PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

21 April 2005

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Mr R. K. B. DOYLE

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. P. N. HONEYWOOD

Leader of the Parliamentary National Party:
Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
Mr P. L. WALSH

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Baillieu, Mr Edward Norman	Hawthorn	LP
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Batchelor, Mr Peter	Thomastown	ALP
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Haermeyer, Mr André	Kororoit	ALP
Hardman, Mr Benedict Paul	Seymour	ALP
Harkness, Mr Alistair Ross	Frankston	ALP
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Hudson, Mr Robert John	Bentleigh	ALP
Hulls, Mr Rob Justin	Niddrie	ALP
Ingram, Mr Craig	Gippsland East	Ind
Jasper, Mr Kenneth Stephen	Murray Valley	NP
Jenkins, Mr Brendan James	Morwell	ALP
Kosky, Ms Lynne Janice	Altona	ALP
Kotsiras, Mr Nicholas	Bulleen	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP
Languiller, Mr Telmo Ramon	Derrimut	ALP
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Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Maxfield, Mr Ian John	Narracan	ALP
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Mildenhall, Mr Bruce Allan	Footscray	ALP
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Mulder, Mr Terence Wynn	Polwarth	LP
Munt, Ms Janice Ruth	Mordialloc	ALP
Napthine, Dr Denis Vincent	South-West Coast	LP
Nardella, Mr Donato Antonio	Melton	ALP
Neville, Ms Lisa Mary	Bellarine	ALP
Overington, Ms Karen Marie	Ballarat West	ALP
Pandazopoulos, Mr John	Dandenong	ALP
Perera, Mr Jude	Cranbourne	ALP
Perton, Mr Victor John	Doncaster	LP
Pike, Ms Bronwyn Jane	Melbourne	ALP
Plowman, Mr Antony Fulton	Benambra	LP
Powell, Mrs Elizabeth Jeanette	Shepparton	NP
Robinson, Mr Anthony Gerard	Mitcham	ALP
Ryan, Mr Peter Julian	Gippsland South	NP
Savage, Mr Russell Irwin	Mildura	Ind
Seitz, Mr George	Keilor	ALP
Shardey, Mrs Helen Jean	Caulfield	LP
Smith, Mr Kenneth Maurice	Bass	LP
Stensholt, Mr Robert Einar	Burwood	ALP
Sykes, Dr William Everett	Benalla	NP
Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Thwaites, Mr Johnstone William	Albert Park	ALP
Trezise, Mr Ian Douglas	Geelong	ALP
Walsh, Mr Peter Lindsay	Swan Hill	NP
Wells, Mr Kimberley Arthur	Scoresby	LP
Wilson, Mr Dale Lester	Narre Warren South	ALP
Wynne, Mr Richard William	Richmond	ALP

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Thursday, 21 April 2005

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 226 to 239 inclusive will be removed from the notice paper on the next sitting day. A member who requires a notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Ms CAMPBELL having given notice of motion:

Mr Perton — On a point of order, Speaker, I do not believe that notice of motion complies with the standing orders.

The SPEAKER — Order! I will ask the Clerk to have a look at it.

Further notices of motion given.

The SPEAKER — Order! I remind members that notices of motion are a serious part of the parliamentary program, and I have asked the Clerk to look at the previous contribution from the member for Pascoe Vale, as it may have been frivolous. I ask her to be serious in her further notices of motion, if she has any serious ones.

Ms Campbell — I was as serious as the member for Caulfield could possibly be, Speaker.

The SPEAKER — Order! If the member has a notice of motion she may give it. Otherwise she may sit down.

Further notices of motion given.

Ms CAMPBELL having given notice of motion:

Mr Perton — On a point of order, Speaker, I make the general point that I made earlier, that notices of motion are not a matter for triviality. The member for Pascoe Vale is continuing to defy your earlier ruling.

The SPEAKER — Order! I did not see that as being a problem, but I will ask the Clerk to look at it.

Further notices of motion given.

Ms CAMPBELL having given notice of motion:

Mr Perton — On a point of order, Speaker, I renew the previous point of order in respect of the notices of motion being given by the member for Pascoe Vale. She is obviously trying to increase her level of relevance on her side of the house — —

The SPEAKER — Order!

Ms Campbell — On the point of order, Speaker, the Victorian taxpayers have been expected to provide — —

The SPEAKER — Order! On the point of order.

Ms Campbell — On the point of order, Speaker, this notice of motion goes to the point of looking at expenditure of Victorian taxpayers money. That is relevant to this house.

Mr Honeywood — On the point of order, Speaker, perhaps it might be a good idea if the leaders of the parties had a meeting with you to discuss this unfortunate trend, because if we are going to belittle former premiers we on this side can do it as well, and it will become trite and demeaning to this Parliament. We are quite prepared to do that if the 61 members on the other side want to go down that path. So it may well be a good idea, Speaker, that the leaders of the parties meet with you to discuss how we can get around the Pascoe Vale problem.

The SPEAKER — Order! In relation to the point made by the member for Pascoe Vale, that matter has been brought to the attention of the house and discussed before. In relation to the matter raised by the Deputy Leader of the Opposition, I attempted to gain consensus in relation to notices of motion earlier, which was agreed to by the Labor Party and The Nationals, but I am more than happy to have a further discussion with the three parties to reach some sort of consensus.

PETITIONS

Following petitions presented to house:

Boating: Bass Landing ramp

To the Legislative Assembly of Victoria

The state government, through Parks Victoria, recently closed the Bass Landing boat launching ramp, a small man-made launching ramp on the Bass River, which has for decades

provided access to a very popular recreational boating and fishing area, most of which is on private land. The ramp has very low environmental impact.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Environment to allow the Bass Landing boat launching ramp and parking area to remain open to the boat users and fishermen and women of Victoria, who have used this area for many years.

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

By Mr SMITH (Bass) (327 signatures)

Planning: rural zones

To the Legislative Assembly of Victoria

The petition of these residents of Victoria draws to the attention of the house their request not to proceed with the introduction of the proposed new zoning in rural areas to the Victoria planning provisions.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria take note of the objection of the undersigned and does not proceed with the proposed introduction of the new zonings in rural areas.

By Mr BAILLIEU (Hawthorn) (5 signatures)

Rail: Camberwell station

To the Legislative Assembly of Victoria

The petition of residents of the City of Boroondara draws to the attention of the house the proposal to develop the air space above and the land surrounding Camberwell railway station as part of declaring Camberwell junction a principal activity centre under the Melbourne 2030 strategy.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria abandon its intention to sell, lease or in any way make available the land and air space surrounding Camberwell railway station for development and thus retain the heritage station and the public open space for the enjoyment of all now and in the future.

By Mr BAILLIEU (Hawthorn) (103 signatures)

Planning: Burnley Gardens development

To the Legislative Assembly of Victoria

The petition of residents of the City of Boroondara draws to the attention of the house the excessive and inappropriate commercial development in the Burnley Gardens precinct in Richmond and the alienation of public open space for the development including new tram stops in Swan Street.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria stop alienation of parkland in Richmond by the Bracks government for the benefit of the commercial development of Burnley Gardens and thus retain the public open space for the enjoyment of all now and in the future.

By Mr BAILLIEU (Hawthorn) (30 signatures)

Planning: Glenferrie Road, Hawthorn

To the Legislative Assembly of Victoria

The petition of residents of the City of Boroondara draws to the attention of the house the unilateral declaration by the Minister for Planning of Glenferrie Road, Hawthorn, as a major activity centre in an addendum to the Melbourne 2030 Strategy.

Prayer

The petitioners therefore request that the Legislative Assembly of Victoria requires the Minister for Planning to remove Glenferrie Road, Hawthorn, from the list of major activity centres, as published by the Department of Sustainability and Environment December 2003, and thus retain the amenity of Glenferrie Road, Hawthorn, and surrounding precinct.

By Mr BAILLIEU (Hawthorn) (49 signatures)

CityLink: concessions

To the Legislative Assembly of Victoria

The petition of residents of Victoria draws to the attention of the house the urgent need for the state government to extend its concessions to enable all pensioners and self-funded superannuants to access CityLink and other toll roads in Victoria at an affordable cost.

The petitioners therefore request that the Legislative Assembly of Victoria call on the government to initiate immediate action to extend concessions to those who use toll roads.

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

By Mr COOPER (Mornington) (271 signatures)

Rosebud Hospital: upgrade

To the Legislative Assembly of Victoria

The petition of the residents of Victoria draws to the attention of the house that the demand for hospital treatment has found many people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital, and that the emergency ward at Frankston is overworked leaving patients without proper care.

The petitioners therefore request that the Legislative Assembly of Victoria solve this problem by upgrading the Rosebud Hospital to treat a wider range of medical conditions.

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

By Mr DIXON (Nepean) (580 signatures)

Motor registration fees: concessions

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 state government's decision to halve the pensioner concession on car registration fees is discriminatory to the people of Victoria. A large number of Mornington Peninsula pensioners rely on their car for transport because of the low levels of public transport in the area.

Your petitioners therefore pray that the government reverse its decision to halve the pensioner concession on car registration fees.

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

By Mr DIXON (Nepean) (36 signatures)

Tabled.

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

Ordered that petitions presented by honourable member for Kew be considered next day on motion of Mr BAILLIEU (Hawthorn).

Ordered that petition presented by the honourable member for Bass be considered next day on the motion of Mr SMITH (Bass).

DOCUMENTS

Tabled by Clerk:

Ballarat University — Report for the year 2004 (two documents)

Deakin University — Report for the year 2004

La Trobe University — Report for the year 2004

Melbourne University — Report for the year 2004

Melbourne University Private Limited — Report for the year 2004

Monash University — Report for the year 2004

RMIT University — Report for the year 2004

Statutory Rules under the following Acts:

Heritage Act 1995 — SR No 18

Victorian Civil and Administrative Tribunal Act 1998 — SR No 17

Swinburne University of Technology — Report for the year 2004

Victoria University of Technology — Report for the year 2004.

BUSINESS OF THE HOUSE

Adjournment

Mr CAMERON (Minister for Agriculture) — I move:

That the house, at its rising, adjourn until Tuesday, 3 May 2005.

Mr PERTON (Doncaster) — Whilst the opposition does not oppose this motion, I note that this week's sitting has been treated with some disrespect. Although this house would endorse the Premier's commitment to being at Anzac Cove, along with opposition members, federal government representatives and federal opposition members, nevertheless it is totally inappropriate for the Premier to be absent from the house in this sitting week. If the Premier wants to go on trips that he considers valuable, he is in control of the sittings of the house and ought to ensure that either his travel plans comply with the scheduling of the sittings of the house or that in discussions with his cabinet he sets sitting times that suit his travelling schedule.

On Tuesday there were several — —

Honourable members interjecting.

The SPEAKER — Order! I ask members to stop interjecting. The member for Doncaster has the right to respond to the motion without continuing interjections from government members.

Mr PERTON — On Tuesday several ministers were absent from question time, and while the Leader of the House was ill — —

Mr Andrews — There was no question time on Tuesday.

Mr PERTON — Excuse me, on Wednesday. Whilst the Leader of the House was absent through illness, there was no excuse for other ministers of the Crown.

The sitting patterns of the Parliament are quite bizarre — one week in February, one week in March, one week in April, three weeks in May, one week in June and one week in July. If what the government is trying to do is to turn — —

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen will be silent.

Mr PERTON — If what the government is trying to do is to turn this into a part-time Parliament, then let it do that. Let us draw part-time salaries if we are to be part-time members of Parliament. However, I put it to you, Speaker, and to the house that, if we are to have a sitting pattern which places such a light burden on us on a monthly basis, then government members should treat this Parliament and their office with the respect that ought to be accorded to it — that is, instead of being photographed sitting in front of the Taj Mahal, the Premier should be in the house responding to questions and dealing with legislation, and other ministers should ensure that they do not have a visiting schedule that prevents them being in this house during sitting weeks.

Although the opposition does not oppose this motion, I urge you, Speaker, as the representative of this house, to take this matter up with the government and the Premier, and I particularly urge the Minister for Agriculture to take this into account. As we are having a light sitting pattern, I do not think it is too much to ask that the Premier and his ministers attend the Parliament.

Motion agreed to.

MEMBERS STATEMENTS

Oakleigh Dragons Junior Football Club

Ms BARKER (Oakleigh) — I wish to place on record my congratulations to the Oakleigh Dragons Junior Football Club, which, with the support of the Moorabbin Saints junior football league, has signed an Australian-first pledge to appreciate umpires more. This initiative, which has received glowing feedback from Australian Football League senior umpire Hayden Kennedy and AFL Umpires Association chief executive officer Bill Deller, has the aim of teaching children values and teaching every club to respect the authority that governs sporting events.

The initiatives put in place include the coach, captain and another player formally welcoming the umpire before each match, each player umpiring practice matches at training, and ensuring that no negative comments about umpires are shouted from the coaching bench. Sanctions have been put in place for misbehaving and can range from a free kick for backchat to the umpire and abuse from the coaching bench to sending a player off for swearing. A repeat offender can be suspended for a match. Targets have been set to reduce the number of order-offs and reports compared with the previous season, and it is intended that weekly updates will be published on the club's web site.

This initiative is primarily about working with young people to teach them that decisions have to be made on the sporting field and that they should accept those decisions and get on with participating in the game. The president of the Oakleigh Dragons Junior Football Club, Leo Lucas, has said that barracking parents rather than players are often the worst sledgers and that he intends to run the boundary line to monitor their behaviour during the season. As I said, this is an Australian-first initiative by the Oakleigh Dragons Junior Football Club. It is very appropriate, and as I said, I wish to congratulate the club and wish it luck with the initiative.

Terri Schiavo

Mr CLARK (Box Hill) — I rise to mourn the passing of Terri Schiavo, who died in the United States of America on 31 March after being starved to death on the decision of various US courts. The conduct of those who willingly and deliberately took part in bringing about her death deserves the same condemnation of history as the conduct of others who at various times have sought to promote or give effect to the concept of life not worth living, with the horrific results that it has always brought.

However, cases such as Terri Schiavo's are occurring not only in the United States. In Victoria a judge of our Supreme Court has authorised the ending of nutrition and hydration for a patient so as to bring about her death, in violation of longstanding principles of common law and the legislation of this Parliament. Our public advocate, who is supposed to defend those who are unable to care for themselves, has supported this action. Families are finding that they have to fight to prevent doctors withdrawing food, water and medical treatment from their loved ones.

We must rid ourselves of this culture which regards human beings as dispensable. We must strive to relieve suffering, but we must never act with the intention of ending lives. If we violate that principle, killing will become institutionalised in our hospitals and in our way of life, and palliative care will atrophy. Instead of cherishing and caring for the disabled, the old and the frail, we will end up turning the alleged right to be starved to death or killed by other means first into an expectation and then into an obligation.

Geelong: business network

Mr CRUTCHFIELD (South Barwon) — I would like to congratulate the Geelong Business Network on its significant achievements. I have been lucky enough to be on the board of the GBN since its inception in

1997 by the City of Greater Geelong. It is an independent body established to work with business to create a competitive advantage for the region through networks and alliances.

I am pleased to acknowledge the great work that Street Ryan and Associates, particularly Wayne Street, did in its formative years. GBN is a hardworking group that focuses on the fastest growing sector of the Victorian economy — small and medium-sized enterprises. Working with tiny budgets in partnership with many local stakeholders, the network is an agent of change, resulting in business and jobs growth.

It now receives no recurrent funding and relies on program funding and generous sponsors such as Coulter and Roache, MatchWorks, Karingal, and Day Neilson. Areas that have benefited include the region's wine and food industry, timber processing, education, research and hospitality. One of its most successful projects is the Telstra Country Wide Golden Plate awards, which promote excellence in the food, wine and tourism industry.

The network is also working with organisations like the Geelong Football Club to mentor young people and provide better career pathways. The network has now joined with the Geelong Chamber of Commerce in an exciting business connections project to make businesses that want to grow feel welcome in the region and to introduce them to local suppliers of goods and services.

The Geelong Business Network is an excellent example of how communities can work in partnership to create a better future. Congratulations go to current executive officer Digby Hughes, of Maxim, and chair Lawrie Miller, who also happens to be the executive officer of the chamber of commerce. I recommend that other regions throughout Victoria look to Geelong and emulate our success.

The SPEAKER — Order! Just before I call the next speaker, I ask members to show respect to members on their feet. I refer particularly to the adjournment debate last night and also to the debate this morning. When members are speaking it is very distracting and quite discourteous for other members around them to have very loud conversations. I ask members who do not wish to listen to the member who is speaking to be quiet or to leave the chamber.

Shepparton: transport industry dinner

Mrs POWELL (Shepparton) — Shepparton, which is a great place to live, recently had another big weekend of activities. On Friday, 1 April, I attended the transport industry dinner in Shepparton. The guest speaker was the federal member for Hinkler, Paul Neville, representing the federal transport minister. The dinner raised almost $2500 for the children's ward at Goulburn Valley Health. Congratulations go to Peter McPhee, coordinator of the Goulburn Valley road transport group, and his committee on organising the weekend of activities for Transport Awareness Week.

On Saturday, 2 April, my husband and I proudly witnessed the world record A-trailer pull attempt at DECA Training in Shepparton. It was a great spectacle. Thousands of people watched as a freightliner prime mover successfully pulled 41 A-trailers 600 metres along Wanganui Road, which was closed for the event. John McCarroll, Hartwigs branch manager and the driver of the truck, made the attempt look easy as he created a new world record, which will go into the *Guinness Book of Records*.

That morning was also SPC Ardmona's 9th annual Share a Can Day. The Honourable Peter Ryan, Leader of The Nationals, my husband Ian and I, the Minister for Police and Emergency Services, Tim Holding, and the managing director, Nigel Garrard, helped SPC Ardmona employees and others who volunteered their time to help pack about 450 000 cans. The cans of baked beans, spaghetti, sauces and fruit were sent to Victorian Relief, which distributes this food to charities and other needy organisations. Thanks also to the truck drivers, the truck owners, the packaging companies and others who donated their time and goods. Sadly for the world, it was also the day that Pope John Paul II died.

On Sunday, 3 April, I attended the official opening of the annual harvest festival celebrated each year by the Albanian community.

Member for Caulfield: performance

Ms NEVILLE (Bellarine) — Unfortunately I feel the need to raise with this house a disturbing incident involving the member for Caulfield, the shadow Minister for Community Services. Again the member for Caulfield has used her position to attack vulnerable young people for her own political ends. Last month she advocated for the indefinite detention of young — —

Mr Honeywood — On a point of order, Acting Speaker, it is wrong to impugn other members. The member for Bellarine should follow the example of other members in this place and ensure that before she goes down a certain path of action she does not create more trouble than it is worth. I call on the Chair to

intervene if this member attempts to demean another member of Parliament in a way that is designed to attack that person.

Ms Pike — On the point of order, Acting Speaker, the Deputy Leader of the Opposition is anticipating the potential contribution of a member, and it is an inappropriate point of order.

Ms Beattie — On the point of order, Acting Speaker, it is my understanding that there is an agreement that points of order not be raised during 90-second statements, but that they are raised at the end of the time set aside for 90-second statements. I ask that the clock be stopped and the member for Bellarine start her members statement again.

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

Police: numbers

Mr WELLS (Scoresby) — This statement condemns the Bracks government for breaking its 2002 election promise to deliver an additional 600 police to the front line. With only 18 months to go before the next election it appears that this target will not be met. In the last two and a half years the Bracks government has delivered only 232 police. This means that 368 new police will need to be put on the streets on the front line to replace other police retiring and resigning. We only have to look at the shortage of police to see what damage is being done to our community. Rowville police station was promised as a 24-hour station and is operating as a 16-hour service. This is also the case with Belgrave, Kilmore, Gisborne and Bellarine. There is a significant shortage of police in Werribee, so what did they do? Police were sent up from Geelong, which also has a shortage and is now around 20 police short as well.

However, the saddest issue is the cutting of the police in schools program. Here we have a very proactive program which connects police with school children to encourage them to become better citizens in the years to come. This program was crucial, especially for children from overseas countries who may have lived in a regime of corrupt police. This program ensured that these children could learn about, respect and have trust in our police force.

General practitioners: Mornington electorate

Mr ANDREWS (Mulgrave) — Yesterday the member for Mornington made a statement regarding a Queensland GP who wanted to return to practise in Victoria. I think it is fair to say that the member for Mornington is quite quick to find fault and he was happy to accuse the Bracks government of incompetence and stupidity. Perhaps the member for Mornington should do a bit more homework before he throws around such abuse. It seems he does not realise that the commonwealth government is responsible for the supply and the retention of general practitioners, and specifically controls the supply through the allocation of Medicare provider numbers.

The member for Mornington told the house yesterday that this GP has already been given the green light by the Victorian Medical Practitioners Board — that is, the Victorian government. The member has not provided all the facts in the matter and there may be some things that I am not aware of. However, the GP was unable to set up shop in Mornington and was told that he could only practise in rural Victoria. He was told that by the federal government not by the Victorian government. Without a Medicare provider number a GP cannot seek Medicare rebates and the full cost of the consultation would be borne by the patient, making practise impossible.

The commonwealth government allocates Medicare provider numbers based on the population-to-patient ratio. Perhaps the member for Mornington could do something good for his constituents by lobbying his mates in Canberra to re-examine the doctor-to-patient ratio in Mornington and declare it a district of work force shortage so that it could be eligible for more Medicare provider numbers.

I would encourage the member for Mornington to raise this matter in fuller detail rather than engaging in cheap, ill-informed political stunts that do nothing to serve the interests of his constituents.

Flemington racecourse: flood protection wall

Mr BAILLIEU (Hawthorn) — I have previously raised the matter of the Victoria Racing Club's proposed flood wall at Flemington racecourse. The call-in and approval by the Minister for Planning was based on hydraulic modelling undertaken by Melbourne Water, which sought to demonstrate that the wall would create no greater risk of flooding in the Maribyrnong flood plain. However, credible doubts have been raised by respected experts about the accuracy of that modelling. In February we revealed that the authors of the software program that was used had themselves found substantial fault in the modelling.

We also sought the release of the brief supplied to the consultants by Melbourne Water. In response in a letter

dated 18 February 2005 the Minister for Water advised that Melbourne Water had commissioned GHD as a preferred supplier of engineering services to undertake the modelling and that Melbourne Water had approved a submitted proposal from GHD and accepted it in December 2002. But we can now reveal that in fact GHD had already been engaged by the Victoria Racing Club to conduct modelling on its behalf. This engagement predated the appointment by Melbourne Water.

Despite this obvious conflict of interest, Melbourne Water proceeded not only to appoint GHD to do its modelling but also to invite it to prepare the brief for its own appointment. The details were provided in a letter from GHD to Melbourne Water on 11 December 2002, and the proposal was accepted by Melbourne Water by letter dated 30 December 2002. Far from having an independent consultant undertake the modelling critical to the approval of the applicant's proposal, Melbourne Water engaged the applicant's own consultant. In short, this process has been a sham. If the umpires on a football field asked the players to call the shots, they would be laughed out of the game.

An urgent public and independent review of the hydraulic modelling is necessary. The Minister for Planning must set aside his own prejudices and suspend the permit until this vital issue is resolved.

Oaklanders Basketball Club

Mr DONNELLAN (Narre Warren North) — I rise today to congratulate the largest and fastest growing basketball club in the south-eastern suburbs of Victoria — the Oaklanders. I congratulate the following volunteers — Dave Galloway, Dianne Galloway and Peter Rymer — for their tireless work, as well as the many other parents who play an enormous role in the club as managers and coaches.

I attended the club's presentation day on Saturday, 2 April, and was surprised and honoured to become its patron. It was a very well-attended day run by a very well-organised club. Parents were there en masse, and unlike some incidents we hear about elsewhere, the parents were marvellous supporters of all the children participating. The children clearly enjoyed their basketball, even though they struggle for training facilities and playing grounds, as do the parents who drive them from one suburb to another. I hope that in the not-too-distant future I can help this club with the facilities it so desperately needs. Well done, Oaklanders!

Water: Campaspe irrigators

Mr MAUGHAN (Rodney) — I bring to the attention of the house the desperate plight of irrigators in the Campaspe irrigation district. Currently irrigators have been allocated only 39 per cent of their allocations. There is another 5 per cent in store in Lake Eppalock, which Goulburn-Murray Water until very recently had indicated would be released. Irrigators were told that every drop of available water would be allocated before GMW began to store water for next season, and farmers made their management decisions accordingly. They were understandably angered and further stressed when Goulburn-Murray Water reneged on that commitment and announced that there would be no additional allocations this season.

The Minister for Agriculture, who lives less than 1 hour's drive from the area and was in Echuca recently to make an announcement regarding the dairying industry, has refused to provide any assistance or to visit the area and meet with irrigators. The Minister for Water has also refused to visit the area and has not responded to my representations to release the water, nor has he been prepared to meet with irrigators and their families face to face.

Both ministers and the Bracks Labor government stand condemned for their lack of interest, their lack of concern, their lack of compassion and, above all, their lack of action in addressing the desperate plight of these hardworking, productive and efficient dairy farmers on whom so many downstream jobs depend.

Leigh Hubbard

Ms BEATTIE (Yuroke) — I, along with all members on this side of the house, wish to pay tribute to the outgoing secretary of the Victorian Trades Hall Council, Leigh Hubbard. Leigh has been the trades hall secretary since 1995, and he has been an inspiration to Victorian working men and women.

I worked with Leigh for some years and saw first hand the positive influence he brought to trades hall. I saw his tireless energy, the 20-hour days he worked during the waterfront dispute and his fierce defence of the right to organise. Jeff Kennett in Victoria and John Howard in Canberra have tried to destroy the wages and conditions of Victorian workers. They have met and will meet with fierce resistance from workers.

Along with Jennie George and Bill Kelty, Leigh helped guide the union movement in Victoria when Peter Reith, the then federal workplace relations minister, sought to advance the New Right agenda by bringing

goons and dogs onto the wharves to do the job of workers whose only sin was to belong to a union. Leigh led workers and a coalition of community groups in defending their right to belong to a union. He publicised the failure of the $93 million witch-hunt that was the Cole royal commission — $93 million wasted, with no convictions!

His efforts to help restore democracy in East Timor, open up the Trades Hall building to the community and include women in all levels of decision making are more examples of the Leigh Hubbard years at Trades Hall. He can stand proud knowing that he is a great defender of workers. Best wishes to Leigh in his new career with the United Firefighters Union.

Minister for Employment and Youth Affairs: performance

Mr KOTSIRAS (Bulleen) — In a media release dated 6 April 2005 the Minister for Employment and Youth Affairs urged local councils to include young people in a range of planning activities. The minister said:

> It is fundamental that councils engage young people in all areas of council business …

What a hypocritical statement, considering that the Bracks government has neglected Victoria's youth for over six years. When was the last time the Bracks government, and indeed this minister, did more than simply mouth rhetoric and provide rebadged funding programs? When was the last time the Bracks government engaged young people in all areas of government business? The answer is never.

This government believes that if it pays for biscuits and coffee for a group of young people to meet, it is addressing their needs. Minister, this is not good enough! Writing media releases and providing colour brochures with pictures of yourself is not enough. Even your own data highlights your failure. Our youth must be equal partners in the decision-making process. Do not treat our youth with such arrogance. Our youth must be treated, once again, as equal and valued partners. In May of this year the minister will have her first chance to make a difference. Through the budget she can and must provide a real and concrete vision for our youth, and she must stop treating them as a commodity to be used simply for political mileage. Minister, do something — become proactive and provide a vision for our youth before it is too late!

Robert Nemarich

Mr LEIGHTON (Preston) — I wish to advise the house of the death of one of my constituents, a long-time resident of Reservoir, Mr Robert Nemarich, who passed away suddenly on 13 April. After an accident Bob was confined to a wheelchair. Despite his physical restrictions and at times ill health, Bob's advocacy on behalf of disabled and disadvantaged Victorians was tireless and inspiring.

Bob Nemarich was a proud member of the Australian Labor Party, serving as an office-holder of the Reservoir branch and as a member of the Batman federal electorate assembly and my Preston campaign committee. He was a real true believer. But the issue dearest to Bob's heart was fighting for the rights of the disabled, particularly disabled access to public transport. Bob served on a number of public transport consultative committees, and his passionate but considered voice will be sorely missed. He was a warm and caring person who was committed to the welfare of others, and he never lost sight of the goal of bettering the lives of others.

Bob Nemarich was a father, and I would like to extend my sympathy to his family, including his mother, Kathleen, and his children, Michael and Rebecca. The communities of Preston and Reservoir have lost a good man. They are lessened by his passing but stronger for his life's work. A wake will be held to share tall stories and memories of Bob at Cramers Hotel, Preston, on Saturday, 23 April, at 2.00 p.m. Vale Bob Nemarich.

Mornington Peninsula: 1800 telephone services

Mr DIXON (Nepean) — Another impost on the people of my electorate, which has the oldest age profile and the highest percentage of people on low incomes of any electorate in Victoria, is the lack of 1800 telephone numbers available to callers to contact many state government instrumentalities and associated groups.

