PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FIFTH PARLIAMENT

FIRST SESSION

24 February 2005

(extract from Book 1)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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Minister for Gaming, Minister for Racing, Minister for Tourism and Minister assisting the Premier on Multicultural Affairs	The Hon. J. Pandazopoulos, MP
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Minister for Energy Industries and Minister for Resources	The Hon. T. C. Theophanous, MLC
Minister for Small Business and Minister for Information and Communication Technology	The Hon. M. R. Thomson, MLC
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Standing Orders Committee — The Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Plowman and Mrs Powell.

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

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

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

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

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Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-FIFTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mr P. J. LONEY

Acting Speakers: Ms Barker, Ms Campbell, Mr Cooper, Mr Delahunty, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Lindell, Mr Nardella, Mr Plowman, Mr Savage, Mr Seitz, Mr Smith and Mr Thompson

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The Hon. S. P. BRACKS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
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 Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

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Andrews, Mr Daniel Michael	Mulgrave	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Asher, Ms Louise	Brighton	LP	Lim, Mr Hong	Clayton	ALP
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Buchanan, Ms Rosalyn	Hastings	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Carli, Mr Carlo	Brunswick	ALP	Maxfield, Mr Ian John	Narracan	ALP
Clark, Mr Robert William	Box Hill	LP	Merlino, Mr James	Monbulk	ALP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Mildenhall, Mr Bruce Allan	Footscray	ALP
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D'Ambrosio, Ms Liliana	Mill Park	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Hardman, Mr Benedict Paul	Seymour	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
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Helper, Mr Jochen	Ripon	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Herbert, Mr Steven Ralph	Eltham	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Lyndhurst	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Kenneth Maurice	Bass	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Sykes, Dr William Everett	Benalla	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Ingram, Mr Craig	Gippsland East	Ind	Thwaites, Mr Johnstone William	Albert Park	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Trezise, Mr Ian Douglas	Geelong	ALP
Jenkins, Mr Brendan James	Morwell	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wilson, Mr Dale Lester	Narre Warren South	ALP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 24 FEBRUARY 2005

Thursday, 24 February 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 183 to 205 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Wonthaggi State Coal Mine: future

To the Legislative Assembly of Victoria:

The petition of Friends of the State Coal Mine, residents of Wonthaggi, residents of Bass Coast shire in the state of Victoria, draw to the attention of the house that Parks Victoria have ceased underground tours at the Wonthaggi State Coal Mine tourist attraction after advice from engineering consultants that haulage and electrical equipment is no longer in line with the new regulations. This means that all underground workings, operations and maintenance done by volunteers have stopped. All tourist mines must now operate to working mine standards.

The petitioners therefore request that the Legislative Assembly of Victoria provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and equipment up to the same standard as a working mine. We, the undersigned, will gratefully accept every possible assistance you can offer us to have this valuable tourist attraction in working order so that underground tours can resume.

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

By Mr SMITH (Bass) (1045 signatures)

Bowls: single-gender events

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: current legislation pertaining to the Equal Opportunity Act prevents single-gender or open events from being conducted by bowls clubs or associations.

Your petitioners therefore pray that the legislation pertaining to the Equal Opportunity Act be amended so as to enable lawn bowls clubs and associations to conduct events designed as single-gender events and/or mixed-gender events whenever desired and appropriate and that when appropriate all these events continue in the same form to the state championship level.

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

By Mr LANGDON (Ivanhoe) (58 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) (1074 signatures)

Mountain Highway–Colchester Road, Boronia: traffic signals

To the Legislative Assembly of Victoria:

We, the undersigned, believe that the roundabout at the intersection of Mountain Highway and Colchester Road–Albert Avenue is too dangerous for pedestrians and cyclists crossing to Alchester Village shops, Boronia Heights Primary School, kindergartens and playgroups in the area.

If the intersection were upgraded to include traffic signals, the undersigned would begin riding or walking to the shops and schools, thereby offering health and environmental benefits to the community. We urge the government to take action to eliminate the dangers of crossing at this intersection by installing traffic signals without delay.

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

By Mr MERLINO (Monbulk) (155 signatures)

Buses: Montrose service

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 that the citizens of the City of Maroondah and the Shire of Yarra Ranges are petitioning to have the Ventura Bus company Montrose bus services from Croydon to Montrose (route 689) extended and to increase the frequency of the service, especially on weekends.

