second reading</i>	1583
<i>Circulated amendments</i>	1583
<i>Third reading</i>	1583
<i>Remaining stages</i>	1584
ADJOURNMENT	
<i>Fishing: PrimeSafe</i>	1584
<i>Blue Ribbon Foundation: Channel swim</i>	1584
<i>WorkCover: safety data</i>	1585
<i>Schools: Seymour</i>	1585
<i>Plumbing: insurance</i>	1586
<i>Multiple sclerosis: Carnegie accommodation</i>	1586
<i>Rail: Sandringham and Frankston lines</i>	1587
<i>Rail: Sunbury bridge</i>	1588
<i>Mental health: Albury-Wodonga</i>	1588
<i>Motor vehicles: imports</i>	1589
<i>Responses</i>	1589

Thursday, 27 May 2004

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

RULINGS BY THE CHAIR

Notices of motion

The SPEAKER — Order! I want to give a brief notice to the house in relation to notices of motion. Yesterday I expressed my concern about the inappropriate nature of number of notices given in the house. The issue was later discussed by the Standing Orders Committee. Following those discussions I wish to now make a statement about the procedure for giving notice in the house in the future.

Standing order 140 requires a member to read a notice of motion aloud and provide a copy in writing to the Clerk. Previous standing orders provided for an equivalent procedure. To assist in the operation of the standing order, I advise honourable members that from next Tuesday a member wishing to give notice must deliver its terms in writing to the Clerk prior to the calling on of notices on that day.

PETITIONS

Following petitions presented to house:

Mitcham–Frankston freeway: tolls

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

The humble petition of the undersigned citizens of the state of Victoria sheweth the Parliament that the Victorian government has decided to break its 2002 pre-election pledge and introduce tolls on the Mitcham–Frankston (Scoresby) freeway.

Your petitioners therefore pray that the Parliament undertake to ensure that the government:

1. honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham–Frankston (Scoresby) freeway; and
2. immediately reverses its decision to impose tolls on vehicles on the Mitcham–Frankston (Scoresby) freeway and thereby honour its commitment to the citizens of Victoria.

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

By Mr COOPER (Mornington) (327 signatures)

Water: entitlements

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the potential cost to rural Victoria of proposals to claw back water from irrigation and other uses to increase environmental flows in the Murray River. The government has put on the table specific proposals to reallocate over 100 gegalitres of water. It is unclear what this water will be used for. The resulting benefits for river health are unknown and may be insignificant. There are no clear proposals from the government to fairly compensate irrigators for the potential loss of their historic access rights to water.

The petitioners therefore request the Legislative Assembly of Victoria to require the Victorian government to:

take a cautious approach to redirecting water from irrigators to the environment;

specify how additional water for environmental flows will be used and accounted for and clearly explain the expected benefits to river health;

ensure there are no adverse implications for farmers or Victorian communities as a result of the government's proposals to claw back water for river health;

fully and fairly compensate water users for any reduction in access to water resources they have historically enjoyed.

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

By Mr WALSH (Swan Hill) (1257 signatures)

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

Ordered that petition presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

VICTORIAN CHILD DEATH REVIEW COMMITTEE

Report, 2004

Ms GARBUTT (Minister for Community Services), by leave, presented annual report of inquiries into child deaths, *Child Protection 2004*.

Tabled.

DOCUMENTS

Tabled by Clerk:

Statutory Rules under the following Acts:

Associations Incorporation Act 1981 — SR No 39

Building Act 1993 — SR No 46

Drugs, Poisons and Controlled Substances Act 1981 — SR Nos 43, 44

Fair Trading Act 1999 — SR No 41

Financial Management Act 1994 — SR No 42

Nurses Act 1993 — SR No 45

Residential Tenancies Act 1997 — SR No 40

Road Safety Act 1986 — SR Nos 48, 49, 50

Subordinate Legislation Act 1994 — SR No 47

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rule Nos 47, 49, 50

Minister's exemption certificates in relation to Statutory Rule Nos 48, 49.

MEMBERS STATEMENTS

Ian Holten

Ms GARBUTT (Minister for Community Services) — Every year Save the Children Victoria presents a White Flame Award. The award is given in recognition of the dedication, commitment and achievements made by a Victorian in serving the needs and rights of children. Yesterday my parliamentary secretary, the member for Derrimut, presented the award to Mr Ian Holten on my behalf. Through his work with the Oasis unit Ian Holten brings together a team of people to give some of our city's most troubled young people a meaningful chance at education. He knows that through education they can gain the confidence and skills they will need to contribute in the community.

Today the evidence is inescapable: what happens to children in their earliest years — the love or rejection they receive, the education they get and the nutrition they obtain — has a huge impact on what kind of adults they will become in the future. The Bracks government has certainly put children first in its policies right across government, in health, education, road safety, policing and, of course, protecting the environment and community services. It does not only involve young children, it is also concerned with those children in the difficult adolescent years, which are the critical years that can lead young people into a lifetime of either difficulty or constructive participation in the community. No government alone can do that on its own. It needs people out there in the community who are willing to put those policies into practice.

Justices Geoff Nettle and Liz Hollingworth

Mr McINTOSH (Kew) — I would like to congratulate Justices Geoff Nettle and Liz Hollingworth on their recent appointments to the Court of Appeal and Supreme Court of Victoria respectively.

Geoff Nettle was appointed to the Supreme Court of Victoria after a distinguished career as a barrister, taking silk after 10 years at the bar. He is highly regarded by the legal profession and judicial colleagues, and he has been a strong tip for the Court of Appeal for some time. It is a matter of some note that when Geoff Nettle was a barrister the judges of this state entrusted him to represent them in the High Court of Australia in relation to claims involving their own judicial superannuation. The esteem in which Geoff is held saw him appointed chairman of the Victorian Bar Council's continuing legal education program last year.

Like Geoff Nettle, Liz Hollingworth originally hails from Western Australia. She is a Rhodes scholar and Angus Parsons Prize winner for the most outstanding law student at the University of Western Australia in her year; she was destined for great things. She was called to the bar in 1991 and read with the current chairman, Robin Brett. I had the great pleasure and privilege of sharing a suite of chambers with Liz for nearly six years. I note with real pride, if not perhaps envy, that my old floor of Owen Dixon Chambers West, the 16th, has recently produced three Supreme Court judges. We also served together on the bar council.

To my congratulations to both Geoff and Liz I add my personal best wishes, and I look forward to their undertaking the onerous responsibilities they are now charged with.

Frankston: aquatic centre

Mr HARKNESS (Frankston) — On 15 May I was very pleased once again to hand out the medals at the Frankston and Mornington Peninsula Swimming Club's semi-annual swimming carnival. As always, the club was inundated with children of all ages wanting to participate. And what a marvellous atmosphere it is at the Jubilee Park pool as children line to race, put in all their effort and then bask in the glory of having given their all! But as I presented the medals I was struck by the inadequacy of the facilities at Jubilee Park. What was once a great swimming pool has over time become tired and unable to cope with modern demands. But I am standing up for Frankston and working tirelessly with the state government, the Frankston City Council,

Monash University and the Frankston community to see whether we can improve our aquatic facilities.

The findings of a 1999 feasibility study indicate that Frankston residents make less use of public swimming facilities than people in other Melbourne metropolitan areas. A key constraint on aquatic participation in the area is the lack of a suitable facility that provides for a broad range of interests. As a strong advocate for a new aquatic centre since my election I have proposed Monash University, Peninsula campus, as an ideal site. Frankston's residents have been demanding a better facility for years, and I am standing up for Frankston to see it finally built. Monash University's expensive Peninsula campus is an ideal location. The academic director of Monash University, Professor Phillip Steele, believes an on-campus sports and aquatic centre would help Monash University grow its links with the local community and attract more students.

After being elected in 2002 I distributed a survey to residents seeking feedback on the proposed centre, and it became clear that residents want to explore alternative sites to the Samuel Sherlock Reserve. As a member of the Bracks Labor government I am standing up for Frankston to facilitate the construction of an aquatic centre in Frankston.

Boundary Bend Estate

Mr WALSH (Swan Hill) — Recently I was privileged to attend the official opening of Boundary Bend Estate, Australia's largest producer of extra virgin olive oil. First plantings were in 1998 and they began production last year. Currently there are 500 hectares of olive trees planted, which will increase to 1000 hectares.

Boundary Bend Estate plans to be the largest producer of olive oil in Australia. It is hoped that up to 88 000 litres of olive oil will be produced this season, with these figures doubling in coming years. As I speak, 4000 tonnes of olives are being harvested. A \$400 000 machine imported from Argentina called Colossus is being used in conjunction with conventional tree shakers. It is the first time Colossus has ever been used in Australia, mainly because extra tree maintenance is required for it to perform. Colossus is highly efficient and can harvest between 100 to 400 trees an hour, depending on the size and shape of the trees. Harvesting continues 24 hours a day and olives are processed within 6 to 12 hours of harvest.

Boundary Bend Estate recently won a prestigious Italian olive oil competition, contested by producers across the world, beating Italians at their own game.

Boundary Bend Estate will export 70 per cent of its production as bulk, with the remaining 30 per cent servicing supermarket labels. Boundary Bend Estate is another demonstration that Victoria is the irrigation capital of Australia.

Australian Corporate Games

Ms MARSHALL (Forest Hill) — It was with great pleasure that I launched the 2004 Australian Corporate Games campaign at the Crown Towers in Melbourne. The Australian Corporate Games event is to be held in Melbourne from 19 to 21 November this year. Now the largest annual multisport championship event in Australia, the event's beginnings were far humbler in 1997. Back then it was the Victorian Corporate Games with only nine events and just over 2000 competitors. With the Victorian government providing support and guidance, the event organisers were encouraged to bring the national event to Victoria.

The state of Victoria has provided each of the sports with world-class facilities to train and compete in, and whilst the philosophy of the event is founded on the belief that every person of every ability is given the opportunity to compete, it is an exciting prospect for all of them to be sharing in the experience with the world-class athletes who will be competing at many of the same venues as they will be using for the 2006 Commonwealth Games.

This event not only promotes health and fitness in the workplace but brings together every level of a work force, fostering team spirit, unity and pride. There are 19 sports on the program, including Australian Rules recreational football, and it is open to all businesses and organisations. Teams can be made up of employees, colleagues, clients, family and friends and the competition is open to all ages and abilities. Games patrons have included the Premier, and this year over 750 organisations have entered and 10 000 entrants are expected.

This is a community-based mass participation event that embodies the corporate culture of the new millennium. It is a fertile ground for developing the relationships with the people you work with through a common interest in sport.

Point Nepean: future

Mr DIXON (Nepean) — This government has been beating up on Point Nepean this week, which is probably a diversion from its own crisis with police corruption and organised crime, or perhaps a diversion from the problems at Devilbend Reservoir, locally. I

remind members that the federal government decision on Point Nepean was: no commercial development at all; a maritime college that would be devoted to marine environment studies, funded to the tune of \$11 million over five years; a \$4 million upgrade of the heritage building, which has been completed; a respite centre for families with children with disabilities; a 17-hectare public park for the local shire; and incorporation of all the areas into the state national park within five years.

Compare this with the state government. It is still advocating commercial development and accommodation within the park; an 85 per cent cut to the budget of the Mornington Peninsula National Park next door; Parks Victoria does not want to manage the buildings and has said that; the Heritage Council does not want Parks Victoria to manage the heritage buildings either; and the seawalls surrounding Point Nepean are actually falling into the sea. I say to this government: fix up your own backyard before you start criticising the property over the fence!

Kyneton: arts funding

Mr HOWARD (Ballarat East) — I was very pleased to be in Kyneton last Wednesday where I was able to announce to the mayor and others present that they were about to be funded to the sum of \$200 000 through the Arts Victoria Creating Place and Space program.

They were very excited, because this money is to be used to enhance the Kyneton town hall and the Bluestone performing arts complex so they can now have more portable seating, computerised lighting, digital projection and multimedia equipment. That will enable a town the size of Kyneton to have a much greater range of arts entertainment available to the people by way of multimedia and other formal programs. They were clearly very excited to receive this funding to ensure that the people of Kyneton are able to experience a much broader range of activities in both their theatres. The mayor, John Connor, and local councillor Alan Todd were present, as was Karen Martin, the Shire of Macedon Ranges cultural services officer.

I would like to congratulate them all for working with their community to develop the concept of improving the main theatre in the Kyneton town hall and the Bluestone Theatre. This will be great for Kyneton.

World Masters Games: report, 2002

Mr BAILLIEU (Hawthorn) — October 2002 was a time of high emotion for all Australians — the horrific

events in Bali will never be forgotten. However, it was also a time of special celebration in Melbourne, where the World Masters Games were an outstanding success. The final annual report — to November 2002 — of Melbourne 2002 World Masters Games Ltd was tabled this week. The company has since been wound up. The report shows an annual loss of approximately \$237 000 and a final residual equity of \$125 000. Over the final two years a reasonable total of \$3.75 million was contributed by the state to total revenue of \$10.5 million. The company was established after the games were secured in 1997.

The games have been fairly described as the biggest ever and the biggest multisport festival in the world. Nearly 25 000 competitors, including more than 7000 from interstate and 6000 internationals from 96 countries participated over a 10-day period. Organisation was brilliant, the atmosphere was terrific, Melbourne was showcased, and it was wonderful fun for all — bigger and better than anyone had dared imagine. The success of these games is a classic reminder of the capacity of Victorians to conduct events and particularly to do so as an active, genuine, participating community without rancour, extravagance or pretension.

I congratulate games chairman, Graeme Duff, chief executive officer, Leanne Grantham, the board, staff and the thousands of volunteers who made it happen. I also congratulate both the current and previous governments on doing the right thing in attracting and supporting the games.

The Minister for Sport and Recreation in another place and I had a crack as competitors, but the minister needs a boot in the arse for not delivering the final report in a timely manner and for misleading the Legislative Council last year about the reason for that. I trust he will be more careful with the Commonwealth Games, but above all I trust that those games will be as successful.

Gippsland Women's Health Service: Lifeskills program

Ms BARKER (Oakleigh) — On Wednesday, 19 May, I had the great pleasure of attending the Gippsland Women's Health Service in Sale and launching the *Lifeskills for Women — Train the Trainer* CD. This CD is a comprehensive guide to the Lifeskills program, which is an 18-week personal development program initially developed by the Gippsland Women's Health Service and the Central Gippsland Drug and Alcohol Service that is offered free to all women across Gippsland. The program covers a wide range of life

skills including self-esteem, effective communication, negotiation, appropriate assertiveness, anger management and stress management.

There is a high demand for this course, with Gippsland Women's Health Service running two courses each year at its Sale location and delivering all or part of the program across the region. To meet the need and demand for this very popular program the health service has developed this CD to increase the capacity of health professionals across the region to implement Lifeskills in their local areas. This means more women will be able to benefit from the opportunities the program offers.

I thank Deb Milligan and the staff of the Gippsland Women's Health Service for such an enjoyable day. I particularly pay tribute to Alma Ries, who is the community health nurse at this service. Alma took me and other guests through the CD and the program. You can certainly understand why the program is so successful when you listen to Alma explain how she runs this very important program for women in the Gippsland region. As well as the many other benefits the Gippsland Women's Health Service offers women, it has now created a resource which makes this program more widely accessible to a wider audience and continues to enhance the health and wellbeing of women throughout Gippsland. I hope other regions and services pick up this CD and use it as it is a very valuable resource.

Self-funded retirees: concessions

Mr MAUGHAN (Rodney) — The Bracks government stands condemned for its shabby treatment of self-funded retirees. Governments at both state and federal levels should encourage people to strive to become self-sufficient and where possible during their working lives to save and provide for their own retirement. By refusing to take up the commonwealth government's offer of \$75 million for concessions for independent retirees the state government has shown very clearly that it is not interested in assisting those who have gone without and saved for years to provide for their own retirement.

Many of these people are now finding it difficult to cover their day-to-day living expenses. The commonwealth offer of \$75 million on a 60:40 basis would have provided commonwealth senior health card holders with concessions on municipal rates, energy, water, sewerage and motor vehicle registration costs which would have been worth around \$540 per annum to individual self-funded retirees.

By refusing to take up the offer the Bracks government has sent a clear message that it will provide no incentive for people to work hard and save in order to support themselves in retirement. This government can find \$1000 million to subsidise the travel costs of urban commuters, but refuses to take up the commonwealth's generous offer of \$75 million to assist self-funded retirees who during their working lives have contributed so much to the state of Victoria.

Horseshoe Bend Farm, Keilor

Mr SEITZ (Keilor) — I rise to congratulate the Deputy Premier as Minister for Environment and Parks Victoria for making the decision to keep Horseshoe Bend Farm open following a big community campaign. I also congratulate the people in Keilor who took up that campaign with petitions and letter writing to Parks Victoria and to myself. I also wrote to the minister. I am pleased to say that they listened to the people and took note. There has been a reprieve and they have kept the Horseshoe Bend children's farm open. I hope now when the expressions of interest are registered we can get community groups involved and interested in running it more on the style of the Collingwood Children's Farm.

I was instrumental in establishing the Brimbank children's farm in the previous Labor government under Cain and Kirner and I would be very disappointed if it closed or disappeared because it provides so much joy and fun for not only children but also for the elderly who have visited it as recreation. Scout movements have used it for camp-outs and staying there and taking care of the animals. We could involve the broader community in the whole project of maintaining that farm and have an asset there for our city children to get into contact with live animals so they do not just think the chicken comes out of the freezer in the supermarket.

Laang Speedway

Mr MULDER (Polwarth) — The Laang Speedway has been given the support of the Moyne Shire Council in its application for funds to extend the track, construct new clubrooms and improve spectator safety. These would be the first major works at the speedway since it was rebuilt following the Ash Wednesday fires in 1983. There is strong community support for the Laang Speedway with Moyne shire selecting the project as one of its three submissions for funding to the Department for Victorian Communities. The speedway hosts 10 race meetings per year and has 200 active members who compete or support the club.

The club, with the support of the local police from Terang, is to add to these numbers by implementing a program to train young Koori people from the local indigenous community in driving skills and road rules. The club is outgrowing the existing facilities, and it is important that funding is provided so as to provide the social and economic opportunities this vibrant club and the community needs and deserves. The Laang Speedway Club is almost 50 years young, and it comprises mainly young, enthusiastic country people who are supported by their families. The club has a strong focus on supporting young people to develop driving skills and to teach the repair and maintenance of motor vehicles. I was very fortunate early in the year to be invited to the Laang Speedway to drive in its celebrity speed event — —

Mr Hulls — That is only for celebrities!

Mr MULDER — I know, that is why I was invited — it was for celebrities. Unfortunately I was cleaned up by two international drivers. However, I cleaned up the rest of the field myself.

Biofuels: production

Ms McTAGGART (Evelyn) — In 2002 the Bracks government showed its commitment to reducing pollution and greenhouse gas emissions by giving community-based grants to a wide range of projects aimed at long-term greenhouse gas reductions. In the 2003 federal budget the Howard government introduced a 38 cent per litre fuel excise on biofuels such as biodiesel which reduce waste and greenhouse gas emissions. Twelve months later this legislation is still being debated in federal Parliament. The uncertainty created by the federal excise legislation has caused the cancellation of millions of dollars of investment in Victoria in biodiesel and biofuel plants and associated industries. Hundreds of potential new jobs have been cancelled and grant moneys received have been returned. The thousands of small producers of biodiesel and other biofuels who wanted to make a difference have now stopped production and their personal contributions to reducing pollution have been wiped out.

This will cement Victoria and Australia as the place with the highest greenhouse gas emissions in the world. And to what end? The Howard government has justified the excise by saying it will bring parity to the fuel excise regime — everyone will pay excise irrespective of the dangers or benefits from the various fuels. It says it will help with subsidies, but only to large multinationals, most likely backed by the petroleum industry, which already receive billions of

dollars in subsidies each year so they remain here. Who is going to pay the excise? All small producers who were to be taxed now no longer make biodiesel and other biofuels. Once again the federal Liberals have shown their true colours by backing big business and wiping out small business.

Treasurer: statements

Mr CLARK (Box Hill) — I raise concern about serious factual errors in claims being made by the Treasurer. On 13 May the Treasurer claimed during question time that just in this year's one budget the government had provided three times the amount of capital works to schools that occurred under the previous Kennett government. Page 272 of this year's budget paper 3 shows the budget is providing \$285.7 million in capital works for schools to be spent over three years. One-third of this is \$95.2 million. However, the budget information paper no. 1 for 1999–2000 shows that as at 30 June 1999 there was a total of \$148.3 million of capital works for schools in progress, with a further \$132.3 million announced in the 1999 budget.

To take just one other year of the Kennett government, budget information paper no. 1 for 1995–96 shows that as at 30 June 1996 the Kennett government had \$188.1 million of works for schools in progress with a further \$103.2 million announced in the 1995 budget. We therefore have a total of \$570 million of school capital works from these two budget papers alone, and that does not even count the millions of dollars of additional works covered in other budget papers. Thus the Treasurer's claim is patently absurd.

This latest claim adds to the Treasurer's extensive previous form, such as his claim in this house on 28 October last year that the Kennett government never cut payroll tax, when in fact the Kennett government cut payroll tax rates in three successive budgets and by far more than the Bracks government has. Occasional inadvertent errors can be excused in a complex portfolio such as Treasury, but the Treasurer's growing list of wild and inaccurate claims in pursuit of partisan point scoring undermines his own credibility.

Schools: debating teams

Ms BUCHANAN (Hastings) — I rise to commend the outstanding work of the Debating Association of Victoria and in particular those volunteers who coordinate the debates for students attending secondary colleges around Frankston and the Mornington Peninsula.

I had the recent opportunity of convening one such debate between two great state schools in the Hastings electorate, the excellent Elisabeth Murdoch and Western Port secondary colleges. The debate topic was 'The military should have the right to censor media reports on the war', and I commend the quality contributions made by Laurie Aiello, Michael Dickson, Scott Poulton, Owen Heggen, Jenna Hucknell and Courtney Baker. The challenging adjudicator role was expertly handled by Michelle Alexander.

The level of insight and articulation of each debater was outstanding, particularly when considering that the teams had only an hour's notice of the debate subject. My congratulations go to both schools for the great support they are giving our students, and particular recognition must be given to Western Port Secondary College for being declared the debate winner on the night.

I thank the host school of the evening, Toorak College, for making the facilities available and I thank all the great teachers mentoring debate students across the Hastings electorate.

The dedication and commitment of our secondary teachers to their students was further demonstrated at a recent student convention at Mount Erin Secondary College, where the theme was 'Should the environment be protected in our constitution?'. Our public schools are mentoring great future civic leaders, and I am proud to be part of a government that provides so many opportunities for Victorian students.

Highton: traders group

Mr CRUTCHFIELD (South Barwon) — I bring the attention of the house to an article in that fine piece of literature, the *Geelong News*, by a journalist called Darren McLean regarding the formation of a traders group in Highton in Geelong. I have a wonderful relationship with my traders groups in Barwon Heads, Torquay and Belmont, but there is glaring gap in traders' representation in Highton.

I congratulate Doug Elsum from Freshly Doug, who is a fruiterer in the Highton shops and is forming a traders group. The last time there was a traders group in Highton was back in the early 1990s, and it resulted in an upgrade of the shopping centre back in 1992, coincidentally with the representation of Barwon ward by Cr Damien Gorman in the then South Barwon City Council. Damien worked very hard for that area. Doug has re-formed the group, and 30 traders turned up at a meeting last month.

I went down and spoke with Doug about the positives of traders groups, talking through the issues of upgrades and state government funding. I also talked about some of the council responsibilities in shopping centres. I also want to put on record my congratulations to Crs Harwood and Dowling, who share responsibility for that shopping centre. They worked very diligently in the recent budget to get some rewards for the shoppers. I look forward to working for Highton.

Computers: blogging

Mr PERERA (Cranbourne) — I rise to speak on blogging, the path to electronic democracy. Blogging is a fantastic tool that all elected representatives can use to communicate with their electorates. It is a concept mainly used to maintain your online diary, which constituents can visit to make comments or requests. Any number of links could be made available in the blog for visitors to access. One of the links could even take visitors to the blog owner's biography.

This is also fantastic tool to conduct online discussions much more effectively than getting a group to present physically at a location. The elected representative could call for views from constituents on particular subject matters. The constituents could visit the blog and express their views and experiences, and the benefits of the discussion could be derived by all who visit it.

The people who make up the silent majority in present-day Australian society work at least five days a week, Monday to Friday, and have never communicated with their local representatives, mainly due to time constraints. This is a great tool to encourage such people to get to know their local representatives and communicate with them.

In the United Kingdom some members of Parliament and local councillors use this to let their constituencies know about their official visits and other important diary entries. This would be an ideal tool for members of Parliament to use when they are on overseas or interstate study tours. The outcome of each meeting or visit could be blogged. Then the constituents and colleagues could start the dialogue from day one or the first visit.

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

Budget: Mordialloc

Ms MUNT (Mordialloc) — I rise today to speak on the 2004 budget and economic statement of the state government. The Mordialloc electorate is home to two

huge industrial estates, Braeside and Cheltenham East, and numerous large and small individual businesses. The economic statement and the state budget are good for our local businesses, so good for our local economy and good for employment for our local citizens.

The budget will deliver to businesses in Mordialloc and statewide land tax cuts worth over \$1 billion over the next five years; a 10 per cent cut in average WorkCover premiums, saving them \$180 million per annum; and streamlined planning approvals, saving them almost \$50 million per annum. In addition, businesses and households will benefit from the abolition of mortgage duty from 1 July 2004 — a saving of approximately \$220 million per annum.