A number of constituents have contacted my office regarding the lack of 1800 telephone numbers and the fact that that is costing them a fortune. The availability of 1800 numbers for calls to Civil Compliance Victoria and many hospitals are the subject of most of the complaints. Ringing a hospital to enquire about a patient's condition — or worse still, and more often, inquiring about one's place on the hospital's waiting list — often means being put on hold for a long time. Ringing from an subscriber trunk dialling (STD) area such as the Mornington Peninsula means the costs quickly mount up, especially during peak rate times.

With the proliferation of people who are caught by revenue-raising speed cameras being put on hold when they ring civil compliance, it is a costly and all too often common occurrence. The vast majority of my electorate cannot afford these phone costs, especially when they are usually the same people who have been slugged $80 for their car registration by this heartless and greedy government.

I therefore urge all the responsible ministers to audit their departments to ensure all associated entities not only have 1800 numbers but actually publicise them for such STD callers.

Eltham copper butterfly: protection

Mr HERBERT (Eltham) — I rise to speak today about a significant advancement for a group of local residents who have lobbied to save the habitat of one of our most endangered butterfly species. Earlier this year I was approached by residents concerning a proposed subdivision and residential development of land along Diosma Road in Eltham currently owned by Yarra Valley Water. The site of the proposed development forms a major part of a significant wildlife corridor in that area used by many species of animals and birds, some of which are on the endangered list. Most notable is the Eltham copper butterfly, which is very specific to this area due to the existence of a type of plant required for its breeding colonies. The site had not been utilised by Yarra Valley Water for a number of years, and as such has become used by the public and is generally considered a community asset. The development also posed other negatives, namely traffic and power supply issues, that threatened the character of the neighbourhood.

In progressing the issue locally, residents were not only passionate in their cause to save the Diosma Road habitat but extremely organised, prepared and coordinated. To its credit, and as a positive sign of its commitment to community consultation, Yarra Valley Water has withdrawn its application for a planning permit at the Diosma Road site and will continue to consult about the future of the area. This decision represents a show of good faith by Yarra Valley Water, a fundamental victory for local residents and a positive step in ensuring the viability of the endangered Eltham copper butterfly.

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

Yarra Ranges: youth summit

Ms McTAGGART (Evelyn) — I was honoured to launch the Shire of Yarra Ranges youth summit on behalf of the Minister for Education Services on 31 March. To celebrate National Youth Week the Shire of Yarra Ranges youth team organised the Off the Beaten Track youth summit. The summit brought together over 250 young people from across the municipality to discuss and celebrate being young people. The summit involved guest speakers, entertainment, workshops and other activities that assisted young people to engage with each other, and it provided an opportunity to develop skills such as leadership, confidence and initiative and to improve self-esteem. I am proud to be part of the Bracks government, which has funded 66 events like this throughout the state.

On 13 April I attended Celebrate Youth Action, a community lecture organised under the Town and Gown Lecture Series of events hosted through the partnership of the shire and Swinburne University. This was an extremely powerful evening, and the audience was privileged to gain an insight into the lives of three extraordinary young people.

Joth Hunt is a young man who runs a high-tech professional recording studio from his home in Chirnside Park. Joth is an active member of his church and an excellent musician. He provides low-cost recording to up-and-coming local musicians. Melissa Gebbing told of her journey from the Young Leaders Program, run by the shire, to a youth trainee working within the shire's youth services unit. She shared her passion and ambition to work with young people on local projects and working in programs with young girls. Tara Anderson shared her life experience about living with a parent with a mental illness and told how, with the assistance of a peer support program known as PATS — Paying Attention to Self — she is able to provide leadership to young children experiencing these problems. She is a passionate young woman who is determined to overcome the stigma of mental illness in our society by promoting further education and increasing support services.

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

Flowerdale: Links project

Mr HARDMAN (Seymour) — I rise to congratulate the Flowerdale community on their spirit which is shown through their dedication to improve their local community's environment. Recently I had

the pleasure of attending two events in Flowerdale. On Saturday, 2 April, the community celebrated the opening of the Flowerdale Links project. It is a walking and bike trail covering more than 7 kilometres, much of which is along King Parrot Creek, and connects to Silver Creek Road subdivisions right through to the Hazeldene store, hotel, school and community hall. The trail also provides a rest stop at Flowerdale which was not there before. The Links project funded the walking and bike trail.

The refurbishment of the community hall has enabled a neighbourhood house to be set up to cater for seniors groups and adult education services. It has proved to be a real linking project. In the past it was very dangerous, especially for children, to walk or ride from Silver Creek Road along the busy Whittlesea-Yea Road up to the store or the school. Safe access has now been made possible through the establishment of the trail, and there are great health and fitness benefits in that for the local community.

On Sunday, 17 April, the community had a working bee along King Parrot Creek in an area that it hopes to turn into a park in the future. When I turned up quite late in the day, I was amazed to find many cars and people at what I thought might have been a small event. It was a fantastic — —

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

Down Syndrome Association of Victoria

Ms MUNT (Mordialloc) — If we want to look to a warm, inclusive community with great community spirit, we need look no further than the Down syndrome community in Victoria. On Sunday, 6 March, I attended the family fun day at Ashwood Special School, Ashwood, of the Down Syndrome Association of Victoria. There was a disco, and there were face painting, great stalls and rides, yummy things to eat and happy faces everywhere. What a pleasure! Parents of children with Down syndrome clearly have their challenges but they also clearly have their joys. Children with disabilities and their families truly deserve our support.

I would like to congratulate the parents, workers and helpers, the Down Syndrome Association of Victoria and Ashwood Special School for their hard work and dedication and for putting on a great day. But most of all of I would like to congratulate the children who showed me innocence and warmth, beautiful manners and their joy for living — something we sometimes forget to wonder at in this hard-paced, cynical world of ours.

Member for Caulfield: performance

Ms NEVILLE (Bellarine) — As I was saying previously, the member for Caulfield has again used her position to attack vulnerable young people for her own political ends. Last month she advocated for the indefinite detention of young people in the Out of Home Care system, children who have committed no crime but many of whom have been raped or abused or suffer from mental illness. These young people need intensive treatment in their homes and with their carers, and not to be locked up and abandoned as the member for Caulfield wants.

In addition to this, last week the member for Caulfield visited the Malmsbury Juvenile Justice Centre, a visit arranged by the office of the Minister for Children to assist in getting a better understanding of the juvenile justice system. Members would not be surprised to learn that the member for Caulfield turned up at the centre with a press photographer. She immediately politicised the issue, abusing the goodwill that surrounds these government-provided briefings. I understand that the member heard from a vulnerable young person about how he was learning to read and write and develop basic skills to break the cycle of crime. But her response is to see that young person in the adult corrections system, with a likely outcome of further abuse and a life of crime.

The member has again demonstrated her unsuitability for the community services portfolio. Her record is dismal: attacking the Children's Court, child protection workers, kids in care, the intellectually disabled, the mentally ill and other young people in the juvenile justice system. I ask her to stand up for those vulnerable people in our community.

Rosebank Engineering

Mr LOCKWOOD (Bayswater) — In March I had the opportunity to visit Rosebank Engineering in my electorate of Bayswater and talk to the head of business development sales, David Wallace; Geoff Shields, the operations support manager; and Grant Pavey, the maintenance manager. The company was founded in 1977, initially specialising in the creation of machine tools, metrology equipment and manufacturing systems. In 1986 Rosebank began to head into a niche market that it has made its own. With the development of its hydraulic flight control and aircraft component capabilities, Rosebank has become the premier provider

of precision hydraulics and precision machining to the Department of Defence.

Rosebank has four facilities across the eastern seaboard, with the one of particular interest to me of course being in Bayswater — because Bayswater is better. I am sure members of the house with an interest in the ongoing strengthening of industry in Melbourne's outer east will be glad to know that Rosebank, with its sophisticated workshops that maintain the nation's air force at precise standards, is going from strength to strength. During my visit to the Bayswater facility I witnessed first hand the excellent work Rosebank currently produces and also the management's outstanding vision for its expansion. Rosebank is growing every day because of its success but of course that is generating pressures.

Members of the house might also be interested to know that Rosebank is one of 11 companies that took part in the production of the Queen's baton for the Commonwealth Games. Rosebank machined the front of the distinctive baton that is currently winding its way around the world on its way to the Commonwealth Games here in Melbourne. Rosebank Engineering is a little-known but high-value asset to the Bayswater area. It supplies parts — —

The ACTING SPEAKER (Mr Smith) — Order! The member's time has expired and the time for members statements has concluded.

HIGHER EDUCATION ACTS (AMENDMENT) BILL

Second reading

Ms KOSKY (Minister for Education and Training) — I move:

That this bill be now read a second time.

This bill makes a range of amendments to further enhance the governance arrangements of Victoria's universities. These amendments build on previous governance reforms by the Bracks government and will enable the universities to comply with the new national governance protocols for higher education providers. The bill also makes other changes which will improve the operational efficiencies of the institutions.

Each of the eight public universities in Victoria, as well as the Victorian College of the Arts, is governed by its own act of Parliament. Many provisions are common across all acts, while other provisions reflect the particular history of each institution and the community it serves. The changes in this bill provide for greater commonality across the acts where possible.

Honourable members will recall the reforms which were passed by this Parliament in 2003 as a result of the government's review of university governance. Those changes included strengthening the control of university councils over their commercial operations and the inclusion of consistent provisions for the protection against conflicts of interests.

The bill before the house today makes further changes which will enable the institutions to be eligible for additional funding under the commonwealth's Higher Education Support Act 2003.

Section 33-15 of that act states that a higher education provider's basic grant amount for a year will be increased if the provider meets the national governance protocols imposed by the commonwealth grant scheme guidelines.

In the 2005 grant year the increase will be 2.5 per cent; in 2006, it will be 5 per cent; and in a later year, the increase will be 7.5 per cent.

In summary, the 11 national governance protocols are as follows:

1. the higher education provider must have its objectives and/or functions specified in its enabling legislation;
2. the governing body must adopt a statement of its primary responsibilities (including the eight which are listed);
3. the duties of the members of the governing body and sanctions for the breach of those duties must be specified in the enabling legislation;
4. each governing body must make available a program of induction and professional development for its members;
5. the size of the governing body must not exceed 22 members and must include members with certain expertise;
6. the higher education provider must adopt systematic procedures for the nomination of prospective non-elected members;
7. the higher education provider is to codify and publish its internal grievance procedures;

8. the annual report must be used for reporting on high-level outcomes;

9. the annual report must include a report on risk management;

10. the governing body is required to oversee controlled entities; and

11. the higher education provider must assess the risk arising from its part ownership of any entity, partnership or joint venture.

The protocols are largely based on the outcome of the Victorian government's 2002 review of university governance. This was recognised by the commonwealth when the national governance protocols were announced.

Consequently many of the required changes are already in place. Some protocols can also be met by the institutions without further legislative change.

The primary change made by this bill in order to comply with the protocols is the insertion of the primary responsibilities of the university council into each act. These are stated to include:

the appointing and monitoring of the vice-chancellor as chief executive officer;

approving the mission and strategic direction of the university, as well as the annual budget and business plan;

overseeing and reviewing the management of the university and its performance;

establishing policy and procedural principles consistent with legal requirements and community expectations;

approving and monitoring systems of control and accountability, including overview of any controlled entities;

overseeing and monitoring the assessment and management of risk, including commercial undertakings;

overseeing and monitoring academic activities; and

approving any significant commercial activities.

As the governing authorities of universities, university councils have a total of either 21 or 22 members consisting of elected staff and students; ex officio members; and members appointed by the Governor in Council, the minister and the university council.

The bill lists factors that must be considered when appointing members and stipulates that at least two members must have financial expertise and at least one must have commercial expertise at a senior level. At least 12 members must be independent of the university — that is, neither enrolled as students nor employed as members of staff of the university. These changes expand on similar requirements already found in the acts.

No member of any Australian Parliament may be elected or appointed to a university council by the minister or Governor in Council but can be appointed by the university council.

In order to promote the introduction of new members to the council a member's tenure is limited to 12 years, unless the permission of the council is given. Provisions will also be inserted to ensure the overlap of members' terms where possible.

The national governance protocols state that the council must have the power (by a two-thirds majority) to remove any council member from office if the member breaches his or her duties that are specified in the act. In order to fully comply with the protocols, this power is included in the bill. Additionally the bill outlines a process — in line with the principles of natural justice — that must be followed before a council can remove a member. This includes giving the member notice no later than one meeting prior to the meeting at which the motion is to be moved and providing the member with an opportunity to provide reasons why he or she should not be removed.

An automatic vacancy will occur if the member is or becomes disqualified from managing corporations under part 2D.6 of the Corporations Act.

The responsibilities of council members will be expanded. Members will be required to act in good faith, honestly and for proper purposes; exercise appropriate care and diligence; and take reasonable steps to avoid all conflicts of interest (whether pecuniary or otherwise).

The bill makes a number of other amendments to all or some of the nine acts which are not required by the national governance protocols but which will improve the operational efficiencies of the institutions.

The current acts contain special arrangements for RMIT, Swinburne, Ballarat and Victoria universities which have both higher education and TAFE divisions.

Currently these institutions are required to have an academic board to oversee the institution's higher education activities and a TAFE board to oversee its TAFE activities.

Several of the dual sector institutions wish to retain this arrangement while others wish to move to a single board to oversee both types of activities. In order to accommodate different preferences, the bill will insert a common overarching provision in their enabling acts that will allow a degree of flexibility. The institutions will now be able to establish their dual sector arrangements by their statutes. The statutes will need to be in place by 30 June 2006 and, like all university statutes, are subject to ministerial oversight and approval.

In 1997 the university acts were amended to require a university to obtain ministerial approval before disposing of any land worth more than $1.5 million. In light of the increase in property prices since 1997 and to improve the practical operation of this provision, this limit will be raised to $3 million.

The bill will change the name of the Victoria University of Technology to Victoria University. This is in response to a request by the university, which has presented a strong case for the change, including the history of the name and the mission of the institution. An appropriate saving provision has been included that states that the university continues to be the same body as it was before the name change.

The bill makes a number of miscellaneous and consequential amendments, including those which reflect changes that have been made to the Corporations Law since the university legislation was enacted.

The bill has the support of all Victorian universities and the Victorian College of the Arts, all of whom have been consulted in the preparation of the bill. I thank them for their input, and on behalf of the Bracks government I look forward to continuing to strengthen our important relationship with them.

I commend the bill to the house.

Debate adjourned on motion of Mr PERTON (Doncaster).

Debate adjourned until Thursday, 5 May.

CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

In November last year Parliament passed the Children and Young Persons (Age Jurisdiction) Act 2004. That act has the effect of increasing the age jurisdiction of the criminal division of the Children's Court by one year to 18 years, a change that has received wide community support. The passage of that act delivered on one of the government's justice statement commitments and brought Victoria into line with the definition of 'child' contained within the United Nations Convention on the Rights of the Child. The age change will come into effect on 1 July 2005, well in time for the 100th birthday of the Children's Court in April 2006.

The government has also, through the Children and Young Persons (Koori Court) Act 2004, developed a children's Koori court (criminal division) to allow young indigenous people the opportunity to have their cases finalised in a more culturally appropriate manner in order to make court processes and outcomes more meaningful and more effective for them. As with the adult Koori court, this project will give the indigenous community a sense of ownership and direct involvement in the administration of criminal proceedings concerning young indigenous people.

Each of these changes, however, recognises that Victoria since 1989 has had a fundamentally effective and consistent juvenile justice system that is a tribute to governments of both persuasions.

The current bill recognises the integrity of the basic framework contained in the Children and Young Persons Act 1989 and builds on the Children and Young Persons (Age Jurisdiction) Act 2004 by developing a number of more detailed changes to the criminal division provisions of the principal act.

These changes fall into three broad categories.

First, the bill clarifies the jurisdiction of the criminal division of the court and makes a number of changes to the operation of the sentencing orders in order to provide the Children's Court with greater flexibility to deal with children and to achieve consistency in the operation of the various sentencing orders.

Second, the bill develops a process through which the Children's Court can deal with unpaid penalty infringement notices issued to children.

Third, the bill makes a number of other miscellaneous changes to improve the operation of the criminal division of the Children's Court and the juvenile justice system.

I will now turn in more detail to these proposals.

Jurisdiction and sentencing orders

The bill amends the definition of 'child' contained within section 3(1) of the Children and Young Persons Act 1989 to cover a person above the age of 10 years who allegedly commits an offence before turning 18 where the proceeding is commenced prior to their 19th birthday. By relying on 'commencement', this amendment removes the current ambiguity in the definition surrounding the reliance on the point at which a child is 'brought before a court'.

Recognising the fact that the change in the age jurisdiction and the clarification of the definition of child may result in older people who fit within the definition of child coming before the Children's Court, the bill gives the court the express discretion to transfer a proceeding involving a person aged over 19 to the adult courts. The bill does not, however, alter the longstanding regime that attaches to children charged with murder, attempted murder, manslaughter, arson causing death or culpable driving causing death or, in exceptional circumstances, other indictable offences. Following committal proceedings in the Children's Court, such cases will continue to be processed in the County or Supreme courts.

The bill removes the current upper age limits on undertakings and bonds in order to ensure that the court may impose these penalties to their maximum extent on all offenders regardless of age. The bill also provides that a court may, in exceptional circumstances, impose a longer bond on children aged over 15 than is currently the case. This change will increase a young person's accountability but also provides a greater prospect for rehabilitation where participation in a program forms an integral condition of a bond.

Similarly, the bill increases the upper operational age limit to 21 for the three supervisory orders to allow the court the maximum flexibility to impose an appropriate sentencing order that seeks to achieve a young offender's rehabilitation. This change also applies to orders made on appeal.

At the upper end of the sentencing scale, the bill allows a sentence of detention in a youth training centre to be imposed where a person is aged 15 years or more but is under 21 on the day of sentencing. This change will mean that the court has greater authority to deal with breaches of sentencing orders, while still recognising the fundamental importance of rehabilitation for young offenders.

To this end, the bill seeks to regularise breach proceedings with respect to bonds, fines, probation, youth supervision orders and youth attendance orders. The bill gives the Children's Court the discretion to transfer a breach proceeding to an adult court where a person is above the age of 19 at the commencement of the breach proceeding in the Children's Court if appropriate in all the circumstances or the person does not consent to the Children's Court determining the matter.

Children and young persons infringement notice system

The bill introduces a new process through which children's unpaid infringement notices can be handled by the court. While similar to the adult penalty enforcement by registration of infringement notice system, the proposed children and young persons infringement notice system involves greater discretion so as to take into account a child's financial and personal circumstances. This system provides issuing agencies — such as the Department of Infrastructure or Victoria Police — with the alternative of an expedited process rather than having to issue a charge and summons. The system focuses on finding a balance between a child's financial capacity and the need to ensure accountability for unpaid infringement notices.

Miscellaneous changes

The bill also makes a number of miscellaneous changes to the Children and Young Persons Act 1989 to improve the operation of the criminal division of the Children's Court and the juvenile justice system.

The bill clarifies an existing ambiguity in the act by providing that the maximum period of any subsequent remand of a child in custody is 21 days — this means that a child on remand must be brought before a court every 21 days.

The bill allows the Supreme and County courts to remand to a youth training centre a person undergoing a sentence of detention in a youth training centre. By virtue of section 49 of the Magistrates' Court Act 1989,

this power is currently confined to the Magistrates Court only.

The bill updates the provisions surrounding orders in addition to sentence by requiring a child's financial circumstances to be taken into account in relation to applications made with respect to recovery of assistance paid under the Victims of Crime Assistance Act 1996 and recovery of costs incurred by emergency service agencies. At the same time, the bill imposes a limit of $1000 on the amount of compensation, restitution or costs that may be ordered against a child.

Importantly, however, while preserving the distinction between sentencing orders and orders in addition to sentence, the bill provides a mechanism through the Magistrates Court to enforce orders for compensation, restitution or costs made in the Children's Court. At present, such orders are unenforceable as the Children's Court has no civil jurisdiction.

Recognising the importance of the Children's Court as a specialist jurisdiction — something underpinned by its hosting in October 2002 of the 16th World Congress of the International Association of Youth and Family Judges and Magistrates — the bill will allow the President of the Children's Court to reserve a question of law for the consideration and determination of the Supreme Court. This amendment will allow the court to develop an authoritative body of judgments to guide its operation.

The bill makes a number of changes to the management of persons undergoing sentences of detention. These changes include providing that the Secretary of the Department of Human Services is not required to separate remandees from persons undergoing sentences of detention in very limited appropriate circumstances and allowing the secretary to delegate to an executive within the meaning of the Public Administration Act 2004 who is employed at the level of EO-2 or above the power to order a period of isolation of greater than 24 hours.

The bill requires the Youth Parole Board to have regard to a person's age and maturity before making a direction that the person be transferred to a prison to serve the unexpired portion of their sentence where the person was originally sentenced as a child to a period of detention in a youth training centre.

The bill also requires that a report be prepared by the Secretary of the Department of Human Services for the Youth Parole Board to set out what steps have been taken to avoid a person being transferred back to prison as a requirement before any transfer back to prison can take place with respect to a person originally sentenced to imprisonment. These two changes enhance the flexibility in our system for the management of young offenders who are either detained in youth facilities or prisons and recognises that there are occasions on which it is no longer appropriate for a child to remain in the juvenile detention system.

To aid in the identification of detainees and compiling of records, the bill provides that a child's photograph may be taken by the officer in charge of a youth residential centre or a youth training centre after the young person's admission to the centre, instead of the current provisions for fingerprints to be taken.

Finally, while not affecting the substantive hearing of proceedings commenced prior to 1 July 2005, the bill provides for the transfer of 17-year-old remandees from prison to youth training centres on the commencement of the Children and Young Persons (Age Jurisdiction) Act 2004.

This bill does not seek to alter radically the operation of Victoria's juvenile justice system. The bill recognises the basic efficacy of the existing regime and, while technical in nature, seeks to reflect the government's commitment to pursue directions in juvenile justice that emphasise prevention of crime and rehabilitation of offenders.

I commend this bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 4 May.

ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

In May 2002 the Electoral Act 2002 (the act) was passed by Parliament. The act came into operation on 1 September 2002 and was in place for the last Victorian state election. The bill makes improvements to voting procedures, registration processes for political parties, nomination criteria and other administrative and technical amendments.

The bill makes the following improvements to voting procedures.

The bill provides that eligible voters aged 70 and over may apply to the Victorian Electoral Commission to enrol as a general postal voter. We have an ageing population. A large number of Victorian voters who are over 70 may not currently be eligible to register as a general postal voter, even though they may find it increasingly difficult to reach a voting centre and vote. By allowing Victorian voters over 70 to register as general postal voters, the voting process will be much easier for senior members of our community.

The bill will allow early and postal voting for electors who declare that they will be unable to attend an election-day voting centre during the hours of voting on election day. This initiative modernises voting procedures in Victoria and makes it easier for people to cast their vote.

The bill sets out a new process for the registration of how-to-vote cards. In the past, confusion has arisen because there were separate provisions for the supply and inspection of registered how-to-vote cards, depending on whether the cards were registered by an election manager or by the Victorian Electoral Commission. The introduction of proportional representation for the Legislative Council means that there is an even greater need for the simple, one-stop registration procedure introduced by this bill.

The bill includes a process for the correction of errors that may be detected in a registered how-to-vote card. The bill allows alterations to be made to registered how-to-vote cards no later than noon on the fifth working day before the election day. The Victorian Electoral Commission's decisions in relation to these alterations to registered how-to-vote cards will be reviewable in the same way as decisions on the initial registration of how-to-vote cards.

The bill makes the following improvements to the registration processes for political parties and clarifies the requirements for nomination.

The bill requires registered political parties to apply for re-registration no later than 30 June 2006 and thereafter during a two-month window period mid-cycle between state elections. The Victorian Civil and Administrative Tribunal may review a decision by the Victorian Electoral Commission to refuse an application for re-registration of a political party, in the same way that it can review a decision on the initial registration application.

The bill provides that the number of signatures required on an independent candidate's nomination form is increased from 6 to 50. This will bring Victoria in line with current practice in the commonwealth.

The bill clarifies the nomination and eligibility requirements for Crown office-of-profit holders. State and commonwealth Crown holders of office or place of profit will not be required to resign from office prior to nominating as a candidate in a state election but upon their election will cease to hold that office or place of profit.

The bill makes the following administrative and technical amendments.

The bill resolves an inconsistency in the current provisions relating to the resolution of a tie at the last stage of a Legislative Council or local government election count. If there are only two continuing candidates for the final vacancy, all surpluses from elected candidates must be transferred and all preferences from excluded candidates must be distributed before the candidate with the larger number of votes is elected. If there is a tie for the final vacancy, the result is to be determined by lot.

The bill also makes other minor and technical amendments to the Electoral Act 2002, for example, improvements to the handling of the refund of nomination deposits and repealing spent provisions.

This government is committed to protecting the integrity of the electoral system and ensuring maximum participation in the democratic process. The initiatives in this bill will modernise the Victorian electoral system and strengthen the right of every eligible Victorian to have every opportunity to cast their vote. The Electoral Legislation (Further Amendment) Bill demonstrates the government's commitment to the continuous improvement of Victoria's electoral system.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 5 May.

MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

When I released the justice statement in May 2004, I made a commitment to working with the courts to deliver a fair, efficient and accessible court system to the Victorian community.

This bill contains two proposals for the Magistrates Court that form part of that commitment: the introduction of judicial registrars, and the provision of wider rule-making powers.

Judicial registrars

Judicial registrars are used in several jurisdictions throughout Australia to assist the judiciary in managing their workload in an efficient and cost-effective way, without compromising either the independence or the quality of judicial decision making.

The judicial registrar model contained in this bill creates an office that is a 'hybrid' of a judicial and administrative office. That is, a judicial registrar will not be a judicial officer but will be able to exercise some judicial power. This is achieved by the delegation of jurisdiction to judicial registrars by the court through its rule-making powers. The delegation of jurisdiction is consistent with the provisions in the Family Law Act 1975 (Cth) relating to judicial registrars in the Family Court.

The use of judicial registrars to undertake judicial duties was considered by the High Court in *Harris v. Caladine* (1991) 172 CLR 84. The High Court held, among other things, that the delegation of judges' jurisdiction to non-judicial officers does not impinge on judicial independence, so long as the delegation is not to the extent that it can be said that judges no longer constitute the court, and that decisions made in the exercise of the delegated jurisdiction are subject to review or appeal by a judicial officer of the court by way of a hearing de novo.

This bill contains provisions that incorporate the High Court's decision in *Harris v. Caladine*. Judicial registrars will not be used extensively as a 'cheaper alternative' to magistrates and the bill contains legislative restrictions on the extent of delegation of judicial power to judicial registrars. For example, judicial registrars will not be able to imprison people. Furthermore, review or appeal of decisions made by judicial registrars will be as a hearing de novo by a magistrate. That is, the matter will be re-heard rather than reviewed.

The types of matters to be heard by judicial registrars will be relatively routine or less complex matters currently heard by magistrates. These may include:

restoration of driving licence;

interim intervention order applications;

taxing of costs to parties in a civil proceeding;

directions hearings and case conferences;

applications to issue search warrants;

inspection of property seized under a search warrant;

interlocutory applications in civil proceedings; and

bail applications.

Under the provisions in the bill, judicial registrars will be appointed by the Governor in Council upon the recommendation of the Chief Magistrate to the Attorney-General. The bill provides for the development of guidelines by the Attorney-General and the Chief Magistrate in relation to the skills and qualifications required for judicial registrars. This is consistent with a transparent and accountable appointment process in addition to ensuring high-quality candidates are appointed to the office.

Judicial registrars can be appointed for a period of up to five years and will be eligible for reappointment. The minimum qualification is admission to practice in any Australian jurisdiction. This is a less stringent eligibility requirement compared to appointment to judicial office which requires a minimum of five years post-admission experience. However, it is considered appropriate for the status of the office and may provide a career path for registrars who obtain a law degree.

Rule making in the Magistrates Court

The Magistrates Court is currently able to make rules in relation to civil proceedings but can only make rules in relation to criminal proceedings in limited circumstances.

The Supreme and County courts have a broad rule-making power in relation to both civil and criminal proceedings. The equivalent of the Magistrates Court in several interstate jurisdictions such as New South Wales, Tasmania and Western Australia, also have a

wide power to make rules in relation to both civil and criminal proceedings.

It is essential that the Magistrates Court be given a general rule-making power consistent with the Supreme Court, rather than the current limited and ad hoc legislative provisions, to enable the court to better manage its proceedings.

The current lack of rule-making power appears to be the result of a legislative anomaly rather than a deliberate policy decision and hinders the court's ability to manage its proceedings effectively and efficiently.

Parliament will have the power to disallow court rules in relation to criminal proceedings in the Magistrates Court as is currently the case for all court-made rules.