We believe the current bus services need to be upgraded so that residents wait for no longer than 30 minutes for a bus on Saturdays. Further we petition the minister to urge the

Ventura Bus company to run a regular bus service (the Mount Dandy bus) on Sundays.

We urge the Minister for Transport to respond to our request.

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

By Mr MERLINO (Monbulk) (31 signatures)

Sandringham: beach renourishment

To the Legislative Assembly of Victoria

The petition of the residents of Melbourne draws to the attention of the house the lack of government funding for beach renourishment works as part of the cliff stabilisation program proximate to the former Red Bluff Hotel in Sandringham.

Prayer

The petitioners therefore request that the Bracks government, in addition to providing funds for cliff stabilisation works, also provide funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne.

By Mr THOMPSON (Sandringham) (6 signatures)

Motor registration fees: concessions

To the Legislative Assembly of Victoria

The petition of the residents in the state of Victoria draws to the attention of the house the detrimental impact to Victorian pensioners of the increase of $80.00 imposed upon them by the Bracks government for car registration.

Prayer

The petitioners therefore request that the Bracks government abandon the proposal, which will detrimentally impact upon those who are financially unable to pay in the following manner:

1. their freedom of movement will be jeopardised;
2. their independence will be removed;
3. their quality of life will be severely diminished.

By Mr THOMPSON (Sandringham) (31 signatures)

Tabled.

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

Ordered that petitions presented by honourable member for Sandringham be considered next day on motion of Mr THOMPSON (Sandringham).

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

Ordered that petitions presented by honourable member for Monbulk be considered next day on motion of Mr MERLINO (Monbulk).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Ms D'AMBROSIO (Mill Park) presented *Alert Digest* No. 2 of 2005 on Serious Sex Offenders Monitoring Bill, together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Performance Audit Report — Regulating operational rail safety — Ordered to be printed

Hesse Rural Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling.

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry on the Roles of Community Advisory Committees of Metropolitan Health Services

Police Regulation Act 1958 — Report of the Director, Police Integrity on the Leak of a Sensitive Victoria Police Information Report — Ordered to be printed

Statutory Rule under the *Petroleum Act 1998* — SR No 6/2005

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 6/2005.

BUSINESS OF THE HOUSE

Adjournment

Mr CAMERON (Minister for Agriculture) — I move:

That the house, at its rising, adjourn until Tuesday, 22 March.

Motion agreed to.

MEMBERS STATEMENTS

Concord School: facilities

Ms GARBUTT (Minister for Community Services) — I wish to congratulate Concord School, its council, principal, staff, students and the whole community on achieving a dream come true, as they called it yesterday, with the opening of their new multipurpose facility and the upgrade of their healthy living centre and library, which I had the great pleasure of opening yesterday.

Parents contributed nearly $600 000 towards these projects, and that is a fantastic effort for a small school. This is a school that thinks big, has a great vision and then sets about achieving the results. The whole school should be absolutely proud of what it has achieved. Over recent years the school has been transformed with new buildings. It also boasts a new technology centre that is just a few years old, so it is looking terrific. But the real proof of its success is in the achievements of its students and the enormous reputation it has achieved in our region. Its enrolments have doubled in recent years, and that is a great tribute to the leadership of the school and to the feeling in the whole school community; it enjoys enormous support. I pass on my congratulations to that school community. It is living up to its motto, 'To be the best I can be'.

Planning: Lyndhurst landfill

Mr HONEYWOOD (Warrandyte) — On 24 January 1990 planning permit 890471 was issued for the Lyndhurst landfill site by the Shire of Cranbourne. This permit included a condition that, and I quote:

> Wastes to be deposited shall only consist of domestic garbage, solid commercial refuse and solid industrial wastes and shall not include soluble chemical wastes, hazardous wastes or liquid wastes.

However, the Environment Protection Authority (EPA) licence no. ES511 issued to the operator of the tip authorises the disposal of hazardous waste at the rubbish tip.

Sections 6, 47 and 62 of the Planning and Environment Act 1987 clearly show that a planning permit is an integral component of a planning scheme, so that activity prohibited by a condition of a planning permit is prohibited by the planning scheme. Section 16 of the same act states that a planning scheme is binding on every minister, government department, public authority and municipal council. Section 20(8)(d) and (h) of the Environment Protection Act 1970 stipulates that, if a works is prohibited by a planning scheme, then the authority shall not issue a licence and that any licence issued in contravention of paragraph (d) is void.