Concession reform will be good for our Mordialloc electorate families. I particularly applaud the new \$5000 first home owner grant. The new program also delivers \$74 million statewide over four years to increase the education maintenance allowance to help with schooling costs.

The Bracks government's budget is good for all local businesses and local families. As well, the Bracks government is investing in education for local students. We are investing in major capital upgrades for our local schools, with \$2.66 million for the Mentone Secondary College rebuilding works, \$2.75 million for stage 2 of the Cheltenham Secondary College rebuilding works and \$2.011 million for Mordialloc Primary School for rebuilding works. I am also particularly pleased to share in the \$60 million provided for maintenance works and toilets, with \$100 000 for toilet upgrades for Parkdale Primary School and \$70 000 for Dingley Primary School. I commend the Treasurer on this year's budget.

Community cabinet: Prahran

Mr LUPTON (Prahran) — On Monday, 17 May, I was pleased to welcome the Bracks ministry to the electorate of Prahran when it held a community cabinet meeting in the City of Stonnington. The cabinet met in the Prahran town hall, and submissions were taken from individuals and groups at the town hall later in the day.

The community cabinet is a great chance for people to meet and raise issues with ministers in the Bracks government. The meeting on 17 May was the 43rd meeting of the community cabinet since the idea was first introduced by the Bracks government after its election. A community cabinet day consists of formal and informal meetings which engage ministers with their local communities. Individuals and community

groups are able to make submissions to ministers and discuss issues of local importance.

Over 40 submissions were made on the day, ranging across areas like planning and transport and even involving the Minister for Agriculture in a discussion on scallop fishing! Forums were also held for local women, young people and businesspeople. The community cabinet day was an extremely successful endeavour, and I congratulate the Bracks Labor government for introducing the concept.

Chelsea Flower Show: Australian entry

Mr MERLINO (Monbulk) — I take this opportunity to talk about the Chelsea Flower Show, which is a great local success story. The flower show is reported as the gardening world's Olympic Games. Fleming's Nurseries, Jim Fogarty Design and Semken Landscaping won the silver gilt flora award for their garden entry. The garden is called 'Fleming's Australia Inspiration' and comprises 1200 plants, with indigenous snow gums, drought-tolerant vegetation and a high wall made of 1000 logs of river gum. I congratulate the 12-member team, including Jim Fogarty, Wes Fleming and Graham Fleming, for their outstanding success. This is an incredible undertaking. It took a year in preparation, including the shipping of 40 tonnes of equipment to the United Kingdom in February.

It is one thing to have success within the state and the nation, and it is another to tackle this major international competition. This is the first time an Australian entry has been accepted into this competition, and it is the 82nd Chelsea Flower Show — —

The ACTING SPEAKER (Mr Smith) — Order! The time for members statements has expired.

ARCHITECTS (AMENDMENT) BILL

Second reading

Debate resumed from 25 May; motion of Ms DELAHUNTY (Minister for Planning).

Mr COOPER (Mornington) — I will make a few comments on this bill about consumer protection matters in what is virtually the deregulation of architecture in this state. I note in the minister's second-reading speech that this bill is purported to give effect to the recommendations of the national competition policy review. The speech goes on, on page 4, to say:

... the bill also introduces strengthened provisions relating to the prohibition on unregistered persons representing themselves or allowing themselves to be represented to be registered architects.

I want to underline the words 'registered architects'. What the minister has said in introducing this bill is that provisions will be strengthened in regard to people who unlawfully represent themselves to be registered architects. It says nothing about people who might represent themselves just to be architects, not registered architects.

I am concerned, having had a long history in the building industry prior to entering Parliament and having spent a lot of time on building sites dealing with architects not only in this state but elsewhere in the country. I have always been aware of the high standards that the profession sets for itself and the high standards the community believes will be maintained when it deals with architects. In my opinion this bill will blur the edges of who can or cannot properly describe themselves as being architects.

I am indebted to the member for Hawthorn, who of course as an architect himself has consulted deeply and widely with his profession. During his response to this bill on behalf of the opposition the member for Hawthorn had insufficient time to direct the attention of the house to some of the submissions he had received. He has handed to me a copy of an email he received from Mr Stephen O'Connor, who is a director of O'Connor and Houle Architecture Pty Ltd, a well-known and respected firm of architects in Victoria. I intend to quote the four paragraphs of that email because I think Mr O'Connor has hit the nail on the head pretty well. His email says:

The key problem with the proposed changes to the Architects Act is the removal of restrictions on the words 'architecture' and 'architectural'. This will allow anyone to use those terms, in their company name for example, implying that they offer the services of an architect. A registered architect's professional actions are regulated by the act, and this places a number of responsibilities on the architect in the interest of consumers of architectural services.

If you only imply that you are an architect, but you are not registered, you are not bound by any of the act's obligations, therefore the consumer of your services is unprotected.

Not only will some unregistered practitioners imply that they are architects, without any of the legal responsibilities, but some architects will let their registration lapse and go on providing services exactly as they have before, in order to be free of the burdens of the act. In both of the above examples, the distinction between whose work is covered by the act and whose is not is blurred in the eyes of the consumer.

Mr O'Connor summed up my concerns very well in his email. It is very important for the consumers of

architectural services in Victoria to have the protection of this Parliament and of the law in regard to what they are receiving.

Currently my wife and I are going through the process of having additions and renovations done to our house. We have had plans drawn up, and we have been dealing with an architect in the full knowledge of who he is and what his standards are, and we have had references from other people he has done work for. We have gone and inspected those jobs, and we are satisfied with the excellent service we have received from this particular individual.

But there are people who will be taken in, because as we all know there are people who are gullible and easily convinced. This is made evident on current affairs programs virtually every day of the week; it is grist for their mill. They run stories about people who have been duped by all kinds of alleged professionals who have taken money from them and not delivered services. My concern with this bill is that the requirements and the stringent regulations that have been imposed upon architects — self-imposed in many instances, but certainly imposed through the Architects Act — are now going to be lifted. They are being lifted because the government has paid attention to the national competition policy review, and it is fair enough that it has done so. But I want to raise the concern that in doing that it may well have gone to the extent of making consumers vulnerable through those changes.

Mr O'Connor made quite an interesting point in his letter in saying that some architects could in effect let their registration lapse and go on providing the services they have provided before without the burden of having to comply with the requirements of the Architects Act or this new legislation that we are currently debating. Only those who could perhaps be loosely described as shonky might do that, but who is to say that that will not occur? All professions have their bad guys, so will what we are doing today allow those bad guys greater rein and freedom than they currently have? This is my concern, not only on behalf of the people I represent in the Parliament but on behalf of all the people of the state. Architecture is a profession that has a good reputation. Architects are in charge of overseeing many hundreds of thousand of dollars of work on behalf of their clients, who have an expectation that that will be done in a professional, honest and competent way.

In my view this bill removes some of that protection, and I would be very interested to hear from the government on what it proposes to do to keep the legislation under review and to make changes, if indeed some of the predictions that have been made by

Mr O'Connor and the fears that I am expressing on behalf of consumers come to pass. Of course one would hope those fears do not come to pass, but it would be wrong of me and any other member not to stand up here and express those views, and ask the government to take them into consideration and ensure that when the poor practice of architects or people purporting to be architects are drawn to its attention that there will not just be a wringing of hands and a response of, 'Oh gee, we cannot do much about that'. I hope the minister will be able to tell us in summing up the debate that the government will act very quickly to stamp out any shonky practices that might erupt because these doors are being opened by the bill we are debating today.

Mr HOWARD (Ballarat East) — This bill responds to the report of the Productivity Commission in regard to architects, their registration and the management of the profession. Here in Victoria and around the world we know that we rely on architects in many ways. They play a very important role in the building industry, both at a domestic level and in the construction of major structures such as large buildings, bridges and so on across the state. Therefore we need to ensure that the profession is well managed. This bill takes into account all the issues that were presented by the Productivity Commission and it ensures that the Architects Registration Board of Victoria reflects those issues and that the community can continue to have confidence in the architectural profession.

The changes that are made are not great, but they are important because they modernise the issue of the registration of architects, reflecting the standards we need to pursue in our community. Within my electorate of Ballarat East there are many architectural firms operating to carry out a great range of construction. We know our housing industry is booming, but major infrastructure works are also developing rapidly across this state.

I am very pleased to see that my electorate of Ballarat East is no exception. We have some significant buildings that have been erected recently. I am very proud to have attended the opening of the Kyneton Hospital last year. It is a new, modern construction where the architects have taken into account the requirements of health services and have designed a very practical and very attractive building. New developments have been carried out at our hospitals and health services in Ballarat and Daylesford. The designs are not only attractive but also practical, and we see examples of this right around my electorate and more broadly.

I trust that the architectural profession approves of this bill and that the profession will continue to be well managed and regulated and that the procedures for dealing with any concerns that may be raised by members of the community with regard to particular architects will be worked through with the Architects Registration Board of Victoria. I trust that our architects will continue to balance those two issues of functionality and attractive presentation.

In the past there have been examples of major buildings being designed to meet a budget line rather than to be attractive — and we know that the Gas and Fuel buildings have now gone from Flinders Street. We can all see unattractive buildings that were built in the 1950s and 1960s and some of the slab-type constructions that are being built now, but we are moving forward. Many of the buildings that are under construction now are far more attractive, although we have also been through a period when sometimes the design has been attractive and some of the functionality issues that need to be addressed have been overlooked. I am talking about centres like the Eureka Centre in Ballarat, which is a very attractive building; however, there were issues about its functionality which have now been shown to be a matter of some concern.

An honourable member interjected.

Mr HOWARD — I know that although this was a project of the former government, the Ballarat City Council and others are looking at how they can address the original design to make it more functional.

I wish this bill a speedy passage. As I have said, it recognises the need to ensure all professions, including architecture, are well managed and well regulated so that the community can continue to have confidence in all aspects of the professions.

Debate adjourned on motion of Ms GILLETT (Tarneit).

Debate adjourned until later this day.

SURVEYING BILL

Second reading

Debate resumed from 25 May; motion of Ms DELAHUNTY (Minister for Planning); and Mrs POWELL's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for the Surveyor-General and members

of the surveyors registration board to be appointed by the Governor in Council'.

Mr THOMPSON (Sandringham) — Surveyors perform a very important role in Victoria. The Torrens title system, based upon a system of German shipping registration, has provided the gateway to land subdivisions in this state. In Victoria this outstanding method of land registration enabled development to take place and gave security of tenure and title to many property owners. An important adjunct to the work of surveyors, it has helped enhance and protect security of tenure in many different ways.

The bill is opposed by the Liberal Party for a number of reasons. The shadow Minister for Planning has undertaken active consultation with the Surveyors Board of Victoria; the Institution of Surveyors Victoria; the Association of Consulting Surveyors; the Australian Industry Group; the Master Builders Association of Victoria; the Planning Institute of Australia, Victorian chapter; the Royal Institute of Charters Surveyors; the Victorian Planning and Environmental Law Association; individual surveyors, the Royal Australian Institute of Architects; the Urban Development Institute of Australia; the Australian Institute of Building Surveyors, Victorian chapter; the Real Estate Institute of Victoria; the Australian Institute of Building, Victorian chapter; the Law Institute of Victoria; the Municipal Association of Victoria; the Housing Industry Association; the Australian Society of Building Consultants; and the Property Council of Australia, Victorian division. As a consequence of that widespread consultation it is apparent that the Liberal Party has not arrived at its decision to oppose the legislation lightly.

A number of issues are of particular concern to the Liberal Party. In her second-reading speech the minister said:

Industry broadly supports the many beneficial aspects of the Surveying Bill 2004 ...

This is disputed by the industry and a number of people who have made representations to the shadow minister.

Another issue of concern relates to whether this will require several regulatory impact statements to be undertaken before 1 January 2005, meaning rushed public consultation and rushed administration system development. If the task is to be undertaken wisely and well, there needs to be more detailed public consultation on key issues. As I said, extensive consultation has been undertaken by the shadow minister, and he has raised very serious concerns about this bill. A further issue of concern relates to the fact

that New South Wales, Queensland and Tasmania have all recently introduced similar legislation that expands — not restricts — their boards. This represents a contrast to our present circumstance.

In relation to the important role of the Surveyor-General, one concern relates to his inability to undertake democratic or regulatory responsibilities with independence. If the Surveyor-General is subject to the Public Sector Management and Employment Act 1998, the following methods can be brought to bear to influence his decision-making: performance reviews, career opportunities and promotions, short-term employment contracts, direction by supervisor, budget influences and delegation of duties.

The independence of public officers has been a hallmark of the development of this state. People in this chamber would generally be aware that Australia has the fifth-longest-lasting system of democracy in the world. This position is underpinned by democratic institutions, some of which might have taken 1000 years to develop, and the principles that govern them. The separation of the powers of the executive, the legislature and the judiciary is one illustration of it, as is having other robust agencies.

The very strong doctrine of the separation of powers has been canvassed lately in relation to judicial remuneration. It is important that the judiciary has a clearly defined role and is not subject to direct or indirect influence from the government of the day. Some people might take such a feature for granted, but there are many other jurisdictions in the world where this is not the case. We are fortunate in Victoria that in large part our key institutions are immune from undue or corrupt influence. In the present case the Surveyor-General must have an independent role and not be subject to influences that may limit his or her independence in the decision-making process.

The next point of concern relates to the dismissal of the Surveyor-General clauses — that is, clauses 40(4) to 41(4). These provisions have been taken from the Electoral Boundaries Commission Act 1982 but should remain in that act to ensure that the independence of the Surveyor-General in performing his democratic responsibilities is not controlled by one single department of government. I emphasise again the key importance of there being an independent role for the Surveyor-General, immune from other influences, so that that decision-making process can be undertaken without fear or favour.

Currently appointments to the Surveyors Registration Board of Victoria are made by Governor in Council. It

is not the understanding of a number of people with an interest in this legislation that there is any other registration or disciplinary board in Victoria whose appointment is not made by way of the Governor in Council. With the present case there is a concern that the appointments are to be made by the minister and not the Governor in Council. The next issue of concern is why the Institution of Surveyors Victoria is not named directly as it is in the current act. The shadow minister has raised his concerns strongly in relation to this particular provision.

I now turn to a number of miscellaneous provisions under part 8 that the opposition is also concerned about. The first question I would ask is: why will there only be cadastral surveys and why will they not be done on weekends or public holidays, when it is often the best time for survey work to be undertaken? These matters of major concern are echoed by the shadow minister as a result of representations made to him as part of a very expansive consultation with the industry.

In relation to part 9 — the repeal, transitional and consequential provisions — the new bill does not recognise registered surveyors, it only recognises licensed surveyors. This is a matter of concern to industry groups. It has been argued by the profession that it is necessary to make a number of amendments to the Surveying Bill.

Firstly, the Surveyor-General should be a Governor in Council appointment and the dismissal provisions should be left in the Electoral Boundaries Commission Act to ensure independence; secondly, board membership should be Governor in Council appointments, with a lawyer replaced by a member experienced in disciplinary proceedings and members, apart from the community representative, to be nominated by professional groups; thirdly, a survey control network fee should be administered by the Surveyor-General; fourthly, power of entry should be on any day and for any survey type; and finally, registration should be expanded beyond just cadastral matters.

These summarise the key points that need to be addressed before the opposition would be prepared to support the legislation. I commend the shadow minister for his broad-ranging consultation so that these concerns have been able to be brought into the Parliament.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Surveying Bill that is before the house. I have followed the progress of this bill over a number of years since its precursor was originally introduced into

the house in 2001. The main aim of this bill is to modernise the registration of licensed surveyors. Although the general public is not always aware of it, our surveying profession is very important in this state as it underpins the whole land transfer system that occurs. Whenever land is bought or sold we need to be confident that the land people believe they are buying has been appropriately surveyed so they can know the exact boundaries and that the piece of land they believe they are buying is going to prove in the future to be the piece of land they have bought.

With the great value of our land in Victoria we need to ensure that the system is reliable for both the individuals working as professional surveyors and also for those relying on the cadastral surveying system network. We need to ensure that this is maintained appropriately and that the profession is continually being reviewed to ensure that the best standards are being maintained. Part of the impetus for this review came from the national competition policy compliance review that has taken place. It made many recommendations, several of which are contained in this legislation. Some of the recommendations were able to be pursued without the need for legislation; however, other aspects of the report are contained in the bill.

A number of surveyors across this state work in a range of areas, and we need to have a system in place that meets the current standards and ensures that the means of registration of surveyors keep them challenged to ensure that they are up to date in their understanding of this profession. There are periodic changes and developments in this profession in terms of the equipment and technology that is used, and until now registration for surveyors has been on the basis of life registration. This bill introduces the concept of annual registration, which will be reviewed by the Surveyors Registration Board of Victoria, and that board will also be looking at ongoing professional development and professional conduct issues to respond to any issues where there is room for improvement.

The first issue addressed in the bill relates to the annual registration of surveyors. Another significant part of the bill involves clearly defining the role of the Surveyor-General, who is the person at the top of this system overseeing the management of both the physical network and also the organisation within the surveying profession. Previously that has been contained in two separate acts: the Electoral Boundaries Commission Act as well as the Surveyors Act. This is now going to be contained entirely within the Surveyors Bill, and we believe that is a sensible way to move.

Within the legislation we are also recognising the need to ensure there is an improved complaints mechanism applying to the regulation of the profession. These will be dealt with through the expanded Surveyors Registration Board of Victoria. At present the board has six members, but in line with national competition policy recommendations of having more people who are not presently within the profession on the board, the government believes the best way to move is to expand membership of the board to eight positions. Those additional positions will not be just from the surveying profession but will add external expertise. The Surveyor-General will continue to be the chair of the board. As I said, the board's role is to oversee registration, advise the minister of strategic issues regarding the profession and policy issues it believes should be pursued.

The opposition has tried to misrepresent aspects of the bill, particularly regarding the employment of the Surveyor-General, which is a public service appointment. The government is streamlining the way the employment of the Surveyor-General occurs and also the dismissal procedures, bringing it from the Electoral Boundaries Commission Act into the new legislation.

I now refer to the role of the Surveyor-General. There are a number of different areas — one relates to electoral boundaries, which is why the issues relating to the employment of the Surveyor-General are contained in the Electoral Boundaries Commission Act. He is one of three people who sits on the Electoral Boundaries Commission along with the Chief Judge of the County Court and the Electoral Commissioner. This is an arrangement that was established by the former Cain government to ensure a more honest approach to the evaluation of electoral boundaries. Having the Surveyor-General on that commission is seen as a sound addition as well as having the Chief Judge of the County Court.

That role will continue and there are no plans in the legislation to change that. Concern has also been raised about the network that has been in place across Victoria where pegs are placed at appropriate places which form the basis of our survey control network. They have been poorly maintained over a long period and so this government has taken the decision that it will support the surveying profession and the need for certainty in the state by adding funding of \$100 000 to ensure the markers are renewed where damaged. We believe up to 30 per cent have been damaged, destroyed or gone missing. We need to ensure they are replaced, because not only does the state surveying network depend upon the markers, but the national survey boundaries also

depend on them. They are vitally important for a range of projects, not just regular domestic property boundaries but also major infrastructure works.

The regional fast rail project is under way in my electorate, as it is in several other electorates, to improve the rail networks of country Victoria. The whole survey network is important in helping to assist determining the alignment of the tracks. I am pleased to say that the project is progressing very well. In the past disasters have taken place. I used to live near the border of South Australia. The station at Serviceton, which was beautifully constructed by the South Australian government in the 19th century, was later found to have been constructed in Victoria and this state benefited by that mistake in survey work. They are the sorts of things we must ensure do not happen. We want to see the profession continues to be supported in a range of ways and acts in the most professional way. I am pleased to see the bill progressing through the house and I look forward to its eventual success.

Mr DIXON (Nepean) — I wish to make a very brief contribution to the debate. The shadow minister and the member for Sandringham have expressed the views of the opposition regarding the bill. I want to bring it down to a local level. I was somewhat surprised to receive calls from my local surveyors who were expressing disappointment with the bill and where it is taking their profession. It is not a profession that is prone to militant action or political activism, but its members have strong views regarding the bill. I thought it was important for me as a local member to raise their concerns, and I have indicated to them that their concerns mirror the broader concerns in the community.

The Mornington Peninsula has a small but busy group of surveyors. There is a lot of growth, with building works, plans and subdivisions, so they are in great demand. They take their profession very seriously and value it. They also value the professionalism of surveyors and welcome anything that enhances their profession. That is something for which they ought to be commended. They made the point to me, not just in terms of their own profession and the implications of the bill on their profession, about the Surveyor-General's independence. This is from people on the ground working in the profession and it was unsolicited. I did not send the bill out asking them for their comments, but they came to me and said they had real concerns about where we see this bill taking the Surveyor-General's independence. That is reflected in what the industry is saying to us as well, as the shadow minister pointed out. I was very surprised that local surveyors showed real knowledge and understanding of

the importance of the Surveyor-General and his independence. Unsolicited they brought up their concerns about the importance of the Surveyor-General in terms of electoral boundaries. They made the point to me that the independence of the Surveyor-General, especially regarding electoral boundaries, is something they hold very dear within their profession.

The aspect that concerns them is that appointments to the surveyors registration board and dismissal will rest with the minister and not the Governor in Council. That concern has been noted already, but I pass on to the house that this is also what my local surveyors are saying. The member for Ballarat East said this was a streamlining process. When I go to briefings and I hear that the process that has been in place for a long time is being streamlined I get a little nervous. Streamlining is good to some extent, but when it means it is taking away some independence from a system that has worked well, particularly of a very important role such as the Surveyor-General, and might threaten his independence — when something like that is streamlined I do not think that is very good. With those few words I join the member for Sandringham and the member for Hawthorn in supporting the reasoned amendment and not supporting the bill.

Ms D'AMBROSIO (Mill Park) — I am very pleased to add my comments in support of the Surveying Bill. I commence by making it clear to the house my strong view is that having a very strong regulatory framework is essential in any industry where high standards and professionalism are required and expected by the community. That is essential because it is a matter of public confidence and goes to the heart of confidence in ensuring integrity of property boundaries in the case of surveying.

The national competition policy is a fact of life across Australian jurisdictions vis-a-vis public administration and areas which governments regulate or at least have some level of intervention in. In the case of surveying, the national competition policy is helping to produce good outcomes for the industry and consumers. A proper regulatory framework for the surveying industry is no different. That is why the bill responds to our obligations under the national competition policy through the implementation of the findings of the review into the Surveyors Act 1978 vis-a-vis licensed surveyors. The bill is a reflection of the review findings and recommendations, which reaffirmed the need to retain a strong regulatory framework. That is evidence of the need to uphold the highest standards in surveying. The areas to remain regulated include the retention of entry barriers to the surveying profession

and retention of control of the surveying profession by a single body.

I am not ashamed to say that I am a very keen supporter of this well-monitored and strong licensing regime which will no longer afford lifetime licensing to surveyors, given the new annual licensing system. Vigilance in revising standards and competencies is vital to the maintenance of any industry. In the land surveying industry, especially as certainty of land boundaries is so important, this is no less the case. The Surveyors Registration Board of Victoria can impose conditions on application or annual renewal of a licence. In the event that a consumer has registered a complaint against a surveying practice or surveyor, there are very clear and modern processes for dispute resolution. The annual licensing requirements will ensure that the highest standards, skills and qualifications are maintained.

I am sure that the professional development of surveyors, through membership of their industry board, already ensures ongoing training and development. However, membership of the industry body does not have 100 per cent carriage throughout the industry — I understand only some 67 per cent of surveyors are members of the industry body. The bill reaffirms the importance of ongoing training and review of competencies and standards by requiring participation of surveyors in continuing professional development. I understand the board will set minimum standards in this regard. That is to be very strongly welcomed.

Professionals in any industry ought to take great pride in their work and are often the strongest supporters of mandatory standards because they minimise the presence of less-than-satisfactory or unscrupulous operators within the industry. Those people can tarnish the reputation of the industry as a whole. Surveyors are no different in this regard, and this is yet another strong reason for having a properly regulated, licensed and monitored industry with annual registration, complaints mechanisms for consumers and enforcement powers for the board. I would like to emphasise the enforcement powers of the board, which will ensure that words are followed by deeds. I would go so far as to say that a number of other industries would benefit from stronger regulation and the maintenance of high standards and practices to reduce the number of disreputable operators, not to mention the benefits that would accrue in terms of consumer protection.

I am pleased that the bill not only contains the language of ensuring competencies but also provides the necessary mechanisms of enforcement. I understand the board can investigate complaints, and a panel not

including the investigating officer must apply rules of natural justice when dealing with any grievance. That is not unlike the situation in many other types of boards and tribunals where there are dispute-settling procedures in place. I understand any decision of a panel or the board can be appealed to the Victorian Civil and Administrative Tribunal.

This bill means the industry will no longer be as closed as it has been in terms of consumer protection, rather it will be subject to modern and transparent processes of dispute resolution. This is good. The community expects no less in this day and age in terms of public administration and the role of government in ensuring that private industry operates in as scrupulous, honest and aboveboard a fashion as possible.