I am pleased to be able to introduce this bill which further enhances the accessibility and responsiveness of the Victorian court system.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 4 May.

LONG SERVICE LEAVE (AMENDMENT) BILL

Second reading

Mr HULLS (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

Long service leave (LSL) is an established employee entitlement not just in Victoria but in all Australian jurisdictions. Victoria's current private sector long service leave arrangements have their genesis in the Factories and Shops (Long Service Leave) Act 1953. Since 1953, the nature of the Victorian workplace has changed dramatically, but our long service leave legislation has not kept pace with these changes. The Victorian government proposes amendments to the Long Service Leave Act 1992 that will bring the legislation up to date with community standards.

The proposed amendments to the Long Service Leave Act will provide real assistance to workers with family responsibilities in line with the Victorian government's Better Work and Family Balance policy.

Our proposed amendments will result in greater consistency between our long service leave rules and the rules operating in other states and territories, particularly New South Wales and Queensland. This initiative will be most welcome to business.

The changing labour market

The contemporary labour market is characterised by:

full-time employees working longer hours and increased work intensification;

increased community desire to balance work and family commitments; and

significant changes to working arrangements, for example, increased part-time and casual employment.

Research conducted by the Australia Institute revealed that most employees would prefer extra leave to an equivalent pay rise. This was particularly prevalent amongst workers in the 25 to 34 age group, which may reflect the higher likelihood that these workers have a young family.

Work intensification is also perceived as having a detrimental effect on families. Employees working over 45 hours per week find a lack of satisfaction with the balance between work and family. In addition, working longer hours is seen as creating occupational health and safety risks, detracting from the quality of work produced and adversely impacting on skill formation. In Victoria, employees working more than 50 hours per week have the highest rates of injury at work or illness at work and equal highest rates of receiving workers compensation payments.

All of these findings reinforce the need for employees to be given the opportunity to renew their energies. Energised employees who have the right work and family balance provide better, more productive service to their employers.

Increased casualisation of the work force has also been a key feature of labour market change in Australia in recent decades: the proportion of Australian employees who are employed casually increased by 11 per cent between 1984 and 2002. This means that 27 per cent of employees are now casual.

To put it simply, today's labour market is almost unrecognisable from the one for which the original legislation was drafted.

Purpose of the bill

The main purpose of the bill is to amend and update the Long Service Leave Act 1992. The 1992 act substantially reflects the long service leave provisions in the 1979 Industrial Relations Act, although many provisions have not changed since the 1953 act. In summary, the bill will:

> allow employees to take an initial period of long service leave after 10 years rather than 15 years;
>
> change long service leave entitlements so that they recognise the impact of family commitments on workers;
>
> ensure categories of employees such as casual and seasonal employees are treated fairly;
>
> align Victoria's long service leave provisions more closely with other states, particularly New South Wales and Queensland;
>
> provide more appropriate penalties for non-compliance with long service leave legislative provisions;
>
> make access to pro rata long service leave payments available to employees upon termination after 7 rather than 10 years; and
>
> provide that long service leave is exclusive of public holidays.

Importantly, the long service leave entitlement will remain at 13 weeks leave after 15 years service. The accrual rate will remain unchanged at approximately .086 weeks per year of service.

Continuous service and what counts for service

The proposed reforms will reflect parental leave entitlements, such as adoption leave and paternity leave. This will help create greater consistency and remove discriminatory treatment for parties accessing maternity or other parental leave.

Employees who take paid parental leave (including maternity, paternity and adoption leave) will have this count in the calculation of long service leave entitlements. This ensures that long service leave provisions are consistent with the Victorian government's recognition of the need to balance work and family obligations.

Casual and seasonal employees

The current Long Service Leave Act does not specifically identify entitlements for casual or seasonal employees. It has often been argued that such employees are entitled to long service leave provided that they meet the general requirements in the act. However, this issue is not free from doubt. The act will be amended to remove any doubt and unequivocally clarify the existence of the entitlement. The act will specifically define an employee to include a casual or seasonal employee. With respect to casual employees, their service will be considered to be continuous provided that there is no more than a three-month break. Service will also be continuous where there is more than a three-month break between engagements with the one employer, if the break in service was caused by the absence of the employee under the terms of their engagement.

Pro rata payment on termination

Payment for pro rata long service leave refers to situations where employment ends prior to reaching the qualifying period for taking leave. Currently in Victoria the qualification period for a pro rata payment on termination is 10 years.

It is proposed that an employee be able to take leave after 10 years service whether employment has been terminated or not. This will allow employees to spend more time with their families, consistent with the Victorian government's policy of encouraging a better work-family balance. It provides a respite from work after 10 years when many workers need time to look after young children. For older workers it provides a chance for revitalisation. Revitalised workers are likely to remain in the work force longer.

It is also proposed that where employment is terminated after seven years, an employee be entitled to a pro rata entitlement. This reform does not change the rate at which leave accrues.

Transitional arrangements

These amendments are designed to make long service leave more accessible and not more expensive. That is why the leave accrual rate remains the same. However the government recognises that business may need some time to adjust to the new arrangements. Therefore it is proposed to adopt the phasing in arrangements used in Queensland for employees with less than 15 years service who want to take long service leave.

Variations in employment hours

The act currently only applies to a situation where an employee has no fixed hours. For the purposes of determining their entitlement, the employee's weekly number of hours is calculated by averaging the number of hours worked in the previous 12 months.

It does not deal with a situation where an employee on fixed hours either increases or reduces their hours of work. This may occur, for example, where an employee moves from full-time employment to part-time employment.

In New South Wales, the hours are averaged over 12 months or 5 years, with the employee receiving the greater amount.

The current act disadvantages employees, particularly older workers, whose hours of employment may reduce in the last year of employment. One example is an employee who reduces hours of work as part of a phased retirement plan.

Another example of disadvantage relates to women who return to work following maternity leave. A woman returning to work part-time following maternity leave would also suffer a reduction in LSL entitlements.

The current provisions, which were drafted in 1953, did not consider provisions such as maternity leave.

It is proposed, following the New South Wales model, that the act be amended whereby hours are averaged over the preceding 12 months or 5 years, with the employee receiving the greater amount. This arrangement is more equitable and is compatible with the more flexible working arrangements common in the modern workplace.

Long service leave and WorkCover

The current act is silent on a situation where an employee is part of a return-to-work rehabilitation program on reduced hours or wages and seeks to access their entitlement. The proposed reform sets out clearly arrangements for workers returning to work following an injury.

For workers who are absent from work on WorkCover, payment for long service leave will be calculated on the greater of the worker's pre-injury rate of pay or the actual rate of pay at the time of taking leave.

Variation in length of leave

In the interests of better work and family balance, it is proposed to amend the act to allow an employee to take double the period of their leave entitlement, at half their ordinary rate of pay. This would only be at the employee's request and the employer would have the right to refuse such a request, based on business needs. Similar arrangements already exist in South Australia and the Northern Territory.

Notice to take leave

The act is currently silent on what notice, if any, employers and employees are required to provide with respect to the taking of leave. The act will encourage employers and employees to determine this matter for themselves. The act will be amended so that where agreement cannot be reached the employer may give the employee three months notice to take leave. The employee may then exercise their right to dispute this decision in the industrial division of the Magistrates Court. The Queensland act allows an employer to give their employee three months notice that leave must be taken.

Compliance

Currently, all offences attract a fine of two penalty units ($204.50). This can be contrasted to the federal Workplace Relations Act 1996 where a breach of the act, award or certified agreement generally attracts a fine of $2000 for an individual and $10 000 for a body corporate.

The current penalties have remained unchanged since the 1979 Industrial Relations Act and are out of date and inadequate as a deterrent. It is proposed to increase the maximum penalties under the act to 20 penalty units ($2045), with the exception of penalties for offences relating to working whilst on leave. These will increase from two to five penalty units ($511.25).

Applications to recover entitlements and prosecutions

The act currently allows an employee to seek recovery of money owed under the act as an application for arrears in pay. These proceedings must, however, commence within 12 months of the employee's entitlement arising. Under the federal Workplace Relations Act and in New South Wales and Queensland an action for recovery can be taken within six years.

It is proposed that actions for recovery of entitlements be able to be commenced within six years of the entitlement becoming due. It is also proposed that

persons who are a member of a registered organisation or eligible to be a member be able to request that the organisation bring proceedings for recovery of money on their behalf.

Summary

The Long Service Leave (Amendment) Bill will implement important reforms to long service leave in Victoria. Our legislation has not been substantially updated for more than 25 years. It needs to be amended to reflect changes in the labour market including a substantial increase in participation by women, a greater recognition of the needs of workers who have family responsibilities, the ageing of the population, a projected shortage of labour, and the need to attract employees who have taken a break from work back into the work force.

Being able to properly balance work and family is not only valued socially, it is also imperative from a business and economic perspective. The bill will also bring Victoria's long service leave laws into closer alignment with other states and territories.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Wednesday, 4 May.

OWNER DRIVERS AND FORESTRY CONTRACTORS BILL

Second reading

Mr HULLS (Minister for Industrial Relations) — I move:

That this bill be now read a second time.

The purpose of this bill is to provide some basic protections and a framework for effective resolution of disputes to improve the position of vulnerable small businesses, namely, owner-drivers in the transport industry and harvesting and haulage contractors in the forestry industry.

This bill takes up the recommendations of the *Report of Inquiry into Owner Drivers and Forestry Contractors* undertaken by Industrial Relations Victoria. That report is the result of extensive research and consultation with industry parties. In relation to the forestry industry, the report built upon the findings and recommendations of a report prepared on behalf of the (then) Department of Natural Resources and Environment.

Owner-drivers are involved in a range of transport activities, including as couriers and in the transport of raw materials, manufactured products and parts, waste and landfill and agricultural products. The road transport industry is characterised by small family-run businesses, and over 85 per cent of transport businesses have less than five employees.

There is significant evidence to show very low levels of earnings for owner-driver forestry contractors lead to high rates of business failure and working conditions and hours of work that do not meet a fair community standard.

The other group covered by the bill are forestry contractors. Harvesting contractors are engaged to fell and process sawlogs and other forest products such as pulp and woodchips. Haulage contractors transport these products from forests to sawmills or other processors. Forestry contractors suffer from very low earnings.

Owner-drivers are working longer hours for less money. There is evidence (from both Australia and internationally) linking low rates with very long hours of work and increased levels of fatigue, and increased propensity to speed, overload vehicles and breach other road safety rules. Long hours also lead to poor health outcomes and levels of wellbeing; and higher rates of chronic injuries.

ACIL Tasman Consultants reported to the Standing Committee on Transport Working Group on the average hours of work of owner-drivers, and reported a substantial increase in the number of hours worked.

The owner-driver sector is an important component of the road transport industry, which is in turn crucial to the economy as a whole. Owner-drivers are an important component of a competitive and efficient industry. However, the low and declining level of earnings of this group are not only unjust and well below an acceptable community standard, but are simply not sustainable, and have serious ramifications for the safety of the drivers themselves and for other road users. These low earnings also act as an impediment to investment in new more productive and safer vehicles and equipment. This is a particular issue in the forestry industry where investment in more efficient and safer technology is vital to the industry's long-term future.

Many owner-drivers have working arrangements very similar to employees. They work for the one hirer, are subject to direction and control and cannot accept work from other clients. While electing to be a small business

operator rather than employees, whether through choice or circumstance, owner-drivers are for the most part not receiving an adequate return on investment or running successful businesses. They are small business people, but they are highly vulnerable small business people. Owner-drivers have the fourth highest business related insolvency rate of any occupational group.

This bill seeks to ameliorate the situation of owner-drivers and forestry contractors, while maintaining healthy and competitive industries. The bill tackles the key issue of information imbalance between the contracting parties. There is a clear market failure in that owner-drivers and forestry contractors have a lack of adequate and accurate information about the reality of the commercial relationship they are proposing to enter. There is limited understanding among these small business people of the true costs of running the business. The result of this information imbalance is ill-informed and poor business decision making, leading to low and unsustainable levels of incomes.

The other major issue that the bill seeks to address is the lack of a fast and low-cost dispute resolution process. All major industry stakeholders have made strong calls for an alternative dispute resolution jurisdiction.

There are significant parallels with vulnerable small retail tenants, and the bill therefore uses as a model the framework of rights and protections afforded by the Retail Leases Act 2003.

The bill

The bill applies to owner-drivers in the transport industry and harvesting and haulage contractors in the forestry industry and those who engage them. Owner-drivers and log haulage drivers are defined in the bill as persons who provide a vehicle (including a motorcycle or bicycle) in addition to personal services (driving and ancillary activities) under a contract for services with the hirer. The bill covers all forms of owner-driver businesses, including companies and those who employ others (such as additional or relief drivers), but only where a person who does actual driving duties has a direct or indirect proprietary interest in the vehicle. All harvesting contractor small businesses are covered.

Transport Industry Council and Forestry Industry Council

In accordance with the government's approach of building cooperative industry partnerships, the bill contains a central role for industry councils for each of the forestry and transport industries. The councils will be appointed by the minister, and consist of a balance of representatives of hirers and contractors, and will benefit from a high level of industry expertise. The industry councils are responsible for:

> making recommendations to the minister on the content of codes of practice, information booklet, and developing and updating the rates and costs schedules;
>
> developing model agreements for different industry sectors;
>
> advising the minister on any matters relevant to commercial practices relating to the contractors in the industries, such as small business training programs.

Codes of practice

After advice from the industry councils, the minister may recommend to Governor in Council the making of one or more codes of practice as regulations. Codes may apply across the whole of an industry, or deal with particular sectors (for example, bicycle couriers). The codes may contain mandatory terms, or terms in the nature of guidelines. The codes are to be taken into account by the Victorian Civil and Administrative Tribunal in determining whether unconscionable conduct has occurred. For example, the code may provide prohibitions or guidelines on matters such as: absence due to illness or family reasons, paid and unpaid waiting time (demurrage), the purchase of vehicles at the request of a hirer, excessive hours of work, shift and night work, job advertising practices and the charging of goodwill or entry payments.

Dispute resolution jurisdiction

The speedy resolution of business-to-business disputes handled by the Office of the Small Business Commissioner has saved many Victorian businesses, especially retail tenants, the expense of lengthy and costly litigation. The small business commissioner has successfully resolved more than 70 per cent of the disputes notified to him, saving many hundreds of Victorian businesses time and money, and helping to rebuild fractured business relationships. Under the bill, the existing role of the small business commissioner in providing a low-cost, accessible, informal, private and independent alternative dispute resolution service to the retail tenants will be extended to owner-drivers and forestry contractors. Disputes able to be dealt with by the small business commissioner and ultimately by the

Victorian Civil and Administrative Tribunal (the tribunal) are:

> disputes arising under or in relation to a contract between a hirer and an owner-driver or forestry contractor; and
>
> disputes arising under or in relation to the act, regulations or codes, including any allegation of breach of the act or code by any person.

Such disputes may involve multiple contractors and multiple hirers.

The bill provides the tribunal with broad powers to resolve disputes (including awarding damages and varying contracts where necessary to avoid injustice), reflecting the tribunal's powers under sections 108 and 109 of the Fair Trading Act 1999. Each party pays its own costs of the proceeding, but the tribunal may order a party to pay part or all of the other party's costs if that party refused to take part in or withdrew from mediation. This provision will act as an incentive for parties to participate in mediation in a proper way. Claims involving unlawful termination of agreements must be brought within 12 months, and other disputes, within six years.

The bill provides that where the tribunal determines to exercise its powers in relation to a dispute, the tribunal may order a party to the proceeding, or any person associated with a party (such as an officer of a company that is a party, or a related company) to refrain from entering or being associated with the offering of contracts of a particular kind. This will prevent directors of companies found to have infringed the act from winding up one company and starting a new one to avoid the order of the tribunal.

The bill also allows associations that represent contractors or hirers to apply to the tribunal to have an order that varies a particular contract extended to apply to all like contracts in an industry or defined section of an industry by way of an order of general application. Such an application will be appropriately advertised, and all interested parties may appear. This procedure will allow for issues that are occurring across an industry to be dealt with in a common way, without unfairly singling out a particular business.

Information imbalance

A number of measures in the bill address the information imbalance between the contracting parties. The bill provides that all ongoing contracts between owner-drivers or forestry contractors and those who engage them must be in writing, and also specify the minimum income or hours of work under the contract. An enforceable figure must be stated so that parties have a clear understanding of their bargain. If the minimum to be paid is low, the contractor may rethink a decision to incur debts or invest in heavy equipment, and may seek to negotiate a greater level of security.

The industry councils are required to prepare appropriately drafted plain English commercial contracts for general use by the industry or sectors of the industry. These contracts are in no way compulsory, but will be a resource to be used or adapted by businesses as appropriate to their individual needs. This will reduce business transaction costs and improve the drafting standard of agreements; and also provide a standard by which contracting parties can assess the adequacy of the contracts being offered to them.

The bill provides that each new driver must be given a rates and costs schedule three working days prior to a contract being entered. These schedules will be developed by the industry councils and made available to hirers at no cost. The schedules will set out the typical overhead costs of the relevant class of small business, based on the kind of vehicle or equipment supplied. Also the schedules will set out the base hourly rate and casual hourly rate that the contractor would typically earn as an employee, as a reference for the contractor to assess the rate offered.

In addition, information booklets will be developed on advice from the industry councils, and must be given to prospective ongoing contractors at the time of hiring. The booklets will provide information on business planning, business skills training, rights and responsibilities under the act and code, sources of advice and assistance and information on health and safety issues.

The requirements for contracts, and for provision of the information booklet and rates and costs schedules, do not apply to contractors who work on 'one-off' jobs for different hirers, or in short-term engagements. Measures are also provided to deal with contractors engaged on a regular basis through freight brokers, or who accept work through a tender process, to ensure those contractors also have the benefit of this information. If a contractor has not been provided with either the information booklet or the rates and running costs schedules in the prescribed manner, they will be entitled to make a claim to be paid at an appropriate and fair rate, as determined by the tribunal.

Other contract requirements

The bill requires that contracts for engagements continuing longer than three months must include a minimum period of notice of termination, or payment in lieu of notice. This will provide time for a contractor to secure other work, and money to meet finance payments in the interim. For forestry contractors and for owner-drivers supplying a heavy vehicle, the period of notice will be three months, and for others, one month. This notice must be given or paid except in the case of serious and wilful misconduct by a contractor, or material breach of a contract by a hirer.

Deduction of expenses from contractors' incomes

The bill prohibits deduction of monies from contractors' incomes and compulsory payments unless the costs are specified in the contract, the costs are a direct and proper reflection of the cost of the actual service provided; and the contractor has been provided with an opportunity to obtain equivalent services or product from an alternative supplier. In particular, a hirer must not make deductions for insurance costs unless a policy is in place and a copy of the policy has been provided to the driver or forestry contractor.

Unconscionable conduct

The bill draws down the relevant unconscionable conduct provisions of the Fair Trading Act 1999 of Victoria, dealing with conduct by both contractors and hirers. The bill adds one new criterion that means that a contract that locks up a contractor's rates for long periods of time without regard to increases in overheads (particularly petrol prices) will be susceptible to a claim of unconscionable conduct. The bill also allows for a comparison to be made to the earnings of employees performing substantially similar work.

Joint negotiations

The bill allows for groups of contractors to appoint an agent to negotiate contracts on their behalf with a single business hirer. The bill provides a statutory authorisation for the conduct associated with such negotiations, as well as for conduct by any person taken in accordance with the act or code, for the purposes of section 51(1)(b) of the commonwealth Trade Practices Act 1974. The authorisation does not extend to actions of breaching existing contractual obligations or action such as picketing or secondary boycotts aimed at placing unlawful pressure on a party to agree to terms. Contractors hired by a single business will however be able to jointly determine the terms and conditions they seek. The bill prohibits a person from coercing or attempting to coerce a person to appoint, or not to appoint, a particular person as a negotiating agent.

Preventing particular unfair practices

The bill provides protections for persons seeking to exercise rights under the act by prohibiting the imposition of detriment for certain reasons. These prohibited reasons are that a contractor has, or proposes to: support joint negotiations, seek to improve their rates or conditions, raise health and safety issues, or pursue any rights under the act or a code, or otherwise participate in a proceeding under the act.

In conclusion, the Owner Drivers and Forestry Contractors Bill 2005 will ensure these small businesses are better informed, better skilled small business operators, and have better protections from harsh practices and unconscionable conduct by hirers. Measures in the bill are carefully targeted at ensuring fairness, while providing for competitive and efficient markets. Support for collective negotiations and a fast, low-cost dispute resolution process will provide a fairer balance in the market power of these small businesses and their hirers.

The bill implements the Bracks government's commitment to ensuring a fair safety net for all workers in Victoria and is consistent with the government's partnership approach to workplace issues. The proposal delivers on the government's commitment to ensure that all information services provided to Victorian small businesses are tailored to meet the needs of specific industry sectors and participants. Finally, the bill implements the government's specific commitment to forestry contractors, by ensuring that contracting arrangements are fair and equitable.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 5 May.

COURTS LEGISLATION (JUDICIAL PENSIONS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill will help to modernise the state's constitutionally protected pension schemes by ensuring

they operate in accordance with commonwealth family law and Victorian equal opportunity legislation.

The bill facilitates the division of constitutionally protected pension entitlements following the breakdown of a marriage and gives partners in de facto and same sex relationships access to reversionary pensions for the first time.

Commonwealth family law legislation

The Family Law Legislation Amendment (Superannuation) Act 2001 (Cth) came into operation in December 2002. The act amended the Family Law Act 1975 (Cth) to create greater certainty for separating and divorcing couples. Under the act superannuation entitlements can be divided either by agreement or court order.

In 2003 Parliament passed the Superannuation Acts (Family Law) Act 2003 to ensure the commonwealth's family law legislation applied to the state's public sector defined-benefit superannuation schemes. The separate interest method for splitting superannuation entitlements was adopted by that act.

The state's constitutionally protected pension schemes also need to operate in accordance with the commonwealth legislation.

Adopting the separate interest method for dividing pensions is consistent with the government's approach to other defined-benefit superannuation schemes and has been recommended as the most equitable method for division of pension entitlements by an independent actuary.

Equal opportunity legislation

The Bracks government is committed to the protection of all Victorians' rights and the promotion of equal opportunity.

The Equal Opportunity Act 1995 prohibits discrimination on the basis of marital status.

The constitutionally protected pension schemes were established in the middle of the 19th century. Accordingly reversionary pensions are only available for married heterosexual partners.

Replacing references to 'spouse' with the definition of 'partner' used in the State Superannuation Act 1988 and the Parliamentary Salaries and Superannuation Act 1968 will ensure reversionary pensions are available for de facto and same sex partners.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 5 May.

NATIONAL PARKS (POINT NEPEAN) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

> That this bill be now read a second time.

The National Parks (Point Nepean) Bill will protect significant parts of Victoria's natural and cultural heritage and implements one of the government's key environment policy commitments — to protect Point Nepean in an integrated national park.

More specifically the bill will establish a new Point Nepean National Park incorporating former Department of Defence land to be transferred from the commonwealth as well as parts of the existing Mornington Peninsula National Park. It will also add areas of coastal land to Mornington Peninsula National Park.

A new Point Nepean National Park

Point Nepean National Park will be an outstanding new addition to Victoria's parks system. Point Nepean is renowned for its long history of quarantine and military use. Its defence fortifications, which were strategically located at the entrance to Port Phillip Bay, were first constructed in 1882 and were enlarged and updated over the two world wars.

Part of Point Nepean is contained in the existing Mornington Peninsula National Park and is visited by more than 180 000 people annually. The historic defence installations at the tip of the point, the panoramic coastal views of The Rip, Port Phillip Bay and Bass Strait and its significant natural values are the special features of this area that the public has come to treasure.

Two significant areas of commonwealth land at Point Nepean are to be transferred to the state for addition to the national park estate, in two separate stages.

In recognition of the outstanding natural and cultural heritage values of these areas as well as the area protected in the existing park, the government has decided to create a new Point Nepean National Park.

The new national park will initially incorporate the former defence weapons range site of 205 hectares, existing parts of Mornington Peninsula National Park at Point Nepean and South Channel Fort within Port Phillip Bay. The new park will be complemented by the surrounding Port Phillip Heads Marine National Park.

I have mentioned that the commonwealth land will be transferred to Victoria in two stages. The government has recently reached agreement with the commonwealth for the transfer of the weapons range.

This land will become part of Point Nepean National Park when it is transferred within the next few months. The government is pleased that the commonwealth has agreed to transfer this land, as it fills a major gap in the park estate on the Nepean Peninsula, being situated between the former quarantine station and Bass Strait.

Nonetheless, a major gap will remain in this park. Point Nepean National Park will not be complete until the remaining area of commonwealth land containing the former quarantine station is transferred to Victoria. This area is of great historical significance, being the first permanent quarantine station in Victoria and one of the earliest and most intact in Australia. Its heritage buildings date back to the 1860s and include former hospitals, accommodation, disinfecting precinct, bathhouse and kitchens, many constructed from stone quarried on the site. There are also extensive areas of native coastal vegetation, and there are high landscape and scenic values.

While this bill adds significantly to the national park estate on the Nepean Peninsula, the park will not be complete until the quarantine station land is incorporated.

The government has secured agreement from the commonwealth that this gap in the park will be filled and that the remaining 90 hectares will be transferred to Victoria by 2009 at the latest. The government calls on the commonwealth to fill this gap in the park and hand over the remaining 90 hectares now. As soon as it is transferred it will be protected in Point Nepean National Park.

In the meantime the Point Nepean Community Trust is undertaking the planning for this land and its heritage buildings on behalf of the commonwealth. The Victorian government will maintain a watchful eye on the uses proposed for the land and buildings and will seek to ensure that any proposals are compatible with the principles of the National Parks Act 1975.

The Victorian government's Point Nepean Advisory Committee (consisting of community and government representatives), Parks Victoria and the Point Nepean Community Trust are undertaking a joint planning exercise to prepare a management plan for an integrated national park at Point Nepean. The resulting plan will cover both the new national park and the commonwealth's quarantine station site that will become part of the national park at a later date.

Management of the former weapons range

The 205-hectare former defence weapons range that will form part of the new park has been used by the Australian Army from the early 1900s as a weapons range and for supporting training exercises undertaken by the Portsea Officer Cadet School. Given its history, parts of the land are contaminated with the remains of unexploded ordnance, consisting of small arms projectiles, grenades and mortars.

The commonwealth Department of Defence will undertake the clearance of unexploded ordnance on this land. This will occur progressively over a period of 10 years, as part of a program of controlled burning to be conducted by Parks Victoria.

Controlled burning will achieve a number of objectives:

it will aim to expose ground that can be then inspected for unexploded ordnance and cleared of ordnance as required;

it will enhance flora and fauna habitats; and

it will also achieve fire protection goals.

The commonwealth will provide a grant of $2 million for controlled burning and associated land management activities.

Public safety is paramount. Access to the former weapons range will be restricted until it has established that the area is safe to enter. However, it can be expected that public access will be along well-defined walking tracks and that certain areas may be fenced to ensure public safety.

There are significant nature conservation and heritage values in the former weapons range. The area supports the coastal moonah woodland, which is a threatened community; the southern brown bandicoot, which is of national significance; and two significant birds species — the sooty oystercatcher and hooded plover. A number of Aboriginal heritage sites are found on the land.

Enhancing Mornington Peninsula National Park

As mentioned earlier, part of Mornington Peninsula National Park will be included in Point Nepean National Park. However, the bill will also add four small but important areas to Mornington Peninsula National Park.

One of these parcels includes coastal land at St Andrews Beach, which is to be added to the park following its transfer from Melbourne Water. The land is surplus to Melbourne Water's requirements and was recommended for addition to the park by the former Land Conservation Council in 1994. It includes valuable beach access.

Other small areas are to be added to the park near Cape Schanck.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 5 May.

LOCAL GOVERNMENT (AMENDMENT) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be now read a second time.

The chief executive officer

The chief executive officer of a council is an important position. The CEO is appointed to (among other things) be responsible for the day-to-day management of the council's operations in accordance with the council's corporate plan.

Under section 95A(2) of the Local Government Act 1989 a CEO must be employed under a contract of not more than five years duration.

Before they can appoint a person as CEO, councils are required to advertise in a Victoria-wide newspaper seeking applications for the CEO position and to consider all applications received.

An exception to this requirement, however, is where a council decides it is happy with its current CEO and does not need or want to test the market or find a new CEO.

In that case section 94 of the Local Government Act 1989 provides that the council may pass a resolution within the final six months of the CEO's contract to reappoint the CEO. The council must give 14 days prior public notice of the resolution and make the details of the CEO's total remuneration available for public inspection.

Another exception to the requirement to advertise the position is where the CEO is appointed in an acting position for no more than 12 months.

A CEO's employment contract is void if it is made contrary to section 94 of the Local Government Act 1989 or if the council makes a new employment contract with the CEO any earlier than six months before the expiry of the current employment contract.