It appears therefore that the Lyndhurst tip is operating in contravention of the planning scheme. The City of Greater Dandenong wrote to the EPA on 1 December 2004 requesting clarification of this conflict. The Residents Against Toxic Waste in the South East have also written to the chairman of the EPA, Mr Mick Bourke, requesting that the EPA licence conform to the planning scheme, yet some three to four months later neither organisation has received a reply. This is just another example of where this government prefers to hide and bend the rules to suit its own ends. I call upon the Minister for Environment, the Minister for Planning and the member for Lyndhurst to publicly state that the Lyndhurst tip is operating in accordance with the planning scheme and therefore operating legally, and if they are unable to do so, to explain what action they will take to ensure it complies with the law.

Colin Dawson

Mr ROBINSON (Mitcham) — Labor Party members in the eastern suburbs were saddened to learn of the death earlier this year of longstanding member Col Dawson. Col was 95 years old when he passed away in January.

Col joined the ALP branch in Blackburn in about 1973 and was very active for more than 25 years. According to his good friend Tom Wanliss, Col never missed a meeting; he always made wise, sensible contributions to discussion, delivered them with good humour and took an active role in everything the branch did over that time. Col enjoyed telling people that the favourite part of election campaigns for him was to visit Liberal Party campaign offices and ask difficult policy questions. In his own modest way he always said that the questions he asked were far more intelligent than the answers he received.

Professionally he was a primary school teacher for many years, later rising to the position of headmaster and later to that of school inspector.

In his spare time he had been a foundation member of the Blackburn North Bowls Club. On behalf of all members of the Labor Party in the Mitcham electorate and beyond I extend my sympathy to his family.

Aquaculture: licence fees

Mr MAUGHAN (Rodney) — The Victorian government and the Victorian Minister for Agriculture, Bob Cameron, stand condemned for destroying the

Victorian yabby industry just as it was starting to become established. There is a lucrative and expanding market for yabbies in Melbourne, in Sydney and in restaurants right throughout Australia. There was until recently great potential for this fledgling industry to expand and grow. The industry is made up entirely of small growers, some of whom have chosen to diversify into yabbies as a supplement to other farming activities; some of whom have chosen yabby farming as their main source of income; some of whom have moved in to yabbies as a sideline to other businesses or as a hobby; and all of whom were generating income and employment which collectively was worth about $20 million per annum.

This government and this minister have destroyed all of that by, firstly, introducing crippling licence fees; secondly, adopting a cost-recovery scheme that ensures that as growers leave the industry licence fees go even higher; and thirdly, by failing to stop the illegal trade in yabbies. The Bracks government stands condemned for its punitive licence fees which have destroyed not only the dreams and aspirations of individual growers but a whole small industry which had the potential to generate additional income activity and growth in country Victoria. The government has used a sledgehammer to crush an important fledgling industry.

Edward Street Nursing Home: funding

Mr MERLINO (Monbulk) — Recently I visited Edward Street Nursing Home in Upper Ferntree Gully to announce funding of $11 000 for new lifting equipment. Edward Street is a 30-bed high-level care nursing home situated next to the Angliss Hospital. There are 50 division 1 and division 2 nurses, three housekeepers and many volunteers from Angliss Hospital who support and care for the residents. While a small grant in itself, the $11 000 will make a great difference to the residents and staff at the nursing home. The funding announcement is part of a $2 million statewide boost for equipment, such as mobile hoists, adjustable bathroom chairs and lifting apparatus. This funding is on top of the $3.9 million provided last year to replace non-electronic beds with electronic ones.

During my visit to Edward Street I had the pleasure of meeting a number of residents, including Geoff Howden. The new lifting equipment will mean more dignity, comfort and safety for people such as Geoff, and a safer working environment for the staff and volunteers. I also had the opportunity to meet the hardworking and dedicated staff, including their dynamo manager, Geraldine Fernandes. Geraldine impressed me as someone who is passionately committed to the care of the elderly in our community. Geraldine was extremely pleased with the funding and the positive difference it will make. Geraldine also showed me how the new electronic beds operate. The mattress lowers right down to floor level, allowing residents to leave their bed with ease and safety. I would like to congratulate Geraldine and her staff on the wonderful job they do in meeting the needs of the elderly in our community, ensuring that they live their lives in dignity, safety and care.