I wish to add my comments in support of the provisions regarding the removal or dismissal of the Surveyor-General. These provisions have been carried over from one piece of legislation to another. The dismissal provisions remain unaltered. I believe the community expects no less than Parliament having an open and transparent process in regard to the dismissal provisions vis-a-vis important functions of government such as the Surveyor-General. For that reason I am very much in support of the bill.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Surveying Bill. It is a bill which builds on a great tradition of surveying in the state. Many of us do not realise how fundamental the work of surveyors is to the economic and social development of our society. Without an accurate and well-documented system of surveying, orderly property development, the sale of land and the establishment of social and economic infrastructure simply could not proceed.

Victoria has had some great surveyors in Charles Grimes and Robert Hoddle. I recently had the pleasure of representing the Premier at the launch of a biography of the first Surveyor-General of Victoria, Robert Hoddle, by Berris Hoddle Colville. What is really clear from that is that Hoddle was not only responsible for the famous grid layout of Melbourne but also undertook extensive surveying work around Moreton Bay, Brisbane, the Blue Mountains, inland to the Liverpool plains, the limestone plains around Canberra, and then from Sydney and the Hawkesbury to the Shoalhaven River and the Southern Highlands. In fact his contribution as the first Surveyor-General in Victoria was also a national one, and quite a significant one.

It is important to point out that without Hoddle and his professional competence and expertise Melbourne would not be what it is today. Hoddle was not only

responsible for the famous grid of Melbourne that we have in the golden mile but also won a pretty critical battle with Governor Bourke that has given Melbourne the wide streets it has today. Governor Bourke was attracted to the old-fashioned feudal and village type models; he determined that under his governorship no town street would be more than 66 feet wide. Hoddle was not particularly enamoured of this.

Even though he was subordinate to Governor Bourke, he urged the Governor to make the streets 99 feet wide, convincing him that with wide streets there would be a huge advantage to the new city in terms of health and convenience of travel. Hoddle successfully convinced the Governor that this should occur and the legacy now is our spacious streets, which are the envy of many other cities around the world. Bourke did get part of his way too because his legacy is the small lanes and streets that abut them.

This bill will continue the fine tradition of the surveying profession in Victoria. It is an outcome of a national competition policy review. It is a sensible review. It has not recommended deregulation of the industry; it recommends continued regulation of surveying. It tackles a couple of critical areas. Instead of the previous tradition of surveyors being registered for life, they will now be required to register on an annual basis, and that is appropriate. It will encourage them to update their professional skills and to ensure they are consistent with the dramatic technological changes that have occurred in the profession.

It is interesting to look at what is happening with global positioning systems and the surveying that is now being done along the Queensland–New South Wales border. In many instances they are turning up some of the old survey pegs, but they are required to use much more sophisticated equipment to survey the long stretch of that border out the back of Bourke.

This bill will also improve the consumer protection and consumer complaints mechanisms. That is important, because in any profession where a consumer is relying on the expertise and skill of a person, whether it is an architect or surveyor, there should be an opportunity if the profession falls short of the requirements and expectations of how the job should be done to take a complaint forward. It is an important enhancement to the current framework that consumers and members of the profession who have an interest that is affected by a decision of the Surveyors Registration Board of Victoria will be able to have that decision reviewed by the Victorian Civil and Administrative Tribunal. That appeals mechanism — the capacity to take it to an

independent umpire — is an important part of the new framework.

The bill provides, contrary to the claims of the opposition, adequate protection for the Surveyor-General. We have heard a lot of claims that the government is undermining the independence of the Surveyor-General by not making it a Governor in Council appointment. It is important to point out that the Surveyor-General is a public servant under the Public Sector Management and Employment Act. Any person appointed to the position will have all the usual protections that apply to public servants. The person can be appointed as Surveyor-General for a term of up to five years and cannot be dismissed without the consent of both houses of Parliament. That is an enormous level of protection being offered to the Surveyor-General. The concerns that have been expressed by the opposition — that somehow we are undermining the independence of the Surveyor-General and that we are not giving that person the appropriate protection — are unfounded. The Surveyor-General can feel confident that he will have not only the full support of the government but also of this Parliament.

In conclusion, the bill will modernise surveying; it will ensure that surveyors are required to maintain their professional development and competencies. It will not be a sinecure for life. They will have to demonstrate to the surveyors registration board that they still have the capacity, skill and competence to be a surveyor. Providing they can meet those requirements they will continue to maintain their registration. The bill modernises the profession; it improves consumer protection and consumer complaints mechanisms; it will enhance the capacity for consumers to bring complaints and appeals. At the same time it will ensure surveying continues to make a major contribution to the social and economic development of Victoria. I commend the bill to the house.

Ms DELAHUNTY (Minister for Planning) — I thank those members who have spoken on the bill — that is, the members for Hawthorn, Shepparton, Coburg, Bentleigh, Dromana, Sandringham, Mill Park and Ballarat East.

This is an important bill, and I thank members for their contributions. Why is it important? For the first time we are bringing together the role and the functions of Surveyor-General Victoria, which is a very important to this state in the management of land, alongside the registrar of titles and the Valuer-General.

There have been some issues raised around a conspiracy theory put forward by the member for

Hawthorn that in some way we are devaluing the role of the Surveyor-General. Au contraire! In fact for the first time, as I said, we are elevating the Surveyor-General to ensure he is respected in his role in the management of land. We have responded to a national competition policy investigation of the surveying profession, as has been pointed out by the members who have spoken on this bill, in the past surveyors were only required to be registered once, so they had lifetime registration. This bill, in responding to the competition policy review, is about modernising this profession. It is an important profession in the management of land, and I do not know of any other profession these days that has lifetime registration. I appreciate the survey industry's support for the modernisation of the profession.

Many speakers raised the role of the Surveyor-General in electoral boundary decisions, and there was some suggestion by the member for Hawthorn that we were devaluing the role of the Surveyor-General in that decision-making process. Again, nothing could be further from the truth, and it is insulting to the Surveyor-General and to the surveyors profession to even suggest that. What we have done in this bill is elevate the dismissal procedures that relate to the Surveyor-General so that he cannot be dismissed without the consent of the Parliament. That shows a respect for his role that did not apply under the previous government — and of course I cannot imagine why under the previous government that situation was deemed to be quite satisfactory! As an appointment made under the Public Sector Management and Employment Act or its predecessor it has always been a public sector appointment, whether under our government or under the previous Kennett government and other governments before that.

We have responded to discussions with the industry about the role of the Surveyor-General — yes, as a surveyor — in the cadastral mapping and other technical aspects of the job by bringing all those roles and functions into one clearly defined act. However, we have gone further than that: we have actually responded to our discussions with the industry and have agreed that since the Surveyor-General has a role in the setting of electoral boundaries under the Electoral Boundaries Act, he or she should enjoy the protection of Parliament when it comes to dismissal.

I am very pleased to see this bill come to the house. It has had a long gestation, having been presented to this house before Parliament was prorogued prior to the last election. It has involved much consultation, much examination and a lot of public airing, some of which has been inexact unfortunately. We expect our

surveyors and their work to be very exact, because the way we manage, transfer and rate land is very important to the wellbeing of this community and the strength of this economy. I thank those members who have spoken on this bill, and I hope it has a speedy passage.

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

Ayes, 54

Allan, Ms	Jenkins, Mr
Andrews, Mr	Langdon, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lim, Mr
Beard, Ms	Lindell, Ms
Bracks, Mr	Lobato, Ms
Brumby, Mr	Lupton, Mr
Buchanan, Ms	McTaggart, Ms
Cameron, Mr	Marshall, Ms
Campbell, Ms	Maxfield, Mr
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Mildenhall, Mr
D'Ambrosio, Ms	Morand, Ms
Delahunty, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eckstein, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Mr	Robinson, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Treize, Mr
Hudson, Mr	Wilson, Mr
Hulls, Mr	Wynne, Mr

Noes, 25

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

Amendment defeated.

Motion agreed to.

Read second time.

The DEPUTY SPEAKER — Order! Is leave of the house granted to proceed immediately to the third reading?

Mr Plowman — No.

Consideration in detail

Clause 1

Mr BAILLIEU (Hawthorn) — I note that in the second-reading speech the minister referred to broad industry support for this bill. I would contend that it is quite the contrary — the industry is actually strongly suggesting that the bill is flawed, and I referred to that in my contribution to the second-reading debate. I ask the minister to comment specifically on that matter.

I also invite the minister to comment on the remarks made by her parliamentary secretary in the second-reading debate, in which he referred to practices in the surveying industry which were of the past but which require modernising. I invite the minister to indicate what practices those are. The parliamentary secretary also referred to the notion that Governor in Council appointments are old fashioned and out of date, and I would like the minister to comment on whether she supports that notion.

Ms DELAHUNTY (Minister for Planning) — Acting Speaker, I would really like to understand why the member for Hawthorn is seeking responses to members' comments rather than drawing the house's attention to clauses. I understood that we were examining the clauses in the bill, not re-prosecuting arguments that were put by members of the house. I would seek some guidance from the Chair on precisely what process we are following here.

Mr Plowman — On a point of order, Acting Speaker, in respect of what the minister has just requested, clearly she does not understand how the consideration in detail is undertaken. Clearly the opportunity to review the whole bill through clause 1 is available because that deals with the entirety of the bill, and from there you go into it clause by clause.

Ms DELAHUNTY — On the point of order, Acting Speaker, the request from the member is that we go through the bill clause by clause. Or are we, through the examination of clause 1, dealing with the issues that the opposition has raised?

The ACTING SPEAKER (Mr Ingram) — Order! I uphold the point of order raised by the honourable member for Benambra. Clause 1 deals with the purposes of the bill, and that means members can canvass the widest possible detail contained in the entire bill. Once we leave clause 1 we then proceed through the bill in detail, going through individual clauses or just picking up clauses that individual

members wish to raise. Ultimately it is up to the minister to respond to those issues she wishes to respond to, and individual members can then rise to speak on that.

Ms DELAHUNTY — Clause 1 sets out the purposes of the Surveying Bill. In part it provides for the annual registration of licensed surveyors to perform cadastral surveying in Victoria. I believe those members who spoke about the role of the profession were in fact responding to the recommendations of the national competition policy review, among which is the clear recommendation that surveyors should be registered annually, in keeping with virtually every other profession in this state and indeed this nation. That is a very good thing. Members also made the point, to which I referred in my summing up, that the notion of any professional today expecting to enjoy lifelong registration is fanciful. That is not what the surveying profession wants. It wants to be respected as a contemporary, modern profession, and that is what this bill will do.

Secondly, clause 1 provides for investigations into the professional conduct of licensed surveyors, and that also goes to the point members made that that is part of the professionalisation of the surveying profession. We are establishing the Surveyors Registration Board of Victoria; that has been dealt with by all speakers, and I do not recall any opposition to it. The matter of the appointment of the board was raised by the member for Shepparton, whose reasoned amendment suggested that not only the Surveyor-General but also the surveyors registration board should be appointed by the Governor in Council. That has not been recommended in this bill.

Mrs Powell — On a point of order, Acting Speaker, I seek some guidance. Clause 1 is fairly broad. I want to ask a question about providing for fees for the maintenance of the survey control network. I need some advice about whether I can raise the matter here or in speaking on clause 63, which deals with regulations? Can I raise that matter now?

The ACTING SPEAKER (Mr Ingram) — Order! If it is on the issue, the member can raise it now.

Mrs Powell — The matter I wish to raise is that in June 2002 Minister Garbutt announced that an extra \$100 000 was to be allocated to undertake high-priority maintenance of the survey control network. Has that \$100 000 been allocated to the network, and where are the high-priority areas?

Ms Delahunty — Which clause are you referring to?

The ACTING SPEAKER (Mr Ingram) — Order! If it is an issue in relation to a particular clause, maybe it would be better if the honourable member referred to it during consideration of that clause. Although clause 1 is fairly broad and members can raise a range of issues, if the honourable member is talking about an issue relating to a particular clause, maybe it would be better to refer to it at the time.

Mrs Powell — Is clause 63 the appropriate clause to raise that matter under? Under the heading ‘Regulations’ clause 63 says:

- (1) The Governor in Council may make regulations for or with respect to —
 - (a) securing the establishment and providing for the maintenance of survey marks;

Clause 63 does not mention fees; it talks about regulations. I want to raise the issue of fees.

The ACTING SPEAKER (Mr Ingram) — Order! The advice I have received is that whilst that is possible, it may be better to refer to it when clause 63 comes up in relation to fees.

Mr Stensholt — On the point of order, Acting Speaker, my understanding is that we will go through this clause by clause. We are on the first clause. This is actually not an opportunity to ask what has been spent on some particular program somewhere else. It is a matter of sticking to the legislative provisions — it is not about the executive — and I would ask you to make sure that when we discuss the clauses members stick to that.

Mrs Powell — On the point of order, Acting Speaker, clause 1(f) talks about providing:

... for fees for the maintenance of the survey control network.

I think it very substantially relates to that clause.

Dr Naphine — On the point of order, Acting Speaker, I wish to reinforce what the honourable member for Shepparton has said, that clause 1(f) clearly refers to maintenance of the survey control network, which is the very issue which the member is raising. It is very relevant to this legislation and very relevant to clause 1, and I ask you to allow the honourable member for Shepparton to pursue the argument.

The ACTING SPEAKER (Mr Ingram) — Order! I acknowledge what honourable members are saying in relation to clause 1, and in particular the words ‘provide fees for the maintenance of the survey control network’,

which broadly takes in provisions that relate to later clauses in the bill. The minister can respond on that issue. The advice I gave before was that it may be better to do that on the particular clause, but the minister is able to respond now, and that may resolve the issue.

Ms DELAHUNTY — In the interests of sharing as much information as the opposition and the house need, I am very happy to answer the question raised by the member for Shepparton. The bill makes it quite clear that the maintenance of the survey control network does require expenditure. Surveyors are required by the Survey Coordination Act 1958 and the Surveyors Act 1978 to place survey marks when undertaking surveys.

As the member clearly knows, these marks are predominantly used to determine both horizontal and vertical positions, and they can ultimately be included as part of the national survey control network. So the maintenance of this survey control network is absolutely critical to the community's sense of trust in how the whole network is managed. It is certainly important around infrastructure and residential developments. Just last evening in the Parliament we had the debate on the Mitcham-Frankston Project Bill. That is one example of where the survey control network needs to be absolutely spot on and well maintained.

Responsibility for the maintenance of this survey control network is with the Surveyor-General, so the question is quite apposite to this bill. How does the Surveyor-General manage what are currently 148 000 separate marks recorded on the survey network? Approximately 1000 new marks are added each year. Recent investigations say that of course a percentage of these will be damaged each year. Under this bill there is a possibility to provide for a maintenance fee to ensure the confidence of both the industry and the community around the survey control network. So that is what the bill provides — that is, the opportunity to ensure that that fee is available.

The head of power has been quite properly included in the bill to enable a fee to be charged for the maintenance. The exact level would, as is normal process, be determined by a regulatory impact statement. I should say, though, that the Department of Sustainability and Environment was very conscious of the requirement that we have an up-to-date and well-serviced survey control network. The member was quite right in saying that additional funding was provided in 2002–03, and there has been an additional allocation in the 2004–05 budget to ensure that we have adequate maintenance.

Mr BAILLIEU (Hawthorn) — In her summing up the minister referred, as have other government members, to bringing all the roles and functions of the Surveyor-General into the one act. That is not my understanding of the case at all. The Surveyor-General has functions under the Survey Coordination Act, and I invite the minister to make that correction or advise the house as to why the functions of the Survey Coordination Act were deemed to be such that they should be in a separate act.

I note also that in her summing up just a few moments ago the minister said that the dismissal provisions for the Surveyor-General were new and had not been in place before. That is not my understanding, and I invite the minister to address that matter.

Ms DELAHUNTY (Minister for Planning) — Could I clarify which clause the member for Hawthorn is referring to? Clause 1 is very general. He is asking very specific questions. I am very happy to answer them, but I would like the member for Hawthorn to say which clause specifically he has the detailed question relating to.

Mr Baillieu — Clause 1.

The ACTING SPEAKER (Mr Ingram) — Order! The Chair is not in a position to direct an honourable member to inform the minister which clause in particular we are referring to. We are still on clause 1, which is the purposes of the Surveying Act. Likewise the Chair does not have the ability to direct the minister how to respond to honourable members.

Dr NAPHTHINE (South-West Coast) — The member for Hawthorn invited the minister to respond to some issues on clause 1. Clause 1 is a broad clause, and it would be more appropriate and would help the committee as a whole if the minister addressed these as they arose, otherwise they just keep getting raised on other clauses as we go through the bill. Perhaps the minister could address the issue and help the committee rather than being difficult.

Clause agreed to.

Clause 2

Mr BAILLIEU (Hawthorn) — Clause 2 is the commencement clause. Amongst the many concerns expressed by the industry is a concern about the possibility of a 1 January 2005 commencement date. The bill refers to the creation of regulations, and the creation of those regulations will require a regulatory impact statement and consultation — it is essentially a six-month period to complete that — before the act

comes into force. I invite the minister to assure the house and the industry that there will be adequate time for consultation before those regulations are finalised and the act comes into operation.

Ms DELAHUNTY (Minister for Planning) — I thank the member for his direction. Clause 2 does provide, as every bill does, for the commencement of the act. In this case it is 1 January 2005; however, the question was about whether there has been adequate consultation. Is the Pope a Catholic? How long have we consulted on this bill? I know the member for Hawthorn always takes a little bit longer to get up to speed on these things, despite briefings being offered, but he was involved in the preceding bill, the bill that gave rise substantially to the bill that we are discussing in this place today.

That bill was consulted on extensively through the industry and was certainly the subject of much public discussion. The bill was in the house before this place was prorogued in time for the 2002 election. So there has been substantial consultation, and since the election of the second Bracks government we began the process again.

I do not need to remind honourable members in this house that that election took place in November 2002. We are now in May 2004. There has been extensive consultation on this bill, and I think the member is really wasting a little bit of time here. I do not think consultation has been an issue. Of all the issues that have been raised on this bill, consultation has not been one. I can recall my meetings with the association members when they raised issues verbally, and in writing to the department and then to me saying that they supported this bill. They then decided that they wanted to raise another issue, as is their right and as is appropriate. I very much enjoyed my conversation with the representatives of the surveying peak bodies. I recall quite vividly saying to them, 'If you have specific issues you would like changed, please present them on paper. We would certainly like to include these discussions in the bill as appropriate'. I think they were quite stunned by that. I do not know who they had been dealing with previously, but they were quite surprised that they would be so invited. They were invited by the department and by me, as minister, through my meetings with them.

As with any regulations that are being proposed, there is — particularly under this government — always a serious round of detailed discussion. That is the difference between this government and the previous government. Perhaps this is the reason that the member asks this question. The previous government rammed

things through this house. There was no consultation; it was the death of democracy. I can understand why the member for Hawthorn has raised this question. There will be adequate consultation and there always has been adequate consultation. As I said in my previous answer, there are regulatory impact statements to be completed. We always assume that they will take as much time as is required.

We will not delay what has been agreed to in the national competition policy as to what is expected of us. We will not delay modernising the surveying industry. That is what the industry wants and that is what is expected of us as a government under competition policy agreements. I hope there would not be anybody on the other side of the house who would be arguing that this bill, which has been in gestation now for many years, should in any way be delayed so that then Victoria is fined. Under the federal Liberal government agreement, if you do not fulfil competition policy obligations you are fined. There is a financial cost to the state. This is an extremely well-managed state and we have no intention of allowing any sort of — —

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Mr Ingram) — Order! The time for the Attorney-General to make a ministerial statement has now arrived. The minister may continue her presentation on the consideration-in-detail stage when the bill is next before the house.

MINISTERIAL STATEMENT

New Directions for the Victorian Justice System 2004–2014

Mr HULLS (Attorney-General) — I wish to make a ministerial statement.

It is not often that a minister has the opportunity to present something of such resonance to the house. As Victoria's Attorney-General I have had the great honour of presiding over an unprecedented amount of reform in the legal landscape. In our first term this reform sprang forth from exhilaration at winning the chance to undo the damage of the conservative legacy; return the rights that had been filched from the grasp of the community and lift the veil of secrecy and disregard for the integrity of ordinary people that had been laid over public institutions.

Well into our second term, we now have the privilege of being able to look to the future, creating a legacy not only of righting historic wrongs, but fashioning a vision

that will continue to bear fruit in coming generations. The justice statement that I present today is the foundation of this vision — the most comprehensive analysis ever undertaken of the way our legal system operates and the product of meticulous work by my department and all those with a stake in my portfolio.

However, the justice statement is not a culmination but an inception. It is a beginning, rather than an end, providing every member of the community with a map and signalling openly the terrain which justice will explore in the short and long term. Never before have the legal sector and the wider community been equipped with such a map. Never before has Victorian law had such clarity of direction under an emphatic statement of our belief in a system that reveres the rule of law and recognises that equality, fairness, accessibility and effectiveness are essential to the operation of any truly democratic society. Given the extraordinary climate of anxiety and self-interest that faces us nationally and internationally, perhaps there has never been a better time to make this statement, reiterate our beliefs in these principles and fight to defend the integrity, the protections and possibilities of the law.

Importantly, the justice statement recognises that justice should be reflected in people's daily lives and interactions, that it has something to say about every facet of government and of life in Victoria. The statement recognises that justice intersects with economics, infrastructure, the environment, education and community services and that it impacts on the opportunities that Victorians face and on their confidence to embrace such opportunities and to avoid the traps of alienation, disadvantage and self-doubt.

Just as crucially, much of this statement's strength is drawn from its status as a symbol of partnership across the entire legal sector. Across the spectrum of the law, practitioners discuss the successes and the challenges that they perceive before them on a daily basis. Yet absent from this field has been a place for these discussions to converge — an opportunity to examine the breadth of the system, its impact on the lives of all Victorians, and to articulate what it is that we value about the law and why. Nowhere has there been, until now, a point at which we can appraise the need for reform with the benefit of depth, context and collaborative insight.

If, then, we are to conduct this appraisal, if we are to fulfil the promise of our legal system and shape one that is cooperative, flexible and compassionate, then we must start from a recognition that the law is there not to be alienating and remote but for the protection and

benefit of the community. It is a mechanism that we can use to define what behaviour we find acceptable as a community, address disadvantage and inequity and resolve conflict — in short, to help us live cooperatively with each other.

This is, in the true sense, a radical statement. Historically the independence of the law has often allowed it to operate in a vacuum, removed from day-to-day experience. Over the last four years, however, the Bracks Labor government has been making, and will continue to make, the law more accessible and relevant to all Victorians.

To do this properly we must build the law's authority on lucidity and inclusion rather than mystification and exclusion. The existence of the justice statement signals this and, guided by the themes of 'modernising justice' and 'protecting rights and addressing disadvantage', considers in turn the subjects of criminal law and procedure, civil disputes, the courts and the legal profession, protecting human rights, addressing the causes of overrepresentation of disadvantaged groups in the criminal justice system, improving responses to victims of crime and improving legal information, advice and assistance.

The statement flags 25 major initiatives and many more minor projects which the government will undertake over the next 5–10 years. Rather than catalogue each initiative here today, I shall highlight a selection that, in my view, illustrates the broad coverage of the statement and exemplify the values that lie at its heart. It is my hope that they prompt lively discussion about the legal system we want for Victoria in the 21st century.

Legislative and procedural reform

In my view a starting point in this discussion must be the provision of a well-functioning criminal justice system, a system which is capable of dispensing a fair and independent process to the accused, recognition and justice to victims, and consistency and authority to the wider community in the context of constant change and complexity. The legislation and procedures that support this system, therefore, must be clearly and logically organised to be accessible and comprehensible when questions of a person's liberty are at stake.

Currently in Victoria this is not the case. From the Crimes Act 1958, which deals with the most serious criminal offences, through the Bail, Evidence and Sentencing acts, the fast pace of change in the law and in the wider community has left the legislative response behind. The Crimes Act was last consolidated 46 years ago, and since then over 1500 amendments have been

passed. Containing 594 sections, with one of them over 90 pages long, this act has become increasingly inaccessible, no longer logical or coherent and really an ad hoc compilation.

I am pleased to announce, therefore, that the government will embark on comprehensive reform of the legislation that supports the criminal justice system, remedying inconsistencies and ambiguities in the Crimes Act and bringing us abreast of national developments. We will also improve coordination between jurisdictions and allow matters to be heard in the lowest appropriate jurisdiction, thereby reducing complexity, cost and delay. Consequently we will examine current thresholds between courts, as well as appeals from the Magistrates Court to the County Court where defendants have a right of full rehearing, to assess the benefits to all parties and to the legal system as a whole.

Similarly, fairness demands that we aim to narrow proceedings to the issues genuinely in dispute, resolving matters at the earliest appropriate point. We will therefore strive to maximise the benefits of committals and case management initiatives, and though I emphasise that it would be a false economy to abolish committals, we must nevertheless ensure that they are used in the most effective way. We will also explore a sentence indication procedure, where defendants may be given an indication of their likely sentence if they plead guilty. Such a reform would encourage offenders intending to plead guilty to do so early in the process to avoid wasting court time and resources.

Just as important as improvements to the Crimes Act is reform of the Bail Act to ensure that bail is not denied to people who have a legitimate right and that aspects of bail not currently covered in the act, such as bail in respect of appeals, are addressed in a coherent and fair manner. Similarly the Evidence Act, which lies at the heart of all court procedure, is currently a potpourri of disorganised provisions that are difficult to follow. Recourse to the common law is often necessary to determine issues not addressed in the act. The Australian Law Reform Commission's review of evidence rules formed the basis for a model widely endorsed as being better than the common law, and the government therefore proposes to implement legislation consistent with this model, adapted to Victorian needs. All these reforms will equip Victoria well in the context of an increasingly nationalised profession and legal landscape.