Key issues

There have been several recent incidents where councils have varied their employment contracts with their CEOs, thus shortening the contracts' duration so that the six months during which the councils could reappoint without advertisement commenced within the term of the current council.

This meant that the CEO could be reappointed prior to the general election for a period of up to five years.

It is undesirable in principle for an incumbent council to seek to bind the hands of an incoming council in relation to the holder of the CEO's position by varying the expiry date of the employment contract.

This is an important policy matter — a contract of employment should not be manipulated expressly to allow the incumbent council to make a decision that should be in the hands of the new council and that the public have an expectation will be made at a later date.

Caretaker provisions

This action by councils is also inconsistent with the spirit of provisions introduced into the Local Government Act 1989 by the Local Government (Democratic Reform) Act 2003. Pursuant to section 93A of the Local Government Act 1989 councils must not make a major policy decision during the election period for a general council election, subject to the Minister for Local Government's power to grant an exemption from the application of that provision in extraordinary circumstances.

A 'major policy decision' includes any decision relating to the employment or remuneration of a CEO (other

than the appointment of an acting CEO) and to terminate the appointment of a CEO.

The purpose of section 93A is to extend to local government the concept of a caretaker period prior to an election, reflecting public policy considerations. The main purpose of caretaker arrangements is to enable governments to avoid the controversy that may accompany decisions made immediately prior to an election, where those decisions would limit the options for an incoming government.

The bill

The Local Government (Amendment) Bill 2005 addresses this issue, amending section 94 of the Local Government Act 1989 to provide that a contract with a CEO is void if it is made:

> before the general election for a term that continues after the general election; and
>
> the contract of employment was entered into following a variation made to the chief executive officer's current contract of employment that reduced its term.

This bill will prevent councils from varying CEO contracts to bring forward expiry dates to before election dates, thus allowing them to reappoint incumbent CEOs.

I commend the bill to the house.

Debate adjourned on motion of Mr SMITH (Bass).

Debate adjourned until Thursday, 5 May.

CITY OF MELBOURNE (AMENDMENT) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

> That this bill be now read a second time.

The City of Melbourne (Amendment) Bill 2005 amends section 28 of the City of Melbourne Act 2001.

Section 28 of the City of Melbourne Act 2001 currently provides that Melbourne City Council may raise any general rates by the application of a differential rate for the financial year ending 30 June 2000 and in any financial year specified by order of the Governor in Council published in the *Government Gazette*, even if it does not use the capital improved value system of valuing land.

The City of Melbourne (Amendment) Bill 2005 removes the requirement of an order in council.

An order in council has been recommended by the Minister for Local Government and made by the Governor in Council every year since the City of Melbourne began being able to apply differential rates.

As Melbourne City Council's practice of applying differential rates to land subject to net annual value valuations has been effectively applied since 2000, the extra administrative burden of requiring an order in council is now considered unnecessary.

This amendment, though small in nature, will reduce costs for Melbourne City Council and therefore ratepayers within the municipal area of the council.

In the absence of the need for an order in council, there is a theoretical risk that Melbourne City Council could rate commercial and industrial properties at a much higher rate than currently occurs.

The risk will be removed by including in the proposed amendments a requirement similar to section 161(5) of the Local Government Act 1989. This section provides that the highest differential rate in a municipal district rating on CIV must be no more than four times the lowest differential rate in the municipal district.

NAV is 'inherently differential'. While NAV for residential properties is calculated at 5 per cent of capital improved value (CIV), the NAV for commercial and industrial properties is derived as 5 per cent of the CIV or the estimated annual rental value, whichever is the higher. NAV for commercial and industrial properties in the City of Melbourne currently averages between 7 per cent and 8 per cent of CIV.

Due to this inherently differential aspect of NAV, it is proposed that the highest differential rate for the City of Melbourne whilst using NAV will not be more than two times the lowest differential rate.

I commend the bill to the house.

Debate adjourned on motion of Mr SMITH (Bass).

Debated adjourned until Thursday, 5 May.

COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Mr CAMERON (Minister for Agriculture) — I move:

That this bill be now read a second time.

It is with pleasure that the government introduces this bill which will assist the state in presenting the Melbourne 2006 Commonwealth Games.

The Commonwealth Games Arrangements (Miscellaneous Amendments) Bill 2005 amends the Commonwealth Games Arrangements Act 2001 to include additional provisions necessary for the successful delivery of the Melbourne 2006 Commonwealth Games to be held between the 15 and 26 March 2006.

These changes to the Commonwealth Games Arrangements Act 2001 are important and significant as is befitting for a piece of legislation that will assist the Victorian government to deliver the largest multi-sport event that has ever been held in Victoria. The changes reflect the need of the corporation and the government to deliver the best games possible and to do so in a manner that causes minimum disruption to the everyday lives of Victorians. The long-term benefits for Victoria that will occur as a result of the Melbourne 2006 Commonwealth Games warrants the measures in the bill and protects the large investment of the community's resources in the games.

When the Commonwealth Games Arrangements Act 2001 first passed in Parliament, it was indicated that amendments to the act would be required reflecting the detailed operational planning for the Commonwealth Games. This bill is the fourth of the planned amendments.

A new part 3A is inserted in the act by the bill that limits the effect of local laws on the Commonwealth Games venues and designated access areas, collectively referred to as games management areas.

This provision gives clarity about the responsibility for the arrangements in relation to implementing the games and protects the delivery schedule of the games. However, the power will only be used sparingly and only after consultation with the local authorities and after consideration of the needs of the surrounding businesses and residents.

There will be many venues used for the delivery of the Melbourne 2006 Commonwealth Games sporting competitions as well as the games cultural festival and meeting the obligations of commercial sponsorship arrangements.

Most of these venues are on public land held in trust or managed on behalf of the state by committees of management. Some proposed uses of these venues would require permits or authorisations from these committees. These processes can be lengthy and complex and it is considered that a more efficient method is to provide that the restrictions do not apply to uses of the land for the preparation and delivery of the Melbourne 2006 Commonwealth Games.

It is acknowledged that there may be some impact on the businesses in the areas that are to be declared as Commonwealth Games venues. The aim of the organising committee and the government is to cause the minimum disruption to the businesses in the Commonwealth Games venues. Accordingly the bill contains a mechanism that will enable the secretary to negotiate an appropriate outcome.

The Melbourne 2006 Commonwealth Games will continue the Melbourne tradition of holding sporting events in a welcoming and friendly manner. However, there will be restrictions on access to some areas at games management areas that are used for field of play, back-of-house support for events, the games village and ticketed areas in venues.

In the current act, there is provision for the secretary to authorise people to enter restricted areas only if they are a government or state authority employee or such persons who require access for the purposes of a Commonwealth Games project.

An amendment is to be made in the bill to apply these provisions to games management areas and to the activities leading up to the actual delivery of the games.

This will enable access to the venues such as the games village to be limited to athletes and officials, the staff of companies providing services within the village and other approved people.

The provision supports the accreditation role of the Melbourne 2006 Commonwealth Games Corporation.

These powers are critical not only for the proper conduct of the event but also as part of the security arrangements for the games.

A number of provisions in the bill are necessary for the management of the games management areas to protect

the investment by the state in the Melbourne 2006 Commonwealth Games. There is a prohibition on unauthorised advertising within 1 kilometre of a games management area. The provision is directed only to those advertisements that are erected temporarily to take advantage of the publicity of the Melbourne 2006 Commonwealth Games and which do not have the required council permission. Existing billboards with the required permits or authorisations under the Local Government Act or the Planning and Environment Act within 1 kilometre of a games management area are specifically authorised under the bill.

There is a provision for the secretary to approve authorised officers to enable the games management areas to be managed and controlled in a way that will make the games an enjoyable experience for all. The secretary must only appoint authorised officers after consulting with the Chief Commissioner of Police.

The secretary must be satisfied that authorised officers have the necessary training and experience and the secretary is also required to put in place a system to monitor the performance of the authorised officers. It is envisaged that authorisation would be provided to experienced government or local council officers performing duties during games time.

Other offences for the good order and proper management of the games management areas, such as prohibition on hawking, busking, loud hailers, throwing objects and bringing alcohol into games management areas are proposed in the bill. There is also a power for authorised officers to confiscate prohibited items.

I commend the bill to the house.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until Thursday, 5 May.

SENTENCING (FURTHER AMENDMENT) BILL

Second reading

Debate resumed from 20 April; motion of Mr HULLS (Attorney-General).

Mr DONNELLAN (Narre Warren North) — I welcome the opportunity to contribute to the debate on the Sentencing (Further Amendment) Bill. This bill reflects the Bracks government's commitment to supporting victims of crime and recognising the level of emotional and physical suffering victims go through.

The impact of crime is not only in the physical property loss but also in the damage to health, relationships and the quality of life experienced by the victims. These are matters the courts already consider in relation to offenders.

I believe the amendments proposed today are being supported by all parties. They include changing the Sentencing Act 1991 to ensure that the courts, when they are sentencing an offender, have regard to more matters than those listed below. Currently the courts are required to consider the following matters: the personal circumstances of the victim of the offence, and any injury or loss or damage resulting from that offence.

The amendments proposed will allow other matters to be considered in relation to the victim's circumstances. These can include such matters as the fear victims now have walking the streets after a brutal attack and post-traumatic stress disorder, issues which clearly impact on the ability of the victim to function in society after the attack or the offence. The amendment to section 5(2) will change the emphasis from 'may' to 'must' consider the above matters when sentencing of an offender.

The second amendment inserts section 95F in the Sentencing Act which will provide the opportunity to victims to have a prosecutor read aloud, where appropriate, admissible and relevant parts of the victim impact statement during the proceedings once an offender has been convicted. Currently the courts have the discretion to allow this to occur, but the amendment makes it mandatory at the request of the victim. This is so vital for victims. It is an important way to allow victims to have their day in court, so to speak, and to have their suffering included in the court transcripts. The courts must be seen to be responsive to the needs of victims.

Lastly, the bill will ensure that a victim who wishes to view the proceedings and also happens to be a witness will not automatically be requested to leave a court when a witness order is made. The provision will ensure that courts, when making such orders, consider the circumstances of the victim.

Ms BEARD (Kilsyth) — It is a great pleasure to be able to contribute to the Sentencing (Further Amendment) Bill. The intent of this bill is to respond to calls from victims of crime that they be further considered in court proceedings. The Victims of Crime Assistance League and other community groups have requested that the needs and wishes of people affected by offences be further considered and that there be an acknowledgment of the trauma that they suffer as a

result of being offended against. The Bracks government has made this an increasing priority through several pieces of legislation. The Bracks government continues to listen and act.

The bill requires judges to take into account the impact of crimes on victims and that they be recognised in the course of sentencing proceedings. The prosecutor is also required, as part of this bill, to read aloud victim impact statements during sentencing proceedings if the victim requests it. Currently this requirement does not exist. Courts present a somewhat daunting and intimidating atmosphere for lay people, and any measures that will make them more friendly for victims has got to be an advantage. The bill also allows victims the option of remaining inside the courtroom at times when they are at present required to leave and therefore feel excluded from the whole process. This bill is further evidence that the Bracks government is committed to making Victoria the best place to live in. I commend the bill to the house.

Ms OVERINGTON (Ballarat West) — I too am pleased to speak in support of the Sentencing (Further Amendment) Bill 2005. This bill ensures that victims of crime are treated with compassion, dignity and respect in the justice system. Whilst courts currently take into account the personal circumstances of the victim and any loss, injury or damage the offence may have incurred, they will now be required to fully take into account the impact the offence has had on the victim. This could include things like the victim's ability to maintain relationships, hold down a job or just feel safe in our community.

This bill recognises that crime cannot be measured by physical damage or property loss alone and that sometimes life-changing emotional damage suffered by victims must also be taken into account. If a victim chooses, a judge or prosecutor must read aloud appropriate and admissible sections of the victim impact statement during the sentencing proceedings. This allows victims to have a strong voice. Fully taking into account the impact a crime has had on a victim allows a more open approach to sentencing, recognises that sentencing is a complex issue and identifies that crimes and their impact on victims cannot be categorised as 'one size fits all'.

This bill will also ensure that victims are not unnecessarily excluded from court proceedings. In a lot of cases a victim is also a witness in the proceedings and is automatically excluded from the court when a witness order is made. This bill enables courts to consider the particular circumstances of the victim when ordering witnesses from the courtroom. This also gives victims a greater voice and presence during trials. The courts will, however, retain the discretion to determine that a victim must leave the courtroom — for example, if the victim's remaining in the courtroom could affect the defendant's receiving a fair trial. If victims are given the opportunity to stay in the courtroom during the proceedings, it is likely that they will feel they have seen at first hand the process which has resulted from their being a victim in the first place.

Although this cannot be guaranteed, it could give victims the support they need to achieve closure to the crime, which may help them in rebuilding their lives. I commend the bill to the house.

Mr MAUGHAN (Rodney) — I just want to make a few brief comments offering my support for this legislation because I think it is a sensible extension of provisions that are already in place. I think we are very fortunate in this country to have a justice system, a system of law and order, a system of due process, which ensures that citizens know they are going to get a fair trial and that there is that right balance between the interests of the person who has committed a crime on the one hand and the victim on the other — unlike the situation in some countries that have been in the news recently, where the judicial system is nothing like what we expect as the norm in this country and in commonwealth countries generally.

It is only relatively recently — 10 years or so ago — that the justice system has really taken into account the interests of victims when sentencing the perpetrators of crime. That is a very important advancement, and this legislation takes that one step further. It also has the very important proviso that a fair trial of the accused should not be compromised in any way. The most important principle is to ensure that the accused gets a fair trial and that he is convicted on the evidence and not on the emotion that is out there. I get a bit concerned these days about the way the press quite often picks up on some of these cases.

I have one case that concerns a constituent of mine at the moment. There is no way that that person is going to get a fair trial in Victoria because of the enormous adverse publicity that has been given to that case. Irrespective of whether the accused is innocent or guilty, they deserve a fair trial. Beating up in the media all the details of a story where the facts have yet to be established does not allow for a fair trial. In this particular case — and clearly I am referring to the Korp case — it is a cause of great concern that irrespective of whether those people are guilty or innocent they receive a fair trial.

Coming back to the bill before the house, victims are adversely affected in many ways, and some of them are going to be very severely affected for the rest of their lives. Unless we are actually in the court and hear all the evidence it is difficult to get the balance right. The perpetrator deserves to be punished, but also we have to acknowledge that they are going to come out into the community at some time in the future, so if there is any chance of rehabilitation and if they show remorse, then the sentence obviously should be adjusted accordingly. It is a balancing act.

I am a great believer in leaving it to the presiding judge or magistrate who is aware of all the facts and information to make a decision about what is an appropriate sentence. From that reason I am opposed to mandatory sentencing where the magistrate's or the judge's hands are tied. Parliament can give some guidance, but at the end of the day it is the magistrate or judge who is sitting there presiding over all the information who is best able to decide what is an appropriate sentence. With those few remarks I support the legislation that is before the house and wish it a speedy passage.

Mr LOCKWOOD (Bayswater) — I too am pleased to stand up and support this Sentencing (Further Amendment) Bill. I also support the remarks of the preceding speakers, particularly the member for Rodney. I was sitting here thinking to myself that it is important to retain the balance of having a fair trial while enhancing the rights of victims. It is also important to retain the rights of the accused and a sense of fairness towards the accused to ensure there is a fair trial.

This bill is intended to improve and define the balance between the rights of the victim and the rights of the accused. It is also intended to improve the responses to victims of crime. It will require judges to have regard to the impact of a crime on the victim when determining a sentence. That happens already, obviously, but this is a further refinement of the legislation. It provides for the prosecutor to read aloud appropriate and admissible parts of a victim impact statement during sentencing proceedings where a victim so desires, with due respect for the proceedings. The bill will ensure that the victim is not automatically excluded when the court makes an order for witnesses to leave the court. At the discretion of the judge or magistrate the victim will be able to stay in the court, where appropriate, to get a fuller view of proceedings and participate more fully in what is happening, given that they participated quite fully in the offence.

Improving the responses to victims of crime is a government priority. It is a reflection of Labor policy that legal processes should be more sensitive to victims, and it is consistent with the women's safety strategy because women are often victims of violent behaviour.

There has been quite a range of consultation on this bill, as would be expected. The Bracks government is committed to ensuring victims are treated with respect, dignity and compassion in the justice system while retaining the balance I referred to earlier. It builds on the government's proud record on victims rights by giving victims greater recognition in the sentencing process and ensuring they are not automatically excluded from criminal proceedings. One of the problems victims have is that they do not feel part of the proceedings — they feel excluded. It is important that they do not feel excluded and that they are properly heard. That is all a lot of people want in life — to be properly heard when they have a grievance.

As I said, the bill requires judges and magistrates to take into account the full impact of a crime on a victim when determining a sentence. For the first time sentencing legislation recognises that the cost of a crime is measurable not just in terms of property loss or direct injury but also in far broader social costs and in less direct harm to a victim's health, relationships, sense of safety and quality of life. For some people the impact of a crime can last for many years. It is important that that is known to the court when sentencing is being carried out.

The bill gives victims a greater voice in sentencing proceedings so that they will not feel excluded. Prosecutors can be required to read aloud the appropriate and admissible parts of the impact statement. Sentencing is a complex task; it is not a simplistic task, as has been suggested by some. There is no one-size-fits-all approach such as we have heard from the opposition. I too do not support mandatory sentencing. It is important that the courts have discretion and flexibility when handing down sentences once an offender is found guilty.

With this more inclusive approach victims will feel more included. As I said, the system still gives the judge and magistrate the ultimate discretion by taking a full account of the impact on the victim's life, because the courts must have regard to the effect of the crime on the victim. Criminal court processes can be intimidating for some people. I have not had much experience of courts, though I did find my one — —

An honourable member interjected.

Mr LOCKWOOD — Yes, it is. I had one experience for a few days as part of a jury which I obviously cannot talk about, but that was full of forebodings, if you like, with the formality and structure and the proceedings of the court. I can understand that it can be intimidating for witnesses and particularly for victims to get up and tell their story. They are unfamiliar with the processes and trappings of the justice system and it can be quite daunting.

Obviously victims need to feel more involved in that process and to be given every opportunity to put their experience and their view of things. They need to be sure that their story is heard and that they are able to observe proceedings where that is proper. These measures will assist victims to cope with the offences perpetrated on them. For a lot of people it is going to be part of their ongoing lives to learn how to cope and to take a more positive view of their altered circumstances, where these have occurred.

The bill provides a shift in focus from the offender to the victim and the impact of the offence. As I said, it aims to find a better balance between victims and the accused and provides for a better justice system. On that note I commend the bill to the house.

Mr MAXFIELD (Narracan) — I rise this afternoon to speak on the Sentencing (Further Amendment) Bill and will start by saying how pleased I am to be involved with a government that recognises the rights of individuals across all sections of society, including those who are disadvantaged and those who are the victims of crime. As I sat here in the chamber I heard the member for Rodney say he did not agree with mandatory sentencing. I want to add my voice to his and say how very much I support his comments. In situations where we remove the judiciary's ability to respond to the circumstances of individual cases it is very important that the laws and responsibilities do not trample over people's basic rights and entitlements.

There are a number of initiatives in this bill that I support, particularly that of considering the impact of a crime on the individual. I think we sometimes forget that. We see road accidents and so many deaths, and we think, 'Oh dear, that is tragic'. But every death has a circle of devastation around it, as brothers and sisters, parents, grandparents and friends are all dramatically affected. In the same way, when a crime is committed the impact on the victim is not merely financial loss; there is also a sense of violation. Sometimes that impact can be far greater than that of the crime itself.

My 19-year-old son, who worked after school at a Mitre 10 store to save for his first car, was devastated recently when his car was stolen. However, he was fortunate that the car was recovered, minus a few bits but it was basically okay. The theft of the car that he had saved for still gives him a real sense of being violated. So it is not just the financial impact or the loss of the stereo system and other items in his car; he feels a sense of violation as the result of the loss of that vehicle.

Of course victims do not only lose property; they may be attacked and assaulted. A sentence that takes into account the impact of the crime on the victim will better reflect the crime that has been committed. It also creates a better avenue of healing for those who are coping with and getting over the effects of being the victim of that crime. If we can help people work through the effects of crime by acknowledging them with a proper sentencing of the perpetrator, that will enable the victims to move on with their lives and to cope better with any ongoing impacts caused through the crime.

Victims may be worried about going out after dark at night, and feel less trustful of people and much more vulnerable in situations where in the past they might have felt very relaxed and comfortable. Let us hope that a sensible application of these amendments will in fact improve the quality of life of those who have been affected by crime. We are very proud that we are properly responding to those needs and doing this in the context of crime figures going down dramatically. Certainly the increase in police numbers and the improved focus on policing in this state has seen a significant drop in crime right across all indicators. This is not just statistical. It has a financial cost benefit to the community and also an emotional benefit — the fact that people can now go out and feel safer in their environment as a result of the initiatives the Bracks government has put in place. This bill is one more initiative in that whole process. I will conclude my comments on the bill and wish it a speedy passage.

Mr LUPTON (Prahran) — The Bracks government is committed to ensuring that victims of crime in Victoria are protected, that their rights are enhanced and that they are listened to in the sentencing process in Victorian courts. This approach is in stark contrast to the approach of the previous government, which stripped rights from victims, including their rights to compensation for pain and suffering. The restoration of those rights to victims was a terrific initiative of the Bracks Labor government when it was returned to office in Victoria. I know it is something the house strongly supports. This amending of the Sentencing Act will take one step further the issue of protecting victims

and ensuring that they are listened to in the justice process.

This bill expands the definitions in section 5(2) of the Sentencing Act that deal with the matters the court must have regard to in sentencing an offender. These include:

> (a) the maximum penalty prescribed for the offence; and
>
> (b) current sentencing practices; and
>
> (c) the nature and gravity of the offence; and
>
> (d) the offender's culpability and degree of responsibility for the offence; and
>
> (da) the personal circumstances of any victim of the offence; and
>
> (db) any injury, loss or damage resulting directly from the offence;

in addition to whether the offender pleaded guilty, the offender's previous character and the presence of any aggravating or mitigating factors.

This legislation will add a further sentencing criterion — that is, the impact of the offence on any victim of the offence. It also expands the contents of the victim impact statement by adding the words:

> … of the impact of the offence on the victim and …

to section 95B(1). It will now read:

> A victim impact statement contains particulars of the impact of the offence on the victim and of any injury, loss or damage suffered by the victim as a direct result of the offence.

This will mean that a broader and more complex set of the effects crime has on victims will be able to be taken into account by a court when it is conducting a sentencing hearing. Previously victim impact statements have dealt with issues of loss, injury and damage to the person or their property. It is sensible that those matters be taken into account but, as we can all readily understand, being an victim of a criminal offence can have many and varied effects on an individual that do not necessarily relate to simply being injured physically or emotionally by a criminal act or having one's property damaged, destroyed or lost. The court will now be able to take into account the broader range of effects that the victim may suffer. That is very important and appropriate, and gives the court a more rounded approach to the effect of crime on the community and on a particular victim. That is a very positive move.

The way in which this will happen is that the bill will require the judges and magistrates to take account of the full impact of a crime on a victim when determining a sentence for an offender. This means that the real, full cost of crime is measured when sentencing takes place.

The bill will also give victims a greater say in the sentencing process by enabling prosecutors to read out to the court appropriate and admissible parts of a victim impact statement when the judge or magistrate is conducting the sentencing hearing. That is appropriate and proper, because the justice system needs to be seen to be open and transparent. When prosecutors are enabled to read out in open court the nature of the effect of a crime on the victim — and, importantly, this will be the wider and more enhanced victim impact statements that this legislation will allow — then it will be possible for people observing the case in court, the media reporting the effect of the case on the victim, and the wider community through the media, to better understand the nature of the sentencing options available to the judge or magistrate. That is important because it means we will safeguard the importance of the independence of the judiciary.

We will be making sure that people in the community have a greater understanding of the complexities of the sentencing process, of the options that were available to a judge or magistrate and why a particular sentence was decided upon after hearing all of the appropriate material, not only on behalf of the offender but also on behalf of the victim in open court.

The other important matter the bill deals with is that it will allow in appropriate circumstances a victim to remain in court when the court makes an order that witnesses be excluded from the courtroom. Due to the nature of certain proceedings, particularly sensitive proceedings that involve the disclosure of personal information, the court may, through the judge or the magistrate, believe that it is appropriate that the people who are not parties to the case be excluded from the courtroom from time to time. Because a victim is not technically a party to the criminal proceedings, historically they have been excluded from the courtroom when those orders have been made. Yet it does not take too much thought on the subject to realise that while a victim is not technically speaking a party to the criminal proceedings, they are vitally interested in those proceedings in a way that your average member of the public is not.

So this amendment in this bill before the house will allow a judge or magistrate to make a determination on a case-by-case basis of whether it is appropriate that a victim be allowed to remain in court where an order that witnesses and other people be excluded from the courtroom is made. That is another clear piece of

evidence that this government understands and takes seriously not only the rights of victims but also the important and fundamental role that they play in the criminal justice system. A victim by their nature is unfortunately and involuntarily involved in the criminal justice system. It is not something they have voluntarily been involved in — it is in fact the opposite! We need to understand that they are involved in a process through no fault of their own and no direct interest of their own. But everybody involved in a criminal case has some duty and some responsibility to society and their community to make sure that they play their role positively and properly in that process. When we consider the rights of victims in the way this legislation does, I think that we are doing the right thing.

The way victims are treated is fundamental to the way in which we as a society conduct our criminal justice system. This bill will make ours a fairer, more transparent and a more forward-looking justice system under which everybody can feel that they have had a fair go and that justice has been not only done but seen to be done.

Mr WYNNE (Richmond) — I rise to support the Sentencing (Further Amendment) Bill. In doing so I am delighted to be following my colleague the member for Prahran, whose usual erudite and comprehensive overview of the legislation stands the house in good stead.

I want to indicate that the importance of victims of crime in the criminal justice system is very much acknowledged and is the centrepiece of what this Sentencing (Further Amendment) Bill is about. It is important to touch upon some of the history which my colleague the member for Prahran outlined, and that was the abolition of compensation for pain and suffering for victims of crime by the previous government. It was a very harsh blow, and on the election of this government in 1999 the Attorney-General made it one of his first priorities to have a review of the compensation scheme. I had the pleasure of working with him as his parliamentary secretary in undertaking that review.

We worked with victims groups, court services and all of the appropriate parties that had an interest in supporting victims of crime, particularly the victim support networks. We worked on developing a comprehensive and sustainable scheme of financial recompense for victims of crime. That scheme is now in an ongoing and sustainable form. It is important, though, to recognise in the context of that scheme that one can never compensate in a financial sense for the often heinous crimes that are committed against members of the public, but financial recompense is a symbolic recognition by the state of a wrong that has been wrought against somebody who is innocently going about their business as a Victorian. I am proud that the government made one of its early and first priorities the reinstatement of a compensation package for the pain and suffering for victims of crime.

This bill neatly follows on as a further manifestation of that support for victims, in that it ensures that they are properly recognised during sentencing proceedings. The bill will require judges and magistrates to take into account the full impact of crimes on victims when determining sentences for offenders.

For the first time our sentencing legislation will recognise that the cost of crime is not measurable only in terms of property loss or direct injury but also in a far broader and often less direct sense: the harm to victim's health, relationships, sense of safety and quality of life. Victims will be able to articulate what it has meant to their lives, how they are coping with the consequences of being a victim of crime and its effects on their immediate family and broader relationships. How they are dealing with things in a community context can be understood by the sentencing court when it is seeking to deal with a particular disposition for an offender. I think it adds a sense of immediacy, a sense of the real social, physical and psychological impact that derives from being a victim of crime.

The bill will also give the victim a greater voice in sentencing proceedings when the victim so wishes. If requested by the victim, the prosecutor will be required to read aloud the appropriate and admissible parts of the victim's impact statement during the sentencing hearing. As we know, sentencing is a complex task, and these amendments recognise that the sentencing system can be improved without, can I say, resorting to the simplistic, one-size-fits-all approach of the opposition. We have seen pedalled out over the last four or five years any number of propositions from the opposition, ranging from mandatory minimum sentencing to three strikes and you're out.

If there is one hallmark of this government — and it is certainly and absolutely a hallmark of the Attorney-General — it is awareness that it is the absolute right of the courts to have discretion in how they deal with the sentencing of offenders. I know this issue has been very much at the forefront of the Attorney-General's mind, and whenever there have been attempts by the opposition to cheaply politicise the sentencing process the Attorney-General has rightly stood in this chamber and in the public arena and said, 'No, this is about the separation of powers, and this is

about courts having appropriate discretion as they see fit'.