Mitcham–Frankston project: design

Mr WELLS (Scoresby) — This statement condemns the Bracks government for yet another blatant lie to the people of the outer east. Details are now emerging that the Scoresby tollway will now be built over both Burwood Highway and Mountain Highway in Wantirna as a cost-cutting measure which has totally outraged residents in the outer east. The original Scoresby freeway design, as released in the 1998 Scoresby transport corridor environment effects statement (EES), clearly proposed that the Scoresby freeway was to go under the Burwood and Mountain highways thereby assisting in reducing the environmental impacts of the freeway on affected residents, particularly visual, noise and air pollution. The residents are demanding an urgent explanation from the Minister for Transport on why this major design change has occurred without any consultation with residents who will now be seriously affected by this blatant cost-cutting measure.

The entire EES and the extensive community consultation process was predicated on the basis of the original Scoresby freeway design parameters, including the freeway going under both Burwood Highway and Mountain Highway. Residents have once again been hoodwinked by the Bracks Labor government into believing they were getting a high-quality freeway design with appropriate measures to reduce the environmental impacts on surrounding residents and their properties. This is another blatant lie by the Bracks government to the people of the outer east.

Roads: Hastings electorate

Ms BUCHANAN (Hastings) — January 2005 has been a winning month for both motorists and pedestrians across the Hastings electorate. Tooradin and other local coastal village residents were very pleased when I announced this government's $1.4 million commitment to the construction of a roundabout at the intersection of South Gippsland Highway and Baxter-Tooradin Road, the design of which factors into consideration the local knowledge of Tooradin Country Fire Authority volunteers and local residents. I had the

great pleasure of working with community leaders over a six-month period to bring this project to realisation.

Likewise Balnarring, Teurong and Bittern residents, along with the many clubs that utilise the popular Emu Plains Reserve on Coolart Road, were overjoyed at learning of my announcement of a $1.4 million commitment for a roundabout at the Bittern-Dromana Road intersection. On this, one of the major gateways between Port Phillip and Western Port, thousands of regular motorists, including our increasing tourism visitors, will soon be able to cross this intersection with the greatest of safety.

Tyabb residents, along with the many thousands of daily motorists and pedestrians, have been exceptionally patient over the past few weeks as workers complete the works necessary to erect traffic lights at the very busy Mornington-Tyabb Road and Frankston-Flinders Road corner. Likewise, so have been the Langwarrin residents and commuters as works to service roads connected to stage 1 of the Frankston-Cranbourne Road duplication are completed. I know that this fantastic community's patience with short-term delays will prevail as stage 2 duplication works get under way in the near future. In all, road infrastructure works are and will be happening across the Hastings electorate. I congratulate all residents.

Ashburton: world music concert

Mr STENSHOLT (Burwood) — My congratulations to all those involved with the very successful world music concert at Markham Reserve in Ashburton last Sunday. The concert was organised by Boroondara City Council in association with the Ashburton, Ashwood and Chadstone neighbourhood renewal program. It was a spectacular festival with interactive music and dance from all around the globe, enjoyed by hundreds of locals. Greg 'Coodabeen' Champion came back to his grassroots and led the concert followed by African drumming dance ensemble Agoro, which after its performance led a drumming workshop for quite a number of the kids and local residents. Egyptian belly dancing and music rounded off the program that had hundreds dancing in the park.

Congratulations to Martin Foot, Emma Dawson and all the leisure and cultural services team at the Boroondara Council, as well as Jeff, Margie and the neighbourhood renewal group in Ashwood. East Timor coffee was served by the Friends of Same assisted by the parishioners from St Michael's, Ashburton. Sandra, Leanne and others from the Power Community House ran the barbecue, and Saraminda Lodge retirement village, the Craig family centre and the Alamein community centre ran information stalls and raffles. Jean Christie was running the Alamein stall with her son. Face painting for the kids was provided by Lisa from my office. Everybody had a marvellous time there in the park.

Ashburton is clearly a great place to have a party, and I invite everybody to the Ashburton Festival next Sunday in High Street, Ashburton. You too could be the Ashburton Idol!