Having already implemented significant recommendations from the Freiberg sentencing review,

such as the establishment of the Sentencing Advisory Council and the provision of guideline judgments, other recommendations of the review will of course be progressively implemented, such as providing courts with a greater measure of discretion where a defendant has breached the conditions of a suspended sentence and the development of community-based orders more specifically targeted at rehabilitation.

Finally, to complement legislative reform in the criminal sphere, the government will reform the Coroner's Act, now in its 20th year of operation. The environment in which the Coroners Court operates has changed dramatically since its inception, with forensic technology creating greater potential and higher expectations of coronial practice. The government values the coroner's forensic and accident prevention roles enormously, and an update of its supporting legislation will increase the jurisdiction's capacity to respond to technological developments, contribute to accident prevention and ensure that the needs of families of deceased persons and others affected by sudden tragedy are met.

Flexible approaches to resolving civil problems and disputes

Of course legislative and procedural reforms will only go so far unless we change the way we approach the human problems that come before the courts. Rather than collapse the role of justice to the parameters of the courts, we must expand and integrate the role of the courts into the wider part that justice plays in the community.

Outside the criminal justice system, all societies need to find ways of resolving disputes between their members and living cooperatively with each other. While these disputes may be private, governments play an important role in establishing the means by which they can be resolved, in order that the rule of law may be effective and justice be achieved. As with the criminal sphere, the traditional method of civil dispute resolution has been adversarial and highly dependent on legal advocacy to navigate the law's complexities. While this method is appropriate for more complex matters, I believe that the starting point for the resolution of any civil dispute should be the lowest possible level of intervention.

This is because I want justice in Victoria to be accessible, efficient and adaptable to the needs of disputants. Perhaps most importantly, I am convinced that the law grows stronger where parties feel they have participated in the decisions that affect them. Many share this belief and the use of appropriate, or

alternative, dispute resolution — or ADR — has grown exponentially in the last few decades. However, this growth has been neither systematic nor has it been accompanied by a consistency in those who conduct resolution processes. Consequently, accountability and methods employed vary wildly, making it impossible to quantify the level of demand for ADR.

We need to interrogate what we want from dispute resolution, and the justice statement undertakes to facilitate this examination and make appropriate dispute resolution methods more accountable, accessible and effective for every Victorian. In doing so the statement promises a Gateways to Justice project to:

identify the range and requirements of existing dispute resolution services;

understand and define the types of disputes that occur, both current and emerging;

develop an approach to dealing with different types of disputes;

identify service providers, and who can best be a gateway to their services;

allow matters to move between different stages of resolution procedure;

provide feedback and information about dispute patterns.

The project will examine the potential of the ‘multidoor courthouse’, a court that acts as a doorway to a range of resolution services from which disputants can choose. Further, we will give magistrates the power, currently employed by the Supreme and County courts, to order mediation between litigants, and investigate pre-litigation protocols that require parties to have made a genuine attempt to resolve the dispute before resorting to litigation. Any such policy must obviously be sufficiently flexible to ensure that only appropriate cases are subject to the requirement and that access to the courts is not unfairly denied.

Modernising courts

This change, of course, cannot succeed unless our courts continue to evolve with the community. While the justice statement moves away from monolithic institutions and traditional modes of adjudication, the courts are the axle on which any such move must turn: giving the rule of law substance and curbing the excessive or arbitrary use of power, their determinations carry weight beyond individual circumstances. We should not assume, however, that

the strength of any court lies in atrophy, and the courts are developing an autonomous strategic directions agenda to meet the challenge of the new century and enable Victorians to navigate the law as smoothly as possible.

Obvious first steps are the adequate dissemination of information and the provision of accessible facilities, and the justice statement signals plans to help courts improve the integration of IT between jurisdictions and accessibility for those with mobility, visual or audio impairments or with English as a second language. The statement also calls for greater liaison between jurisdictions, improved coordination with agencies and the expansion of staff skills. Governance arrangements and a transparent budget process that have the confidence of both the courts and government are also essential, and we will work with the courts over the next 12 months to progress reform in these areas.

Significantly the government believes in creating material unity and intends to house every jurisdiction in a combined legal precinct. As part of this, we will be embarking upon a master plan for the development of Melbourne’s central business district that will leave a tangible legacy for the future. Further, the government will explore the potential for a single, one-stop registry to create greater clarity, consistency and access to all Victoria’s courts.

Addressing disadvantage

Speaker, we will build on the valuable work of existing problem-solving jurisdictions, such as the drug court, the sex worker list and the proposed family violence division of the Magistrates Court, and we will extend the Koori court to Mildura and Gippsland. We are also developing a children’s Koori court in our attempts to identify new ways to respond to the complexity of human issues that Victorians bring to the law. We will do this because this government knows that marginalisation contributes to people’s alienation from the law, driving them into a cycle of crime. To stop this cycle, the justice system must be smart enough to take account of disadvantage, whether cultural, health related or the simple matter of an offender’s age. This is why, Speaker, I am pleased to announce that the government will implement its commitment to increase the jurisdiction of the Children’s Court to include children aged 17 years, halting the steady march of these children into the adult system and instead steering them towards the greatest chance of rehabilitation in the juvenile justice system, and their best opportunity to avoid the cycle of crime.

Rights and responsibilities discussion

Finally Speaker, I would like to turn to an iconic element of the justice statement, and one over which I believe Australia is at a crossroads. Human rights and their associated responsibilities are those essential to human dignity, freedom and tolerance, and are essential to any truly democratic society. They represent the integrity afforded to all members of a community regardless of their individual attributes and are a statement of our common humanity. Australia, however, is currently unable to make this statement with any veracity. While, along with other members of the international community, we have ratified and therefore agreed to uphold the major human rights instruments, we are persistently failing, at a national level, to give these instruments life.

This failure is due, I believe, to eight years of a federal government that views the vulnerable as a threat, rather than a responsibility; the law as an impediment, rather than a protector; and human rights as a peripheral and maddening inconvenience. The question before us, then, is how can Victoria make these things a reality when they are flung aside with such abandon by the commonwealth? Changing the law is the most obvious step we can take to recognise our rights and responsibilities. However, just as important is the role of broader debate about their place within our legal and civic life.

For eight years now a cloud of expediency has cast its shadow on the national stage, seeking to create a society of line drawers, between citizens and non-citizens, included and excluded, worthy and unworthy. These dichotomies are based on concepts of judgment and fear rather than a recognition of the inherent rights that every person possesses simply because they are human beings. Once we start talking in terms of legal and enforceable rights, however, these lines become blurred and will, I believe, eventually disappear.

It is time, then, to return human rights to centre stage and recognise that they are the international extension of the fair go, that simple concept that Australians have historically embraced but grappled with less successfully in reality. We need to put the fair go back on the agenda, to have a conversation about its place in Australian society, talking openly about rights, their associated responsibilities, what they are and how they might be realised, who is missing out and how they should be promoted and protected. With this in mind, the justice statement will foster this discussion.

For many the potential destination of this discussion may be a formal instrument, such as a charter of rights and responsibilities or a citizens charter. Australia is, after all, one of the last developed nations not to have a rights instrument to mediate the relationship between the state and its citizens, the UK, Canada, South Africa and New Zealand all having passed relevant legislation in the past 25 years. In 1987 the Victorian Legal and Constitutional Committee recommended the insertion of a declaration of rights and freedoms in our constitution as a guide to Parliament, while not enforceable at law. Similarly, the Constitution Commission in 2002 recommended that rights be recognised in our constitution.

However, others argue that it is not possible to enshrine the spectrum of rights and responsibilities and that judicial interpretation offers greater flexibility and an opportunity to evolve with community expectations. It is a difficult balance to strike. Whatever the result, it is essential that we have the discussion. Through the justice statement process, and through thoughtful leadership, we can explore the merits of the various models in use around the globe and, together, unearth the most appropriate direction for Victoria.

Conclusion

This is just one path down which my portfolio will head over the coming years and, as with the many others signalled in the justice statement, I am convinced it will be a fruitful one. Speaker, the justice statement is an indication of our fundamental belief in the importance, and the vulnerability, of the law. At every turn it affirms the rule of law as integral to a properly functioning democracy, acknowledging that we cannot talk about the recourse that the law offers us without acknowledging the defence that we must offer the law. The statement is about cementing this defence, securing the confidence of the community in the law's mechanisms and exciting their imagination in its potential. It urges the participation of all those who feel passionate about the protections and the possibilities of the law. I therefore encourage all members of this house to read the justice statement, to talk about it with their colleagues and constituents and to reflect. I look forward to lively and thoughtful debate in the months and years ahead and commend this statement to the house.

Mr McINTOSH (Kew) — At a time when this state is faced with a serious crisis in its police force and in the integrity of the criminal justice system; when we have drug trials potentially aborted because of problems in proof of evidence and perhaps the tainting of that evidence by allegations of corruption in the police

force; at a time when the Attorney-General is passing legislation that severely impacts on the judiciary — a matter that he says goes to the very heart of our democracy and to the very heart of the way we dispense the system of justice in this state, which may very well be a platitude that can be put out to the public, but the judges know they are feeling severely burnt by the conduct of this Attorney-General in relation to judicial salaries — one of the two principles that go to the cornerstone of an independent judiciary — what we have here is a statement of self-congratulation by the Attorney-General. Perhaps it is designed more for the benefit of media highlights than as a concrete blueprint.

At the last election Victorians were promised a concrete blueprint as to what the Attorney-General would do in relation to justice and dispensing justice in the state. What we have got is a bunch of platitudes and rhetoric that I certainly, and many other members of this house, are critical of because the rhetoric does not match the actions. It is a matter of real concern.

I shall take up a couple of simple things. I refer to the appointment of the chief justice of the Supreme Court of Victoria. The Attorney-General knew for nine months precisely the day when the most senior judicial figure in the state, the chief justice of the Supreme Court, would retire. Despite that we had to go through an incredibly urgent rush to pass a constitutional amendment to enable the appointment of an acting chief justice for three months while the Attorney-General went about appointing a chief justice in a way that was not timely and was subject to public controversy.

This government has taken away the rights of a fisherman who is currently undertaking litigation through an act of Parliament. We have also had to deal with the situation where we may have the Parliament taking away the private contracting rights of individual parties in the near future. It is a matter of profound concern.

The Attorney-General says 25 major initiatives have been announced and a number of minor initiatives. He talks about the consolidation of the Crimes Act. Yes, it is 46 years old and in this session alone we have had three or four substantial amendments, but again the rhetoric does not necessarily match the actions of the Attorney-General. We are amending the Crimes Act in a higgledy-piggledy way. What is the process that we will go through in amending that act to bring it into the modern world? Will we undertake another review, perhaps like the sentencing review, which the Attorney-General lauded in his justice statement.

A fundamental basis upon which the changes to sentencing in this state were implemented by the Attorney-General was the creation of the Sentencing Advisory Council. Over 12 months ago that legislation went through this house. The opposition was very critical of it, saying that that was exactly what the Court of Appeal actually does, but the Attorney-General pressed on and said the Sentencing Advisory Council would survive for a long time and would change sentencing by providing guideline judgments for other judges to follow when issuing sentences. What do we get? I am not aware whether the Sentencing Advisory Council has been appointed. It is now 12 months down the track and we do not yet have a Sentencing Advisory Council. I might be only the shadow Attorney-General, but judges of appeal do not know whether the council has been appointed 12 months down the line. Again there is delay and obfuscation.

Parliament has just recently dealt with an amendment to the Bail Act. Why deal with the Bail Act in the higgledy-piggledy way the Attorney-General is undertaking? We have had a substantial review of the Bail Act by the Victorian Law Reform Commission, yet we get higgledy-piggledy amendments to the Bail Act. Similarly with the Evidence Act. Yes, the Australian Law Reform Commission undertook a substantial review 10 years ago. About seven years ago the commonwealth implemented the commonwealth Evidence Act as a model for every other state. It is now seven years since that time and this government has been in power for four and a half years, yet still we only get a promise that the state will do it eventually. Are we going to have another review or will we have a concrete proposal coming into this house?

We have talked about bringing the Coroners Act into the 21st century with the introduction of information technology services and other forensic medicine activities. It is a matter of profound concern that for almost two years forensic medicine has been in crisis. Yes, the government has finally done something about it by promising extra money to increase the staffing levels, which was a crucial concern over two years ago. We had magistrates giving bail to very serious alleged drug traffickers because the Victorian Institute of Forensic Medicine could not provide the required evidence within the two-year period and magistrates were saying that was unacceptable. It is a matter of profound concern that while these platitudes are uttered we do not have any concrete blueprint for a proposal.

The Attorney-General promises that we will have a review of the jurisdiction levels of different courts. That has been around for years. Indeed it was part of Labor Party policy at the last election.

Mr Hudson — We are doing it!

Mr McIntosh — The member for Bentleigh is yelling out that they are doing it, but what are they doing? It has now been 18 months since the last election, and we still do not have any concrete proposal as to what the government wishes to do, apart from ‘We are going to review the situation’.

We have the promise of developing a master plan for the legal precinct in the central business district. The possibility of the Victorian Civil and Administrative Tribunal (VCAT) moving into the old County Court building has been around for three years. This would create a centralised situation where we would have not only the Supreme Court, the County Court and the Magistrates Court but also the Federal Court, the High Court and the Family Court all within 100 metres of the Owen Dixon chambers. I agree that that is very appropriate. I welcome the prospect of looking into the idea of having a central registry, particularly if those courts are centralised around a single place. What I do not understand is how that will translate into rural and regional Victoria. It is a matter of profound concern that once again all we are getting is promises — like promises of reviews — without any concrete proposals.

A former coalition government introduced the system of alternative dispute resolution (ADR) in both the Supreme and the County courts. That government was concerned at that time not to introduce the mechanism of alternative dispute resolution into the Magistrates Court because of the costs involved. Yes, the government should review it and look at the system to see whether it can be improved, but it should not turn around and claim it as its own. It is a matter of profound concern that after four and a half years the system of dispute resolution has not been enhanced in the Magistrates Court. It is therefore a matter of concern that the alternative dispute resolution process available in the Magistrates Court is different from the process which is available in the Supreme and County courts. The bottom line is that it is more costly to implement the system of ADR in the Magistrates Court because of the size of litigation involved.

I would have thought that if you were talking about alternative dispute resolution mechanisms the one thing you might consider as a real prospect would be early intervention — decisions that could be made at an early stage as guidelines. We have guideline sentences being announced for the first time, after having been on the agenda for about four and a half years. Shortly before I was elected to this place this was being discussed by the then chairman of the criminal bar association, who was publicly calling on the then Attorney-General in the

lead-up to the 1999 election and this Attorney-General when in government to implement a mechanism to give guideline sentence indications. That could also translate into the civil jurisdiction, but there certainly has been no discussion of that anywhere that I have seen in relation to alternative dispute resolution mechanisms.

We have talked about information technology and the Coroner’s Court. One of the big issues around at the moment in the legal precinct is the Supreme Court building itself. I worked there for some 12 months and practiced regularly there as a barrister. I have some personal affection for that building, but it is completely inappropriate in a modern world. One would hope that in reviewing the legal precinct in the central business district the Attorney-General would make provision for a modernised Supreme Court. Yes, retain the present building and enhance and maintain it as a significant and important public institution. Yes, maintain sittings in that court in certain circumstances, but the building is now very much confined and creates difficulties with access to justice, including the ability to get in and out of the building and obtain proper access to IT facilities.

We have been promised more transparent court budgets. That is fine, but let us talk about the way the budgets are actually implemented. In the past four and a half years we have seen a burgeoning in delays in the courts. I know the Chief Justice of Victoria, the Chief Judge of the County Court and the Chief Magistrate are seeking to address all those matters, but the delays are blowing out. I would welcome more transparent court budgets, but I would have thought that addressing those particular matters would be above politics. If we are actually talking about accessing justice, any delay means justice denied, and that is a significant matter. The government should not just talk about more transparent court budgets, it should make it a real issue and make a commitment to properly resource our courts.

I have total confidence in Tony Parsons as the head of Victoria Legal Aid. I think he is undertaking some significant reforms in relation to legal aid, but I would like to see a greater commitment. I acknowledge that this government has increased the state’s contribution to legal aid over the past few years, including in the recent budget, but I would like to see that properly brought into line with other jurisdictions, particularly in relation to the civil jurisdiction. I am concerned that this is just another way of saying in relation to criminal law in this state that we effectively have two monopoly briefers — Victoria Legal Aid and the Director of Public Prosecutions — and that they can effectively drive the price of a service down substantially. That should be included in any review of the court budgets.

I welcome the Attorney-General's announcement that the jurisdiction of the Children's Court will be extended to include people under the age of 18. It is an appropriate development. However, it is a matter of some note that this government promised this clearly and categorically. Whatever else it did in its policy statement in the lead-up to the last state election Labor promised that it would raise the age to 18. What we have here is another promise to do it. Why have we not seen in the three sittings since the last state election a piece of legislation that actually increases the age? People such as Peter Norden have been calling for this and making a public issue of it, and again we find that it becomes important to this government only when it starts getting adverse headlines. It is a matter of real concern that 18 months after the last state election we still do not have any concrete blueprint as to when are we going to get it and what it is going to look like. All we have is a mere humble promise to do so.

In relation to the Koori courts in Mildura and Gippsland, any measure that deals with indigenous Victorians and their overrepresentation in our prison system is welcome. I note that when you compare Victoria to the other states we come out reasonably favourably. I welcome the introduction of the Koori courts in Mildura and Gippsland. However, one of the great developments that came out of VCAT was the consolidation of all the little tribunals which were self-managing. While there are separate divisions and separate courts — for example, Koori courts, family violence divisions and drug courts — they should be properly resourced.

One of the matters that has come to my attention is the issue relating to the drugs court at Dandenong. Apparently the ability of that court to provide the diversion programs so hotly promised by the Attorney-General is not being delivered. Effectively the drugs court is operating merely as a Magistrates Court. Yes, it is a division of the Magistrates Court, but it should be properly resourced, particularly the diversion programs. This applies not only to the drugs court at Dandenong but elsewhere as well. The provision of diversion services on the ground is not being delivered in the way this Attorney-General has announced.

It is a matter of real concern in this state when the integrity of our criminal justice system is being brought into serious question by allegations of corruption in the police force. The gangland killings when people are being shot on the streets — three in my own electorate — are a matter of profound concern. The government is reacting to adverse headlines by setting up a police ombudsman. Yes, we acknowledge the additional powers, but again it is the transparency of the

process. The Ombudsman is still constrained whereby he cannot initiate his own inquiries unless he gives notice to the Minister for Police and Emergency Services or the Chief Commissioner of Police and gives a copy of the report before it is tabled in this place to the minister and the chief commissioner. I would have thought this would have been the most critical aspect that this government could address in relation to the criminal justice system.

Ordinary Victorians are now openly expressing concern about the integrity of their police force. Yes, we all accept the hardworking dedicated law enforcement officers which our policemen are. But it is a matter of real concern that we still do not have proper mechanisms in place. Everybody out there, apart from the government and the Chief Commissioner of Police, is saying this issue should be transferred to the Ombudsman in those difficult circumstances. These are the important issues that I was expecting to see in the justice statement.

This is another step in a long line of rhetoric. There are profound matters of rhetoric and high principles in the statement, but little delivery of action; there are few actual outcomes for the people of Victoria in relation to dispensing justice. The first three pages are full of very big words, very important words, but they do not actually deliver anything. We were promised a blueprint, a step-by-step blueprint, for the delivery of justice services in this state. What we get is just big words.

Even in relation to the issue of human rights, nobody is denying the importance of an individual in the face of the law. It is our treatment of those individuals in the face of the law that marks us as a liberal democracy. But this is going down the course of just starting a dialogue. It is not even a review as to whether the state gets a bill of rights. I note that the debate is not just being started in Victoria, it has been going on for 25 years ever since I have had any association in the law. It is a matter that does not start here. It is not the beginning at all; it is just part of a transitional process. There are diverse views. I note that Premier Bob Carr has absolutely ruled out the issue of a bill of rights in New South Wales. He feels a bill of rights in New South Wales would introduce a litigation culture, a culture of entitlement that would bog the courts down. There is nothing new here. There are three pages of just what is a blatant attack on the federal government, with platitudes. There is no substantial evidence — it is just platitudes.

The taxpayers of this state paid almost \$700 000 to get this document before us. It is 18 months late. It was

promised as a result of the policy — it was a crucial part of Labor's policy at the last election. The people have paid \$700 000 for this very thin, shabby document. That payment was made to KPMG Australia, the consultants on this report. I would have thought for \$700 000 we would have had a much more substantial document — not self-congratulatory, not full of all of these big words, not with the rhetoric the Attorney-General is so noted for. I would have thought we would have had an action plan, or a timetable.

We should have had a document saying, 'We want to move the court precinct into the area around the corner of William and Lonsdale streets', or 'We propose to move into the old County Court building. We will renovate it in this time frame', or 'We will introduce a bill amending the Crimes Act or consolidating it into a criminal code in this state, if you like', or 'We will do something in relation to the Bail Act'. It should not be the way the government is going about it here, which is a higgledy-piggledy reaction to adverse headlines.

This government has demonstrated, not only in the area of justice but well and truly outside it, that it can make big, loud statements. However, when it comes to delivering on the ground it cannot appoint a chief justice on time; it cannot appoint a sentencing advisory council; it takes away fishermen's rights; and it introduces bills depriving private contracting parties of their rights. It is all rhetoric. It is all hot air. It takes this state no further.

Mr RYAN (Leader of The Nationals) — By the rules imposed on this Parliament by this Labor government I have 10 minutes in which to respond to this ministerial statement. This will be, shall we say, brief, and, I would hope, to the point.

The ministerial statement is a disappointment. These occasions are few where ministers actually do deliver a statement of this nature. One would have thought we could have had better from the Attorney-General, particularly in the prevailing circumstances. This is a grab bag, most of it old, some of it new, some elements are good — but in the total scheme of things it is a disappointment. It contains in the broad a proposal to review some acts of Parliament, particularly with regard to the operation of the criminal law in Victoria, to review the alternative dispute resolution mechanisms, more particularly as they apply to the Magistrates Court, to continue the use of IT in relation to all jurisdictions of the court system, and to increase the Children's Court jurisdiction so it is applicable to those of 17 years of age, which is an initiative I strongly welcome on behalf of The Nationals — the government is to be congratulated for that.

There is some tired old rhetoric in relation to human rights, and in this year of a federal election the commonwealth comes in for a bit of a belting. Then there is a plan for a legal precinct, which in any event is largely self-established up around the William Street area and those other locations where the courts and barristers chambers are co-located. So in that sense, it is a disappointment. The narrowness of the content and views expressed in it is to me the greatest disappointment. This ministerial statement talks about considerations over 5 to 10 years. It should be talking about 20 and 25 years, and it should be talking about the ways in which the justice system in the state is going to be chafed over the next couple of decades. It should be looking laterally to deal with some of the issues of the day. I call upon the Attorney-General to be bold in relation to these things and not to be constrained in the way this statement indicates.

There are two particular matters that I want to refer to. It is an extraordinary and glaring omission of immense proportions that there is no reference in this ministerial statement to the necessity for a crime and corruption commission or something of a similar ilk in the state of Victoria. Page 2 of the document makes reference to the fact that justice should be reflected in people's daily lives and interactions. I am here to tell the Attorney-General that there is a hell of a lot of interaction going on in the daily lives of Victorians at the moment, because they are worried about what is happening on their streets. We have had years of people being shot and murdered, of a drug trade that is at risk of running rampant and of severe suspicions about corruption in our police force, yet this ministerial statement is absolutely, utterly and completely silent on those issues. I believe that is a dreadful omission. It again is an instance where I say to the Attorney-General, 'Seize the day, for heaven's sake!'.

What we should have heard announced in this document is the prospect of a new act of Parliament to establish a new body to deal with the issue of crime and corruption. It should be chaired by someone appropriately qualified for the task, it should be properly staffed, it should be properly resourced and it should be fully empowered. The police are talking about the necessity for this, for heaven's sake! The Law Institute of Victoria and the Victorian Bar Council are doing likewise.

We have a unanimous litany of respected people and commentators experienced in these issues out there in the community calling for a new approach to all of this, and here we have the government completely ignoring it in a document which is said to be a headline statement by the Attorney-General of the state of

Victoria on matters which are of significance in the lives of Victorians today and going forward. It is a dreadful omission, and the Attorney-General stands condemned for missing the opportunity to address this, particularly when this is his ministerial statement.

The second issue I want to talk about is the structure of our courts. I want to offer something to the Attorney-General in the spirit of ministerial statements that I think merits some consideration, especially if he is going to seize the day, be bold and think laterally. I think it is time that we looked at wrapping into one court structure our Supreme Court, our County Court and our Magistrates Court, although obviously not the Victorian Civil and Administrative Tribunal or the Federal Court. It is time that the government at least gave consideration to this in the interests of doing the sorts of things which to some extent are talked about by the Attorney-General in the course of his statement.

We could create one new court in Victoria comprising three divisions, and those divisions would in practical terms reflect the present separation between the Supreme, County and Magistrates courts. I say that this bears examination, because in practical terms it is happening anyway, given the many elements of the court system in this state. We have circumstances where discussions in relation to financial jurisdictional limits are all about whether they should be in one or other of those courts. If we had one court with these three divisions in it, we would have a greater capacity to deal with these issues.