The final aspect of this bill is allowing victims to remain in court during proceedings. In doing the consultation work for the Attorney-General on the reinstatement of compensation for pain and suffering to victims of crime, it was very clear that in some cases victims do wish to participate in the criminal justice system because they feel excluded from the process. There are aspects of this that can be quite therapeutic — 'therapeutic' is perhaps not the right word, but it is giving them a sense that they are able to be a part of the court process, properly recognised within the judicial system. As my colleague the member for Prahran eloquently said, it provides a sense of closure. The opportunity exists for a person to participate in the process, to see the process through and to close off that aspect of their life, which as we know can be extraordinarily traumatic.

This bill will ensure that victims who want to observe proceedings will not be automatically excluded when the court orders all witnesses to leave the court, and judges and magistrates will now have to turn their minds to whether it is appropriate for a victim to be excluded from the courtroom.

I think they are three wholly worthwhile initiatives that are encapsulated in this Sentencing (Further Amendment) Bill. It reflects the fact that the Bracks government is extremely sensitive to the needs of victims of crime, but this is being done within the broader context, which has recognised that this state has an obligation to victims of crime and that there is a compensation scheme in place where the state can make some monetary reparation to victims of crime. It also recognises particularly that we hold very dear the independence of the judiciary and the discretion that derives from that to the judges and magistrates who have the onerous task of sentencing and weighing up the evidence before them and any mitigating circumstances.

This amendment provides another level of input to the process from the victims themselves, so that the victim's voice is heard in the process. That is to the good of the sentencing process. This is a wholly worthwhile amendment and one that I wish a speedy passage through the house.

Ms NEVILLE (Bellarine) — I am very pleased today to speak briefly in support of the Sentencing (Further Amendment) Bill. It is an extremely important bill, and I think the Attorney-General, and the member for Richmond as well, should be congratulated on having listened to the voices of victims in our community. I know that extensive consultation, discussion and debate has gone on with victims groups and the families of victims across the state.

For many years victims and their families have been calling out for greater opportunities to be heard within the justice system, because in many ways they have seen themselves as having been excluded from that and have not really felt that their voice has been part of decision making within the justice system. Our justice system is based on balancing the various rights of the various parties that are part of those proceedings, and clearly among the key parties that we need to acknowledge are the victims and their families. This bill is designed to ensure that they are seen even more clearly as a valid party to criminal proceedings.

As previous members have mentioned, there are some really key elements to the bill, the first being about ensuring that judges and magistrates when sentencing an offender take account of the full impact on the victim. I suppose we are moving past just acknowledging the actual loss — whether it is a physical injury or a property loss — and saying that crime can impact much more broadly than that on people. It can impact on their health, on their lives, on their capacity to engage and be part of the broader community and on their sense of safety in our community. If you talk to victims and their families — and it does not matter whether it is a case where their home has been invaded or a rape case or a case where children have been abused — you find that what they want to talk to you about is not just the actual event and what has occurred to them or their family, but the impact that it has had right across their lives. We know there is a very high incidence of family breakdown as a result of a number of these sorts of criminal actions. People lose their jobs, they are unable to feel they can participate in the work force and they feel unsafe in their homes and in the community, so often they lock themselves away and stop engaging with the community.

It is really important that these impacts, which are undoubtedly very long term and very far reaching, are able to be acknowledged within the sentencing process. As the member for Richmond said, this is about achieving some sort of closure. Often, obviously, the compensation provides some assistance, but people feel that they need their stories told and the impact understood by the broader community.

This bill also goes further in making sure that victims' voices are heard within the court through the capacity for prosecutors to read aloud the victim impact

statement. I believe it is an important part of the healing process for people who have been victims of crime to be heard and to have their stories told — that broader story that we are referring to and the impact it is really having across their lives and the lives of their whole families.

The bill also provides for consideration to be given to victims being able to remain in the courtroom to observe proceedings from which they would previously have been excluded. Again, I suppose this is very much a part of the healing process. It enables them to understand the whole proceedings and to understand why particular decisions or sentencing outcomes are arrived at. Being able to observe the proceedings — in appropriate circumstances — will contribute to this and assist victims to move on.

Obviously one of the goals of this government is to reduce the number of victims of crime in our community, and that is a very important goal. That is why it has invested in police and new infrastructure for police stations. The new police station in Bellarine and the increase in police numbers in my local area has made a very strong contribution to bringing down the crime rate in the local community so that people can feel safe. We hope this means we will have fewer victims of crime.

In conclusion, the bill builds on this government's strong record of enhancing victims' rights. This will be another really important step in ensuring that victims are acknowledged as an important party to criminal proceedings in this state. I commend the bill to the house.

Ms BARKER (Oakleigh) — I am very pleased to rise in support of the Sentencing (Further Amendment) Bill, which continues the Bracks government's efforts to give victims greater recognition in the sentencing process and ensure that they are not automatically excluded from criminal proceedings.

As has been outlined previously — and it is extremely important that we continue to reinforce what the bill is about — this bill will require judges and magistrates to take into account the full impact of a crime on a victim when determining an offender's sentence. For the first time our sentencing legislation will recognise that the cost of crime is not only measured in terms of property loss or direct injury, but in the very important and far broader context of the harm that is caused to relationships and to the health of victims, not only at the time of the crime but ongoing, and their sense of safety in the community, and therefore their quality of life. That is extremely important.

The bill gives victims a greater voice in sentencing proceedings. This has already been outlined, but it is important to reinforce that when a victim so wishes, prosecutors are required to read aloud appropriate and admissible parts of a victim impact statement during the sentencing hearing. It has been said — and I certainly agree, and residents in my electorate often tell me — that sentencing is often difficult to come to terms with. But we have to understand, and I am sure my constituents do, that sentencing is very complex. We have to look at it in terms of the way it is handled within the courts, but in this instance particularly with a view to ensuring that victims receive appropriate recognition.

A part of this bill provides for victims who want to observe proceedings not to be automatically excluded when all witnesses are ordered to leave the court. Judges and magistrates will now have to turn their minds to whether it is appropriate for a victim to be excluded from the courtroom.

I would like to place on record my congratulations and thanks for the fantastic work carried out in most courts in Victoria by the Victorian Court Information and Welfare Network — or as many of us know it, Court Network — particularly for the way in which victims are assisted in court proceedings. The workers from Court Network do a fantastic job in this area. For members who are not aware of it, Court Network has a number of managerial positions that are funded, but its work is primarily done by very well-trained volunteers — most of them women — who give up their time to assist those attending courts in Victoria. They do not, of course, do any legal work but they are there in the first instance to ensure that people going to court for the first time have some understanding of what is going on. They can also assist people who do not have legal aid or some sort of legal assistance so they know how to go about things.

Court Network workers do a fantastic job — particularly in relation to victims of crime and victims of violent crime — in ensuring that when people present at court for proceedings they are guided, looked after, and offered someone to talk to. Most courts have a separate room for Court Network volunteers and most, if not all, courts are very supportive of the work they do. The network is expanding further into rural and regional Victoria, and I am very pleased about that. I am proud of the fact that I have an association with Court Network. As I said, the volunteers do a marvellous job and they are wonderful people.

In conclusion, I note that there have been several reforms to help victims of crime in this state. The

government has conducted a statewide overhaul of victim counselling and support services. It has extended the Victims of Crime Helpline telephone service and enabled the Victims of Crime Assistance Tribunal to provide immediate counselling and financial assistance — and the word 'immediate' is extremely important. I also note that the Attorney-General has asked the Victims Support Agency to explore options for the victims' rights charter which will clearly state — and the emphasis has to be on 'clearly state' — the rights of victims of crime. I look forward to the discussion paper, the community consultation, and the outcome of those. This is a very good bill that recognises victims of crime and I commend it to the house.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my contribution to the Sentencing (Further Amendment) Bill 2005. I do so in the full knowledge that the Attorney-General has been a remarkable Attorney-General when it comes to reforming many laws within the state — for example, in my area he assisted in the redevelopment of the Heidelberg courthouse. I also note that the former Minister for Police and Emergency Services was involved in the whole package of rebuilding the Heidelberg police station.

In a physical sense the state government has done a remarkable amount of things in my electorate to get things in order, and these include the courthouse and the police station. But the Sentencing (Further Amendment) Bill is more about getting things in order in a policy sense.

This government has done quite a lot, as has been highlighted by the speakers before me, on the reform of the assistance provided to victims. When we read the newspapers we see that victims of crime are getting more and more press coverage. I realise the newspaper proprietors are doing so to sell more newspapers and make fantastic headlines, but the fundamental issue they are raising is something that we all should be supportive of. The bill takes a step in that right direction.

There are three notable points in the bill, all of which are magnificent in the sense that they will help victims. The bill will require judges and magistrates to have regard to the impact of a crime on the victim when determining an appropriate sentence for an offender. It provides that where a victim so desires, the prosecutor will be required to read aloud the appropriate and admissible parts of a victim impact statement during sentencing proceedings. It will ensure that a victim who wants to observe proceedings is not automatically excluded when the court makes an order for witnesses to leave the court.

As mentioned in the minister's second-reading speech, crime is not so much about property as about how it affects victims. There are many ways, as outlined in the speech, in which crime affects victims, not just in a physical sense but certainly in an emotional sense and in senses along similar lines. Again the bill is a step in that direction. Knowing the Attorney-General as I do, if in the future he feels that other steps are required, no doubt they will occur as well.

I am aware of the time, and I know the Attorney-General wants to sum up, so I will end my brief contribution. I commend the bill to the house.

Mr HULLS (Attorney-General) — I thank all members for their contributions to this legislation. As government speakers have said, we are committed to ensuring that victims are treated with dignity, respect and compassion in the justice system. We have introduced a whole range of reforms in relation to victims, and they include reinstating compensation for pain and suffering. We have consistently acted to make sure that victims' voices are heard and their rights are strengthened. The bill builds on our proud track record on victims' rights. The bill will give victims greater recognition in the sense of process and will ensure they are not automatically excluded from criminal proceedings.

I want to touch on one matter raised by the Leader of The Nationals yesterday. He expressed some concern that under the legislation a victim may be forced to have read aloud in court parts of their victim impact statement that they did not want read out. I believe this concern is ill founded. The provision will allow a victim impact statement to be read aloud if — and only if — the victim so requests.

Victims craft their own victim impact statements. Victims themselves choose what should or should not be included in their statements. As they do they are aware that one purpose of the statement is that it could well be read in open court. If a circumstance arose where according to a victim a part of the victim's impact statement should not be read out in court, I have no doubt that an application would be made to a court that those portions of the statement that were not relevant or were inadmissible or inappropriate, particularly as far as sentencing was concerned, not be read. Given that the overall aim of this provision is to benefit victims, I have no doubt that the court will take into account the consideration of the victim in relation to that part of the statement. I do not believe the issue

raised by the Leader of The Nationals would be of concern to victims.

This is an important piece of legislation. It makes it quite clear that judges and magistrates will be required to take into account the full impact of a crime on a victim when determining the sentence for an offender. For the first time, and I know other speakers have touched on this, sentencing legislation will specifically recognise that the cost of a crime is measurable not only in terms of the loss of property or direct injury but also in a far broader and often less direct way in relation to harm to victims — to their health, relationships, sense of safety and quality of life. The bill will give victims a greater say in sentencing proceedings.

This is about getting the balance right. It is important that victims feel they have been heard in the criminal justice process. It is also important that we do not do anything that will impinge upon a fair trial for the accused. We believe this legislation absolutely ensures that that balance is struck appropriately.

We all know that sentencing is a complex task and that it has to take into account a whole range of issues as set out in the Sentencing Act. As Chief Justice Marilyn Warren said in an article recently, it is one of the most difficult tasks facing members of the judiciary. There is not a one-size-fits-all approach to sentencing. This government is vehemently opposed to mandatory sentencing. But it is important that the judiciary has all the relevant tools available to it in the sentencing process, and it is also important that the victims are appropriately heard in the process as well.

Taking into account all those balancing considerations, we believe this is a very good piece of legislation that hopefully will make a very painful process a little less painful for victims of crime. I certainly wish this bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

LAND (REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from 20 April; motion of Mr HULLS (Attorney-General); and Mr BAILLIEU'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 —
>
> (a) retain the provisions relating to the revocation of land at Sandhurst; and
>
> (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'.

Mr HONEYWOOD (Warrandyte) — In rising to make a brief contribution to the debate on this bill today my main concern is with the whole environment portfolio as it relates to the two separate areas of land covered by this legislation. On the first area of land, namely the Sandhurst former abattoir reservation, the opposition is totally supportive of adding it to the parks estate and ensuring that the box-ironbark areas of the state of Victoria are expanded and enhanced. We just wish the government was prepared to put some money in to manage this addition to the estate.

As I have detailed to the house previously, according to the Australian Bureau of Statistics Victoria spends less per hectare and per person on managing its parks and reserves than any other state or territory in Australia. That is an indictment of the Bracks government's so-called commitment to the environment. However, members of the opposition support an addition to the parks estate — as I say, we just wish this government would add some actual financial maintenance for weed and vermin control programs and so on. It should be noted that yet again there is no additional resource allocation for this addition to the parks reserve.

I come to the area of legislation we have particular concerns with. This relates to a subtraction from the parks estate in Victoria. That subtraction is part of a major ongoing trend by the Labor Party when it is in government to remove parkland from future generations' enjoyment. The classic example of this, of course, was the then Premier, John Cain, who took away for all time public land in the vicinity of the Melbourne Cricket Ground for the purposes of building the current tennis centre. That is parkland that has been removed and can never be restituted again.

Mr Hulls interjected.

Mr HONEYWOOD — Notwithstanding the importance of the Australian Open, which I enjoy on a regular basis, and the importance of having a world-class venue, at the end of the day this is a subtraction from the parks estate in a very important contiguous land area abutting the Yarra River.

Then, of course, we have the recent development where a large area of Royal Park has been lost for all time to the Commonwealth Games village, which is actually a private development. That is going to be providing the developers with windfall profits, courtesy of the contractual arrangement this government has entered into. Far from being just a Commonwealth Games village, it is actually a private subdivision of a major area of parkland — in this case Royal Park. Of course, this government has a fixation with giving up public land for all time. We now have the defenders of public land, who are doing a great job, including people like Rod Quantock — and that is an ironic development! He was one of the greatest critics of the previous government for everything but the removal of public land, and here we have him leading the charge against the Labor government, which is fixated on flogging off public land for private development. Julianne Bell does a great job with her volunteer group in that regard as well in highlighting the hypocrisy of Labor on environment management.

Then we come to this legislation, where yet again another area of contiguous reserve is being affected, this time in the Richmond vicinity adjacent to the Yarra River. This government is taking away for all time public parkland and removing its benefits from future generations, again for a private sector development. This is the sham; this is the hypocrisy of Labor in government. Its record when it comes to protecting and enhancing the public estate is there for all to see. In reality it is about taking away rather than giving. This is a development which is going to benefit the private developers. It may add additional jobs by way of the development in question, but that is not to say that these jobs could not have been created anyway if this development had occurred in another area, perhaps on private land rather than on public land.

It is right and proper for the opposition to stand up for the environment in this chamber, to point out the hypocrisy of Labor and to point out that time and again, after preaching the gospel on the other side of the house of looking after parks and reserves, it does not put the money in to manage it and then takes public land away as well. So it is with some regret that the opposition notes that this area of land has been included in the bill. We totally support the re-reservation of the Sandhurst former abattoir site. In fact we were the ones who provided a new, world-class abattoir to the community of Bendigo; and when I was the minister responsible for TAFE colleges we built a new, $30 million Bendigo TAFE campus. We support the Bendigo addition, but we very much regret the situation at Burnley, where public land will be lost for all time.

Debate adjourned on motion of Mr LUPTON (Prahran).

Debate adjourned until later this day.

Sitting suspended 12.57 p.m. until 2.02 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTERS

The SPEAKER — Order! I wish to advise the house that, in the absence of the Premier, the Acting Premier will take questions addressed to him. In the absence of the Minister for Manufacturing and Export, the Treasurer will answer questions relating to that portfolio. In the absence of the Minister for Transport, the Minister for Agriculture will deal with questions in that portfolio.

QUESTIONS WITHOUT NOTICE

Police: operational independence

Mr WELLS (Scoresby) — My question is to the Minister for Police and Emergency Services. I refer the minister to WorkCover fraud allegations raised by a member for Templestowe Province in the other place and to the chief commissioner's claim that the matter could only be investigated by referring it to the Minister for Police and Emergency Services. I further refer to a case of indecent exposure and to the chief commissioner's claim to me that it also could only be investigated by referring the matter to the Minister for Police and Emergency Services, and I ask: why is there political interference by the minister's office in criminal investigations by Victoria Police?

Mr HOLDING (Minister for Police and Emergency Services) — Firstly, I thank the member for Scoresby for his question, and I wish him all the best. He alleges that there is, in his words, 'political interference' in the operational activities of Victoria Police. I want to make it perfectly clear to this house that there is no operational interference in the activities of Victoria Police by the minister's office.

There are protocols in place — for example, when members of the opposition seek briefings on various matters relating to police activities. When the member for Scoresby, for instance, sought a briefing on the government's drug-driving activities, I was very quick to give him a call and facilitate the provision of that briefing. And when the Boston Consulting Group was conducting a review of the crime department we facilitated — —

Mr Perton — On a point of order, Speaker, the minister's answer is irrelevant. The minister has been asked why the police cannot initiate an inquiry of their own motion and why it needs to go through the minister's office. This is an operational matter, a police investigation, and the minister in referring to briefings on administrative matters is having nothing at all to do with the question that was asked.

The SPEAKER — Order! In relation to the point of order, the question was quite wide ranging in the way the member for Scoresby put it, as relating to political interference in police matters and also raising some specific examples that he particularly wanted the minister to refer to. The minister had only just started his answer and as I understood it was giving some examples of where he had been involved, I suppose if you like, in briefings for the opposition. I will let him go on a little longer along that way, keeping in mind that he must keep his answer relevant to the question.

Mr HOLDING — There are matters where the chief commissioner's office will work with the police minister's office on the provision of information to members of the opposition, be it by way of briefings, correspondence or whatever. But in relation to operational matters the protocol that exists between the Minister for Police and Emergency Services and the chief commissioner's office is designed to make it absolutely clear that the independence of the chief commissioner's office is paramount and the independence of Victoria Police is paramount.

Secondly, matters of operational policing are the preserve of Victoria Police, and appropriately so. In the case of the two instances that the member for Scoresby has raised relating to WorkCover fraud allegations and indecent exposure, I have not received any correspondence relating to either of these matters.

Commonwealth Games: social infrastructure

Ms LINDELL (Carrum) — My question is to the Acting Premier — —

Mr Perton interjected.

The SPEAKER — Order! I have spoken before about members showing courtesy to other members when they are asking questions. I ask the member for Doncaster to show courtesy to the member for Carrum.

Ms LINDELL — My question is to the Acting Premier. With the Commonwealth Games only 328 days away, will the Acting Premier update the house on the readiness of the facilities that will contribute to this event's being the biggest sporting event in Victoria's history and on the most recent indications of public support for the games?

Mr THWAITES (Acting Premier) — I thank the member for her question. The government's commitment to providing social infrastructure will ensure that Victoria hosts a great Commonwealth Games. Many Victorians, I am sure, will be able to participate in what will be an historic Victorian event. This investment in social infrastructure is only possible because of this government's financial responsibility. It could not occur if we had reckless promises such as those we see being made by the other side.

Our record on financial responsibility shows that the Bracks government has invested in record levels of infrastructure. If you look across the board, you see that $10 billion will be invested in infrastructure over the next four years — more than twice the rate of the Kennett government. At the same time we have reduced debt and maintained a AAA credit rating. We have done that because we have not made uncosted and irresponsible promises or commitments. This success is demonstrated by the infrastructure that we are now building for the Commonwealth Games.

I am very pleased to provide a further update to the house on some of that infrastructure. The redevelopment at the Melbourne Cricket Ground is looking absolutely magnificent. I was there at the weekend, and the ground itself was looking very good. It is meeting all expectations and is probably exceeding them. The Melbourne Sports and Aquatic Centre in my own electorate is a magnificent facility. You can see the new pool as you go past, and people cannot wait to get in there and have a swim. Once again, that is a great legacy. The athletes village in Parkville particularly impressed the Commonwealth Games Federation Board. The Yarra precinct pedestrian link is taking shape over Brunton Avenue, and the span will be completed later this year.

The competition track at the Lysterfield state mountain bike course is also going very well, like the velodrome and the State Lawn Bowls Centre — and I was down there a week or so ago with the local member.

Members opposite ought to go and have a look at the velodrome. It is a magnificent facility; and not only that, I am very pleased to say it is an environmentally sustainable one. Water is being collected on the roof and is going to be reused for irrigation at that facility. These are great facilities.

I am pleased to be able to inform the house that only last week the inspectors from the Commonwealth Games Association visited Melbourne to view these facilities. The verdict was 'fantastic'. Commonwealth Games Federation Board president, Mike Fennell said:

> Not only will we do Australia proud with world-class sporting facilities for the Commonwealth Games. Beyond the games Victoria will have a lasting legacy of quality sporting assets.

With the Commonwealth Games ticket ballot set to close tomorrow, I can report to the house that Victorians and Australians have come to the same conclusion. There has been an excellent response to the ballot, and this will mean that thousands of Victorians and people from other states will enjoy these great Commonwealth Games. Can I say that this great sporting investment is only possible because of our government's financial responsibility. I have been very pleased to be able to openly advise the house of this financially responsible investment and compare it with the continued cover-up by the opposition of the costings report on its tollway promise, which was due by the end of February.

Mr Perton — On a point of order, Speaker, the minister is debating the question. In fact it is quite odd. He has turned away from you and is speaking behind him to the only friend he has in the house.

Honourable members interjecting.

Mr Perton — He actually looked that way. In any event he is debating the question. His answer is not relevant to the question asked and is not within the standing orders.

The SPEAKER — Order! I ask the Acting Premier to conclude his answer in response to the question.

Mr THWAITES — This will be a great games. I am sure we are all looking forward to them, just as we are looking forward to seeing this report if ever it sees the light of day.

Commonwealth Games: environment strategy

Mr RYAN (Leader of The Nationals) — My question also is to the Acting Premier and Minister for Environment. I refer to the minister's previous answer and to the announcement of the Commonwealth Games environment strategy on 9 May 2003 and the Bracks government's claim of hosting the world's first carbon-neutral, multi-sports event, and I ask: how is the government going with its promise to plant 2.5 million trees?

Mr THWAITES (Acting Premier) — I thank the Leader of The Nationals for his question and for his endorsement of these great Commonwealth Games — and they will also be green games. I am very pleased to advise him that, yes, we are making sure that we have a carbon-neutral games, and that is why we are planting trees.

Honourable members interjecting.

Mr THWAITES — I think the member would have seen the Minister for Commonwealth Games joining with volunteers in starting the planting for this great project.

Honourable members interjecting.

The SPEAKER — Order! The behaviour of the opposition is totally inappropriate. It is the custom of this house that when ministers are answering questions — and indeed when all members are asking questions or speaking — that they address their comments to the Chair, which the minister is doing.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster will not interject while the Chair is on her feet or he will be removed from the chamber. I ask members to cease that silly behaviour and allow the minister to continue answering the question.

Mr THWAITES — There are many initiatives ensuring that these are environmentally friendly games — initiatives like allowing free public transport around Melbourne for people who will be at the games and recycling water at sports facilities so that we reuse water instead of just using more potable water. These will be fantastic games, and I urge all members, including the Leader of The Nationals, to get right behind them.

Hospitals: government initiatives

Mr LANGDON (Ivanhoe) — My question is to the Minister for Health. Can the minister update the house on recent government initiatives to significantly upgrade Victoria's hospital infrastructure and outline whether the government has considered any alternative policy positions?

Ms PIKE (Minister for Health) — I thank the member for Ivanhoe for his question. In fact I look forward to meeting with the member for Ivanhoe and other members of the Victorian public when we open the newly developed Austin and Mercy hospital in his electorate.

In just five years the Bracks government has invested over $2 billion in upgrading our hospital infrastructure. This is a record investment. It is the largest investment in health infrastructure in this state's history. Take a look around the state — everywhere, from the outer rural areas to regional areas to the suburbs of Melbourne. If you take a look inside the front covers of the new *Your Hospitals* report, you will see laid out for you all those initiatives, all that rebuilding of our health facilities.

We are rebuilding them because they were run down, because the previous government's investment in health care, particularly its capital investment, was abysmal. If you look at that investment, you will see that over the seven years of the Kennett government the investment in health infrastructure was $850 million. But over the last five years — just the five short years that this government has been in power — we have invested $2 billion. That is $850 million over seven years as against $2 billion in five years.

We are proud of that investment. We think it is the right thing to do. We have been able to do it because we are a financially responsible government. We do not make reckless and ridiculous promises, and we certainly do not make promises that will potentially see $7 billion black holes in our budgets.

That is what we have been able to do — we have been able to rebuild 26 hospitals. Contrast this to the past — 12 hospitals closed versus 26 hospitals rebuilt. What we have is the largest ever health infrastructure project in Victoria, the Austin and Mercy hospital, to be officially opened in the next few weeks — $376 million worth of new facilities.

We built and opened the $80 million Casey Hospital on time and on budget and saved all the health services or built new health services for the local community. Last week the Premier and I unveiled plans for the new Royal Women's Hospital, which is commencing construction — $250 million. We have also significantly rebuilt the Northern, Sunshine, Dandenong, Angliss and Maroondah hospitals — and remember that the last two were earmarked for downsizing. They were in fact to be downgraded. What have we done? We have rebuilt those hospitals. Let us also look right across country Victoria at the Kyneton, Geelong, Maryborough, Ararat, Stawell, Nhill, Lorne and Hepburn hospitals. You can add to that $217 million for rebuilding our public sector aged care facilities, which were earmarked for privatisation under the previous government. But we are not stopping there. We have many more initiatives in the pipeline — the super-clinics at Melton, Lilydale and Craigieburn; the new Alfred centre of excellence in elective surgery; new health facilities at Knox; and planning for the upgrading of the Royal Children's Hospital, the Box Hill Hospital and the Peter MacCallum hospital, as well as undertaking major improvements in our cancer services.

We need to sustain this effort: Victoria needs this health infrastructure. Hospitals are very busy places. We are seeing more and more patients coming through the door, and we have to respond to future demand. I can only imagine what would happen to our health facilities if on one dark day those opposite were in government.

Honourable members interjecting.

Ms PIKE — The $7 billion that would be ripped out of the infrastructure budget would mean a return to the dark days.

Mr Perton — On a point of order, Speaker, the minister is debating the question. She will not have to be dreaming in November; it will be a reality.

The SPEAKER — Order! Has the minister finished her answer? I ask the minister to continue.

Ms PIKE — I think we know that if the Leader of the Opposition were to keep his rock-solid, ironclad guarantee that he will remove tolls for every Victorian — —

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

Ms PIKE — We are committed to rebuilding health facilities here in Victoria. Our record demonstrates that, with $2 billion spent over the last five years. We believe that investment in health infrastructure is a worthy expenditure of the public's resources, and I would invite those opposite to share in that commitment as well.

Australian Motorcycle Grand Prix: funding

Mr SMITH (Bass) — My question is to the Minister for Tourism. I refer the minister to his failure to support the Australian Motorcycle Grand Prix at

Phillip Island, and I ask: why has the minister lied about his so-called efforts to secure federal funding for the grand prix?

The SPEAKER — Order! As I understand it, the member's question needs rephrasing. There has been a history in this place that people can be accused of telling lies but that you cannot actually call someone a liar.

Honourable members interjecting.

The SPEAKER — Order! I do not require the assistance of government members!

Mr SMITH — I ask why the minister has misled individuals, local newspapers and the community about his so-called efforts to secure federal funding for the grand prix?

Mr PANDAZOPOULOS (Minister for Tourism) — I thank the member for Bass. Obviously he is working with the federal member for the area, Greg Hunt, who has been extremely unprofessional in accusing me of lying, saying that I actually have not met with the federal sports minister or the federal tourism minister about this matter that I have been talking to the papers about. We have had discussions about this ourselves. He is very much aware of what our position is. The fact of the matter is that, unlike the member for Bass, the federal member for Flinders has not bothered to even ring me up and have a chat about this issue. But I recall having a meeting in the commonwealth offices just down the road late last year with the federal minister for tourism.

An honourable member interjected.

Mr PANDAZOPOULOS — It was a lot more than 2 minutes I can assure you. It was an hour in my diary, mate!

Honourable members interjecting.

Mr PANDAZOPOULOS — I recall that in order to have a discussion with the federal minister for sport I had to meet up with him on the first day of federal Parliament in Canberra. What we have been seeking is a recognition by the federal government that the Australian Motorcycle Grand Prix at Phillip Island and the Australian Formula One Grand Prix in Melbourne are very important events for Australia. We promote Melbourne and Australia with those events. Any member who has been there would see that when those events are broadcast the signs across the track say, 'Melbourne, Australia'. That is what they say. Unlike other destinations around the world, we do not sell off those rights to corporate sponsors. We think that one of the benefits of having the events is that when people are watching them around the world they know exactly where they are — in Melbourne, Australia. What we have at the moment, however, is a federal government that is free-riding on the backs of Victorian taxpayers with these events.