State Library of Victoria: redevelopment

Ms ASHER (Brighton) — I wish to draw the house's attention to the first press statement from the new Minister for Major Projects in the other place. It confirmed that the State Library of Victoria redevelopment is five years late. The library is a disastrous government project. Not only is it five years late, but it is $36 million over budget, according to the Auditor-General's report of May 2003. In 1995 the completion date was set at 2002. Even if the minister does not want to accept this date, let us look at the best-case scenario for this minister. Minister Pandazopoulos said in 2001 that the project would be completed by 2003. The former Office of Major Projects (OMP) web site in 2001 said the end of 2004 would be the completion date. Minister Pandazopoulos again said in 2001, two months later, the completion date would be 2005. In 2004 the OMP web site said the end of 2007.

Of course there is no mention in the new minister's press release of these delays or the cost blow-outs. The government's performance on major projects has caused serious problems for Victoria, with almost every single major project either late or over budget. The state library redevelopment is an example of both. Gross incompetence is having an adverse impact on Victoria.

Great Dividing Trail

Mr HOWARD (Ballarat East) — Yesterday I spoke of the great works done in completing several stages of the Yarrowee River trail through Ballarat. After being part of those celebrations interestingly the following day I, along with the member for Melton, attended the opening of a new section of the Great Dividing Trail, which was opened by Governor John Landy, through the Lerderderg Gorge near Blackwood.

I want to commend all of those who have been involved in this great project of developing the Great Dividing Trail, which now runs from Ballarat through to Bendigo, with a further link from Daylesford to Bacchus Marsh. This is a wonderful project that is now

enabling so many people to get out and appreciate and walk through the historic and pristine bushland as well as seeing the great physical features. This project has involved a great team of volunteers headed by Dr Barry Golding and Pat Hope, along with many others from across the region, and supported by locals and this state government. I am very pleased to have walked an earlier section during 1993 when I was mayor of the city. It is very pleasing to see how it has progressed from then to now. It is a great project, and I want to commend all those who have been involved in supporting it.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. If members wish to engage in lively debate over other subjects, I ask that they go somewhere else and allow members statements to be heard in silence.

Rail: Gippsland line

Mr MULDER (Polwarth) — The recently defrocked Minister for Transport has now become known in the Latrobe Valley as the Eight Minute Man. I should point out that this title in no way relates to endurance or any physical activity the minister might engage in. After eight months of trains running late in the Latrobe Valley, the minister fixed the problem by stretching the timetable and keeping Latrobe Valley commuters on trains for an additional 8 minutes. The minister said that this would get them to work on time. The minister claimed that this alteration to the timetable would ensure better punctuality.

The Latrobe Valley line is part of the Bracks government's $750 million fast train network with its new heavy-duty gauge rail to cater for the fast trains, so it could rightly be asked with the confusion that exists in the Latrobe Valley what the residents are getting from their fast train project.

Firstly, we had the promise of trains travelling so quickly to the Latrobe Valley that they would make the hairs on the back of the necks of the members for Narracan and Morwell stand upright. We have a draft timetable that has commuters out of bed at 4.30 a.m. to get to Melbourne on the fast train, but only departing from Traralgon. We then have the offer of a fast train or a slow train stopping at all stations that would take a minute longer than the existing service, and now we have the late trains that are actually on time because the minister stretched the timetable. Finally, we have the spokesperson for the Minister for Transport saying, 'It's all about getting people to work on time'.

Latrobe Valley commuters can take heart, however, as it would appear that there is light at the end of the tunnel. The Minister for Transport has fined himself $2 million for his late-running V/Line trains.

Strathaird Primary School: opening

Mr WILSON (Narre Warren South) — This week I attended the Strathaird Primary School for the presentation of the inaugural school and house captains' badges to the first of the student leaders. Strathaird Primary School is one of the new Victorian schools that has opened its doors for its first intake of students this year. I had the great pleasure of celebrating the official opening of the school year with the Premier and the Minister for Educational Services at this school.