I invite the government to consider doing this. We would end up with a court that would be multijurisdictional, and we would have the opportunity to redefine the financial parameters of those three divisions in terms of the operation of civil proceedings. It would have the opportunity to redefine the way in which matters involved in the criminal law are dealt with across the jurisdictions here in Victoria. It would establish, importantly, one administration.

I might say there is no reference in this ministerial statement to anything to do with country Victoria. I invite the government to look at the way in which court administration functions, particularly in the circuit centres around country Victoria. In my home town, Sale, the one area in the Magistrates Court also looks after the County Court and Supreme Court circuits. There is no reason why in this age of technology we could not have one administration that looks after all of the court system. It would help caseload management immensely, and it would provide us with the opportunity to have an integrated system of dispute

resolution. There are huge opportunities in this proposition.

It would certainly assist the situation regarding budgeting and information technology development. It would enable us to properly lead the way in Victoria over how we deal with our ethnic communities and migrant groups who come into contact with the court system. I believe it would enable us to truly say that we are leading the way in these regards. It would streamline court procedures, and it would give us the opportunity of dealing with the vagaries of the actual rules of court that apply across the three separate jurisdictions at present.

I say to the Attorney-General and the government: be bold about this and think laterally. If you want to form a task force and properly resource it and give it a task which has some meaty considerations to it, this is something that I think the government could truly usefully do. On the same point I ask the government to approach this on a tripartisan basis, if I can put it that way — get us all involved in this.

If members look at this ministerial statement, which comprises 10 and a bit pages, they will see that three pages of it is political rubbish. The government should take all that out of it and let us have this discussion on a basis which I believe can be constructive. I think also the government has to have regard to the way these sorts of investigations, inquiries and reviews impose on the private legal profession. The profession already contributes an enormous amount to these things. Therefore the government has to be careful about the way it goes about these processes to ensure not only that we have a look at the issues that are important for the future — and that is to the government's credit — but also that we recognise the enormous drain on both the financial and physical resources of the private profession. I also ask the government to make sure that the resourcing of the inquiries is done properly departmentally. The statement is silent on that. We need to make sure we do not overstretch ourselves and that these things are properly resourced.

I call on the government to make certain that the interests of country Victorians are preserved in this. I know it is important from my position, and also from your position, Acting Speaker, as the member for Mildura, and for all of us who represent seats in country Victoria that our particular areas are a focal point of considerations by the government.

Therefore, in closing, given the brief time I have to contribute to the debate, I return to where I started: with

a statement such as this, the Attorney-General has an opportunity to truly lay out the future for the operation of the system of justice in Victoria. I say to the Attorney-General: seize the day, be bold and think laterally. Let us all get something of benefit to the state out of this.

Mr WYNNE (Richmond) — I was honoured to be approached by the Attorney-General yesterday and asked whether I would be prepared to respond on behalf of the government to the debate on the justice statement. It is indeed an honour for me to support what by any measure is a bold and courageous ministerial statement by the Attorney-General.

It is important to understand the background of the Attorney-General because it gives us some insight into the drive and commitment that he brings to his portfolio. He was elected to this Parliament in 1996, and as we all know he has been a strong and passionate supporter of justice. This passion has not abated, and as we also all know, his most forthright commitment is to protecting and advancing individual rights and freedoms. The vision for the future is one of justice for all; it is a forward-looking justice statement that is able to respond to the many emerging challenges facing our justice system.

There is an insight in the Attorney-General's maiden speech which I think indicates the drive and passion and principle which are so much hallmarks of the work of the Attorney-General. He said in his maiden speech that he was interested in a legal system that was accessible, affordable and independent from government. In my view that is the principle that has guided his time as Attorney-General.

It is important to look over what has happened over the past four and a half years to understand how that informs the roadmap for the next 10 years which is outlined in this statement. Since taking office the Attorney-General has implemented in this house an extraordinary range of legislative reforms. In excess of 90 bills have been debated through the Attorney-General's area over the past four and a half years.

I just want to remind the house of some parts of that reform package. I shall do so very briefly. We restored the democratic rights stripped away from all of us by the previous Liberal government. Here is the essence of where we started. We have enhanced rights in the equal opportunity legislation. We have restored the powers of the Director of Public Prosecutions and made the office of the Director of Public Prosecutions independent of government. We have resurrected the Law Reform

Commission, which was abolished by the previous Liberal government. We should not forget those days. We have restored compensation for pain and suffering to victims of crime — again something that was abolished by the previous Liberal government. We have protected whistleblowers and modernised the courts, including constructing a new County Court and upgrading facilities in regional centres. We have improved security and implemented a massive upgrade in the information technology area.

We have introduced court diversion programs at 13 magistrates courts; established a drug court pilot in Dandenong; and opened three Koori courts in Warrnambool, Shepparton and Broadmeadows. One of the Attorney-General's enduring legacies must be his appointment of people of the highest calibre at all levels of the court process: women magistrates and judges, including that most superb appointment of the Chief Justice of Victoria in the Supreme Court. We have signed and resourced the Aboriginal justice agreement; removed that dreadful discrimination against same-sex couples with the amendment of 57 pieces of legislation in the last Parliament; introduced privacy legislation; brought in a new electoral system; initiated the pro bono secondment scheme; and signed the landmark Wojtobaluk land-use agreement, which is an historic first land-use agreement in this state.

On and on the reform package goes, from things like the establishment of a new judicial college through to alternative dispute resolution mechanisms. We have introduced incredibly important legislation in relation to cyber stalking, confiscation and enduring powers of attorney, as well as the vast suite of initiatives around protecting the community with the emerging issues relating to terrorism and the international threat to all of our communities.

By contrast, what did we get from the opposition? The member for Kew, as the shadow Attorney-General, had an opportunity today both to respond to the Attorney-General's statement and also to lay out at least a little bit of a roadmap showing what the opposition was proposing in terms of policies.

Mr Hudson interjected.

Mr WYNNE — My colleague the honourable member for Bentleigh suggests a bit of a track forward on what the opposition's thinking is on matters relating to the justice portfolio.

What did we get from the member for Kew? Frankly, we got a mean-spirited effort that was full of envy and bile. The member for Kew had the opportunity to say,

‘There are things in the justice statement that we agree with; there are things there that we think the government ought to have done better; and here is our plan’. Not in full — nobody expects at this stage of the electoral cycle that the opposition parties will outline in full what their policy direction is, but the opposition could have provided at least a little bit of a pointer showing how it would like to go forward. But there was nothing — it was absolutely silent.

By contrast, the Leader of the National Party, who in my view always makes a very measured response in these debates, came forward with some proposals. He said, ‘We would like you to look at a new structure for the way that the court process works. We think you should have a tripartite discussion about how we might make the court system work better’. So you sit there and say to yourself, ‘Well, it is an idea. It is a worthy policy proposal. At least it is something you can actually debate and have some dialogue about’. But I must say that from the government’s perspective the Liberal Party is silent. It is absolutely silent so there is no possibility of having an active engagement with an opposition that clearly has not done the work and simply has no direction or vision for the way forward for the judicial system in this state.

I had the privilege of working with the Attorney-General for three years, and as his parliamentary secretary from 1999 to 2001 I understand the deep passion he has for those who do not get a fair go in society and for those who have to interact with the criminal justice system and who need to be supported in that. I had the opportunity to work with him, as indicated earlier, on that magnificent reform package for the gay, lesbian and transgender community, and I know he is deeply proud, as am I, that this government fought for and put that reform in place.

The work the Attorney-General has done — that groundbreaking work in relation to the indigenous community through the Aboriginal justice agreement — is going to stand as a hallmark of not only the work of an Attorney-General in this area but also of the government’s response in a systemic way to our indigenous community that we all know is manifestly overrepresented in the criminal justice system. It is in that context that projects like the Koori Court and the Aboriginal justice agreement are so important at the interface between the indigenous community and the criminal justice process. We need to ensure that people as far as possible are diverted from the criminal justice process and not trapped within it.

This is a road map forward. This statement outlines 25 major initiatives that set a pathway for us for the next 10 years. By any measure this is a bold statement

which sets the direction for the next 10 years and outlines where this government is going, what it seeks to achieve, and what it is informed by. It is informed by the social justice principles which I and my colleagues stand by in this Parliament. That is why we are in this Parliament and members of the Labor Party and why we want to contribute to the community, and particularly to the debate on ensuring that we have a justice system that is in fact equal for all, so that anybody can get access to the justice system and that nobody gets left behind in the process.

I want to finish with what I think is the essential element of the justice statement, what is in fact the essential driving force behind the zeal with which the Attorney-General pursues his portfolio. I will finish with this point: the justice statement urges the participation of all those who feel passionate about the protections and the possibilities of the law. This truly is a bold and sweeping statement; it is a Labor statement, something we as members of the Labor Party are proud of. It is strongly rooted in social justice principles, and I commend it to the house.

SURVEYING BILL

Consideration in detail

Debate resumed on clause 2.

Mr BAILLIEU (Hawthorn) — Acting Speaker, when the debate on clause 2 was interrupted, the minister had responded to my query on behalf of the surveying profession in regard to the commencement date being 1 January 2005 and the concern that the necessary processes to go through a regulatory impact statement, consultation and the development of the associated administrative system would be very short and they were looking for reassurance. The minister failed to give that reassurance, and I invite her to address that matter again.

Ms DELAHUNTY (Minister for Planning) — As I said before we interrupted the debate to hear the justice statement, we have had extensive consultation with those key stakeholders around this bill. I met with Peter Sullivan of the Institution of Surveyors Victoria; Terry Mawson of the Association of Consulting Surveyors (Victoria); and the Surveyors Board of Victoria whose chairman is the Surveyor-General, John Tulloch. We will go on consulting with the surveyors. They are a very important part of the land management and property industry of Victoria and, of course, they are the very basis of the trust we have in the surveying industry and network. There is sufficient time to

conduct a regulatory impact statement, to consult with the industry on details such as fees and in the details of continuing professional development.

Clause agreed to.

Clause 3

Mr BAILLIEU (Hawthorn) — Clause 3 includes a definition of ‘licensed surveyor’ and other matters. I invite the minister to advise the house why the definition of ‘licensed surveyor’ has changed and why the definition of ‘registered surveyor’ has dropped out, and why that was necessary given the separation of those two terms in the existing act.

Ms DELAHUNTY (Minister for Planning) — Clause 3, which is the usual definitional clause of any bill, sets out in great detail the definitions of terms used in the bill. The definition of ‘board’ relates to the establishment of the board contained in clause 44. There is a definition of ‘cadastral survey’, which for the purposes of the house means a survey made for or in connection with or for the purpose of making a plan or survey data to be used for or in connection with a matter dealing to the alienation of Crown land or affecting title of any land. There is also a definition of ‘chairperson’. I think we are pretty au fait with what that means these days, although we usually use the term ‘chair’.

The definition of ‘licensed surveyor’ is ‘a person whose name is entered on the register’. As I explained to the house before, we have included in this bill the expectation and requirement that a licensed surveyor be registered each year in order to hold their licence. This is an astonishing industry in 2004, if you consider that up until this bill was introduced the profession of surveying allowed any surveyor, once registered, to hold that registration for life. The government is about modernising a very important profession, and that is what the profession itself wants, so a licensed surveyor is defined as a person who is named on the register, and they are required to be registered each year. In my last answer I also alluded to a requirement around professional development.

I would hope the question coming from the other side is not in any way implying that we should not be modernising this profession. If the opposition is suggesting that members of the surveying profession should stand out and not be required to register annually and that they should maintain this rather quaint notion of registration for life, I think it ought to say that and put it on the record, because that is a very different spirit of engagement.

The government is on about professions being open and transparent and being respected. I do not know what the opposition is on about, but I think implicit in that question was that opposition members do not want to see any modernisation of this profession. I trust that is not the case.

Mr BAILLIEU (Hawthorn) — It would appear that the minister does not wish to address the question I asked, which was why the definition of ‘licensed surveyor’ has changed and why the definition of ‘registered surveyor’ has been dropped. Perhaps it is because the minister does not know. The reality is that there is a difference in the current act between a registered surveyor and a licensed surveyor, and I am inviting the minister to address the question as to why that has been changed. I would also like to know why the definition of ‘registered surveyor’ has been dropped and why the cadastral surveying endorsement has been dropped as a function for licensed surveying. What will be the consequences of that?

Ms DELAHUNTY (Minister for Planning) — I do understand the rules of this place. In this case the opposition puts questions to us and we are not obliged to answer in any particular way. The process is to illuminate details of this bill. In fact the member for Hawthorn has been the opposition spokesperson on planning for longer than I have been planning minister. He was opposition spokesperson when the first bill came to the house, and I hope he has now read the new bill.

What the government is requiring is that you must apply for registration in writing. That has certainly been the accepted practice and will continue to be so. The board may require an applicant to provide further material, and that certainly is new. Is the opposition opposing that? Is the opposition actually saying that the Surveyors Registration Board of Victoria has no right to seek the appropriate information before it makes a decision on registration? I hope not.

A statutory declaration under section 107 of the Evidence Act may also be required. Is the opposition saying the board should not have the right to seek that information? Is the opposition really saying, ‘We want to close down this industry, not apply a modern spotlight to it and certainly not apply the conditions that apply to all other professions that appropriately could be compared to the surveyors?’ Also, the proof of identity requirement has not changed.

Clause agreed to; clause 4 agreed to.

Clause 5

Mr BAILLIEU (Hawthorn) — Clause 5 refers specifically to qualifications needed for registration as a licensed surveyor. I note that the minister has just suggested that I might not be aware of certain things, but I am certainly aware, unlike her, that when the bill came before the house it was not a bill in the planning department — but it would be churlish of me to suggest that she did not even know that.

Clause 5 refers to the qualifications for registration as a licensed surveyor. I again invite the minister to compare the qualifications for registration as a licensed surveyor under the existing acts, which involve an endorsement for cadastral surveying, and I invite the minister to advise the house why the definition of ‘licensed surveyor’ and the qualifications needed for registration as a licensed surveyor have changed, as well as why the registered surveyor category no longer exists.

Ms DELAHUNTY (Minister for Planning) — The essence of the requirements and the qualifications for registration are based on two things: extensive negotiations and investigations under national competition policy and extensive discussions both with the industry and with those affected by the industry.

The intention is to make very clear what qualifications are now needed for registration through the board. The clauses set out the qualifications a person needs to be qualified. We must remember that the requirements for registration as a cadastral surveyor are threefold: you have to pass an examination in cadastral surveying; you have to undertake practical training; and you have to complete a course of study. That is not onerous. Currently there are two courses in cadastral surveying in Victoria, run by the University of Melbourne and by the Royal Melbourne Institute of Technology. Of course applicants are also able to seek registration on the basis of a similar course or similar courses interstate or in another country to have those qualifications recognised in Victoria.

I do not know how much clearer it needs to be. The person has to have passed an examination set by the board. The board itself can set the examination or it can be set on its behalf. Applicants have to have undertaken this practical training in cadastral surveying, which again is required by the board, and they have to have completed a course of study approved by the board. The board can decide that a qualification is, in the opinion of the board, substantially equivalent or is based upon similar competencies to a course of study approved by the board, and so approve that

qualification. Given that this is an international profession, one would expect such internationalisation of registration to be supported. The board can also recognise a qualification by a reciprocal board authorising the person to practise cadastral surveying.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Police: corruption and organised crime

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a telephone call at 4.00 p.m. yesterday to one of my staff from the head of the Victoria Police media unit challenging what I had said on radio about the need for an anticorruption commission. I ask: was it the Premier’s media unit or the Chief Commissioner of Police’s office that authorised this pathetic and clumsy attempt at intimidation?

Mr BRACKS (Premier) — I know absolutely nothing about such a phone call. It is entirely a matter for the Leader of the Opposition and the Chief Commissioner of Police’s office. The government knows nothing about it. We have no — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is inappropriate!

Mr BRACKS — The government and the Premier have no knowledge of any of those matters. It is a matter for the Leader of the Opposition and his dealings with the office of the chief commissioner. The first time I heard about it was just then from the Leader of the Opposition.

Population: government policy

Mr HARKNESS (Frankston) — My question is to the Premier. Given that government policy promotes Victoria as the place to be, can the Premier advise the house about recently released population data confirming the government’s approach?

Mr BRACKS (Premier) — I thank the member for Frankston for his question. Just this morning the Australian Bureau of Statistics released an update on population levels around the states and territories for 2003. Those figures show that Victoria has recorded its biggest population increase since records on population

began to be kept by the ABS. The update shows that in 2003 Victoria's population grew by some 1.29 per cent, which is higher than the national average population increase. It also shows in straight population terms that Victoria's population was 4 947 985 and that it is expected therefore that the 5 000 000 figure will be realised in Victoria in the next couple of months.

Our population increased by some 6333 people during that year, and as I mentioned, that is the biggest increase in population that Victoria has recorded in the 17 years these population figures have been kept by the ABS. What is important about the composition is that whilst domestic migration has moderated and slowed, overseas migration has increased enormously. If you look at overseas migration as a proportion of the total increase, you will see that we had a population increase in immigration of something like 10 000 over the previous year. That represents about a 36 per cent increase in overseas migration.

To put it in other terms regarding Victoria's share of overseas migration, in 2002 our share was 23 per cent, and it lifted, because of the policies and objectives of this government, to 28 per cent in 2003. I expect that that will improve even further following the release of the government's skilled migration strategy, including the \$6 million fund we have to attract overseas migrants to this state. We are a migrant-friendly state. We want to increase our population, and we want the economic benefits that come from an increased population. We have an ambition of having a population of 6 million by 2025. We also have an ambition of increasing our regional population as well. I have to say that the figures released today show that we are on track to achieve the very things we set out to achieve.

Water: irrigators

Mr WALSH (Swan Hill) — My question is to the Minister for Water. Is it the intention of the minister to take water away from irrigators without paying them direct compensation?

Mr THWAITES (Minister for Water) — I thank the member for his question, which I must say is somewhat perplexing, given that it is this government which has supported our irrigation sector with improvements and with massive funding commitments like the Wimmera–Mallee pipeline — commitments of funding that unfortunately are sorely lacking from his federal counterparts.

There are also commitments like our Water for Growth strategy, with \$30 million to improve farm irrigation practices, with funding going to our farmers. We have a

proud record of working with farmers to improve irrigation systems. We are not about taking water without having a proper arrangement with farmers, and we will continue that into the future.

Crime: statistics

Ms MARSHALL (Forest Hill) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house on recent evidence that demonstrates a sustained reduction in crime in Victoria and that the government's firm stance on crime is working?

Mr HAERMEYER (Minister for Police and Emergency Services) — I thank the member for Forest Hill for her continuing interest in community safety. Victoria has long had a reputation as being the safest state in Australia. It gives me great pleasure today to advise the house that this morning the Australian Bureau of Statistics (ABS) released its crime statistics for 2003, including the recorded crime victimisation rates. These statistics are unambiguously good. They show that Victoria again has the lowest crime rate in Australia — not by a small margin but by a huge margin. That has improved over the last year.

The ABS figures show that Victoria's crime rate was 23.6 per cent below the national average. They also show that over 2003 our crime figures fell by 9.9 per cent — so last year crime in Victoria fell by 9.9 per cent. Our crime rates per 100 000 people were below the national average in almost every category.

The government's investment in over 1000 police, with more to come — and with 135 police stations and extra police resources — is paying dividends. I think there can be no greater endorsement of that investment and of the work done by Victoria Police than the statistics released by the ABS today. They show that Victoria's assault rate last year fell by 7.8 per cent. It is the lowest in Australia, and a staggering 56 per cent less than the national average. It is also 78 per cent less than in New South Wales. It is the lowest assault rate in Australia.

Honourable members interjecting.

Mr HAERMEYER — Some of the members opposite think that is a laughing matter; obviously they do not go out there and talk to victims.

Mr Doyle interjected.

Mr HAERMEYER — Do you really want to go there, Robert?

Victoria is now a much safer place than when the Bracks government came to office in 1999. The figures released by the Australian Bureau of Statistics show that in 1995 in Victoria the crime rate per 100 000 was 5146. It began to climb — in 1996 it was 5274; in 1998 it was 5377; in 1999 it was 5677 — as the impact of the cuts to police took effect.

The SPEAKER — Order! I ask the Minister for Police and Emergency Services not to hold up a graph and to speak in a manner which makes sense to Hansard as it reports his words.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster!

Mr HAERMEYER — As the impact of the added police has started to kick in, our crime rate has come down from 6157 to 4958. Let us look at some of these figures. Motor vehicle theft is down by 18.6 per cent; burglary is down by 15.9 per cent; kidnapping is down by 13.3 per cent; robbery is down by 11.3 per cent; assault is down by 7.8 per cent; homicide is down by 7.2 per cent; sexual assault is down by 5.8 per cent —

Honourable members interjecting.

The SPEAKER — Order! There is too much interjection from the corner on my left. I ask members to be quiet.

Mr HAERMEYER — The rate of driving causing death fell 23.8 per cent from that of the previous year, and again it is 25 per cent below the national average.

These are great statistics for Victoria, and they are great statistics for Victoria Police. It means that there are fewer victims of crime in this state, and that is a great credit to Victoria Police.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster is too loud.

Mr HAERMEYER — It shows what you can do when you provide the police with the numbers and the resources to go out there and do the job. Let me say, we have a decent police force — the overwhelming majority of those officers are good, decent police officers who are producing great results like this. The vast majority of the Victorian public is proud of this police force, and I have to say I am one of them.

Police: corruption and organised crime

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his refusal to establish an anticorruption commission and to today's revelation that the Victoria Police law enforcement assistance program (LEAP) database has been inappropriately used to access the address of a Ceja task force detective, and I ask: have any other Ceja or Purana task force investigators had their files and personal details illegally accessed?

Mr BRACKS (Premier) — Clearly this is a matter for Victoria Police. Since this incident occurred — and this was made clear by police representatives today — the chief commissioner has announced much tougher penalties for police caught accessing the LEAP database, including, in the future, dismissal. The government certainly supports these new arrangements.

Justice statement: law reform

Mr WYNNE (Richmond) — My question is to the Attorney-General. Can the Attorney-General outline to the house how the initiatives in the recently announced justice statement fit into the government's program of reform of the legal system and how this will benefit the people of Victoria?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. I have to say that I was extremely proud to present the justice statement to the house today, because it is a true Labor initiative.

The Bracks Labor government has a vision for our justice system and through the justice statement has conducted the most comprehensive analysis of the way it operates that has ever been undertaken. It is also the first time that all relevant stakeholders have been brought together to appraise the need for reform, with the benefit of depth, context and collaborative insight.

The justice statement is all about taking a holistic approach in ensuring that the law is capable of delivering justice to the most marginalised sections of our community. It took a Labor government to recognise that justice should be reflected in people's daily lives and interactions and that it has something to say about every facet of government and of life in Victoria.

Just as crucially, the statement is constructed on the basis of values which the Bracks government considers to be fundamental to a properly functioning democratic society: equality and the role of an independent judiciary in protecting this equality; fairness; accessibility; and also effectiveness.

The statement is guided by themes of modernising justice and protecting rights and addressing disadvantage to consider possibilities for modernising criminal law and procedure, civil disputes, the courts and the legal profession; for protecting human rights; for addressing the causes of overrepresentation of disadvantaged groups; and for improving legal information, advice and assistance.

I say proudly that the justice statement flags some 25 initiatives and many more minor projects which the government will undertake over the next 5 to 10 years. These include supporting the needs of victims, such as assisting their recovery from violent offences, improving their experience in the court system, examining the potential for a victims' charter, improving the provision of legal information, advice and assistance in civil matters — —

Mr Plowman — On a point of order, Speaker, on the basis of repetition — and one might say tedious repetition — the house has heard almost word for word what the Attorney-General has been saying to us now in the ministerial statement before lunch. I ask you to rule on the basis of repetition based on what the house has heard previously.

The SPEAKER — Order! The Attorney-General has been asked a question and he is answering it.

Mr HULLS — We are proud of access to justice on this side of the house, we are proud of it. That is why we are proud of the justice statement — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to show courtesy to each other during question time and allow ministers who have been asked questions to answer them without that level of noise coming from both sides of the house.

Mr HULLS — Perhaps the honourable member might get someone to read it to him! We will also be modernising the Equal Opportunity Act, extending its focus from individual complaints towards a systemic focus which encourages proactive compliance such as industry codes of practice, accreditation and model employer schemes — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Kew and the members of the opposition at the table to cease interjecting in that manner.

Mr HULLS — With the Equal Opportunity Commission we will encourage employers to monitor their work forces to identify where barriers to equality occur, and we will ensure that we have appropriate mechanisms in place to vet all legislation to eliminate unintended discrimination.

Honourable members interjecting.

The SPEAKER — Order! I have asked the members of the opposition at the table and previously the member for Doncaster to stop interjecting at such a loud level. I warn the member for Doncaster.

Mr HULLS — In conclusion, now more than ever before it is essential that we secure the confidence of the community in the law's mechanisms and excite their imagination in its potential. I trust that every member of this house, including the member for Benambra, would want to participate in the debate and be part of a legacy that will shape the face of the Victorian justice system for many, many years to come.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the next question I acknowledge the presence of the previous Speaker of the Legislative Assembly, Alex Andrianopoulos, in the gallery. Welcome, Alex.

Honourable members interjecting.

The SPEAKER — Order! I have spoken to the Leader of the Opposition before and I ask him to behave in a more parliamentary manner.