Honourable members interjecting.

Mr PANDAZOPOULOS — It is free-riding on the backs of taxpayers. We are promoting Victoria as much as we are promoting Australia in these events, and we want recognition by the federal government of that. That is why I have met with the federal minister for sport, that is why I have met with the federal minister for tourism, and that is why I have been raising issues about the branding of our major events by the commonwealth government with Tourism Australia as well, because we believe it should be paying its way. We are happy to get the tourists, but little old Victoria should not be promoting this country when the federal government does not do the same with these events.

What we have sought is a recognition by the commonwealth government that maybe there is a time and a need for the commonwealth to support a lot of the major events that are being conducted by state governments around this country on behalf of Australia. I have written to both of these ministers — —

Mr Smith interjected.

The SPEAKER — Order! The member for Bass has asked his question. I suggest he now allows the minister to answer it.

Mr PANDAZOPOULOS — The member for Bass has been very much deceived by his local federal member of Parliament, who has claimed that I have not even written. I am waiting for replies from both the federal sports minister and the federal tourism minister. Nonetheless, what is it that we are seeking from the federal government?

Firstly, we are seeking a recognition that Australia benefits from the activities of the Victorian government that are paid for by taxpayers. Secondly, we believe it is not unreasonable for the federal government to be able to financially support these events. It is a role that it should play. It is a role that it has given the new Tourism Australia because there is a tourism events group in Tourism Australia. The federal government needs to think about how it can support us with major events that help put Australia on the map. Thirdly, there

is a cost increase as a result of federal tobacco laws. We agree that tobacco exemptions apply at the moment, but in 2006 tobacco sponsorships will no longer be available for formula one or MotoGP teams, and with contract renewals someone has to pay for that.

We support the federal legislation, but because of the federal legislation there is a potential that these events will cost more money. As a result we believe it is not unreasonable — seeing that it has been freeloading for 10 years on the grand prix and for six years on the MotoGP — that it recognise in contract renegotiations that it should provide some financial support. Rather than play politics, the Victorian government is trying to renew events that benefit the member for Bass, but his federal colleagues do not want to be there. We want these events — they put us on the map — but we want federal support too.

Schools: Marlo rural learning campus

Mr JENKINS (Morwell) — My question is to the Minister for Education and Training. Can the minister advise the house on the unique educational outcomes for Victorian students from the rural learning campus in Marlo and whether the minister has considered the impact of alternative policy positions on future initiatives?

Mr Mulder interjected.

The SPEAKER — Order! I believe the question was addressed to the Minister for Education and Training and not the member for Polwarth.

Ms KOSKY (Minister for Education and Training) — I thank the member for Morwell for his question. As everyone in this house knows, education is the no. 1 priority of the Bracks government. It has been continually investing in education within this state and in fact undoing the damage done by the previous government. Since we came to office we have continued to improve our school buildings — our capital facilities — with 25 new schools at a cost of $163 million and 308 major renovations of schools at a cost of $521 million. That is a significant investment.

An honourable member interjected.

Ms KOSKY — It is very clear from the comments that are being made that the opposition would cut all of this straightaway.

I am pleased to also indicate that we have not only put money into schools, which are attended by students, but we have also provided additional facilities that can really expand their educational experience.

In 2000 we opened the Alpine School at Dinner Plain, which is a school focused on the year 9 level so that students can have a broader experience and focus on broader life skills, on leadership skills and awareness of rural and environmental issues close up, do their curriculum within that environment, and with a focus on physical fitness as well. It has been an outstanding success. In the 2002 election we made a commitment to develop further facilities for rural learning campuses.

In 2004 I announced that there would be a second rural learning campus and that it would be at Marlo in East Gippsland, at a cost of $2.8 million. It is a great spot, which was why it was chosen. It is at the mouth of the Snowy River and it is a contrast with the Dinner Plain school at Mount Hotham. It is a beautiful and very isolated site on one of the most scenic coastlines in the state. It has access to Cape Conran Coastal Park and also the Croajingolong National Park, so students will have a wonderful learning experience and a very vibrant curriculum. This means that in 2007, when the first intake of students will be included, at least 180 year 9 students from right across Victoria will be able to participate in this program.

We decided that because this was such a significant site we would have a design competition so that this would be not only a beautiful site but a beautiful facility in that environment, and one which was environmentally sensitive. Five different organisations were short-listed, and I am pleased to say that the winner of that competition is Fooks Martin Sandow Anson Pty Ltd, which is a Victorian company. It now has the opportunity to design the facility, but it won the competition because it focused on what the Bracks government holds very dear in its environmental design of new schools — that is, that it would have a low environmental impact and water and energy efficiency.

The winning design includes all of that. It includes recycled materials, tank water with grey water reuse, hydronic heating and thermal chimneys. It is equivalent to a five-star energy rating. It means this will be a showcase not only within Marlo and across Victoria, but also for a whole range of other educational facilities. It demonstrates that the will is there, and when the commitment of the government is there we can achieve fantastic facilities.

These will be the icons of the Bracks government. We believe our legacy will be in social infrastructure in communities right around Victoria. But we know that if there were reckless commitments to spend $7 billion on ripping up a contract, none of this would be possible for our students. None of that very important learning would be possible if in fact those reckless policies were

put in place. So not only are we giving our students the best start in life, we are making Victoria a great place to raise a family.

Snowy River: environmental flows

Mr INGRAM (Gippsland East) — My question is to the Acting Premier. There has been debate about the future of the Snowy River's increased flows released from Mowamba and Cobbon Creek aqueducts. Most of this debate has been at the instigation of Snowy Hydro which used lies, misinformation and compensation threats to the three governments in an attempt to use the Snowy River's environmental flows for electricity generation in breach of the water licence agreements. I ask: does the Victorian government support Snowy Hydro's position on the Mowamba aqueduct?

Mr THWAITES (Acting Premier) — I thank the member for East Gippsland for his question and also for his passionate efforts to restore one of our iconic rivers, the Snowy. Victoria has played a major role in restoring flows to the Snowy. We have made a commitment of more than $200 million to restore flows, and we have been able to deliver on that commitment because we are financially responsible and we have a strong budget. I should indicate that it is working. We are now delivering extra flows.

This year I was very pleased to be able to sign over a new environmental water reserve of some 21 500 megalitres of water for the Snowy that has been achieved by water savings projects undertaken by our government — things like the stock and domestic metering system and the Normanville and the Woorinen pipelines — and there is more to come. There will be more water savings and more benefit for the Snowy. In addition we are expending funds on upgrading the surrounds of the Snowy. We are investing some $500 000 on the next phase of eradicating willows from the Deddick River, which is a tributary to the Snowy and will prevent the willows from coming down into the Snowy. We are also investing some $450 000 to fence about 20 kilometres of river banks to exclude grazing stock from the Snowy's lower reaches. So as well as putting in more environmental flows, we are improving the environment of the Snowy.

The Mowamba Creek is in New South Wales and is the responsibility of the New South Wales government. We are concerned, though, about environmental issues that the member has raised. For that reason we have written to the New South Wales government. We have raised the concerns that people have and we will continue to advocate with the New South Wales government, which has the overall responsibility for this, to get the best possible environmental outcome.

Courts: infrastructure

Ms MARSHALL (Forest Hill) — My question without notice is to the Attorney-General. Can the minister provide the house with an update on the progress of providing court infrastructure for all Victorians and say whether the government has considered the impact of alternative policy positions?

Mr HULLS (Attorney-General) — I thank the honourable member for her question. The Bracks government has certainly delivered on its commitment to renew our justice system and invest in court infrastructure in a way that reflects our belief that access to justice is the right of every Victorian, not just the privileged.

Facilities such as the $16.7 million new Mildura court, the $15.5 million new Warrnambool court, the proposed $32.7 million Latrobe Valley police and court complex and the proposed new $28.2 million Moorabbin court complex will result in places that are far less alienating for victims, families and indeed all users of the justice system.

The relatively new $140 million County Court complex and the master planning that is under way for the Melbourne court complex will certainly take us a lot closer to our aim of having courts that are respectful of all players and proudly owned by the entire community. Those court facilities will replace crusty, intimidating old places with open and accessible places that are well equipped to resolve disputes constructively and to play a positive role in the lives of individuals in the community. I might add that these investments in court infrastructure would not be possible if we had a $7 billion black hole that would come about as a result of that ironclad, rock-solid guarantee!

We have also been prepared to trial bold, innovative approaches to tackling historic problems and to assist in overcoming entrenched disadvantage so far as our court processes are concerned. We have set up a drugs court, a domestic violence division of the Magistrates Court and the Koori court, all of which are notable examples of innovation in our system. As we know, in 2001 it was estimated that Kooris were 12 times more likely to be incarcerated than their non-indigenous counterparts. We have established three Koori courts in Victoria. The first was established as a division of the Shepparton Magistrates Court in October 2002; and as members would know, Koori courts have now been established in Broadmeadows and Warrnambool.

I am pleased to advise the house that new evaluation results of these Koori courts show reduced levels of recidivism, which in turn lower the tragically high representation of Kooris in the prison system. The general level of recidivism has been around 29.4 per cent; at the Shepparton Koori court it is now down to 12.5 per cent, and at Broadmeadows it is 15.5 per cent. This evaluation also shows reductions in breach rates for community corrections orders, a reduction in the number of Koori offenders failing to appear on court dates, increased levels of Koori community participation in and ownership of the administration of the law, reduced alienation of defendants and sentencing processes that take into account cultural consideration. This evaluation also shows that this initiative has reinforced the status of community elders and respected persons, thereby strengthening the broader Koori community. So the results are very positive, and I would hope they would be welcome by all members of this place.

The Koori court initiative is just part of our vision for a modern, inclusive and humane justice system, and further Koori court initiatives are now planned for Mildura and East Gippsland. We are also planning an initiative to extend the Koori court to include a Koori children's court.

We will continue as a government to find innovative ways to tackle areas of need and disadvantage through our court system. We will continue to spend on social infrastructure where we can — and we can do this, because we are not prepared to tear up contracts and hand $7 billion to a private company. That rock-solid, ironclad guarantee shows that those opposite have absolutely no idea.

Gas: regional supply

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for State and Regional Development. I refer the minister to this statement by the member for Ripon in the Ballarat *Courier* yesterday:

> I regret that my optimism for Avoca gas reticulation has resulted in the expectation that gas reticulation would occur and that this expectation has not been realised.

Will the minister confirm that this gobbledegook from the member for Ripon is an admission that the government lied to the people of Avoca about connecting their town to natural gas?

Mr BRUMBY (Minister for State and Regional Development) — I want to thank the member for South-West Coast for that question on natural gas. We actually had it on the supplementary list for our side today, but he has asked it for us!

We have announced 28 towns across country Victoria that have been connected to natural gas. I do not know how many were connected in the 1990s under the Kennett government.

An honourable member — How many?

Mr BRUMBY — I think it was more than none, but it was a very small number.

Dr Napthine interjected.

Mr BRUMBY — Two, was it? It was two. We have done 28 towns — —

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast has had the opportunity to ask his question and be listened to. I suggest he extend the same courtesy to the minister.

Mr BRUMBY — It would be true to say that during the Kennett years they closed more hospitals than they opened towns with natural gas. That would be right! Last week — —

An honourable member — Not one of your better lines!

Mr BRUMBY — They are not laughing at me, they are laughing at you.

The SPEAKER — Order! I ask the Treasurer to address his comments through the Chair.

Mr BRUMBY — Last week I had the great pleasure of visiting the Presentation Sisters holiday accommodation in Balnarring. I was joined by the member for Hastings, and I announced that gas would be extended — —

Dr Napthine — On a point of order, Speaker, the issue I raise is one of relevance. The question was quite specific and concerned the government's broken promise to connect natural gas to Avoca. I ask the minister to address the question of natural gas and Avoca.

The SPEAKER — Order! It is far too early in the minister's answer for me to make a judgment about where he is going with his answer.

Mr BRUMBY — Last week we announced gas to Balnarring Beach, Balnarring, Somers, Merricks Beach

and St Andrews Beach — 2800 households. That is not bad.

On Tuesday morning of this week I joined the members for Seymour, Gembrook and Evelyn in beautiful Yarra Glen, magnificent Yarra Glen, to turn the first sod on the Yarra Ranges proposal, which joins eight towns to natural gas — —

Dr Napthine — On a point of order, Speaker, I again raise the issue of relevance. The question was very specific. It was about the government's broken promise to connect natural gas to Avoca. We do not want a litany of the government's other broken promises where it has connected no towns to natural gas. It has made a litany of promises. The question was specifically about Avoca, and I ask you to bring the minister back to that question.

The SPEAKER — Order! I cannot direct the minister to answer the question in exactly the way that would suit the member for South-West Coast. In answering the question the minister can canvass issues relating to the same topic, which he is doing. I allow the Minister for State and Regional Development to continue.

Mr BRUMBY — In reference to this program — and I made the point in the Yarra Ranges on Tuesday morning — on average there will be a saving of around $1000 per household from natural gas. With the Yarra Ranges, 6000 households will save $1000 a year, so each year there is $6 million more in disposable income going into that area because of this program. This is a sensational program.

One of the opposition spokespersons the other day — a member in another place — put out a press release with a list of 23 towns on it, alleging that these were towns the government had promised to connect to natural gas. You cannot find that press release on the Liberal Party's web site today because it has been removed. Why has it been removed? Because most of the factual information was totally wrong. In many of the towns listed in the opposition's press release about broken promises and no gas the trenches are being dug at the moment.

It is true that in some areas we went out to tender and no bids were received.

Dr Napthine — What about Avoca?

Mr BRUMBY — There were no bids received. This government did not privatise the gas industry. It is a private industry. You put it out for tender, and there are no bids — —

Honourable members interjecting.

Mr BRUMBY — What do you want? Do you want us to bid?

Mr Andrews interjected.

The SPEAKER — Order! The level of interjection is far too high, and I particularly ask the member for Mulgrave to cease his continual commentary on question time.

Mr BRUMBY — It is a good program. We promised $70 million at the last election; we put $70 million in the first budget; we said we would tender in 2004; we said we would commence work in 2005 — that is exactly what is happening.

Tenix: defence contract

Mr LANGUILLER (Derrimut) — My question is to the Minister for State and Regional Development. Can the minister update the house — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition and the Minister for the Arts to be quiet and allow the member for Derrimut to ask his question.

Mr LANGUILLER — My relevant question is to the Minister for State and Regional Development. Can the minister update the house on the status of the federal government's tender for air warfare destroyers and this government's most recent initiatives to secure this important contract for Victoria?

Mr BRUMBY (Minister for State and Regional Development) — I thank the member for Derrimut for his question and his strong support of this project. This morning I was pleased to join with Paul Salteri from Tenix in releasing all the elements of the Tenix Williamstown bid, which is of course Victoria's plan to win this $6 billion air warfare destroyer (AWD) contract. The announcement today followed my meeting in Canberra on Tuesday with the federal defence minister, Senator Robert Hill. I can only say that that was a very productive and positive meeting.

Victoria has by far the most competitive bid. We have the right plan; we have significant project support; and we have the right partners, the right suppliers and the right skills base. We have created planning certainty; we have union support, with a memorandum of understanding (MOU) that has been signed by Tenix and the unions; we have a plan to minimise risk and

generate the best value for money; and we have the commitment to win this project.

As members are aware, this is the biggest defence project — a $6 billion project — undertaken in Australia since the $7 billion Anzac frigate project. That is still today successfully being delivered by Tenix at Williamstown. This AWD project will deliver 2200 direct jobs. Another 700 jobs will be created in supply chains. If we are successful it will inject more than $2 billion into the Victorian economy, with around 80 per cent of the project's manufacturing component being undertaken by Tenix Williamstown and its Victorian suppliers.

At the announcement today we put all of the pieces of the plan together for the final announcement. I was advised by Senator Hill on Tuesday that the federal government is on track for a decision on this matter by the end of May, and we understand of course that the recommendations from the defence matériel organisation will come up to the minister in the very near future.

The package that we announced today from a Victorian government point of view is very substantial. It includes: doubling the module hall size, where ship sections are built, to 170 metres, because that is about the length of the ships being built; new panel fabrication and blast and paint facilities; general grounds, pier and dredging works to enable the assembly and launch of destroyers; access to large equipment needed for the project, including a heavy-lift mobile crane; provision for a new floating dock if that is required for the bigger American ship; the signing of an MOU, as I have said, between the government, Tenix and all the associated unions; and, as we have previously announced, $22 million for the College of Shipbuilding and Marine Design. That is a significant level of support, and it is significant because this is a huge project.

It is important not just for Williamstown but for the whole state. If we are successful with this, as the lead shipbuilder, more than 600 suppliers across Victoria will benefit. It is an enormous project. In the south-east alone — and I was in Dandenong last Friday morning for a breakfast — 250 suppliers would be part of this arrangement. In the western and inner western suburbs, there would be 100 to 150 suppliers; in the north and inner northern suburbs 50 to 100; in the east and north-eastern suburbs, 50 to 100; and in regional Victoria, something like 50 suppliers. This is a huge project for Victoria and for Australia.

There is absolutely no doubt that the Victorian Tenix bid — because the facilities are there at Williamstown they do not have to be rebuilt at ASC in Adelaide or at the greenfields site — is hundreds of millions of dollars more cost effective than any of the other bids. On value-for-money grounds there is no doubt that this is the superior bid. We also believe that this is the best bid in the national interest, because it will ensure that going forward there are a number of strategic and viable shipbuilding yards across Australia. So from a strategic and value-for-money perspective, it is also very much in the national interest.

We enjoy a high degree of bipartisan support on this project. It is an important project for the state. We have lodged the final bids. As I said, today we outlined the final elements of the Victorian package, which are substantial indeed.

JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from 20 April; motion of Mr HULLS (Attorney-General).

Mr LOCKWOOD (Bayswater) — I am pleased to make a brief contribution on the Justice Legislation (Amendment) Bill. The bill contains three main elements: it facilitates the provision of alternative dispute resolution programs by Victoria Legal Aid — that is, conferencing and mediation; it enables the Attorney-General to table Victorian Law Reform Commission reports outside parliamentary sitting days; and it makes some changes to the introduction of universal standard time in Victoria.

In terms of the alternative dispute resolution provisions, legal disputes can be hugely costly and time consuming. The adversarial system is not necessarily the way to resolve disputes, so alternative methods can obviously be less costly and can lead to better outcomes. Not all disputes need to go through the adversarial court system. Negotiated or mediated outcomes are the way of the future for a lot of disputes. They have already been working well for a number of years in the Family Court, which saves huge amounts of money, time and stress.

My experience with mediation is not through legal aid but as a local councillor when town planning disputes cropped up. Such disputes are often taken to a tribunal such as the Victorian Civil and Administrative Tribunal to be determined, but as councillors we tried to head

those off with mediation to try to get the parties together to air their grievances and settle disputes.

Dr Napthine — Over a pizza!

Mr LOCKWOOD — There was never, ever a pizza, no. I don't eat pizza, thank you very much!

Those processes often worked well. They saved all parties concerned lots of time — many months, perhaps a year or so — and lots of money by not having to go through legal proceedings before a tribunal. It was not always easy to get a resolution, of course, and quite often the process ended with no resolution at all and the matter still proceeded to an adversarial hearing. Mediation certainly produces positive outcomes in a lot of cases, and I think it is worth while.

The bill will amend the Legal Aid Act to allow for the delivery of alternative dispute resolution programs such as the round table dispute management service that works so well in family law.

There are strict confidentiality provisions to ensure that the issues aired in discussions are not to be used as evidence in court cases or used outside those processes. They are also protected from freedom of information — that is, there is no way people can gain access to the information. This obviously builds up a level of trust and confidence in the process so that people can put down their goals and say what they are prepared to give and take in those processes. Such documents or evidence will not be admissible as evidence in courts of law outside the processes. Also, limited immunity is provided for conference chairpersons — that is, those people who chair the alternative dispute resolution processes will have some access to immunity.

The bill provides that Victorian Law Reform Commission reports or interim reports will be able to be tabled when Parliament is not actually sitting. Checks and balances are provided, in that the clerks of both houses are required to notify all members as soon as possible that the reports are available and the reports retain privilege as if they were tabled on a sitting day. It is a reasonable thing to allow such reports not to be held onto if Parliament is in recess over a period — not that we have had much recess so far this year.

Dr Napthine interjected.

Mr LOCKWOOD — Or no lengthy recesses — a couple of weeks at a time. If Parliament is in recess for several months, it is reasonable to make such reports available and not hold onto them for a lengthy period. I note that the opposition has an objection to this provision, but I do not agree with that. Concerns of members of the opposition about not being represented on the commission are nonsense. There is no intention to hide reports under a bush, as has been suggested. The reports will still be effectively tabled and will be able to be discussed as any other tabled report when Parliament is next in session, or indeed in public. The bill provides flexibility not to hold onto a report until Parliament sits, and the checks and balances will definitely be present.

On coordinated universal time, the change is purely technical — to replace Greenwich Mean Time. Coordinated universal time, based on atomic clocks, is most commonly used. Given the use of technology these days, with rapid communication and computers, we now need to count in nanoseconds, and that has indeed been happening for a number of years. That provision is a technicality, in a sense, but it is right to officially measure in coordinated universal time instead of Greenwich Mean Time. Otherwise, if the right timescale is not being used at either end, we might, for example, have transferred money arriving before it was sent. All the states of Australia are committed to implementing coordinated universal time by 1 September 2005, before daylight saving starts again later this year. As I said, this reflects catching up with the computer age, as we must in all walks of life.

The bill is consistent with government objectives of protecting legal rights and promoting confidence in a just, responsive and accessible legal system. It is in line with key principles of the justice statement, identifying the value of alternative dispute resolution systems and providing accessible and efficient justice for all Victorians. That has been consistent through all the justice bills that members have been debating in the house this week and in previous weeks. It is the purpose of the government to make the justice system accessible and make it work properly and efficiently by various productive means such as those provided for by the bill. I commend the bill to the house.

Mr MAUGHAN (Rodney) — This is a small but important piece of legislation. As I indicated in remarks earlier today, we are very fortunate in this country to have a justice system in which we can have a great deal of confidence. These pieces of legislation may be small, but any move that enhances the delivery of justice in this state and nation certainly has my support.

As the previous speaker indicated, there are essentially three elements to the bill. The first relates to alternative dispute resolution. This has my very strong support, because I am a great believer in the fact that there is a much better way of settling disputes than the far more costly way of litigation. Litigation is costly not only to

the litigants but to the state. There is a huge emotional cost to the parties engaged in litigation, because under the adversarial system that we have in the courts one side has to be right and one wrong, and that is not helpful to reaching a situation that both parties can walk away from knowing that there is some common ground and there has been a reasonable solution.

I am impressed with the figures that show that something like 90 per cent or more of disputes that go to the alternative dispute resolution process can be satisfactorily resolved without going through the far more expensive litigation process. There are some very strong arguments for our encouraging mediation and alternative dispute resolution. For that element alone I consider the legislation important.

The second element of the bill provides for a change from Greenwich Mean Time to coordinated universal time. I do not pretend to understand the details of it. I note that a national agreement has been signed off by the commonwealth and all the state governments. For that reason alone we in this Parliament are obliged to support the provision — that is, because it has national support, approval and consent.

The third element of the bill again is relatively minor but equally important. It allows the Attorney-General to table interim or full reports from the Victorian Law Reform Commission when Parliament is in recess. The speaker who preceded me indicated that Parliament is not often in recess. My understanding is that as we sometimes have, for example, three or four weeks at a time between one meeting of the house and the next, the bill enables the Attorney-General to table a report from the Victorian Law Reform Commission that comes in at that time and for members to be notified. The good work that the Law Reform Commission does then becomes available to the general public. It is important that those reports be in the hands of members and, through members, the public as soon as it is possible to do so. For those reasons, I support the legislation and wish it a speedy passage.

Mr LIM (Clayton) — As other speakers have mentioned, this bill has three main components, which might at first seem to be rather strange bedfellows. Firstly, it amends the Legal Aid Act 1978 to recognise alternative dispute resolution procedures as well as those traditionally considered part of the justice system. Secondly, it changes the Summer Time Act 1972 and the Supreme Court Act 1986 to allow for the use in Victoria of coordinated universal time rather than Greenwich Mean Time. Finally, it modifies the Victorian Law Reform Commission Act 2000 to enable the tabling of Victorian Law Reform Commission reports when Parliament is not in session.

What links these three apparently disparate aims? It is the desire of the Bracks government to ensure that Victorian legislation is fresh, relevant and fair and that no obscure anomaly of forgotten law shall get in the way of good government. Perhaps it is my background as a former public servant for 17 years, or there again perhaps it is because I hail from a country where excellence in public administration is not given the attention it properly deserves, but I have rather a fondness for apparently dry-as-dust administrative bills such as this.

As I mentioned in the debate last year on the Electoral Legislation (Amendment) Bill, this is one of those housekeeping administrative bills that do not excite much interest in the press — it is not sexy and nobody seems to understand what it is all about. But, as I also said last year, such bills are the bricks and mortar of our democracy and underpin the whole parliamentary process. If anyone does not believe me, try living for a while in a country where the administration is subject to the whim of government officials and ministers rather than the rule of law and precedent.

The amendments to the Legal Aid Act are of great consequence, given the changes that have been made in other areas of the justice system to allow for alternative dispute resolution programs. The Children and Young Persons (Koori Court) Act 2004, which I spoke on last year, comes to mind. That act was part of the Bracks government's commitment to giving greater participation to the Aboriginal community in the sentencing process of the Children's Court in order to achieve more culturally appropriate sentences for young Aboriginal people. In place of the traditional Magistrates Court, the so-called Koori courts deliver justice in a less culturally alienating way to Aboriginal people.

The Bracks government has a commendable record of achievement in setting up alternative dispute resolution programs such as these, and they have proved highly popular and effective. It is therefore of critical importance that other areas of legislation are kept in line with these improvements to the justice system.

Turning to the third part of this bill, the amendment that it makes to the Victorian Law Reform Commission Act 2000 will enable the Attorney-General to table Victorian Law Reform Commission reports when Parliament is in recess. This will enable a more timely release of VLRC reports, and will mean that

recommendations can be considered in the context of national law reform.

My favourite part of this bill, however, is the amendment it makes to the Summer Time Act to replace Greenwich Mean Time with coordinated universal time — though I have to admit it is not without a touch of sadness that I say goodbye to GMT. Greenwich time was born of the search for a method of determining longitude on long ocean voyages. Members may perhaps recall the story of John Harrison and his marine chronometer, which feature in the best-selling book *Longitude* by Dava Sobel, later made into a film. If you read this book, you will see that the history of GMT was very much tied up with the discovery and exploration of Australia by Captain James Cook and by Dutch adventurers seeking spices and other exotic goods from the East. However, this government cannot allow nostalgia to get in the way of scientific progress, and I am sure that John Harrison himself would be the first to embrace the benefits that moving to coordinated universal time will bring. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my contribution on the Justice Legislation (Amendment) Bill. The bill in its aim has three main objectives. Firstly, it will facilitate the delivery by Victoria Legal Aid (VLA) of alternative dispute resolution programs such as the round table dispute management service by providing a clear legislative structure within which the programs can operate. Secondly, the bill will allow the tabling of Victorian Law Reform Commission (VLRC) reports when Parliament is not in session. As all members know, Parliament sits a certain number of days per year but certainly does not sit every day of the year or every week of the year. This provision will allow those reports to be tabled while Parliament is not sitting. Thirdly, the bill will enable the introduction of coordinated universal time in Victoria, replacing Greenwich Mean Time. I am personally a little bit sad that we have to replace Greenwich Mean Time with an expression such as coordinated universal time; however, I can go with the flow, so to speak — —

Ms Delahunty — It's time!

Mr LANGDON — That is a fair comment: it is time. I take up the interjection; it is a relevant time to leave Greenwich and go to universal time. The bill amends quite a few other acts of Parliament. It will amend the Legal Aid Act 1978 to facilitate the provision of alternative dispute resolution programs, again by Victoria Legal Aid. As I have said, they include the round table dispute settlement service currently offered by VLA, and it supports this bill.

As I have outlined, the bill has a very good process for allowing the tabling of reports. While the bill is not very lengthy, I am aware that there are other bills to speak on, so I will make this a very brief contribution.

Debate adjourned on motion of Mr HELPER (Ripon).

Debate adjourned until later this day.

PARLIAMENTARY ADMINISTRATION BILL

Second reading

Debate resumed from 20 April; motion of Mr BRACKS (Premier).

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Parliamentary Administration Bill. The administration of the Parliament is something which I have followed very closely. In the last Parliament, from 1999 to 2002, I sat on the House Committee. Perhaps in the beginning it was not what I expected, but it turned out to be a most enjoyable committee to sit on, and I know places on that committee are very highly valued and sought after. Some of the things that were talked about during the time I was on the House Committee have come to fruition in this bill.