Questions resumed.

Local government: grants

Mr INGRAM (Gippsland East) — My question is to the Premier. According to the Victoria Grants Commission statistics, the valuation of all rateable properties in the City of Stonnington is approximately the same as the cities of Greater Bendigo, Ballarat and Greater Geelong combined, or alternatively the six Gippsland councils. Given the approximate equality in valuations, ratepayers in the three major regional cities pay approximately \$86 million more in rates and ratepayers in Gippsland pay approximately \$66 million more in rates than they would on property of equal value in the City of Stonnington. Can the Premier explain to the house this inequity in regional and rural Victoria?

The SPEAKER — Order! I have some problems about how that question affects Victorian government business, but I will ask the Premier to answer it.

Mr BRACKS (Premier) — I thank the member for his question. The transfer payments which operate from the commonwealth for local government are administered by the state, and we distribute the lump sum money under the Victoria Grants Commission formula to councils around the state. The member has asked about the distribution and has criticised the distribution which he believes is in favour of the city rather than the country.

I will go to that very matter. The matter is contained in a set of national principles established by the commonwealth government, and to change those principles fundamentally, particularly a ceiling which is available for certain councils — a mandated matter by the commonwealth — would require the majority of states and territories and the commonwealth agreeing on a new set of principles and a new formula for the distribution of those commonwealth grants.

The requirement on the Victoria Grants Commission to provide as-of-right entitlement — that is, a certain entitlement mandated no matter what formula is applied — is a matter which is obliged on every state and territory government by the commonwealth. To change that requires the agreement of the commonwealth and the states and territories together.

I just go to what it would mean if it was changed. The amount of as-of-right funding is a small portion of the total funding which occurs from the commonwealth as transfer payments to local government through the Victoria Grants Commission. In fact of the \$258.9 million in general purpose grants under 4 per cent is an as-of-right payment, and if that were distributed around councils it would be less than the 4 per cent increase to some of the country and rural councils.

The Victoria Grants Commission, as an independent statutory body, operates on the basis of what is a perceived disadvantage in the distribution of those funds. I think it does a very good job with the distribution. I will give an example in the member's own electorate.

Honourable members interjecting.

Mr BRACKS — Yes, I am on top of this!

The East Gippsland Shire Council is an illustrative point which bears this out. That council received a general purpose grant of \$5.567 million — an increase

of about 3.4 per cent from the previous financial year. The shire's grant is equivalent to a per capita grant of \$139, which is more than two and a half times the state average. The reason that was applied at a greater rate was that the Victoria Grants Commission applied that on the basis of remoteness, and therefore the disadvantaged index was based on that to increase the funding to that council.

There is a distribution mechanism under the Victoria Grants Commission. Some parts are mandated, and the matter which the member refers to effectively is mandated, which is required by the commonwealth under national guidelines and is unable to be changed unless we have agreement with the commonwealth.

Children: protection reform

Ms LOBATO (Gembrook) — My question is to the Minister for Community Services. Given the importance that the Bracks government has placed on the protection of children, will the minister advise the house of recent evidence that confirms the direction of the government's reforms to the child protection system?

Ms GARBUTT (Minister for Community Services) — The death of any child is a tragedy and has a devastating effect on families and everyone involved in their lives. We know there are stresses and strains on the system, but our reform process is on the right track. Child protection notification rates in Victoria have dropped, compared to notification rates in the rest of Australia, which have climbed by 128 per cent. Victoria's rate has gone down. This confirms the direction of our reform process and that we should focus on early intervention and prevention.

We are putting Victorian families first. There has been over \$160 million extra in the last three budgets for our child protection and family support systems. However, the 2004 annual report of the Victorian Child Deaths Review Committee, tabled today, is a reminder of the task ahead to work hard to better protect children. It is worthwhile noting that there has been a dramatic reduction in the number of deaths of children in care — 32 in 2002 to 12 in 2003. However, more needs to be done. We acknowledge that, and the report will assist in our reforms.

The Victorian Child Deaths Review Committee investigates the death of children in the child protection system or those who die within three months of their case being closed. However, yesterday the member for Caulfield claimed that under the previous government the review committee investigated the deaths of all

children who had been in contact with the child protection system, and that the three-month cut-off did not apply and that we had changed it. That has never been the case. The member could have asked the member for South-West Coast.

I quote from the 1996 report of the Victorian Child Deaths Review Committee to the member for South-West Coast when he was the Minister for Youth and Community Services:

The ambit of this accountability has been extended to include those ex-clients where protective services involvement was ceased within the three months prior to their death.

Clearly that has not changed, so the member for Caulfield was wrong. In the report that I tabled today the committee endorses the government's reform direction. It states:

Over the last 12 months the committee has been heartened by a firm commitment by government to significant development and implementation of initiatives for the service system, setting out an agenda for widespread reform.

That confirms the direction of the government's reforms. Most members in this place would recognise that child protection is an emotional issue and one which should be treated with some sensitivity. To quote a previous minister for community services:

Child protection is an emotional issue and unfortunately is sometimes clouded by politics and sensationalism.

That was the member for South-West Coast. He is right: it is an emotional issue. We are dealing with difficult and tragic cases; however, sadly not all members in this house appreciate that.

Police: corruption and organised crime

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer the minister to today's revelation that the Victoria Police law enforcement assistance program (LEAP) database has been inappropriately accessed yet again. I further refer the minister to an official complaint from the Australian Federal Police about security breaches of the Victoria Police LEAP system by a detective sergeant in the ethical standards department in November 2003. Why has this federal police complaint not been investigated? Is this not further evidence that we need an anticorruption commission?

Mr HAERMEYER (Minister for Police and Emergency Services) — If the honourable member has a question about such a complaint, I suggest he direct it either to Victoria Police or to the office of the

Ombudsman. Members opposite seem to be far more concerned about this accessing of the law enforcement assistance program system now that they are in opposition compared to when they were in government.

If the member for Scoresby cares to give me the details of what he wants to raise, I would be happy to draw that to the attention of the Chief Commissioner of Police. Inappropriate accessing of the police database is taken seriously by the government and by Victoria Police.

Honourable members interjecting.

Mr HAERMEYER — You do not want an answer to your question, do you?

Mr Doyle interjected.

The SPEAKER — Order! The Leader of the Opposition! The minister, through the Chair.

Mr HAERMEYER — The chief commissioner has implemented tough new measures to prevent inappropriate access to the police database. I believe those measures are appropriate. I believe the measures are working and will work.

Justice statement: human rights

Ms D'AMBROSIO (Mill Park) — My question is to the Attorney-General. Can the Attorney-General advise the house how the government's recently announced justice initiatives will promote human rights and the elimination of discrimination in the Victorian community?

Mr HULLS (Attorney-General) — The justice statement recognises the central role of every government in cementing equality and a sense of rights and responsibilities in its constituency. It puts the fair go back on the agenda by calling for community debate on returning human rights to centre stage by talking openly about rights and their associated responsibilities — what they are, how they might be realised, who is missing out and how they should be promoted and protected.

The justice statement will foster this exciting discussion, the potential destination of which may be an instrument such as a charter of rights and responsibilities or a citizens charter. While for some this is the answer, others argue that it is not possible to enshrine the spectrum of rights and responsibilities and that judicial interpretation offers much greater flexibility. It is difficult to strike that balance, but it is essential that we have the conversation and that through

the justice statement process we unearth the most appropriate direction for Victoria.

The Bracks government has an enviable record when it comes to protecting a fair go for ordinary Victorians. The justice statement will build on the legacy of this reform, which has recognised the rights of marginalised Victorians, and send a clear message that intolerance is antithetical to Victoria's values. Complementing the human rights discussion, the justice statement proposes ways to strengthen the existing mechanisms designed to protect those values. This includes expanding problem-solving approaches in our courts, such as extending the Koori court to Mildura and Gippsland and establishing a Koori children's court.

Importantly the statement builds on Victoria's enviable record of having the lowest national crime rate, as we have heard from the Minister for Police and Emergency Services, by calling for the reform and clarification of the legislation surrounding the criminal justice system, including rewriting the Crimes Act, the Bail Act and the Evidence Act as well as looking at a sentence indication process. That will enable offenders intending to plead guilty to do so early after being given a likely indication of the sentences they may receive.

The statement also emphasises the benefits of problem-solving approaches and taking account of disadvantage in our fight to prevent crime and break the cycle of reoffending. Just as importantly, as part of this process we will increase the jurisdiction of the Children's Court to include kids aged 17 years, diverting them away from the adult system and towards a greater chance of rehabilitation in the juvenile justice system.

In conclusion, my hope is that the justice statement will prompt robust discussion across government, the legal profession and the courts. I hope the member for Benambra actually reads it — —

Mr Plowman — On a point of order, Speaker, in respect of tedious repetition, in *Rulings from the Chair* the Deputy Speaker ruled — —

An honourable member interjected.

Mr Plowman — This is in respect of *Rulings from the Chair*, if you do not understand.

Honourable members interjecting.

The SPEAKER — Order! Members who wish to raise points of order in the house are certainly entitled to do so without interruption. However, they are

required to address those points of order to the Chair and not the general chamber.

Mr Plowman — My apologies, Speaker. In respect of this, after a point of order claiming tedious repetition the Deputy Speaker ruled that the second-reading debate on the bill should be adjourned, which was upheld. The Chair stated that the member should proceed without repeating material that had been put before the house previously. Clearly this material, almost word for word, has been put to the house previously — only a matter of hours before question time. I ask you, Speaker, to rule on that as has been ruled in the past.

The SPEAKER — Order! The member for Benambra in raising his point of order said that the Speaker's ruling referred to debate in relation to a second-reading speech and a speech on the business of the house. The Attorney-General was asked a question. I understand he has answered it.

Mr HULLS — In conclusion, we are about justice for all, not just us!

Honourable members interjecting.

The SPEAKER — Order! Has the Attorney-General completed his answer?

Mr HULLS — I certainly urge every member of the community to read the justice statement and to take part in this very important and exciting discussion. This really is a once-in-a-lifetime opportunity.

SURVEYING BILL

Consideration in detail

Debate resumed on clause 5.

Ms DELAHUNTY (Minister for Planning) — Before the interruption for question time we were discussing clause 5, which sets out qualifications for registration. I will not repeat all that I said before, but I will point again to the fact that a person must have passed an examination in cadastral surveying set by or on behalf of the board and has to have undertaken practical training in cadastral surveying required by the board. They must also have completed a course approved by the board.

Under the Surveyors Act 1978 there was a category for unregistered surveyors. These surveyors perform non-cadastral surveys — for example, mining surveys. The national competition policy review found — and I

remind the house that the review is what this bill is based on — that regulation of this category was no longer required as it does not represent a risk.

Continued regulation of licensed cadastral surveyors is required as they are responsible for the lodgment of plans of subdivisions within the land registry and the quality of their work may well affect the integrity of the cadastre.

I understand there are currently 17 registered surveyors compared to over 1000 licensed cadastral surveyors. I am reliably told of a quite interesting expectation: that number is expected to fall to 500 or 600 with the introduction of annual licensing. That interesting figure raises a fair amount of evidence for the introduction of this bill. The requirement for annual registration, I would hope, is supported by both sides of the house — although I have not heard that from the other side — so that we have a modernised, updated, highly skilled practising body of surveyors.

The surveying industry is very supportive of the work this government has done following the national competition policy review. I would like to refer to a letter that was sent to the government from the Institution of Surveyors Victoria: It states:

Dear Mr Rickard,

Re: Surveying Bill 2004

He was thanked for making himself available for ongoing consultations. It continues:

We appreciate your open and approachable attitude. It is very reassuring.

The institution was thanking the government.

The Surveying Bill was a long time in its formation and many of us have continued to be involved in its progress from the beginning.

So I think we can jolly well put to rest the furphy of the opposition that there has been unsatisfactory consultation.

We are very keen to see many of the great changes implemented that we know will benefit surveyors, government and the community.

We have had a conspiracy theory, we have had allegations of lack of consultation and we have had all sorts of mad propositions from the member for Hawthorn, but what we have here is a letter from the Institution of Surveyors Victoria, the peak body of the surveying profession, saying they know many of the changes will benefit surveyors, government and the

community. I guess that just about covers everybody except the opposition.

You have our full support to these changes you alluded to, particularly those matters relating to annual registration —

and that has been raised in the questions relating to a couple of clauses —

CPD —

that is professional development —

and the powers and functions of the Surveyor-General.

Who signed this? Rob Bortoli and Terry Mawson, so we have the president of the Institution of Surveyors Victoria and the chairman of the Association of Consulting Surveyors Victoria. I do not think those words are ambiguous. It is amazing — the opposition does not like to hear the facts.

Clause agreed to; clause 6 agreed to.

Clause 7

Mr BAILLIEU (Hawthorn) — Clause 7(4) in division 1 of part 2 refers to the notion that the board may refuse to renew the registration of a licensed surveyor who, amongst other things, has not practised as a licensed surveyor for 12 months. It is a concern of the Institution of Surveyors Victoria (ISV), and I notice that the minister has just read in part a letter from the Association of Consulting Surveyors Victoria and the ISV. It is my understanding that that letter actually predates the arrival of the bill, so I think that explains why the institute of surveyors has expressed its concerns so dramatically subsequently. I invite the minister to look at the letter she has received subsequently.

I ask the minister whether it is the intention of the government that those registered surveyors who have not practised as licensed surveyors in the past 12 months should not stay as registered surveyors? Clause 7(4)(b) refers to:

... further professional education or training in cadastral surveying in accordance with the determination of the board ...

Given that the ISV currently conducts continuing professional development and that all ISV members are required to practise in that way, will that remain a determination of the board, or is it the intention of the government to change in any way the continuing professional development arrangements of the ISV?

Ms DELAHUNTY (Minister for Planning) — Clause 7 refers to the processes for both applying for registration and the grounds upon which the board may refuse to renew registration, so I would agree that this is a very important clause in this bill.

It allows the board to refuse to renew the registration of a licensed surveyor if that licensed surveyor has not practised during the previous 12 months. This is the essence of the change in this bill. I do not think the opposition understands the fundamental change that we are making. This is a profession whose members have had lifetime registration without any requirement to update their skills in a rapidly changing, highly technological environment. Cadastral surveying is changing by the minute — it is at the cutting edge of new technology — and it is extraordinary that anybody, either in the profession or purporting to represent the views of some members of the profession, would in any way be opposed to annual registration. I am staggered that the opposition by their question, is clearly belting a dead horse, an ancient horse around annual registration.

If this is the view of opposition members, they ought to come out and say it. They ought to come out and say that for some reason which is inexplicable to us and to the rest of the community they believe that this one profession which is so critical to the structure and the reliability of the land demarcation system should be allowed to expect that its members can be registered once without having to renew in any way their professional expertise or skills and that they can continue to practise and be registered to practise. That is the fundamental change in this clause: you can be refused registration if you have not practised during the previous 12 months and if you have not sought registration annually.

You can be refused also if you have not undertaken continuing professional development. I think I have covered that matter now. Or you can be refused if your right to practise in another state, territory or country has been cancelled or suspended because of conduct which, if committed in Victoria, would have entitled the board to suspend or cancel registration. I think that is a perfectly reasonable part of the clause. That certainly acknowledges that we are dealing with a national industry — a global industry in fact — and if your registration has been suspended or cancelled in another jurisdiction, of course the board would have the right to refuse registration or renewal in Victoria.

The board requires the power to be able to refuse renewal if an applicant is not keeping up to date either in terms of practising the profession or keeping up with the current trends in cadastral surveying. As I said, it is

a highly technical area of work. It is changing dramatically. I must say there are a wonderful group of young women coming out of university now who are highly skilled in this area. They are giving the older members of the profession, who are pretty well overwhelmingly male, a different view on the way that you can effectively, efficiently and fairly conduct the job of cadastral surveying. A decision by the board to refuse renewal of registration is appealable to the Victorian Civil and Administrative Tribunal, so there is an appeal right under clause 33 of the bill.

Clause agreed to.

Clause 8

Mr BAILLIEU (Hawthorn) — Clause 8 refers to conditions, limitations and restrictions on registration. The minister told the house just before that she expected the number of surveyors to halve and that this was a good thing. The minister has also sought to present the case that somehow the opposition is opposed to annual registration. The real position is far from it, and I said so in my second-reading remarks. The reality is that the Institution of Surveyors Victoria and the surveying industry generally are asking why the government is so keen to reduce the number of licensed surveyors in Victoria.

Ms DELAHUNTY (Minister for Planning) — Although this does not relate to clause 8, in the interests of clarifying the inaccuracy of the member for Hawthorn, I did not say that I expected there would be a fall in the number of surveyors. It has been reported to me, and certainly I did not say or imply — and it is very mischievous to suggest that I did — that that was a good thing. I noted the factual representation that that could occur and that was the advice that was given to me. It may not occur. I certainly made no pejorative judgment about it, and it was mischievous to suggest that I did.

Certainly I think you will find — and I am sure the member for Hawthorn would agree — that unless we produce more surveyors through our universities, which, of course, has to be funded by the federal government, we will see a decline in the number of registered surveyors. What I do not want to see is a decline in any way in their professional skills. That is why central to this bill is an agreement from the Institution of Surveyors Victoria, and indeed also from the Association of Consulting Surveyors, that we have ongoing professional development. I repeat what they have said in writing: you have our full support for those changes, particularly those matters relating to annual registration and to continuing professional

development. They are saying we have their full support for this and also the powers and functions of the Surveyor-General.

The DEPUTY SPEAKER — Order! I remind the house that I have allowed some fairly broad comment on this clause. In consideration in detail the matters raised must relate to the particular clause that is currently under consideration.

Mr STENSHOLT (Burwood) — This clause refers to conditions, limitations and restrictions on registration. It does not talk about trying to limit the number of surveyors in any sort of way, which seemed to be implied by the member for Hawthorn, as if there is some sort of secret agenda out there and that the board will go out and hack into the number of surveyors. That is clearly not the case from my reading of this particular clause. It is phrased in a very moderate sort of way insofar as it says that the board ‘may’ do certain things at the time of registration or renewal of registration. The use of ‘may’ reflects sensible governance. The Bracks Labor government is all about sensible and good governance in Victoria. The particular purpose of this bill is to bring the regulation of surveying practice into one comprehensive bill, which is what we have here before us.

The board may impose any condition, limitation or restriction on a registration that it thinks appropriate. This allows a reasonable latitude to the board. The board may also amend, vary or revoke any condition, limitation or restriction. In any profession people work to carry out their professional practice in a variety of ways, particularly surveyors, who have a wide range of skills. They are not always doing cadastral surveys. Some of them are working on large-scale projects; some of them work part of the time overseas or interstate, particularly if they are associated with large-scale developments.

The situation is not quite the same as Major Mitchell going out on the back of a horse and measuring up things from one hill to another; or indeed it is not the stick and measure with the theodolite any more — the profession is involved in a very sophisticated use of technology in a range of activities in practising their profession. I remember only a couple of years going with the then minister to Glen Iris — —

The DEPUTY SPEAKER — Order! I remind the honourable member for Burwood that I cautioned all members about being specific to the clause that is being addressed.

Mr STENSHOLT — Thank you, Deputy Speaker. I was just talking about conditions, limitations and restrictions which have to take into account the various skills and the way the profession may well be used by the particular member seeking registration or renewal of registration and the way that the board may look at that member when their registration comes up for such renewal. It has to take into account the conditions, which may be quite varied within this particular profession. I commend this clause.

Ms DELAHUNTY (Minister for Planning) — Still on the clause, I refer to the numbers I quoted earlier. I think the context which I should explain to the house is that at the moment not all licensed surveyors actually practise. It is expected that only those practising regularly will seek registration. That would be the normal expectation. Of course quite a few of them do not practise. It is estimated that of the 1000 licensed surveyors only between 500 and 600 practise regularly, hence the figure that I used earlier about how many it is expected will register to continue under the regulatory regime. So they do not all practise at once, and you have to be practising to seek registration.

Mr CARLI (Brunswick) — I will just make a comment on clause 9. There is the suggestion that somehow this provision seeks to reduce the ability of a person to register or renew a registration as a surveyor and to force them out of the industry. That is clearly not part of the clause, and there is ample opportunity here for — —

The DEPUTY SPEAKER — Order! The member for Brunswick is speaking to the wrong clause. We are on clause 8.

Mr CARLI — Then I will speak on clause 8.

The DEPUTY SPEAKER — Order! We would appreciate that.

Mr CARLI — On the issue of registration or renewal of registration, it is clear that the intention is to go from a system where a surveyor is registered for life to one where there is annual registration so that there is a renewal process. It is very important to recognise this as part of the reform and not as an attempt by the government to reduce the numbers or somehow limit the ability of people to practise as surveyors. It is very much about putting in place a process that follows the national competition policy review. The government is clearly seeking to modernise the industry, and ensuring that any condition, limitation or restriction on the renewal of a surveyor’s registration is appropriate to the

industry is not an attempt to reduce the numbers or to force people out of the profession.

Clause agreed to; clauses 9 to 37 agreed to.

Clause 38

Mrs POWELL (Shepparton) — Clause 38 goes to the issue of interference with survey pegs. Clause 38(1) says:

A person must not, without reasonable excuse, interfere with a survey peg or survey mark placed in position by or under the direction of a licensed surveyor.

There is a penalty there. The issue is, particularly in country Victoria, that a number of pegs or markers have been moved or demolished or covered over by all sorts of things. Who inspects the pegs, and are we to have more inspectors? There has been some criticism of the monitoring and maintenance of pegs in the past, and with the inclusion of this provision and a penalty I am wondering how many inspectors are in the rural area. This criticism has been made by the Auditor-General, the Surveyor-General, surveyors and a review by RMIT. The maintenance and monitoring of survey pegs is a very important issue.

Mr BAILLIEU (Hawthorn) — I was not going to speak on this clause, but given that the member for Shepparton has raised it I will. I raise a further point on behalf of the Construction Contractors Federation, which has indicated concern that this clause and preceding clauses may have an impact on its members. Those members do a lot of road construction work and obviously have an obligation to move such markers on many occasions. They do not want this provision to be imposed on their members.

Ms DELAHUNTY (Minister for Planning) — Clause 38 relates to an offence of interfering with survey pegs. As I said earlier, cadastral surveying is a very precise science. It is an extremely precise science. It means that you need to put the pegs in the right place. If you move the pegs you are going to find that your boundaries are damaged and subject to some dispute. We do not want to see that.

The Surveyor-General is responsible for the survey coordination network. That is part of his or her responsibility, and the Surveyor-General has a works program to review these markers regularly. That is part of his or her duties. I am told that there are around 148 000 marks in the network. That is quite a substantial number of survey marks, and that is why a regular works program is undertaken by the Surveyor-General.

I am sure that both the member for Shepparton and the member for Hawthorn would want it to be seen as an offence for anyone to be playing around with these survey pegs or marks. I hope there is no suggestion that this should not be seen to be a very serious matter, moving survey pegs or marks without due authority. It is an offence, unless you have a reasonable excuse, to interfere in any way with survey marks or pegs placed in position by or under the direction of a licensed surveyor. For the purposes of section 86 of the Sentencing Act 1991, compensation for the loss of, destruction or damage to property as a result of this offence is to include any expenses incurred in replacing or re-establishing a survey peg or mark. If it is a legitimate activity, such as the fencing of a property or the construction of services, they are of course not subject to this provision.

In the debate in this place on Tuesday, I think it was, the member for Shepparton referred to the movement of the marks due to drought, which is a known phenomenon. As I said, cadastral surveying is a very sensitive and highly sophisticated area, so the effects of drought have been factored into the way we manage the survey coordination network. Surveyors are very aware of the effects of drought, as they often work in drought conditions. An extra \$100 000 has been spent in 2003–04 on the network, and it might be fair to assume that quite a bit of that money has been spent on examining the survey markers that have been either damaged or diminished in some way by the contraction of land due to drought. As I have already said in a previous answer on clause 1, the government is providing through the Department of Sustainability and Environment further funding support for the survey coordination network.

Clause agreed to; clause 39 agreed to.

Clause 40

Mrs POWELL (Shepparton) — Clause 40 concerns the employment of the Surveyor-General. In part my reasoned amendment talked about the employment of the Surveyor-General being by appointment by the Governor in Council. The minister said she had huge discussions with the industry on this. From letters I have received I understand that the industry itself is asking for the Surveyor-General to be appointed by the Governor in Council, the reasons being that it feels he would be more independent and impartial and could therefore report to the minister without fear or favour. There has been criticism coming through the newspapers and a number of other organisations that under the proposed employment arrangements the Surveyor-General may not be able to report in that way.

One of my concerns is with clause 40(3), which talks about the Surveyor-General being appointed for a five-year period. The concern I have is that if during those five years the person is critical of the minister or the department, then during the reappointment process the minister, whether that person be the present minister or a future minister, may not look positively on their re-employment.

Mr BAILLIEU (Hawthorn) — In addressing clause 40 I ask the minister to say whether she agrees with a former Liberal planning minister, Alan Hunt, who when he introduced these clauses into the Electoral Boundaries Commission Act in 1982 said that locating them in that bill would:

... remove the influence of politicians over electoral boundaries and raise the voting system to a new level of independence and impartiality.

He went on to say that as a consequence the chief electoral officer and the Surveyor-General would:

... have absolute confidence in performing their roles with the impartiality and integrity demanded of them and will be seen to be impartial and independent by the public at large.

Does the minister agree with that statement, and why have these clauses been relocated against the wishes of the surveying profession?

Mr CARLI (Brunswick) — The current situation is that the Surveyor-General is employed as a public servant under the Public Sector Management and Employment Act. Surveyors-general have not been and will not be appointed by the Governor in Council. That has not stopped the Surveyor-General being independent and giving impartial advice. It is very clear that the most important political role of the Surveyor-General is to work with the Chief Judge of the County Court and the Electoral Commissioner in determining future electoral boundaries. Clearly all three are impartial and work as a team.

There is an underlying assumption by the opposition that somehow this government is trying to nobble the Surveyor-General and that somehow this legislation will change the processes through which the state impartially determines the boundaries of various electorates. I think it is very important to recognise that the current practices are being continued.

A number of public officers are employed under the Public Sector Management and Employment Act. They are impartial and give impartial advice. They are independent, and there is nothing untoward about this. Certainly I cannot understand what would be gained by having the Governor in Council appoint the

Surveyor-General. It certainly has not been made very clear in the arguments presented by the opposition and The Nationals.

Mr STENSHOLT (Burwood) — I rise to support this particular clause, because I think the elements set out in it are very appropriate. The Surveyor-General is a public servant who is part of a department that performs a professional function; therefore, like other professionals within that particular department, he reports to the secretary and is employed under the Public Sector Management and Employment Act. It is quite appropriate that he perform a professional function as a public servant within the state of Victoria. It is accepted that there has to be a full-time professional doing this and that that person should be a licensed surveyor. Of course there are the usual caveats in terms of non-performance, including becoming bankrupt, which may lead to a person being removed from office. The expectation of all public servants is that they remain professional and execute their duties in that regard.

I find it quite strange that people could imply that there may well be ministerial interference in this. It is actually putting down public servants to say that they cannot be professional just by being ordinary public servants. In this case it is an appropriate way to appoint a senior public servant, and I support this particular clause.

Ms DELAHUNTY (Minister for Planning) — The heart of this issue is the status of the Surveyor-General, and it is one that the government examined very closely in the preparation of this bill. It has been the issue of most concern to some surveyors. We certainly spent a lot of time examining what the best process would be. Let me put a few facts on the table. It is always helpful to start with the facts rather than with the furrphies which have been presented mostly by the member for Hawthorn.

The Surveyor-General in this state has always been a public servant. He or she has always been appointed under the equivalent of the Public Sector Management and Employment Act. He was employed under a public sector management act under the previous Kennett Liberal government and under governments before that. Other state surveyors-general are also public servants. What is different in Victoria in 2004 that means, for some reason yet to be explained to me, that the Surveyor-General should be different from the surveyors-general in other states and that he or she should be different in status from, for example, the registrar of titles or the Valuer-General? The Surveyor-General is a part of that critical team made up

of a critical trifecta — including the registrar of titles and the Valuer-General — which is responsible for the protection, the management and the precision of our land management system and the transfer of our land.

Let us just move the nonsense! If there is a conspiracy theory about that, present the evidence! The facts do not bear out what the opposition is trying to push. The facts as I have stated them are that the Surveyor-General has always been a public servant. He or she is expected to respond to the sections and conditions of the Public Sector Management and Employment Act 1998, which was an act of the previous Liberal government. So I ask again: what is the difference between the Surveyor-General in 1998 and the Surveyor-General in 2004? There is no difference!

For the very first time we have incorporated the functions of the Surveyor-General. We have brought all the functions of the Surveyor-General into one bill in a very detailed way for the first time. You would argue that that is open, transparent and providing clarity that did not exist before. The bill will clarify the role of the Surveyor-General. For the first time, it sets out in one place the employment, the suspension and the removal provisions applicable to the Surveyor-General. The member for Hawthorn raised the issue of the Electoral Boundaries Commission Act and its relation to the dismissal. That is appropriately covered under clause 41.

Clause agreed to.

Clause 41

Mr BAILLIEU (Hawthorn) — I repeat the matter I raised previously and invite the minister to respond.

Ms DELAHUNTY (Minister for Planning) — As I said earlier, the bill incorporates the parliamentary dismissal provisions for the Surveyor-General currently applying under the Electoral Boundaries Commission Act 1982. This is significant for two reasons. It is quite correct that the Surveyor-General is part of the three office holders who are responsible for electoral boundaries. The Surveyor-General also has many more detailed functions than that. Acknowledging that he or she has a critical role in that area, we have added new, stricter dismissal provisions in this act. These are new dismissal provisions which acknowledge the role that the Surveyor-General has under the Electoral Boundaries Commission Act. The Surveyor-General's dismissal requires the consent of Parliament under that act. That provides extraordinary protection for this officer in doing this important and critical work.

I would like to refer to further support that the government has received from the surveying industry, the surveyors peak bodies and industry associations. I spoke about a letter that we have received from the Institution of Surveyors Victoria and indeed from the Association of Consulting Surveyors in Victoria. I now refer to a letter from the Surveyors Board of Victoria. It is addressed to the executive director of Land Victoria:

Thank you for briefing the board on behalf of the minister regarding the Surveying Bill 2004.

... the board is of the view that, overall, the bill is a positive response to the needs of the community and the profession in relation to cadastral surveying.

We ask that you convey to the minister our support for the passage of the bill.

The date of this letter is the 20 May, 2004. There is a lot of support from the industry for this bill and we welcome that.

But, completing my remarks on clause 41, which relates to the suspension and dismissal provisions, I note that they are not new provisions under the Electoral Boundaries Commission Act but are now located, unaltered, in this new bill. We are elevating — if you like — the protection for the Surveyor-General. The provisions of that act that require parliamentary dismissal are relocated, unaltered, into this new bill, the Surveying Bill 2004.

Clause agreed to.

Clause 42

Mr BAILLIEU (Hawthorn) — It is fascinating to listen to the minister. It just dawned on her in her last answer that she actually got it wrong. At the last minute she was able to correct herself, so that is something of a blessing. The letter she read from the Surveyors Board of Victoria was, as I indicated in my second-reading speech response, secured under pressure.

Clause 42 goes to the matter of the functions and powers of the Surveyor-General. The minister asked before what is different. What is different is that this government has interfered with the Surveyor-General. That is the finding of the Auditor-General, the surveyors board and the surveying profession, and that was highlighted by the *Age* newspaper in an editorial.

Clause 42(2) refers to the Surveyor-General having an overarching power. It says:

The Surveyor-General has and may exercise all the powers necessary to perform his or her functions.

I invite the minister to indicate whether that power will override the requirements of the Public Sector Management and Employment Act, under clause 40, when it comes to direction by public servants of the Surveyor-General.

Ms DELAHUNTY (Minister for Planning) — The honourable member is quite correct. Clause 42 sets out the powers and functions of the Surveyor-General. As I said, this is the first time that the powers, functions, role, suspension and dismissal provisions relating to the Surveyor-General are together clearly enunciated in one bill. I think that is definitely a move in the right direction.

Why is it important? Since the days of Charles Grimes and Robert Hoddle in the 19th century land surveyors have played a key role in the development of Melbourne and development right across the state of Victoria. Surveying provides secure boundaries for agricultural land, for commerce, for transport and residential development.

Cadastral surveying is the fundamental role of the Surveyor-General — and this clause refers to powers and functions. We have to understand how important this role in the cadastral network is, because it fundamentally supports the integrity of Victoria's land administration system. I said that in my remarks several hours earlier, when we began discussing this bill in detail. This is about the integrity of Victoria's land administration system, and it is about having confidence in that system. It is about having confidence in the property boundaries.

The land administration system is critical to Victorians' confidence in their property market. It is also absolutely critical for our economy. The property market now represents about \$557 billion worth of assets. We are talking about an engine of growth in this state. Let us put it into context. Let us move away from the dark conspiracy theories dreamt up in the back rooms of the member for Hawthorn's small office. Let us concentrate on what the function of the Surveyor-General is.

Have we got it right on his powers and functions? We have a letter of support from the surveyors board. The member for Hawthorn's statement is a great insult, and I hope the member will withdraw it, because I am sure he does not want anyone outside this place to think he is foolish enough to try to suggest that any professional surveyor would write and sign a letter on behalf of their board without believing in what they were doing. I think that is fanciful. He really is starting to believe these tragic Harry Potter conspiracy theories. He is

back there in Hogwarts, and I think he ought to stay there.

It really is not something to be amused by, because it is very offensive to the Surveyors Board of Victoria. I am sure that when he thinks about it in the cold, hard light of day outside this place he will find that he has made a goose of himself, that it is extremely embarrassing and that people outside this place who do understand fair play will be completely insulted by the suggestion that someone as eminent as a member of the surveyors board would insincerely write a letter saying:

We ask that you convey to the minister our support of the passage of the bill.

The letter is dated 20 May 2004, and I am very pleased to know that this government can work closely with the surveyors who are really interested in getting on with the job. There is obviously an attempt by the member for Hawthorn to manufacture something that does not exist. I think that the new, young surveyors — and as I said a lot of them are young women — do not want to play around with nonsense. They want to get on and live out the profession for which they have been so highly trained. I certainly welcome their working in the profession.

Clause agreed to; clauses 43 to 46 agreed to.

Clause 47

Mrs POWELL (Shepparton) — Clause 47 goes to the membership of the Surveyors Registration Board of Victoria. Clause 47(1) states:

The Board consists of 8 members appointed by the Minister.

In the original board, the former surveyors board, there were six members, and most of them were employed by Governor in Council appointment, except the chair and the deputy chair, who were public servants.

The questions I ask are: why was the change made from having Governor in Council appointments for the rest of the board, and who recommended that change to the minister, given that I have received a letter dated 24 May from the Institution of Surveyors Victoria which states that it is very concerned about that change?

Mr BAILLIEU (Hawthorn) — I rise to speak on a similar matter concerning clause 47. The surveying profession was given the undertaking in discussions prior to the bill's preparation that no such change would be made. I also invite the minister to address the question of why the change has been made.

Ms Delahunty interjected.

The ACTING SPEAKER (Ms Barker) — Order! The minister will be able to reply.

Mr BAILLIEU — It is always a pleasure to have the minister interjecting. The minister has through this process demonstrated that she has no knowledge of the bill whatsoever. Only when the notes have been put in front of her has she been able to correct herself.

One of the concerns expressed by the surveying industry — —

Ms Delahunty interjected.

Mr BAILLIEU — It hurts the whole of Victoria I am afraid, Minister.

One of the concerns expressed by the industry is that the bill has been driven by bureaucrats and not by the minister, and she has shown by her knowledge of the details of the bill that she is not in control of this. I invite her to address the specific questions which have been put to the government on a number of occasions by the industry but which are yet to be responded to.

Mr CARLI (Brunswick) — I support clause 47. It is important to note that this clause is very specific about who will be on the board. It is true that the board will be appointed by the minister, but we must recognise that the clause is specific on how involved the industry will be in its appointment.

I remind the house that one of the members on the board must be the Surveyor-General — a public servant, as I have already indicated, who is independent. Two members must be licensed surveyors selected by the professional body representing the majority of licensed surveyors. There will be a panel to which three names will be submitted, from which two will be chosen. It will not involve the minister choosing names at random, so it will not be a case of the minister making appointments that are restricted in some way. It provides the opportunity for the industry, through the licensed surveyors, to submit three names, and the panel of professionals will decide who will be appointed. They will obviously be people who will best represent their profession.

Also, one person on the board has to be involved in the teaching of cadastral surveying in a tertiary institution. There are only a limited number of people with such expertise, so again the clause is a very specific in prescribing the position, and it is clear about that person bringing a particular skill to the board. Another member must be a licensed surveyor registered under section 6

of the act and employed in the public sector. Finally, there must be a lawyer.

It seems to me that the specifications in this clause will ensure there is a strong, independent and skilled board. It is clearly appropriate that the appointments be made by the minister under the conditions specified in clause 47.

Mr STENSHOLT (Burwood) — I am surprised and appalled by the attitude of the member for Hawthorn, the shadow Minister for Planning. Here he is, once again, coming out and attacking public servants. He says this has been dreamt up by bureaucrats and in doing so is putting bureaucrats down. It is very much standard fare for the opposition Liberal Party to put bureaucrats down. That is just appalling. These people are great public servants who for many years have used their professional skills for the benefit of the state and the people of Victoria to ensure that — —

The ACTING SPEAKER (Ms Barker) — Order! I remind the member for Burwood that he must refer to clause 47, which deals with the membership of the board.

Mr STENSHOLT — I am, Acting Speaker, referring to it by building on the statement by the member for Hawthorn that the membership of the board had been dreamt up by bureaucrats. I am a very strong supporter of public servants in Victoria. The issue of surveying is very much a public function, and we ought to support the public servants who undertake the particular public function proposed here. The minister will appoint to this particular board people who have the range skills, both public and private, to inform it. It is most appropriate that there be a mix of skills to support the public servants who undertake the function.

I was surprised by the member for Hawthorn's statement, because it virtually impugns the Surveyor-General. There will be a good mix of skills to assist the Surveyor-General and his staff in undertaking that public function. The mixture includes the skills of those in the public sector who deal with land and those of others who have an understanding of administrative law — and in terms of administration, this is very much a prime public function. The board members will have to take into account the interests of the community, particularly property owners, as well as those of the profession itself. There will be a strong degree of involvement by the minister, as well as the latitude for her to be able to make appointments. I support the clause as it is currently drafted.

Ms DELAHUNTY (Minister for Planning) — Clause 47 provides for a skills-based board. It is entirely consistent with what we are doing in this bill to modernise and increase the professional capacity of the surveying profession. This skills-based board will be expanded, as the member for Shepparton said, from six to eight members.

It will comprise practising surveying professionals; and is required to have a lawyer experienced in administrative law. This is the requirement on any of our public boards. We have to have a mixture of skills and members with both legal and accounting proficiency, but the board will comprise surveying professionals. We are requiring in this bill that the minister of the day represent the interests of the community and the property developers — the property industry as well, which works very closely with and relies on the surveying industry.

The ministerial appointment provisions of the Surveyors Registration Board of Victoria formed part of the 2001 bill — part of the original bill. It was acceptable then, and I cannot understand why it is not acceptable now. It was acceptable in the 2001 bill, but suddenly it is not acceptable now. It has been put to us in all the discussions and negotiations about this that it was acceptable under the 2001 bill and has been carried forward in this bill — it is efficient, appropriate and will provide a skills-based board to lead the work of this profession.

Clause agreed to; clauses 48 to 62 agreed to.

Clause 63

Mrs POWELL (Shepparton) — The issue I wish to raise is about the regulations that the Governor in Council may make. The specific issue I ask about refers to paragraphs (e) and (f) of clause 63(1). I refer to the prescribing of forms of certificates for plans and field records and abstracts of field records by surveyors. I want to know what is the status of the central plan office, which is the repository of all the information that surveyors file. I understand the Surveyor-General stated that function had diminished over the years through failure by some agencies to lodge survey information — for example, survey plans. Is the central plan office to be retained, which the review said strongly is very important and should be retained?

Ms DELAHUNTY (Minister for Planning) — Clause 63 sets out the various regulation-making powers under the bill and refers only to the regulation-making powers. I would expect that the question should relate to the clause.

Clause agreed to; clauses 64 to 73 agreed to; schedules agreed to.

Bill agreed to without amendment.

Remaining stages

Passed remaining stages.

TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 25 May; motion of Mr BATCHELOR (Minister for Transport).

Mr KOTSIRAS (Bulleen) — It is a pleasure to briefly speak on this bill. I know a number of members wish to make a brief contribution, and to have to do this at 3.45 p.m. at the end of a very busy week is inexcusable. The government has introduced this bill which makes many changes to many acts, and I would have thought the Minister for Transport would be present in the chamber to advise the house what the changes mean. Unfortunately, when the Labor Party was in opposition it was very vocal about introducing such complex bills into the house during a busy week. How quickly the Labor Party tends to forget.

The bill amends the Road Safety Act 1986. The selling of personalised numberplates started in 1984. VicRoads has been making money ever since. It has been ripping off Victorians since then, even though it had no authority to do so. This bill validates the practice and allows VicRoads to continue the practice of ripping-off motorists.

Under the bill VicRoads will be allowed to issue personalised numberplates for a fee fixed by the corporation, by tender or by auction. This is one way VicRoads will raise a lot of money because people will pay excessive prices for numberplates. The bill also validates previous sales and fees charged for personalised numberplates — in other words the provisions in this bill are retrospective. Why is this being introduced? Because of an individual who decided to take VicRoads to court. I read from a newspaper article of 6 June which states:

A man will take legal action against VicRoads to retain personalised numberplates the state roads authority claims were incorrectly issued to him ... a dealer offered him \$10 000 for the plates which match Holden's new limited-edition Monaro HRT 427 coupe. Mr Robinson paid \$310 for plates inscribed HRT 427 and has a receipt. But ... he would have to return them.

VicRoads said a staff member failed to check if the plates had already been ordered. Mr Robinson was offered a refund and a free set of equivalent customised plates.

Mr Robinson said he bought the plates as an investment and didn't believe VicRoads' excuse.

If members look at the application form for personalised numberplates prepared by VicRoads, it does say that once the corporation accepts the money and the application the numberplates are the owners. I quote briefly from the application form:

... if VicRoads accepts your application, allocates your chosen combination and issues the plates:

...

No-one else can obtain rights to display the combination or the plates without your permission.

You can transfer the combination to someone else through VicRoads.

It is only logical that this individual who paid the money and received the numberplates should have the right to use and sell the numberplates. It is important that the government, before supporting this type of legislation, have a full investigation into the issuing of numberplates, the costs involved and how much profit VicRoads has made over the years. Why is this government afraid of an investigation? The bill also provides that ownership rights of personalised numberplates may expire after 12 months unless the owner of the plates writes to VicRoads. I would have thought the reverse would have been more appropriate. If the owner did not wish to keep the numberplates the owner would contact VicRoads.

The bill amends a number of other acts. It covers drivers who refuse to give blood samples because the doctor or authorised person is not present. Under the bill the police officer can accept that a person saying no to offering a blood sample means no, but not because there is no doctor present to take the sample. This is the result of a recent court ruling where a driver refused to give blood because he said no doctor was at the scene. The bill also provides for drivers who lost their licences prior to May 2002 having their licences restored, subject to an alcohol interlock condition. This is a good provision, and I commend it.

The bill amends the Public Transport Competition Act 1995. Unfortunately there has been some confusion and it is a shame that the minister is not in the house to explain what effect the proposed amendment will have. As I said, because other members wish to speak on this bill, I will conclude my contribution and allow them to speak.

Mr SAVAGE (Mildura) — I thank the member for Bulleen for his consideration. I rise to support this bill. The measures in it, especially the road safety measures, will have an impact on the safety of every Victorian. I had a long career in the police force. In that time I must have tested about 2000 people who were in need of breath tests, and I can only say none of them was fit to drive a motor car on the highway. I have some insight into the mayhem they can cause, so any tightening of this legislation has my full support.

This bill amends a number of acts, and I will mention a couple of them in passing. The CityLink provisions are procedural, and I do not have any issue with them. However, in terms of CityLink, it rankles when I drive on the parts of CityLink which were taxpayer-funded freeways and are now tollways. I find that an issue in some respects, but overall I think CityLink makes a significant contribution to free passage for vehicles across Melbourne. I am certainly not reluctant to use it and do so whenever I am in Melbourne.

I was puzzled by the opposition of some country members yesterday to the Mitcham–Frankston tollway. Country motorists should not have to pay for that road. I think the people who use it should be the ones who contribute towards its cost —

Mr Mulder — That is not the issue.

Mr SAVAGE — The member for Polwarth says that is not the issue, but I think it is a very important issue. I will not enter into a debate on whether broken promises are appropriate.

Mr Mulder interjected.

The ACTING SPEAKER (Ms Barker) — Order! The member for Polwarth! The member for Mildura, on the bill.

Mr SAVAGE — The bill also amends the Road Transport (Dangerous Goods) Act. That gives me an opportunity to mention the fact that if there is a toxic waste containment facility built in my region, then dangerous goods will be an issue on our highways.

Dr Naphine — No, it won't — you will fight against it.

Honourable members interjecting.

Mr SAVAGE — I have not given up on either of those issues. We will see. There is a long way to go before the toxic waste facility is established in the Mallee. We are going to make sure we address a whole range of environment effects statement proposals in an

appropriate way. I think it is disappointing that standardisation has not occurred. This is something which is vital to the economy of the state and the region I represent. If there is going to be a toxic waste containment facility, there is no way under any circumstances that this material should be carried on the road.

The member for South-West Coast made some observations about my being remembered for a legacy of B-doubles going up the Calder Highway because I supported the Bracks government in 1999. However, he overlooked the fact that there was an election in 2002 in which there was significant support for the current government, irrespective of my support for it in 1999. The member needs to reflect on history.

I have done no deals with this government for standardisation. It is a commitment by the government, as is the case with the passenger rail. If I were going to do any deals, I would have done them back in 1999. I did not, and I have not on this occasion. As the Premier has said, the Honourable Barry Bishop in the other place should apologise for that lie.

While we are talking about untruths, some other significant ones are being put out by the National Party. They have had some real gems in my area — —

The ACTING SPEAKER (Ms Barker) — Order! The member for Mildura, on the bill.

Mr Walsh — On a point of order, Acting Speaker, I ask you to bring the member back to the bill.

The ACTING SPEAKER (Ms Barker) — Order! I do not uphold the point of order at this stage, because the member for Mildura was referring to roads and some examples within the bill and using that to refer to issues within his electorate. However, I am sure the member will refer very directly to the bill from now on.

Mr SAVAGE — Thank you for your guidance, Acting Speaker. Hazardous waste material is an issue in this bill. An amendment is made to that legislation, and I think that gives me some leeway to talk about rail transportation and getting hazardous material off the roads. That is exactly what I was doing. I know the National Party is very sensitive about the activities of some of its people in other places and the regions, and I can understand why its members want to suppress any form of discussion about that. In fact it was not so long ago that a former National Party branch president in Underbool was forced to hand in his firearms because he had threatened to shoot me at the local post office.

Dr Naphthine — On a point of order, Acting Speaker, the member is now straying well and truly from the bill. You have asked him to come back to the bill. He was given the opportunity to speak for a very short amount of time by a Liberal Party member curtailing his speech, and I ask that he restrict his comments to the bill.

The ACTING SPEAKER (Ms Barker) — Order! I ask the member for Mildura to speak on the bill.

Mr SAVAGE — The recent Auditor-General's report into rail passenger services and their increased cost has some relevance to this debate. The Leader of the National Party put out a press release indicating that the member for Gippsland East and I should apologise for the cost overrun of passenger services in Gippsland and the failure of passenger services to arrive in Mildura. I have to take issue with the Leader of the National Party, because in his report the Auditor-General said there was no reflection on the fact that the private rail providers were criticised. If you look carefully at that report you see a clear indication that one of the problems the government faced was an issue with the nature of the contracts and the franchises for those arrangements. The National and Liberal parties entered into this 45-year contract. This contract takes rail freight back to 20 kilometres per hour.

Honourable members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! I ask the member for Mildura to speak on the bill.

Mr SAVAGE — On the point of order — —

The ACTING SPEAKER (Ms Barker) — Order! I was not taking a point of order; I just asked the honourable member to refer to the bill.

Mr SAVAGE — Thank you, Acting Speaker, I will take your guidance. I think I have made the point quite clearly, and there are people here who are sensitive to the truth being reflected upon.

Dr Naphthine interjected.

Mr SAVAGE — And hypocrites.

The bill covers a number of safety issues relating to provisions for CityLink, the Marine Act and the Road Safety Act. I support those measures, as I have always done in this place, and I wish this bill a speedy passage.

I will make one point in conclusion: when it comes to citizens who have been photographed by speed cameras, they have 28 days to notify the traffic camera

office as to the identity of the driver. There should be some provision that allows the points to be deferred onto the responsible driver even after the 28 days. Often people overlook the fact that they have a notice or they are not aware until some later date that they were not the driver, and that causes problems. If you are not the driver, you should not wear the points, even if you paid the ticket. Again I wish this bill a speedy passage.

Mr DIXON (Nepean) — I wish to make a brief contribution to the debate on the bill, especially as it relates to the Public Transport Competition Act 1995, where it introduces a new raft of bureaucracy in relation to non-scheduled bus operators and minibus operators. This will encompass council and community bus routes.

I wish to mention the community bus that is running in the Mornington Peninsula shire. Negotiations are under way with VicRoads to have this bus taken over by Grenda's, which runs a service down that way, rather than having it run by the council. I hope the implications of this bill do not get in the way of the negotiations taking place between VicRoads, the council and Grenda's Bus Service. With the limited public transport on the Mornington Peninsula it is important that an on-call minibus service which feeds into the main bus routes is encouraged so members of our community can get to Frankston and other parts of the Mornington Peninsula. As many pensioners are now being slugged \$80 for car registration, they will have to rely more and more on public transport, and this minibus service is a very important part of that.