Members may be aware that the administration of Parliament has been reviewed through the One Parliament project, which was led by the presiding officers. May I congratulate the presiding officers of both the Assembly and the Council on supporting that project, because indeed we are one Parliament and should be viewed as one Parliament. We are the Parliament of Victoria, regardless of whether we sit in the Assembly or the Council.

The thrust of this bill is that it reduces the number of parliamentary departments from five to three. Restructuring in any workplace — and in my previous life before Parliament I was involved in many workplace restructures — comes with some degree of angst. However, to put minds at rest, the member for Mornington alluded to some sort of conspiracy here. The member for Mornington, as we all know, is in the sunset of his parliamentary career — indeed the sun is setting below the horizon — and is perhaps not concentrating as much as he used to. He did have a glorious career. He was a Minister for Transport in a

government that was disgraced, but he did that job to the best of his ability. Perhaps now his mind is turning to other things, because there is certainly no conspiracy by the present government to reduce the number of entitlements available to the opposition.

In this Parliament we all have much the same entitlements. There are a few extra entitlements, as the Deputy Leader of The Nationals would know — he is the beneficiary of one of the extra entitlements, a car and a driver, I believe — but all parties have the same entitlements. There is no conspiracy. The next election will not be fought on resources or lack of resources; it will be fought on policies. My suggestion to The Nationals and to the Liberal Party is to concentrate on the policies, not the resources. Go out there to the community and do the work. That is how you will be judged, not by whether you have two electorate officers or a car and a driver. It is about policies. That is my advice to them.

I will return to the bill. This bill will provide a more modern outline and administrative process for Parliament and improve its structure, including its governance structure. It will streamline the employment arrangements for parliamentary officers and ensure that these arrangements fit in with a modern workplace model in public services. The bill will replace the Parliamentary Officers Act but will retain its key provisions.

There has been a lot of consultation on this bill with the presiding officers and the heads of the three departments. The Parliamentary Officers Act 1975 was significantly outdated. I do not wear the same clothes that I wore in 1975 — heaven help us if I went around in platform shoes and flared pants. Neither are the 1975 workplace arrangements suitable in 2005. Thirty years later it is time the act was updated. The public service has undergone significant change in those 30 years. It has not kept pace in respect of employment arrangements. The minister at the table, the Minister for the Arts, is I know a big fan of flared pants and platform shoes, but I no longer wear them and it is fitting that this bill should reflect modern days. The platform shoes did not help — I still was not very tall.

The administrative arrangements will assist in providing more efficient and effective services to members of Parliament and the broader public. It is through those services that members will be able to develop policy — it is not through extra resources. It is through better arrangements.

Thirdly, the bill is consistent with the aims and objectives of the Public Administration Act 2004 that ensures good governance. It should be based on integrity, impartiality and accountability in the public sector.

The number of departments is going to be reduced from five to three. The department heads that will remain are the Clerk of the Legislative Assembly for the Department of the Legislative Assembly, the Clerk of the Legislative Council for the Department of the Legislative Council and the Secretary of the Department of Parliamentary Services for the Department of Parliamentary Services. The clerks will continue to be appointed in the same manner by the Governor in Council as they are now. Their remuneration will be determined by the Governor in Council in accordance with the Constitution Act 1975.

I just want to talk about the clear lines of accountability for the department heads. They are responsible to the relevant Presiding Officer for the management of the relevant department. They are not subject to direction in the exercise of their employment powers but rather must act independently. In my time in Parliament I have never seen it any other way. The parliamentary department heads have always acted with a great deal of independence and impartiality, and I congratulate them for that. We see daily in this chamber the trickle-down effect of that good governance. We see it in the dining room when we eat. We see it with the attendants in the chamber — and what a great job they do for us.

We also see it in the beautiful gardens. I walk in the gardens almost every day Parliament is sitting — they are second to none. I would advise those who would rather sit in their offices and talk about conspiracy theories to take a breath of fresh air every now and again and walk in those gardens and enjoy their beauty. We see it in the library — we go in there wanting facts and figures and they are provided to us in a snap. Every day people in this chamber, in the gardens and the library act with a great deal of impartiality and integrity, and I commend them for that.

The other key features that have been retained are the provisions creating the office of the Clerk of the Parliament and the employment of electorate officers. I am sure it does not matter whether it is the opposition spokesman at the table or the Deputy Leader of The Nationals or members on this side of the chamber — we all depend a great deal on our electorate officers in our day-to-day work. We cannot pay them enough — they are us when we are not there. I commend them on their work.

This is a good bill. Its key features are about responsiveness, integrity, impartiality, accountability, respect and leadership. As I said before, those who want to talk about conspiracy theories should get out and clear their heads in those beautiful gardens. Take a walk, come back and do not think about conspiracies; think about working on policy, getting out there, talking to people, seeing what they want, seeing if your policies are right, because that is what will win the next election. I am confident this side of the house has those policies and not the policy-free zone on the other side.

Mr LIM (Clayton) — I rise to support this bill, the purpose of which is to create a modern structure for and ensure the good governance of the Victorian Parliament. I would not suggest for one moment that the Victorian Parliament is presently being administered in anything other than a strictly efficient and honourable manner. I am also confident of the integrity of our parliamentary officers, and I commend them on their excellent work and devotion to duty over the years.

However, we live in a changing world and Parliament must react to change and reform along with the rest of the world. The Parliamentary Officers Act 1975, which presently governs the conduct of parliamentary employees, is now 30 years old. It is outdated and does not now adequately deal with modern-day parliamentary employment arrangements. In particular the 1975 act, which this bill amends, was based on the employment arrangements applying in the public service of the day, arrangements that have now changed considerably

This is a highly important bill in that it will determine the future structure of parliamentary administration. It will also regulate the creation of parliamentary departments, the appointment of parliamentary officers and their transfer from one position to another. Importantly it also unequivocally sets out the values and standards of integrity to be displayed by parliamentary officers when carrying out their duties. It also specifies new principles that will ensure that merit and equity are uppermost considerations when it comes to recruiting parliamentary employees. Of course there is no point in fixing something that is not broken, and where the existing provisions of the 1975 act are still appropriate they have been left intact. So the bill retains the existing appointment mechanism for the department heads of the Legislative Council and the Legislative Assembly; the existing process for dealing with misconduct by a department head; and the current process for employing electorate officers.

The provisions of this bill are consistent with the Bracks government's philosophy of good governance within the public sector as expressed in the Public Administration Act 2004. The bill will contribute to the integrity, impartiality and accountability of employment in the public sector. This bill will provide an up-to-date organisational structure with modern employment conditions for parliamentary officers that recognise the immense value and quality of their work. As well as modifying the 1975 Parliamentary Officers Act, this bill makes minor changes, mostly of a consequential nature, to several other acts. I commend the bill to the house.

Mr LEIGHTON (Preston) — I welcome the opportunity to make a contribution on the Parliamentary Administration Bill, particularly from the perspective of a member of the House Committee. This bill comes out of the One Parliament project, so it has a number of features. It replaces the Parliamentary Officers Act 1975, and it introduces governance arrangements and, very importantly, modern employment principles and arrangements.

As has been pointed out by other speakers, the bill retains the current three heads of the parliamentary departments, and I will comment on that in a moment. It also makes provision for a new joint investigatory committee on electoral matters. This bill, as I said, retains the three departmental heads — the Clerk of the Legislative Assembly, the Clerk of the Legislative Council and the Secretary of the Department of Parliamentary Services. That is down from the former five, when we also had both the Parliamentary Librarian and the Editor of Hansard, who were regarded as departmental heads. As we have for some time collapsed the number of Victorian government departments, I do not think we could justify having five departments in the Parliament of Victoria.

I had the opportunity to meet the chief executive officer of the Queensland Parliament a couple of years ago when we were looking at employment arrangements. The Queensland Parliament has one departmental head — the Clerk of the Legislative Assembly — who is also the chief executive officer of the Parliament. That is obviously easier in a unicameral system. We have to have three departmental heads in the Victorian Parliament, because it is important that we maintain the independence of each house. Indeed that is why it is important that the Clerk of either house can be removed only by the Governor in Council after a proper investigation. It would not be appropriate to have members, in the heat and cut and thrust of proceedings, making that decision. You have to give the clerks

protection and the capacity to provide fearless advice to the presiding officers and members of the day.

However, when it comes to the Department of Parliamentary Services, this bill places the secretary on much more of a business footing with much more professional arrangements. The members of the House Committee went through a situation a few years ago where, in examining the employment of a former head, we found to our surprise that there were difficulties with the existing legislation. It is much more appropriate to see the Secretary of the Department of Parliamentary Services as a modern-day chief executive officer rather than as a secretary of the House Committee, as occurred a number of years ago.

The opposition wants to see a conspiracy in all this, but in my 17 years experience in this place it has always been the Labor side of the house when in government that has treated the Parliament professionally and as a modern and independent institution. A member opposite shakes his head, but the generation of members before me did not even have electorate offices. They operated out of their own homes, and at best they had part-time staff. The attitude of the Premier of the day, Sir Henry Bolte, was that giving members offices in Parliament House only provided them with places where they could congregate and plot! That is not the way to allow people to operate professionally.

It has been our side of politics that has done things such as introducing a separate parliamentary appropriation bill. Previously the budget for this place was simply part of the state budget. We are the ones who introduced budgets for members of Parliament — and some of the older members still refer to that amendment as part B. That was brought in under a previous Labor government by Speaker Coghill. It recognised that we needed to operate professionally as members of Parliament and that we should have the capacity to set our own personal budgets, priorities and spending decisions.

For the House Committee to assume responsibility for the Library Committee makes sense in my view, and hopefully at a policy level it could lead to a greater coordination between information technology, which is a function of the House Committee, and the library itself. There is obviously a great correlation there, and we find as members of the House Committee and the IT subcommittee that there at times when we are delving into matters that belong to the Library Committee. So I see a lot of sense in having the two under the one roof. With those comments I am pleased to support the bill.

Mr TREZISE (Geelong) — I am also very pleased to contribute to this very important debate and speak in support of the bill that is before us — that is, the Parliamentary Administration Bill. As other speakers have noted, this is an important bill, and in my eyes it is another example of the Bracks government's commitment to the good governance of the state of Victoria — in this case the good governance of the Parliament of Victoria.

The Bracks government is committed to ensuring that this Parliament operates efficiently and effectively, not only to the benefit of members of Parliament and the employees and officers of Parliament but also to the ultimate benefit of all Victorian citizens. As we have heard from a number of speakers, this bill provides for a modern structure in the way the Parliament of Victoria is managed and administered. Parliament is like any other organisation in that it must continually examine the way it operates and administers itself in the modern world — on this occasion in the year 2005. In doing this it must ensure that it operates in an efficient and effective manner.

This is an important bill because it will provide for more modern administration. For example, it outlines clearly in black and white the employment arrangements for officers of the Parliament. Importantly this bill has been introduced in full consultation with presiding officers and parliamentary department heads. That full consultation is a hallmark of the Bracks government over the last five or six years. I am not surprised to see that that hallmark — ensuring full consultation takes place — has continued with this bill.

This is good legislation. It will improve the operation of the house for many years to come, not only for us as members of Parliament, presiding officers, other employees and officers who work in this house but for the people of Victoria. Therefore I would like to wish this bill a very speedy passage through the house.

Mr LANGDON (Ivanhoe) — I would be pleased if the member for Geelong could get on the phone and get a few more speakers, but I — —

Mr Walsh — Is that a hint?

Mr LANGDON — It could be a hint. It is my great pleasure to add my contribution to the debate on the Parliamentary Administration Bill. This is the first time since the original 1975 legislation, the Parliamentary Officers Act, was passed that it has been amended or replaced.

I have a very short notation of how many governments have passed in the state and federally since that time. If

my memory serves me correctly, since 1975 in this state there has been the Hamer government, the Thompson government, the Cain government, the Kirner government, the Kennett government and the Bracks government. Federally there has been the Whitlam government, the Fraser government, the Hawke government, the Keating government and the Howard government. That perhaps indicates that it is time to change and update the original legislation, so I am more than pleased to support this new bill, which replaces the existing Parliamentary Officers Act 1975.

It has been 30 years since the last bill, and the Parliamentary Administration Bill creates a modern framework to ensure good governance of the Parliament of Victoria. It was fascinating to listen to some of the speakers before me — for example, the member for Preston — outlining the history of Parliament. At one stage members of Parliament had no parliamentary officers and a very small budget. I have heard — and again I could be corrected — that Sir Henry Bolte, for example, did not want members of Parliament outside Parliament. He wanted them here so he could keep an eye on them and shout them drinks. Whether that is true or not, one could say he was successful, being the longest serving Premier of this state. Keeping an eye on members and shouting them drinks occasionally certainly worked for him.

But lots of things have changed since that time. I know that since 1996, during my time in Parliament, the request for assistance has certainly increased. I do not think that is just because I have sold myself out there to the electorate. I think that members of the public — —

Honourable members interjecting.

Mr LANGDON — I could spend countless hours listing the things I have done in my electorate that have not created problems, but I realise that would be straying from the bill, so I will keep to its narrow nature. The member for Preston outlined, for example, the history of how Parliament's and members' resources have increased. This bill obviously reflects that, and it is an important aspect. In passing I might say that we have all become busier, and I do not think it is a bad thing that the public now knows what members of Parliament are there for and that we can be used in that sense. This bill obviously assists us as members of Parliament to manage it, so it reflects on the Parliament itself. I realise that the opposition has raised concerns regarding the Parliamentary Library — and I do not want to dwell on that — but I do not believe this government or this Parliament is part of a conspiracy against the library or anyone within the library.

I also take the opportunity — I know many people have mentioned it in passing as well — to say that the staff of this Parliament are exemplary in their efforts to appease and assist us as members. I know the attendants in this house, and I have never had any difficulty with any of them. I think they do an outstanding job. Sometimes I wish they were paid a bit better, but that is a budgetary issue.

Basically this bill outlines what we can do to assist Parliament. The bill contains provisions that specify the administrative structure of the Victorian Parliament, including the creation of departments. Is that a bad thing? It is about the employment of parliamentary officers and the transfer of employees. Again, is that a bad thing? It elaborates new parliamentary officer values that indicate the standards expected of parliamentary officers. Is that a bad thing? Should we not have expectations of our officers? It also contains employment principles that outline the required processes of merit and equity in parliamentary employment. That would certainly not be considered a bad thing by any stretch of the imagination. The provision to retain the appointment process for the department heads of the Legislative Council and the Legislative Assembly would certainly not be considered a bad thing, and neither would the provision to retain the process for dealing with possible misconduct by a department head. We would hope that this would never occur, but again that process is not a bad thing.

The provision enabling regulations to be made to cater for disciplinary action in relation to parliamentary officers — we do not want to go down that path — clarifies quite a few things. I was here to listen to the member for Preston talk about the employment of electorate officers. As he pointed out, we go back to a period when we did not have electorate officers. I know, being a former electorate officer myself, that members had two electorate officers, which went down to one, and now they have gone up to two again. My office, for example, is very busy dealing with all the work involved in servicing the electorate. So this bill in that sense steps in the right direction. I am well aware that there are other members willing to speak on this bill, and I am more than pleased to let them do so. I commend the bill to the house.

Mr SEITZ (Keilor) — I rise to support the bill and oppose the amendment, as a member of this house who has had the experience of coming in here when the resources in the system were completely different. I have seen many changes. When I started my career here we did not even have fax machines. They were a novelty; you had to buy one yourself. There were no

allowances for that. Nothing was happening in that field. It was a new development. A group of us from both sides of the house got together and purchased our first computers. It was considered outrageous that we had a member of the Liberal Party at the time organising all the computers for both sides of the house. We have come a long way, and the changes in this legislation are needed.

One of the things that members need to do is keep up with the changing world, and I think this bill brings some of those changes about and modernises the legislation to clarify in modern-day language how the Parliament is run, how the staff are to be treated and what their titles and positions are. This is a very important part of the process. I do not want to reminisce too much about the past and what happened then. However, one has to realise that when computers were introduced by the Parliament to members in their areas and into this place, the upper house had Apple Macintosh computers and the Assembly had IBM computers. They could not talk to each other because they were not compatible. That is because it was simply driven by some members. So all those things need to be modernised by having a structure in place for the administration and functioning of the Parliament.

As a member of the Library Committee I am certainly not concerned that this will diminish the position of the library or its importance in this Parliament. Our library here can be commended. It is at the forefront of information technology. It was the first to introduce computers and train members to use them. I remember that no-one actually bothered to go into the library to look at the Internet and do any searches on it until we discovered that certain contracts to do with the selling of electricity power stations were on the Internet, freely available. Yet the government and the Treasurer at the time withheld them from the opposition, claiming business confidentiality. From thereon in, when that announcement came out, every member went into the library to learn how to operate computers and search the Internet.

Our library, I am sure, will retain that respect and continue to be at the forefront of IT developments. It will continue to be needed and used by members from both sides of the house, including the Independents. It is the nature of librarians and libraries that they assist the public. I do not see that there is any reason to fear that changing the name or title, or whatever the case may be, will make any difference to the operation of the library, to the way future governments will fund and support it or to the way the presiding officers will view its importance. The members will let them know that the resources of the library are quite valuable to every member of this house, regardless of which side they are on and whether they are in government or opposition. There is always a need to do independent research and have the assistance of the library in that sort of work. I find that part of no concern and it will continue, I feel quite relaxed about that.

The bill clarifies and puts into modern language the administration of the Legislative Assembly and Legislative Council departments. It also clarifies job descriptions and puts them in modern language, which is very important as well. I have seen numerous changes of staff here as people have retired and new people have been employed. It is important that they know in this modern day when they are applying for a job what is expected of them and what the position is. I believe that those items are quite important to all of us so that we all have an understanding of them.

As I said earlier, the staff here are always courteous at all levels in assisting members. Sometimes members are not as courteous to staff, such as the Hansard staff. I have seen many a time where people do not even say good morning to the Hansard staff because they see them as just part of the service. I can go back to the days when we used to have Christmas parties with the Hansard staff. All those nice civil things have really slipped away. With the departmental reorganisation I think some of those things will be established in their right place and position once again. It is important that we work together in this place, particularly when we are sitting late and there is a strain on our staff. I recall we had to suspend a sitting for a while because one of our clerks was taken ill as a result of the stress and long hours we had been working. It was inconsiderate of the house at the time to do that.

So again this gives people resources; it gives them legislation. It clarifies and recognises positions, and I am sure that is why the bill was brought before this house. It is part of the process that is now taking place to modernise and modify the operations of the Parliament. It could go even further — for instance, our maintenance team has been left behind. They are across the road and in the park, which is a long way away from their place of work and the work that needs to be done. This building needs continuous maintenance. Various sections of people work here — whether it is the garden people or the building maintenance people. There is work that requires people to be hands on all the time. There is the shifting of furniture, replacement of light globes or power points. We certainly need more people in those positions.

I hope the legislation allows for in-house maintenance people, because it makes it easier to understand where

things are. In my previous life I was a maintenance supervisor at Monsanto Chemicals I found when outside hired labour came in that I had to promote my fitters and turners into leading hands so they could show the hired labour the plant and how to find the equipment. I think a similar thing would happen here, because you need all of that experience. When I was a councillor in Keilor our long-time maintenance plumber left. I found out that nobody knew where the taps were for the football ground, because there were no drawings. The contractor spent half a day looking for the taps.

It is important that this legislation modernises the process, and I commend the bill to the house.

Mr HARKNESS (Frankston) — It is with a lot of pleasure that I rise to speak on the bill before us today, the Parliamentary Administration Bill. I would like to make a few brief comments in contributing to the bill. First and foremost it is yet another example of the Bracks government's commitment to good governance here in Victoria, and in this particular case to the Parliament of Victoria. The Bracks government is particularly committed to ensuring that this Parliament operates as efficiently and effectively as possible to the benefit of not only members of Parliament and all the other individuals and organisations who make use of this building and this Parliament on a daily basis but also all Victorians.

The bill provides for a modern structure in the way that Parliament is managed and administered. The Parliament is like any other organisation in that it must continually examine its administrative operations and the effectiveness of the building.

I had the pleasure of escorting a group of Frankston High School students around Parliament House, and one of the observations made by the attendant was that unlike many Parliaments around the world, this one is particularly open. Members of the public can come and sit on the seats in here during non-sitting weeks; they can have open access; they can touch and feel all the aspects. I think we are very lucky to have a Parliament which operates as well as it does.

Clearly the Parliamentary Officers Act 1975 is significantly outdated and needs review. It no longer adequately addresses the employment arrangements around the Parliament. The more modern administrative arrangements outlined in the bill will assist in providing more efficient and effective services to members of Parliament and to the broader public. The bill is consistent with the broad aims and objectives of the Public Administration Act, ensuring good governance within the Victorian public sector with an emphasis on integrity, impartiality and accountability.

The bill particularly outlines a more modern administrative structure for the Parliament with improved governance structures. It clearly outlines the employment arrangements for parliamentary officers and will ensure that these arrangements are more consistent with modern employment arrangements for the delivery of public services. The bill replaces the Parliamentary Officers Act 1975 but will retain and update the key provisions of that act.

There are a number of key areas of the bill. Briefly, and in summary, it will address the number of departments and department heads and retain particular key features, some of which I have outlined already. I think it is worth repeating that there are some essential public service qualities in this state, including responsiveness, integrity, impartiality, accountability, respect and leadership. This bill adequately addresses each of those, and I have no hesitation in supporting it today.

Ms GARBUTT (Minister for Community Services) — I thank all members who have spoken on the bill. There has been great agreement with it. I would like to record those members: the members for Richmond, Yuroke, Clayton, Preston, Geelong, Ivanhoe, Keilor and Frankston — and I thank them for their contributions.

Essentially this bill is about modernising the administration of Parliament. It is probably well overdue since the original act was introduced in 1975, so this is a once-in-a-generation opportunity to bring the operation and the administration of Parliament into the new century.

Those of us who have been in this place for a while have enjoyed reflecting on the changes that we have seen in the Parliament over that time. I recall one anecdote told to me by my predecessor about a former member for Greensborough who was a member in the days when there were no electorate offices and no workers for MPs. This particular member made sure that he always had a notebook and a pencil beside his phone at home, and his wife took messages from his constituents and wrote them down and made sure that he dealt with them some time in the next few days. That was what an MP did outside of Parliament. Now we generally see electorate offices with two workers in them and very modern equipment, and of course that has come about because the public expects greater accountability and greater access to MPs.

I am sure it would not be the MPs who would be complaining these days if we went back to operating out of our private homes, it would be the public. That is what has driven a lot of the changes that we have seen over the last 30 years since this original act was put in place.

As well as those changes to public expectations, we have seen great changes in technology. We have seen this particularly in the Parliamentary Library, which is a very modern library where you can access through the Internet all the information that you could possibly want. I remember when I was first elected the advice from some of the older members of Parliament was, 'Don't be seen in the library or your reputation could well suffer. You don't want to be seen as an academic of some sort.'! So we have completely changed, and the administration of Parliament quite clearly needs to change to meet those changing circumstances.

What has not changed is the quality of the staff that we have here in Parliament. They perform vital roles; ones that keep this Parliament operating in an efficient manner and often under difficult circumstances, with late and long hours and sudden crises that have to be dealt with, in changing circumstances and with increasing staff, particularly in electorate offices.

I welcome this bill. I understand it has been drawn up in consultation with staff, and that is good to see, because it is essentially about people's working conditions and working lives, and it is important that they feel that it reflects their needs and aspirations. I commend the bill to the house.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! The time set down for the consideration of items on the government business program has arrived, and I am required to put the questions necessary for the passage of the bill.

Motion agreed to.

Read second time.

Third reading

The SPEAKER — Order! As the required statement of intent has been made pursuant to section 85(5)(c) 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.

LAND (REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from earlier this day; motion Mr HULLS (Attorney-General); and Mr BAILLIEU'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 —
>
> (a) retain the provisions relating to the revocation of land at Sandhurst; and
>
> (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'.

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

Ayes, 56

Allan, Ms	Kosky, Ms
Andrews, Mr	Langdon, Mr
Barker, Ms	Languiller, Mr
Beard, Ms	Leighton, Mr
Beattie, Ms	Lim, Mr
Brumby, Mr	Lindell, Ms
Buchanan, Ms	Lobato, Ms
Cameron, Mr	Lockwood, Mr
Campbell, Ms	Lupton, Mr
Carli, Mr	McTaggart, Ms
Crutchfield, Mr	Marshall, Ms
D'Ambrosio, Ms	Maxfield, Mr
Delahunty, Ms	Merlino, Mr
Donnellan, Mr	Morand, Ms
Duncan, Ms	Munt, Ms
Eckstein, Ms	Nardella, Mr
Garbutt, Ms	Neville, Ms
Gillett, Ms	Overington, Ms
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Mr	Pike, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thwaites, Mr

Hudson, Mr
Hulls, Mr
Jenkins, Mr
Trezise, Mr
Wilson, Mr
Wynne, Mr

Noes, 24

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

Amendment defeated.

The SPEAKER — Order! The question is:

That this bill be now read a second time.

House divided on motion:

Ayes, 63

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

Noes, 17

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

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

JUSTICE LEGISLATION (AMENDMENT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

The SPEAKER — Order! The question is:

That this bill be now read a second and third time.

House divided on question:

Ayes, 65

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

Noes, 15

Asher, Ms	McIntosh, Mr
Baillieu, Mr	Mulder, Mr
Clark, Mr	Napthine, Dr
Cooper, Mr	Perton, Mr
Dixon, Mr	Shardey, Mrs
Doyle, Mr	Smith, Mr
Honeywood, Mr	Wells, Mr
Kotsiras, Mr	

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Remaining business postponed on motion of Mr CAMERON (Minister for Agriculture).

ADJOURNMENT

Mr CAMERON (Minister for Agriculture) — I move:

That the house do now adjourn.

Princess Margaret Rose Caves: road upgrade

Dr NAPTHINE (South-West Coast) — The matter I raise is for the attention of the Minister for Transport, who I understand is unwell. I take this opportunity to wish him a speedy recovery. The action I seek from the minister is to fix a remaining 5-kilometre stretch of rough, dangerous limestone gravel road on the southern section of Border Road, which leads from Nelson to the tourist icon Princess Margaret Rose Caves in western Victoria.

These are magnificent limestone caves, and I would urge all honourable members who have not been there to take the opportunity to visit them. These caves attract 25 000 to 30 000 visitors per year, and they are a significant tourist attraction in western Victoria. It is estimated that the visitation rate could increase by 25 per cent or 30 per cent with improved access. Visitors coming to the Princess Margaret Rose Caves from South Australia have a bitumen road all the way from Mount Gambier, but the vast majority of visitors to the caves come from the Victorian side of the border via the Great Ocean Road through Warrnambool and Port Fairy, Portland and of course Nelson, and they travel to the caves via Border Road. This road is a joint responsibility between the South Australian and Victorian governments.

It is a tragedy that all the sections of the road that are in South Australia, which are that state's responsibility, are bitumen all the way, while two sections at either end of the road — about 5 to 6 kilometres in total — which are Victoria's responsibility, have a rough, dusty, limestone surface and are described by many locals as nothing more than glorified goat tracks. Indeed many local and overseas visitors are put off when they get onto a dirt road or a limestone road because they think they must have missed the turn-off to get to this important tourist icon. In many cases if you are driving a hire car or a campervan, you are banned from going on non-bitumen roads. This sort of gravel road would invalidate your insurance. Buses will not use the road, and motorbike riders, cyclists and those towing caravans are reluctant to use this road, which is a major access to the caves.

The caves are absolutely magnificent. The road from the South Australian side is very good, and we need to upgrade the road from the Victorian side, because this would attract more tourists, bring more dollars to the region, help regional development and create job opportunities. This is a major tourist icon in western Victoria. The only thing stopping its further development is this 5 to 6 kilometres of dusty, rough, limestone road. I urge the minister to provide funding to fix the road.

Health: medical research funding

Mr LANGUILLER (Derrimut) — I raise a matter for the attention of the Minister for Health. Tonight I will refer to the importance of medical research funding in our country and to the need to ensure that it remains competitive and translates to providing better health and economic outcomes for all Australians. The action I seek from the minister is that she write to the federal minister and make representations to seek his assurances for a greater commitment to medical research funding.

Medical research improves health, creates jobs and results in economic returns to the Australian economy. A 2003 report from Access Economics found that, for the 40 years to 1999, our eight-year gain in life expectancy plus improved wellness were worth $5.4 trillion to Australians. Every dollar invested in health and research and development gives an average annual return of $5 — up to as high as $8 for cardiovascular research and development and $6 for respiratory research and development.

Australian publications are among the world's most cited papers — some 30 per cent higher than the world average. Commercialisation of health and medical

research has created over 350 companies and 3000 to 4000 new knowledge-based jobs since 1992. HMR that reduced cancer deaths by just 20 per cent would be worth $184 billion to Australians.