Turning very briefly to the numberplates, they are worth a lot of money. They are very valuable to people and often businesses have relevant numberplates. There are a few people in my family who find them to be very valuable.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (Ms Barker) — Order! The time set down for the consideration of items on the government business program has arrived, and I am required to interrupt business and deal with the items on the program.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 25 May; motion of Mr HULLS (Attorney-General).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 12, page 13, line 33, omit "(9)" and insert "(8)".
2. Clause 12, page 14, line 7, omit "(9)" and insert "(8)".
3. Clause 12, page 17, lines 23 to 27, omit sub-clause (8).
4. Clause 12, page 17, line 28, omit "(9)" and insert "(8)".
5. Clause 12, page 17, line 35, omit "(11)" and insert "(10)".
6. Clause 12, page 18, line 4, omit "(10)" and insert "(9)".
7. Clause 12, page 18, line 5, omit "(9)" and insert "(8)".
8. Clause 12, page 18, line 10, omit "(11) Subject to sub-section (12)" and insert "(10) Subject to sub-section (11)".
9. Clause 12, page 18, line 19, omit "(12) Sub-section (11)" and insert "(11) Sub-section (10)".
10. Clause 12, page 19, line 1, omit "(13)" and insert "(12)".
11. Clause 12, page 19, line 20, omit "(14)" and insert "(13)".
12. Clause 12, page 19, line 25, omit "(15)" and insert "(14)".
13. Clause 45, page 60, line 20, omit "50(3A)" and insert "28(3A)".
14. Heading to clause 46, omit "49" and insert "49A".

Third reading

The ACTING SPEAKER (Ms Barker) — Order! I advise the house that as the required statement of intention has been made under Section 85(5) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

ARCHITECTS (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Ms DELAHUNTY (Minister for Planning).

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Transport).

ADJOURNMENT

The ACTING SPEAKER (Ms Barker) — Order!
The question is:

That the house do now adjourn.

Fishing: PrimeSafe

Dr NAPTHINE (South-West Coast) — I wish to raise a matter for the Minister for Agriculture, and the action I seek is for him to delay the implementation of PrimeSafe for Victorian commercial fishing and processing industries until important anomalies and issues have been resolved.

On 21 May I attended, with some 30 to 40 commercial fishermen and processors, a meeting in Portland hosted by PrimeSafe. The meeting could only be described as a disgrace and a shambles and was highlighted by the complete lack of readiness on PrimeSafe's part to implement the provisions on 1 July 2004. Some of the key issues include, firstly, that the proposed fees will apply from 1 July but that no implementation of quality standards will take place until July 2005. Any delay would not impact on seafood safety or quality, and the current rules would still apply.

Secondly, the fees and quality assurance costs will apply to fishers who land or process fish in Victoria, but Victorian-licensed cray fishermen who operate in South Australia or land their fish in South Australia will not be subject to these Victorian rules and indeed will be subject to South Australian rules. But the issue is that South Australia has no rules. Hence they will not be subject to any fees as there are no fees for processors in South Australia. This will drive jobs from Victoria, and especially south-west Victoria, into South Australia. Similarly the costs in New South Wales of the same things are about one-quarter of the proposed costs here. What we need is a national system that provides equity across all areas.

Thirdly, the proposed fees for PrimeSafe do not reflect the risk but seem to reflect a perceived ability to pay various fishing components. For example, with shellfish and blue mussels, which may be perceived to be at the higher risk end of the seafood chain, you can process up to 50 tonnes and pay a fee of \$200 per year. But if you catch ocean fish you will pay \$800 for a 50-tonne licence, if you catch crayfish you will pay \$800 for 10 tonnes, and if you catch abalone you will pay \$800 for 8 tonnes. This is in reverse proportion to the risk and is perhaps based on a perceived ability to pay. These fees will be only part of the total cost, because you will have to pay for quality assurance programs and audits, which can cost \$125 to \$160 per hour.

Fourthly, currently there is no seafood industry person on the PrimeSafe board. The previous incumbent resigned some months ago and has not been replaced.

Fifthly, there has been no justification from PrimeSafe for the \$550 000 cost, which PrimeSafe argues will be used to administer this. It refuses to release any documents publicly to justify that cost.

There is no justification for why crayfishers who catch and sell live fish will be charged fees under PrimeSafe whereas farmers who sell livestock will not be charged. Exporters who export 1000 tonnes and sell 10 tonnes locally will be charged PrimeSafe fees on 1010 tonnes when they already pay Australian Quarantine and Inspection Service fees on 1000 tonnes. This system is unfair and needs to be delayed.

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

Blue Ribbon Foundation: Channel swim

Mr LANGUILLER (Derrimut) — I raise this matter for the attention of the Minister for Sport and

Recreation in another place. I am seeking action in examining ways of supporting the police officers who are going to do a relay crossing from England to France. I seek his support in terms of recognition and in terms of raising awareness in the Victorian community of the fine job they do.

I wish to acknowledge Paul Maguire, Ian Knight Graham Kent, Scott Dower, Simon Kettyle, Brooke Willis and Bill Gayther, who plan to become the first all-police team to complete the relay crossing from England to France then back to England. The team includes six police officers, five men and one woman, and a retired police academy instructor. Brooke Willis, at 23 years of age, is the only woman on the team. She is a triathlete who has been participating in triathlons since the age of 16 years. Another member of the team, Senior Constable Maguire, belongs to the force response unit and he completed a solo 17-hour crossing of the Channel in 2002.

They will swim close to 100 kilometres in 1½ hour legs in cold and often rough waters in July. Can I say that I have had the pleasure — often in fact — of swimming along with these police officers, who do their training in the bay. They go for a couple of hours, and I only do about 20 minutes, but it is my pleasure to swim along with them and see how much effort they put into it. They have been training for approximately 15 months. As members know, the waters of Port Phillip Bay are very cold. The temperature is now about 12.5 degrees, but it will get as low as 6 degrees in the next two or three weeks. The officers do a tremendous job and represent Australia very well.

They are completing the crossing to raise awareness of the Blue Ribbon Foundation, the charity set up in honour of the fallen police, such as police officers Steven Tynan and Damien Eyre who were killed in the line of duty in 1988 and Gary Silk and Rodney Miller, who died in 1998.

The training schedule has involved swimming in Port Phillip Bay for a long time, so I am asking the minister in another place, and I certainly bring this to the attention of all members, to acknowledge that they are doing a fine job and that they are raising funds for the Blue Ribbon Foundation. Their efforts will benefit in particular the Bendigo Hospital, a hospital which treated other police officers, some of whom died in the line of duty. I encourage every member in this Assembly and indeed those in another place to support these officers. And I repeat my request that the minister consider providing support for and acknowledgment of these fine police officers.

WorkCover: safety data

Mr WALSH (Swan Hill) — I seek action from the Minister for WorkCover. A source of huge annoyance and inconvenience for farmers relates to the accessing of material safety data sheets. Every farm business must keep on file material safety data sheets for every chemical substance that is used on the farm. They are often up to six pages long and refer to their composition, health effects, safety precautions et cetera. WorkCover inspectors can and do request to see them.

Under the hazardous substances regulations suppliers must make these sheets available to farmers for their use and for their records. A supplier is defined in the regulations as the manufacturer or importer, not the retailer. Therefore farmers often have difficulty in accessing material safety data sheets, particularly those for imported product. Information is available on the Internet, but many farmers still do not have reliable access to the Internet and attempts to download files often fail. It restricts the effectiveness of the hazardous substances regulations and increases growers' frustration, and it contributes nothing to the proper use of chemicals.

I ask the Minister for WorkCover to change the definition of a supplier in the hazardous substances regulations so that commercial sellers of farm chemicals are included but retailers like Safeway are excluded so they are not caught up in the legislation because they sell flyspray to households.

Schools: Seymour

Mr HARDMAN (Seymour) — I raise a matter of some urgency with the Minister for Education Services. The action I request is that the minister move as quickly as possible to address maintenance in schools in my electorate that were neglected during the seven dark years of the Kennett government. I was pleased to note that this year's budget includes \$60 million over the remainder of this year and the next financial year, showing the government's recognition of the needs for maintenance in schools.

I was also pleased to note that the key priorities for the expenditure of this money include maintenance of school toilets and asphaltting, which are key areas of concern in my electorate. The most urgent issues of school toilets has already been addressed with \$10 million funding for maintenance.

When I called the principal of Pyalong Primary School, Catherine Hoey, yesterday she was very pleased to hear of the \$118 000 grant to address the pressing needs of

the school's toilets. Catherine told me that the school's buildings and grounds committee met only last week and discussed ways in which they could deal with the issues arising from the state of their toilets. She told me that the growing school has no adult toilets, meaning staff, visiting adults and children have to use the same facilities. The timber structure leading into the toilets is broken, creating occupational health and safety issues, with one of the planks leading up to them also broken. There is no hot water in the toilets, which means that the cleaner has to carry buckets of hot water 50 metres to do her duties — a task which I am sure none of us would envy. I have no doubt that many people will feel relieved by this announcement.

I later called the principal of Dixons Creek Primary School, Sharon Walker, to ensure that her school community was aware of the \$100 000 grant to maintain its school toilets. Sharon told me of the school's concern with the current state of its toilets. One of the major issues is, again, that there are no adult toilets at the school and visitors to the school have to share the facilities with the children. Sharon told me that the toilets have cracks in the floor, creating hygiene issues, especially with the very young children visiting the school.

The toilets are also open to the elements and are very draughty as a result, making them very uncomfortable especially during the winter months. The toilets are also downhill from the school buildings and water run-off floods the toilets, causing more hygiene concerns. There is also no lighting, so when the school has night-time functions the toilets are inappropriate for visitors and the needs of the users.

I have also written to the minister this year about the surface of the Kinglake Primary School's netball court, which is very unsafe for use. The surface is cracked and uneven due to its age and the roots of trees causing problems. When I was in Kinglake for a constituent visit recently I was met by 15 parents at the school, who showed me the state of the surface, which they were concerned about. There are no facilities in nearby Kinglake, and they have to travel several kilometres to play netball in Middle Kinglake. I ask that this school be considered favourably when the \$50 million for further maintenance comes up for distribution later this year.

Plumbing: insurance

Mr BAILLIEU (Hawthorn) — I raise a matter with the Minister for Planning, and perhaps appropriately I am raising a matter in regard to the insurance of licensed plumbers, which is particularly relevant

following the remarks of the honourable member for Seymour! I ask the minister to review the compulsory insurance requirements of licensed plumbers, who are clearly not having a few problems in Seymour at least! In particular I invite the minister to address an open letter to the minister from the plumbers of Victoria that was published in *Plumbers Choice*, a newsletter that circulates among plumbers. That open letter points out to the minister that:

Plumbers in Victoria need clarification on a number of points in relation to the compulsory insurance they are required to take out in order to hold a plumbing licence.

Plumbers Choice has drawn attention to the fact that when a plumber retires, the insurance purchased by that plumber does not cover that plumber for resultant damage caused by a failure in work completed. The open letter invites the minister to address a range of specific questions that have been put to her:

1. Was it the intent of the legislation that a plumber would not be fully covered in retirement?
2. If and when a plumber changes insurance, does the legislation state that the plumber is covered for resultant damage on jobs completed under his/her previous insurer?
3. For what period of time is a plumber liable for any resultant damage? Is it until the certificate of compliance expires or beyond?
4. Is the minister aware that insurers now exclude liability for fire damage unless a plumber welds to Australian standards, bearing in mind that for the most part it is impossible to work within the standards on site? This leaves both the plumber and the consumer uninsured.

Finally, the open letter invites the minister to contemplate a review of compulsory insurance requirements and I invite her to do that. The *Plumbers Choice* newsletter has had difficulty corresponding with ministers in the past. I am raising this in the hope that the minister on this occasion will address those issues, which are serious issues for plumbers. Indeed, given what the member for Seymour has just advised the house, they are serious issues for all Victorians. I invite the minister to respond urgently.

Multiple sclerosis: Carnegie accommodation

Ms BARKER (Oakleigh) — I raise a matter for the Minister for Community Services. I ask the minister to take action to ensure adequate and ongoing funding for the establishment of and support for people in a home in Carnegie. These people have multiple sclerosis (MS) and I ask that action be taken to ensure these people can live in appropriate accommodation, not nursing homes. I raise this particularly in regard to a constituent of

mine, Sally, whom I had contact with in 2003, and not only with Sally but also with Alan Blackwood of the MS Society.

An honourable member — A good man!

Ms BARKER — Yes, a very good man. Sally contacted my office and asked if I would visit her where she was currently living. She has MS and has been located in a nursing home in Murrumbeena since 2002. That nursing home is a very good nursing home, but at that time Sally was 44 years old. She is now a couple of years older, but she was certainly the youngest in that nursing home. The other residents were of an average age of 80, and it was just not an appropriate setting for Sally, who really did want to have normal home accommodation and be able to have her children visit her and undertake some of the activities which she could still do, but certainly not in the nursing home.

We worked through some of the issues with Sally and Alan Blackwood over a period of time. Alan contacted me earlier this year to say that a house had become available in Carnegie. We had to work with the department and the minister's office to ensure that some discussions around a package through the Support and Choice program, a new initiative, were brought forward and discussed urgently with Sally so that we could deal with that and then deal with the house.

A lot of Sally's needs and those of other people with MS are dealt with through funding by the Department of Health and Ageing, which is of course federal funding. I understand it has now agreed to provide some of that funding, and I am certainly aware of the support that the Victorian government will be offering Sally and the other two residents in this home. I think we need to ensure that our funding is adequate and ongoing. We also need to ensure that the federal government's funding in terms of Sally and the other people who live in this house is also adequate and ongoing. I ask the minister to take action to ensure Victoria's side of the bargain is fulfilled because Sally is a great lady and I want to see her housed appropriately.

Rail: Sandringham and Frankston lines

Mr MULDER (Polwarth) — I would like to raise with the Minister for Transport the issue of frequent cancellations of and constant delays to Melbourne suburban trains. As the *MX* newspaper says today on its front page, Melbourne's trains are off the rails. With the Australian government's AusLink initiative forecasting that Melbourne's traffic congestion will worsen faster

than Sydney's or Brisbane's over the next decade, the Minister for Transport needs to tell Victorians whether he can get our trains back on the rails. Yesterday morning on the Sandringham line three trains to Flinders Street were cancelled before 9 o'clock. Last night the 4.49 p.m. train to Mordialloc and the 5.53 p.m. train to Frankston were cancelled; and the 4.57 p.m., the 5.27 p.m., the 6.01 p.m. and the 6.24 p.m. trains to Sandringham were cancelled. This meant a 20-minute service, not the scheduled 10-minute service, on the Sandringham line during the evening peak.

At about 6.20 p.m. last night a tree fell on the tracks between Middle Brighton and Brighton Beach stations, making matters worse. I know the members for Caulfield, Brighton and Sandringham, as well as the Honourable Andrea Coote, a member for Monash Province in the other place, are most concerned about this. The member for Prahran should be, but he had his head in the sand.

Delays are also of great concern. Yesterday morning the 8.05 train from Sandringham to Flinders Street was 12 minutes late by the time it reached Richmond. Passengers were left behind at stations like Prahran and South Yarra. These sardine trains are occurring on the Sandringham and Frankston lines every day.

Today the 3.33 p.m. train from Parliament to Frankston was cancelled, just another example of the many frustrations facing commuters. A third of train cancellations are due to a shortage of drivers. It is the Minister for Transport's fault because he ran the now defunct M>Train for 16 months until 18 April when Connex took over. During that 16 months M>Train receivers and managers failed to train enough new drivers. The Minister for Transport needs to explain to the house when Connex's current shortage of 75 drivers will be rectified, and he needs to apologise for the constant delays and cancellations.

On top of the lack of drivers, there is a major problem with maintenance. What is the Minister for Transport doing to work with Connex and Alstom Transport's joint venture, Mainco, and Siemens Rail Systems to ensure that maintenance is kept up to date? The 30-year-old Hitachi trains were meant to disappear in 2005, but they will still be around until 2006. Is the minister able to guarantee that they will be withdrawn by that date?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member must seek an action, not ask a question.

Mr MULDER — Still going! I ask the Minister for Transport will he guarantee that his secret, closed deal with Connex will see these many problems overcome? I call on the Minister for Transport to tell commuters how he stuffed up so badly and when he is going to fix up the terrible mess he has created. Obviously this model on the front page of *MX*, Catherine Zeta Jones, with a smile on her face, did not get off one of his —

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

Rail: Sunbury bridge

Ms DUNCAN (Macedon) — The issue I wish to raise is for the attention of the Minister for Transport. I ask him to do all he can to resolve the issues with Freight Australia regarding track access. Thanks to the Kennett government we now have a situation where, without the cooperation of Freight Australia, which is really Rail America, significant pieces of infrastructure investment cannot proceed. One such project is the duplication of the Macedon Street bridge in Sunbury. This bridge is critical to Sunbury, and the Bracks government committed \$4.1 million to its construction in 2002. The government wants to build this bridge, and the people of Sunbury certainly want this bridge built. This bridge needs to be built. The money is there; the will is there. What is not there is an agreement with Freight Australia.

Honourable members interjecting.

The DEPUTY SPEAKER — Order!

Ms DUNCAN — Members will recall that the Kennett government sold off our rail network to overseas interests with names like Freight Australia — nice Australian names so that we would be led to believe they were still in Australian hands and serving Australian interests, which of course is not the case.

Mr Mulder interjected.

The DEPUTY SPEAKER — Order! The member for Polwarth!

Ms DUNCAN — Under this sale of our assets Freight Australia was given a 45-year lease. This means that for the next 43 years no government can invest in rail infrastructure in this state without the cooperation of Rail America.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I caution both the member for Polwarth and the member for South-West Coast about persistent interjection.

Ms DUNCAN — Recently this situation has been further complicated by the proposed sale of Freight Australia to Pacific National, which is jointly owned by Toll and Patrick, subject to the approval of the Australian Competition and Consumer Commission and the consent of the director of public transport. What all this means to the people of Sunbury is that a bridge that should have been completed some 12 months ago has not been commenced.

The delays in this bridge construction and other bridgeworks in the Macedon electorate is further evidence of the failed privatisation of our rail network, flogged off by the Kennett government. These delays are extremely frustrating for the people of Sunbury, for me, for the government and for the minister. Usually the battle is to get projects funded. This project has had funds allocated. We are being frustrated by the lack of cooperation by multinational companies.

I ask the minister to do all in his power to bring about a resolution so that the people of Sunbury and others around the state can have this much-needed duplication work completed and the Bracks government can get on with the job

Mental health: Albury-Wodonga

Mr PLOWMAN (Benambra) — The issue I wish to raise for the attention of the Minister for Health relates to the cross-border mental health services between Albury and Wodonga. I ask the minister to investigate the circumstances surrounding the treatment and the subsequent death of Norma Rae Selkrig and whether the cross-border service provided by Nolan House at Albury Base Hospital is meeting the needs of people within our joint communities who suffer mental health problems.

Norma Rae Selkrig was 72. She lived in Lavington, New South Wales. She went to a doctor in Wodonga, who had her assessed at the Kerford Clinic at Wangaratta, Victoria. She had been treated at the clinic on a regular basis since February and had gone home. The family had great difficulties with her, and the last time she went home they had to ring the hospital because she was very disturbed and throwing herself around.

They rang an ambulance and she was taken to the Kerford Clinic. She was there for a week and a half, and the family went to see her on Sunday, by which

time she was in high dependence. The nurse told them the clinic could do no more for her and that she was to go back into the community. The Kerford Clinic rang the woman's daughter, who picked her up and took her home on Monday. The following Sunday, Norma took her own life with an overdose. Her doctor at the hospital in Wodonga said she had been very sick and had had her name down to be transferred to Nolan House in Albury, where there was a patient who could do a swap with her. But they did not do it. This is an extraordinarily sad outcome for a situation where a patient suffering mental illness was not able to be treated at the centre closest to where she lived.

I ask the minister to review the whole system of cross-border mental health services in the Albury-Wodonga area to see whether the single health services in Albury-Wodonga can provide a unified health service to people requiring mental health treatment. Clearly Norma Rae Selkrig should not have died. Clearly the service should have been adequate to look after her in a manner that could assist her family to overcome the situation she was in. None of her family believes she should have been sent home. I understand in these circumstances there will be a coroner's report, and I hope the minister is able to gain something from that in respect of the future treatment of mental health patients on the border.

Motor vehicles: imports

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Consumer Affairs in another place on behalf of my constituent Nevenka Zovin. In 2003 she purchased a Peugeot car from John Blair Motor Sales Pty Ltd. That is when the contract was written, and quite a large sum was paid for the vehicle, some \$36 000.

However, her enjoyment in having a good, compact, imported car has turned into a story of misery and sadness for her, because the vehicle has had numerous faults — so many in fact that it seems to have been in for repairs for more time than she has had the pleasure and joy of driving it. When she came to see me in my office it was clear to me that she was totally stressed and at her wits' end. She is greatly concerned that her warranty has nearly run out yet the vehicle is still having continuous problems.

In a letter to the managing director of John Blair Motor Sales of 67 Commercial Road, South Yarra, she said.

I am writing to you in regards to my recent purchase of the Peugeot 307 XSE. As much as I would like to be writing this letter to commend Peugeot on its service and product quality, it's unfortunate that on the contrary I'm reporting the

numerous issues I've encountered since my ownership of the vehicle began.

To begin with, the vehicle was in my opinion of an unrepresentable quality at pick-up.

The vehicle had faults with its blinkers, doors and catches. When its gearstick was put in reverse the car still remained in drive. Parts have been changed, and the vehicle has been back for repairs continuously. As I said, the woman is so stressed. I believe this company, or the franchisee here in Melbourne, has gone out of business. She is going to Bayford to have the repairs carried out. She is not complaining about the people who have been carrying out the repairs. It is really that the importing company in Sydney which is bringing the Peugeots in has not taken responsibility and had a proper recall of the vehicles to check why all these faults have occurred. That company is Sime Darby Automobiles of 1 Hill Road, Homebush Bay. That company is importing vehicles and has dealerships here. If vehicles are imported to this country, I would ask the minister to ensure that they are roadworthy and safe for people to drive.

Responses

Ms GARBUTT (Minister for Community Services) — I thank the member for Oakleigh for raising an issue with me which concerns one of her constituents, a 47-year-old woman who has multiple sclerosis and who is living in an aged care nursing home. This issue of young people living in nursing homes has been of considerable concern to me. It is one that I have been pursuing with my federal counterpart, Senator Kay Patterson, the commonwealth Minister for Family and Community Services.

In relation to the matter raised by the member for Oakleigh, the state government has had a significant offer on the table now for well over a year. The government has offered and committed \$200 000 in ongoing support packages to enable the three women the member referred to move out of the nursing home and into a community house in Carnegie, which has also been provided by the state government. We have made that offer: \$200 000 in individual support packages for these women, plus a community house for them to go to. I have to thank the member for Oakleigh for being very persistent in trying to get the commonwealth to the line and to match this funding or to come some way towards matching it with some commonwealth funding to help meet the medical and nursing needs of the residents.

The medical and nursing needs of the residents are clearly a commonwealth responsibility. Because these

people are in aged care nursing homes, which are commonwealth facilities, the commonwealth government obviously has a responsibility in this. I am pleased to note that when I raised the issue of young people in nursing homes with Senator Patterson she seemed open to thinking about this issue, and that is a big step forward, considering I could get absolutely nowhere with her predecessor, Senator Vanstone, who did not want to acknowledge any responsibility for this issue at all.

Nevertheless it is some comfort — cold comfort perhaps — that the commonwealth government has at last agreed to come a little way, although not far, to complement the state's contribution of a house plus \$200 000. The commonwealth government has now offered an extra \$50 000 to help meet the residents' nursing needs.

This would be a lot less than the federal government is already paying to meet these residents' nursing needs in an aged care home. It would already be paying a lot more than that, so it is saving money. But at least we have got the federal government moving on this issue for the first time. It is only a little bit of money, \$50 000, and unfortunately it is only for two years, so it is not a very generous offer. It has taken a lot of effort from me and from the member for Oakleigh, as well as a very strenuous campaign from the Young People in Nursing Homes lobby, to get this funding, but at least it means now that Sally and two others will get to live in a real home in the community with other women of her own age.

I challenge the commonwealth government to keep the ball rolling. The state government has proposed to undertake more of these collaborative sorts of projects with the commonwealth. We are prepared to move on this. I have made the offer to Senator Patterson and have pointed out that the commonwealth is already paying for the needs of these young people in nursing homes through the funding it provides for nursing homes. If the commonwealth government were more flexible and allowed that funding to move outside nursing homes, then the state government would be prepared to provide more appropriate accommodation, and then we would have more people like Sally moving out of nursing home into appropriate accommodation.

Mr CAMERON (Minister for Agriculture) — The honourable member for South-West Coast raised a matter concerning fishers, particularly in the south-west of the state. It related to legislation which was unanimously passed by this house last year which gave jurisdiction over the seafood industry to PrimeSafe.

The PrimeSafe board is a majority-industry-appointed board that covers a range of food industries. The honourable member raised a matter concerning a meeting that was recently held in the south-west as well as a range of implementation matters. Seafood Industry Victoria has also raised a number of implementation matters, and I am waiting, as SIV is waiting, for a response from PrimeSafe about that. I will also ask PrimeSafe to ensure that the honourable member for South-West Coast is advised in relation to those matters.

The DEPUTY SPEAKER — Order! The Minister for Agriculture will now respond to matters raised for the Minister for Sport and Recreation in another place by the member for Derrimut; for the Minister for WorkCover by the member for Swan Hill; for the Minister for Education Services by the member for Seymour; for the Minister for Planning by the member for Hawthorn; for the Minister for Transport by the members for Polwarth and Macedon; for the Minister for Health by the member for Benambra; and for the Minister for Consumer Affairs in another place by the member for Keilor.

Mr CAMERON — Deputy Speaker, the eight honourable members you have mentioned have raised matters for the attention of several ministers, and I will refer those matters to them.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 4.40 p.m.