Better translation and implementation of new findings will benefit Australians. We are good at discovery, but too many breakthroughs are lost to Australia. The targeting of important health issues, including those specific to Australia — namely, ageing, obesity, diabetes, heart failure, bird flu, bioterrorism, Aboriginal and Torres Strait Islander health — can and should be addressed. I seek a greater commitment from the federal government. More strategic, disease-based and coordinated approaches, balanced with strong investigator-led discovery, must be supported together with development of a wide and deep work force across all areas of health, biotechnology and socioeconomics.

Shepparton: career development centre

Mrs POWELL (Shepparton) — I wish to raise a matter for the Minister for Education and Training. I seek the minister's support and funding, hopefully in this budget, for a career development centre in Shepparton. I believe the concept of a career development centre is unique in Victoria. It has been driven and supported by industry, by the education sector and by the community in the Goulburn Valley, and they have done so because of a need for skilled workers and because with people changing jobs all the time there is a constant need for upskilling.

The Goulburn Valley and Shepparton have many people in industries and small businesses who constantly tell me and industry that they cannot find skilled workers. Many young people have left the region because they cannot get jobs locally.

I chaired the Northern Industry Education Board for five years, and in 1997 we identified skills shortage as a major issue for the Goulburn Valley. The Goulburn Murray local learning and employment network (LLEN) has now taken over that work, and the people there are doing some great work. It has established LLEN's Place in Shepparton in partnership with schools, industry, and training and employment providers. It is also supporting apprentices and apprenticeship programs to overcome the problems with skills shortages.

In October 2004 I attended a meeting with industry and education sector representatives, community leaders and the City of Greater Shepparton. We discussed the problems and the need for professional, accredited career counsellors and advisers as well as the need to identify jobs and opportunities for people and the need for mentoring roles. A committee was set up at that time because it was decided that we needed some data and costings. Linkage International consultancy was hired to undertake research and prepare a business plan.

That cost $35 000 and was funded by the Shepparton cluster of four government secondary schools, the one non-government secondary college, Goulburn Murray LLEN and Work Trainers. Chris Le Marshall, the consultant, knows first hand the issues in the Goulburn Valley, as he has worked in the past with the Northern Industry Education Board and other local organisations. The business plan was put to a public forum in January, and the report received unanimous support. There was a formal motion to proceed with the concept and seek funding. I had the honour of seconding that motion.

This is a community seeing a need and coming up with a solution. We hope the government will support them and fund it. On 24 February Jennifer Hippesly, the executive officer of Goulburn Murray LLEN, wrote to Grant Hehir, the Secretary of the Department of Education and Training, providing him with the strategy and business plan and requesting a meeting. I understand a reply has been received and he is going to meet with a group of representatives of that organisation. I hope the meeting will take place soon and would appreciate any support. I ask the minister to allocate funds in this year's May budget.

Schools: Yan Yean electorate

Ms GREEN (Yan Yean) — I wish to raise a matter for the Minister for Education and Training. The action I seek is for additional capital spending on school facilities in my electorate, particularly to serve the rapidly growing communities of Mill Park Lakes, South Morang, Mernda, Epping, Whittlesea and Doreen. Members of the house could see no better example of the success of the growth in Victoria than in my electorate, particularly in the city of Whittlesea. The current population of around 130 000 is expected to double by 2030.

The government is committed to building four new schools in the area to look after the education needs of these new communities, which is a good thing, and to building an additional wing at the Northern Hospital. Of course the growing communities and young families need a range of services. The state government has recognised this by funding a new children's centre in South Morang.

My electorate has some great schools such as Meadowglen Primary School and Apollo Parkways

Primary School which have benefited from lower class sizes and additional resources that have been funded by the government. I have had the great privilege of opening six new classrooms at Epping Primary School and Diamond Creek East Primary School. However, some local schools are becoming larger than optimum and need further facilities and support.

I thank the minister for demonstrating her interest in the education needs of my communities. Late last year she met with the local planning committee for the Mill Park Lakes schools. They were very pleased with the hearing they got from the minister when talking about the range of needs and the proposal for the schools in that area. There is an innovative model of prep to year 4 and then year 5 to year 9, which would address the middle years of school and be something very good that the educational community statewide could view. There is a great need for schools in Mill Park Lakes.

The proposed site is ideally placed, as it is across the road from the state government children's centre funded through the Minister for Community Services. I thank her for that support. There could be a one-stop shop for families in an education and families precinct. It demonstrates that Victoria in general and South Morang in particular are a great place to raise a family. I urge the minister to give consideration to funding additional schools and facilities in my electorate to make it even better for families in the area.

Rail: Ringwood line

Mr HONEYWOOD (Warrandyte) — The matter I wish to raise is for the attention of and action by the Minister for Transport. I note that he is unwell but ask him to respond to me. The action I seek is for inclusion in the state budget, which will be handed down in the short period of a couple of weeks, to ensure that consideration is given for funding for the third railway line, which was promised by the ALP in its 1999 election policy entitled 'Rebuilding the transport network'. Not only was it promised, it was actually costed and funded. The policy states:

> Labor will provide the following funds for this initiative …

The chart provided indicates them to be $4.5 million in 2001–02 and $5 million in 2002–03. The policy goes on to state that the $9.5 million would be used:

> … to construct a third track between Blackburn and Mitcham.
>
> This will allow the introduction of Belgrave and Lilydale flier trains during morning and evening peak periods running express Ringwood–Box Hill–Richmond …
>
> The flier trains will take more than 5 minutes off the present journey …

Then, of course, nothing happened in the two years in which the track was meant to be funded. Following the state budget in 2001 the Minister for Transport issued a media release. It states:

> The Minister for Transport, Peter Batchelor, said work was progressing on train and tram extensions announced in the 2000–01 state budget as part of the Bracks government's $1.5 billion Linking Victoria program.
>
> These projects include:
>
>> Flier trains on the Dandenong, Frankston and Ringwood lines …

It states also that the government will be looking at providing an additional third track on the Ringwood line.

When nothing had happened after four years, despite the $9 million funding commitment in the 1999 election policy, at the same time last year — just before the budget came down — I raised the need for the funding commitment to be met and progressed. It is interesting to note that in the *Maroondah Journal* of 25 May 2004 a government spokesperson on behalf of Minister Batchelor was quoted as saying:

> The issues raised with regard to train services on the Ringwood line will be addressed in the government's metropolitan transport strategy, due to be released later this year.

That was later in 2004. Again here we are with absolutely no funding commitment for the third train line to ensure that my constituents and constituents in the outer east in a number of marginal Labor electorates have that 1999 election promise met. I am indebted to the Public Transport Users Association for highlighting that that is a broken promise. A third rail track to Ringwood was excluded from the metropolitan transport plan and therefore it is a broken promise.

Geelong hospital: emergency department

Ms NEVILLE (Bellarine) — I raise a matter for the attention of the Minister for Health. The action I seek is for her to provide the money promised to upgrade the emergency department of the Geelong hospital. As the minister would be aware, at the last state election the government made a commitment to provide $20 million to upgrade that emergency department.

In the last state budget $7 million was provided to Barwon Health for building a new kitchen on the Grace McKellar Centre site. That kitchen was to provide food services for the whole of Barwon Health. It was an

essential part of any process of achieving a better emergency department. Given the position of the current kitchen within the Geelong hospital site, it precludes moving key administrative functions, which would be necessary to free up space to extend and rebuild the emergency department.

The plan of the hospital is to move the current entry of the hospital to Bellarine Street and move a number of the administrative and medical records sections to the current kitchen site. That would enable the emergency department to be extended across Ryrie Street, allowing for a much larger waiting area, a children's area, an area for mental health patients and other specialists areas, and, of course, adequate triage and monitoring areas.

I am very aware of the constraints that exist in the current arrangements. Both as the former president of the board of Barwon Health and as a parent who has unfortunately been a regular user of the emergency department in the last couple of years, I have spent time there and have seen first hand the constraints that impact on patients and medical staff. I must say that the local community is well served by the fantastic qualified and dedicated staff who work in the emergency department. I congratulate them on the high standard of care that they provide to each and every person who attends the emergency department. In the last report on hospital performance, the Barwon Health emergency department saw 100 per cent of category 1, 98 per cent of category 2 and 95 per cent of category 3 patients in the required time. The figures are continuing to improve and they are very impressive.

However, there is no question that the current space and arrangements are not adequate to meet the needs of the growing Geelong region. I know that my community is very anxious to see the government's commitment realised. The Geelong hospital emergency department actually sees 19 000 attendances each year, which is comparable to those at the Royal Melbourne and Alfred hospitals. This will continue to grow as the population in the Geelong region grows. It is essential that we move forward and deliver on our promise to upgrade the emergency department.

I therefore again ask the minister to ensure that the required money is made available to rebuild the emergency department at the Geelong hospital as a matter of urgency.

Yarra Bend Park Trust: appointment

Mr McINTOSH (Kew) — I have a matter for the attention of the Minister for Environment or, alternatively, the Minister for Planning. The matter I wish to raise is the timeliness of an appointment of a councillor from the City of Boroondara to the Yarra Bend Park Trust. The action I seek from the minister is to make a timely appointment of a Boroondara councillor to the trust.

By virtue of its constituting statute the YBPT is effectively the owner of Yarra Bend Park. Of course, about a decade ago the YBPT ceded the management of Yarra Bend Park to Parks Victoria, and I think most people would be quite happy to acknowledge that has been a significant improvement in the way the park has been managed. However, as the owner of the land, the trust is regularly consulted by Parks Victoria about significant management issues relating to the park. Decisions may involve infrastructure, park facilities, important financial matters and environmental concerns. I am sure the government understands the significance of community representation on that trust.

As an operation of law, regrettably the position of the City of Boroondara's representative fell vacant at the end of last year. In January the City of Boroondara formally notified the minister in accordance with the act. Three councillors of the City of Boroondara volunteered to have their names submitted as a panel from which the minister has to select one name. Some four months later that councillor has not yet been appointed, and there are obviously a number of significant management decisions in relation to which the City of Boroondara does not have a representative.

Probably the most significant issue facing the trust and Parks Victoria, and indeed the community of Boroondara, in relation to Yarra Bend Park is the issue of the bats relocated from the Royal Botanic Gardens about 18 months ago to the vicinity of the Bellbird park in Kew. There are questions such as, what is the sustainable population of bats? And — once that is determined — how does the government propose to maintain the bat population at that level? Given that the bat population seems to have grown by a factor of two in the last 18 months, it is a matter of profound concern that the City of Boroondara needs to have some input into those decisions. What I seek is for the minister to make a timely appointment of the City of Boroondara councillor to that trust.

Schools: Yuroke electorate

Ms BEATTIE (Yuroke) — I wish to raise a matter for the attention of the Minister for Education and Training. The urgent action I seek is for the minister to secure, through the upcoming budget, funding for schools in my electorate. My electorate has a growth

area very similar to the electorate of the member for Yan Yean. It also has an older area, but the whole electorate is undergoing enormous growth. The older schools need some upgrades, and indeed, some of the newer schools need upgrades too.

I am particularly concerned about Westmeadows Primary School. Just recently that school had the first stage of its upgrade — a number of classrooms at an approximate cost of $1.4 million. The school is now seeking funding for another four permanent classrooms and a library refurbishment. Indeed, before the Bracks government came in that school had been waiting over 20 years for an upgrade, so it is timely that Westmeadows receive an upgrade. As I say, this would be the second upgrade under the Bracks government, but it is timely for that second upgrade to go ahead.

I am also seeking the same attention for the Craigieburn education complex. The Craigieburn complex has within it Craigieburn South Primary School and Craigieburn Secondary College, and they share some facilities. Craigieburn South Primary School was due for an upgrade, but it agreed to hold that over to see if the secondary college got an upgrade as well so they could share new classrooms, a library and some science facilities. This is an older school in an area which has undergone enormous growth and will keep growing, according to the Melbourne 2030 plan, so those facilities are very much needed. The government has recognised that this is a growth area, with the train line being extended from Broadmeadows to Craigieburn at a cost of $96 million. I am hopeful of funding for the Craigieburn super-clinic in this budget. There has been some road funding, but these two schools really need their upgrades, and I ask the minister to secure that funding.

Road safety: roadside vegetation

Dr SYKES (Benalla) — My issue for the Minister for Environment is the current complex, inconsistent, impractical and, many say, unjust approach to the management of roadside vegetation. The action I ask the minister to take is to produce a set of guidelines for the management of roadside vegetation which are simple, consistent, fair and focused on outcomes rather than being prescriptive.

By way of background, there is much anger and frustration amongst land-holders in relation to the management of native vegetation and, in particular, the management of roadside vegetation. In February this year I chaired a meeting of concerned land-holders and local council and VicRoads officers at Moyhu in the King Valley. It was clear from the meeting that land-holders are frustrated by inconsistent advice from and what they at times consider the overzealous attitude of staff.

Situations which really get up people’s noses include, for example, when a roadside tree falls over and damages a fence on a land-holder’s boundary and the land-holder is told that he must fix the fence at his cost and then pay for the fallen timber if he wishes to use that timber for fencing or firewood. Another situation is where a land-holder puts up a new fence and wishes to trim some branches off some of the trees but is told he must plant dozens, if not hundreds, of smaller trees for the few branches he trims. For their part local government environment officers often find it difficult to be consistent in the absence of operational guidelines, which the Department of Sustainability and Environment was supposed to have produced some time ago.

I am advised by DSE senior staff that the new guidelines are about to be finished. I would hope that they contain the following items: firstly, that in assessing net environmental gains, credits are given to works already undertaken by land-holders; secondly, that the cost of vegetation management should be equally shared between those who benefit — that is, the land-holder, the community and the region; and further, that the guidelines should include encouragement and the recognition of whole-farm environmental management plans.

In conclusion I would ask that the minister provide advice on when the guidelines will become a public document and what action he will take to ensure that in achieving the net environmental gain objective the guidelines are practical, produce equitable outcomes and are uniformly administered throughout the state.

Police: Olinda station

Mr MERLINO (Monbulk) — I would like to raise a matter for the Minister for Police and Emergency Services. The action I am seeking is that the minister give strong consideration to the new Olinda police station in the upcoming 2005–06 budget. The construction of the new station in Olinda is a commitment that this government made prior to the last election. The Bracks government promised to build this new, 16-hour station within the current four-year term. It is important for the local communities of Olinda, Mount Dandenong, Sassafras and the Hills generally that this new station is constructed as soon as possible.

There is a terrific story to tell on community safety in the Dandenongs. Over the last few years we have seen

the construction of the state-of-the-art 24-hour police station in Belgrave and a major upgrade of the Mount Evelyn police station, including the relocation of the Yarra Ranges traffic management unit from the City of Knox to the shire.

With existing stations in Boronia and Monbulk, the new Olinda police station will mean that residents in the electorate of Monbulk will be in one of the best-policed regions in the state. I point out that Victoria has the lowest crime rate in a decade. Crime is at its lowest level since 1993 thanks to the efforts of our local police. We have seen the effects of this in the Yarra Ranges with the number of crimes against property falling.

It is not just in police infrastructure that residents are so well served. The focus of the local police in my electorate is strongly on community policing. What is lacking in Olinda at the moment is a physical structure out of which the community policing can operate. At the moment Olinda and surrounding areas are serviced out of the Belgrave police station. The old Olinda police station is not up to standard. It is an old weatherboard building that is unfit to use on a number of occupational health and safety grounds. It is also inappropriate as the community policing facility as it is effectively hidden from the community, set back on the Olinda-Monbulk Road with very limited car parking. I understand that police operations are currently investigating options for alternative venues for the new police station.

I want to thank the minister for visiting Olinda last week and seeing first hand the needs of the hills communities and listening to key community stakeholders. Judy Ischia from the Olinda Village Promotion Association, Moss Siddle from the North Olinda/Mount Dandenong Traders Association, Mark Fergus and Sue Tardiff from the Olinda action group and local councillor and Olinda trader, Noel Cliff, were there to lend their support to the construction of this important facility.

Judy made the point that Olinda is a very spread-out township and it can be confusing for tourists and residents, particularly the elderly. Olinda is a major tourist town identified by Tourism Victoria as one of Victoria's 12 icon towns. The community needs an easily accessible, clearly identified and welcoming station that all residents and visitors can access when in need. I again ask that the minister give consideration to the construction of a new Olinda police station in the 2005–06 budget.

Responses

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Monbulk for raising what is a very important matter and one on which he has been a very strong and powerful advocate, and that is the issue of the Olinda police station and more generally policing issues in the hills. I was very pleased last week to have the opportunity to join with the member for Monbulk and other members of the community in Olinda to see first hand the police facilities at what is essentially a house that is serving as the police facility. Those facilities are clearly outdated and inadequate. It is for that reason that prior to the last election the state government, the Labor Party, committed to the construction of a new 16-hour police station for the Olinda community.

While I do not propose to disclose in this house this evening things that may or may not be in the budget this year, I would make it very clear, as I did to the community last week, that Labor intends to honour the commitment to complete the construction of the new Olinda 16-hour police station prior to the next election. This will supplement the significant police resources and new investment in police resources which have taken place under the Bracks Labor government.

I know the member for Monbulk was very pleased to see the new police station at Belgrave — the $4.3 million police station which was opened in May 2003, which is a 24-hour police station and a magnificent addition to the police resources in that part of the hills region. He was also very pleased to see the relocation of the traffic management unit from the city of Knox to the shire of Yarra Ranges. This was an additional investment in additional capacity to support the hills region and not just the eastern suburbs basin.

It is very pleasing to see the new investments that have taken place in policing and promoting community safety and confident communities under the Bracks Labor government. I am very pleased to see the benefits that those new investments are having in regions like the Yarra Ranges. I again congratulate the member for Monbulk for his strong advocacy on behalf of residents in Olinda for their new police station. We look forward to good news in relation to the progress of that very important local community facility.

Honourable members interjecting.

The SPEAKER — Order! I ask members not to speak the whole time ministers are speaking. Members on their feet should be heard without interruption.

Mr PANDAZOPOULOS (Minister for Tourism) — I thought it was a little bit quieter than last night. The member for South-West Coast raised a matter for the Minister for Transport about the road between Nelson and Princess Margaret Rose Caves. I agree it is a fantastic tourism destination and a real hidden spot in Victoria. What drives tourism? First, it is marketing campaigns that maximise visitors to the area — that is how many dollars the local tourism industry and local government put in. The second is infrastructure. It is a spectacular place and I will pass those comments on to the Minister for Transport.

When you sit on this side of the house you are reminded that some members have been here for a long time and yet ask this government to do things they were not able to do when in government.

Dr Napthine interjected.

Mr PANDAZOPOULOS — He was much more successful in convincing the South Australian government to seal the other side, except for the bit in his electorate, when he was in government. Nonetheless it is an important issue and I will pass it on to the minister.

The member for Derrimut raised a matter for the Minister for Health about his view of a greater commitment of federal medical research funding at the national level. I will pass that on to the minister.

The member for Shepparton raised a matter for the Minister for Education and Training about the proposal for a career development centre in Shepparton, and I will pass that on to the minister.

The member for Yan Yean also raised a matter for the Minister for Education and Training highlighting the huge growth in her electorate and the needs of those growth areas where significant capital works are required. Similarly, the member for Yuroke also raised the need for school upgrades in fast-growing parts of her electorate in Craigieburn and West Meadows. I will pass both those matters on to the minister. I know they are working hard with their school communities to get the attention of the Department of Education and Training for these capital-works needs.

The member for Warrandyte raised a matter for the Minister for Transport about a proposed third track between Blackburn and Mitcham, and I will pass it on to the minister.

The member for Bellarine raised a matter for the Minister for Health about the need for upgrades at the emergency department of the Geelong hospital, which is a part of Barwon Health. She highlighted to the house her familiarity with it both personally and also in her volunteer capacity. I thank her very much for that hard work and the attention the Barwon region is receiving in health care. I will pass that on to the minister.

The member for Kew raised a matter for the Minister for Environment, or alternatively the Minister for Planning, about the need for a Boroondara councillor to be on the Yarra Bend Park Trust and highlighted significant issues in more recent times. I will pass that on to the ministers.

The member for Benalla raised a matter for the Minister for Environment about management of roadside vegetation. That is an important issue as well. I remember being on a parliamentary committee when we were not in government trying to deal with exactly the same issues. I will pass that on to the minister.

The SPEAKER — Order! The house is now adjourned.

House adjourned 4.48 p.m. until Tuesday, 3 May.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Assembly.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.

Tuesday, 19 April 2005

Police and emergency services: Country Fire Authority personnel

9. **Mr WELLS** to ask the Minister for Police and Emergency Services, as at 31 December 2000, 31 December 2001 and 31 December 2002, what was the number of active Country Fire Authority —

(1) Volunteers.

(2) Career firefighters.

ANSWER:

I am advised as follows:

The number of active Country Fire Authority volunteers and career firefighters recorded on the Country Fire Authority database are as follows:

Date	Volunteer numbers	Career firefighters
31 December 2000	63 811	310
31 December 2001	61 611	347
31 December 2002	58 023	394

Corrections: Public Correctional Enterprise employees

11. **Mr WELLS** to ask the Minister for Corrections, as at 31 December 1999, 30 June 2000, 31 December 2000, 30 June 2001, 31 December 2001, 30 June 2002 and 31 December 2002, what was —

(1) The total number of effective full-time employees.

(2) The actual cost of employee remuneration and entitlements.

ANSWER:

The following table provides the information for the period requested:

Period	Total number of Effective Fulltime Equivalent	Actual cost of employee remuneration and entitlements
Dec 99	1181.7	$56 687 700
Jun 00	1203.0	$60 566 600
Dec 00	1293.9	$63 510 700
Jun 01	1377.3	$68 894 500
Dec 01	1427.9	$76 500 300
Jun 02	1629.7	$92 104 700
Dec 02	1735.7	$98 277 400

Tourism: Access Economics consultancy

620. **MR DIXON** to ask the Minister for Tourism — what were the key findings of the work by Access Economics, engaged on 30 June 2004 to conduct analysis into the economic contribution of tourism to Victoria using updated Tourism Satellite Account data as produced by the Australian Bureau of Statistics.

ANSWER:

I am informed as follows:

The research conducted by Access Economics examined the economic contribution of tourism to Victoria's economy for the 2002–2003 financial year. This work provided an update of the analysis first conducted for the 1997–1998 financial year by Access Economics using the same world-recognised Tourism Satellite Account approach.

Full details on this research is available online at www.tourismvictoria.com.au

Tourism: Datainsights consultancy

621. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by Datainsights, engaged on 9 July 2004 to conduct analysis into existing tourism research data on behalf of the Goldfields and Great Ocean Road region.

ANSWER:

I am informed as follows:

The analysis of existing tourism research data on behalf of the Goldfields and Great Ocean Road regions, is one of a number of cooperative regional research projects initiatives funded under the auspices of the Regional Research Reference Group (representatives of regional tourism campaign committees). These projects are cooperatively designed and implemented to address specific business needs identified by regional stakeholders, and to further the marketing and development of tourism in regional Victoria.

I am pleased to report that this project has provided an array of important overview findings to both regional stakeholders and Tourism Victoria. These findings relate to:

- identification of the potential of key demographic and psychographic market segments;
- identification of the characteristics of travellers and non travellers to the regions;
- examination of target market consumer travel behaviour including products/activities purchased, yield, length of stay, seasonality of travel, travel party, purpose of visit and planning and decision making;
- reporting of the market's perceptions of the regions; and
- interpretation of the research results to aid strategy development.

Each campaign committee involved in the project received a series of written reports and presentations detailing results in relation to international travel, domestic travel, domestic leisure travel and profiling of the current visitor market. This analysis will be utilised by campaign committees to further refine tactical and strategic marketing activities at a local and regional level.

Tourism: Urban Enterprise consultancy

622. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by Urban Enterprise, engaged on 9 July 2004 to conduct analysis on existing tourism research data sources on behalf of the Macedon Ranges and Spa Country.

ANSWER:

I am informed as follows:

The analysis of existing tourism research data sources on behalf of the Macedon Ranges and Spa Country, is one of a number of cooperative regional research projects initiatives funded under the auspices of the Regional Research Reference Group (representatives of regional tourism campaign committees). These projects are cooperatively designed and implemented to address specific business needs identified by regional stakeholders, and to further the marketing and development of tourism in regional Victoria.

I am pleased to report that this project has provided a range of important findings to both regional stakeholders and Tourism Victoria. These findings relate to:

– identification of the potential of key demographic and psychographic market segments;

– identification of the characteristics of travellers and non travellers to the regions;

– examination of target market consumer travel behaviour including products/activities purchased, yield, length of stay, seasonality of travel, travel party, purpose of visit and planning and decision making;

– reporting of the market's perceptions of the regions; and

– interpretation of the research results to aid strategy development.

The Macedon Ranges and Spa Country campaign committee received a written report and presentation detailing results in relation to domestic travel, domestic leisure travel, potential travel markets and media consumption across various market segments. This analysis will be utilised by the campaign committee to further refine tactical and strategic marketing activities at a local and regional level.

Tourism: Open Mind Research Group consultancy

623. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by Open Mind Research Group, engaged on 23 July 2004 to provide an assessment of consumer reactions to the content, style and usability of a number of regional Victorian Official Visitors Guides within key interstate and intrastate markets.

ANSWER:

I am informed as follows:

The Regional Official Visitors Guide (OVG) Testing research is one of a number of cooperative regional research projects initiatives funded under the auspices of the Regional Research Reference Group (representatives of regional tourism campaign committees). These projects are cooperatively designed and implemented to address specific business needs identified by regional stakeholders, and to further the marketing and development of tourism in regional Victoria.

I am pleased to report that this project has provided a range of important marketing findings to both regional stakeholders and Tourism Victoria. These findings relate to:

– development of a conceptual model of holiday decision-making by consumers, and the role of written collateral (such as OVG) as an information source;

– need for content to reflect consumer knowledge levels across various geographic and market segments;

– style and structure of advertising, to ensure credibility of collateral;

– improvements to mapping and branding; and

– recommendations regarding distribution strategies to minimise overlap between Jigsaw brochures and OVG.

In addition, each campaign committee involved in the project received a report detailing specific feedback in relation to their OVG, including strengths, weaknesses and potential improvements. This feedback will be utilised by campaign committees to further refine each OVG and provide better marketing returns for regional operators advertising in OVGs.

Tourism: Corrs Chambers Westgarth consultancy

624. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by Corrs Chambers Westgarth, engaged on 1 September 2004 to provide legal advice regarding the existing Convention Centre.

ANSWER:

I am informed as follows:

The work undertaken by Corrs Chambers Westgarth with respect to the Melbourne Convention Centre Development project, relates to the evaluation of strategic options for the existing Convention Centre. The consultancy findings are commercial in confidence as they contain sensitive information relating to the commercial and business operations of the existing Convention Centre.

Tourism: CB Richard Ellis consultancy

625. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by CB Richard Ellis, engaged on 1 October 2004 to conduct analysis of the existing Melbourne Convention Centre property and hotel valuation.

ANSWER:

I am informed as follows:

The work undertaken by CB Richard Ellis with respect to the Melbourne Convention Centre Development project, relates to the valuation of the existing Convention Centre and the Holiday Inn. The consultancy findings are commercial in confidence as they contain sensitive information relating to the commercial and business operations of these businesses.

Tourism: Jeff Mangano consultancy

626. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of Jeff Mangano, engaged on 20 October 2004 to conduct a feasibility study into the use of Melbourne as a turnaround port for cruise ships.

ANSWER:

I am informed as follows:

– The overall aim of this consultancy is to provide a detailed analysis of all the factors required for Melbourne to become a cruise ship turnaround port.

- As a turnaround port, Melbourne is likely to derive benefits such as an increase in international arrivals, increased demand for hotel accommodation, pre and post cruise ship visits and extended touring. Other considerable economic benefits would impact provedoring, transport and air travel.
- It is envisaged that the final report will provide detailed insight into the potential of the turnaround market and highlight the strategies that Tourism Victoria and the Department of Infrastructure can use to gain market share.
- The consultancy has yet to be finalised with the completed findings expected in April 2005.

Tourism: KPMG Australia consultancy

627. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by KPMG Australia, engaged on 1 November 2004 to conduct analysis of options for the existing Melbourne Convention Centre.

ANSWER:

I am informed as follows:

The work undertaken by KPMG Australia with respect to the Melbourne Convention Centre Development project, relates to the evaluation of strategic options for the existing Convention Centre. The consultancy findings are commercial in confidence as they contain sensitive information relating to the commercial and business operations of the existing Convention Centre.

Tourism: GHD Pty Ltd consultancy

628. **Mr DIXON** to ask the Minister for Tourism — what were the key findings of the work by GHD Pty Ltd, engaged on 7 December 2004 for the preparation of Victoria's Geothermal Water and Mineral Springs Reserves.

ANSWER:

I am informed as follows:

GHD Pty Ltd was the successful tenderer to assist Tourism Victoria to prepare guidelines on the *Geothermal Water and Mineral Springs Opportunities for Tourism in Victoria*.

This consultancy has recently commenced, and it is anticipated the guidelines will be launched in late 2005.