Strathaird Primary School currently has 172 students enrolled for this year, and I believe, as does its hardworking principal, Peter Wood, that the school will have more than 400 enrolments during the next school year. This $5.7 million school is a bricks-and-mortar example of the Bracks government's commitment to education. With 65 families per week moving into the city of Casey the rate of growth in the south-eastern suburbs remains high, and this government has risen to the challenge of this growth. Within the Narre Warren South electorate, Kambrya Secondary College and the Narre Warren South P–12 College both opened in 2002, and Hillsmeade Primary School opened in 2004. The new Centre Road primary school in Berwick will be ready for the start of the 2006 school year. In my electorate teacher numbers have more than doubled since the election of the Bracks government in 1999. This once again highlights the substantial commitment of the Bracks government to education.

Benalla: timber mill

Dr SYKES (Benalla) — Last Monday night a fire destroyed the green sawmill component of D. and R. Henderson's Benalla timber manufacturing plant. Fortunately no-one was injured, but the company found it necessary to stand down 25 people yesterday, and a further 60 or so people have only a week to a month's work available. The company's particle board plant, which employs approximately 130 people, will continue to operate, although the company will be putting off some contractors and casual staff and shifting permanent staff from the sawmill plant to the particle board plant.

All up, 85 to 90 jobs are to be lost, and this will have a major impact on the staff, their families and Benalla and surrounding communities. D. and R. Henderson is exploring options for rebuilding the sawmill, and if

economically feasible it will result in a considerable amount of work during the construction phase and around 70 jobs in the long term.

I ask that the Minister for State and Regional Development do all within his power to minimise the immediate impact of the fire on the employees, the company and the community and to assist with the re-establishment of the mill. For my part, I have spoken with D. and R. Henderson management, and tomorrow I will be visiting the site. I look forward to working with the minister and his staff on this important issue.

Murray Mallee Training Company

Mr MILDENHALL (Footscray) — Congratulations to the Murray Mallee Training Company, the Horn of Africa Community Network, Victoria University and the Swan Hill and Maribyrnong councils on their successful application for a grant from the Community Support Fund. Those four organisations have worked collaboratively on an innovative program that provides support to refugees from the Horn of Africa who have settled in the city of Maribyrnong but want to relocate to northern Victorian country areas like Swan Hill, where there are ongoing work and life opportunities. To date 47 people have participated in the program and more than 20 have been placed in long-term jobs for mechanics and welders in Swan Hill. A vacancy for an accountant at Robinvale has also been filled.

The initial stages of the project focused on skills training. Now, thanks to a $200 000 Community Support Fund grant from the Bracks government, the Murray Mallee Training Company will be able to provide long-term family support and settlement services for new arrivals. Those services will help new arrivals make a smooth transition to life in the Murray–Mallee region, ensuring that people remain in the region long term. I would like to thank the Minister for Victorian Communities, John Thwaites, for coming out to announce the funding, as part of a $1 million package of Community Support Fund grants for the western region. I thank also the member for Mill Park — —

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

Community services: legislation review

Mrs SHARDEY (Caulfield) — Two major pieces of legislation in relation to the portfolio of community services are in the process of review, with new legislation in the offing. Currently a major review is being undertaken of disability and children and young persons legislation. In relation to the process of review in both areas, the groups representing the disabled and child protection services have raised deep concerns. The concerns are that there may be fundamental changes to legislation which will not in the end be in the interests of the community, particularly those who rely on such services, and that the consultation process regarding the final government reports has been rushed and has not provided the opportunity for proper consultation with the community. There is also concern that draft legislation will not be made available to allow proper examination in detail.

As the effect of changes to these two important areas will be felt for many years to come, I call on Minister Garbutt to provide a generous consultation period on exposure draft legislation. I also call on the minister to provide a cost analysis of the changes being proposed.

Rail: Gippsland line

Mr JENKINS (Morwell) — I draw to the attention of the house the outstanding work of the staff of V/Line and the department of transport, particularly those on the Gippsland line. In the past two years those staff have worked with the Gippsland community and the Bracks government to continue to deliver a great rail service while at the same time reopening the Bairnsdale line, which was run down and closed by the previous government. The staff of V/Line in Gippsland have maintained a great service while the tens of millions of dollars of capital upgrade work has been undertaken as part of this government's regional fast rail project.

They have done this with minimal disruption to service and while responding to the needs of customers. Their job has been made much harder by the mealy-mouthed, snide and ill-informed criticism by the opposition parties and in particular the constant harping by the member for Polwarth, who obviously hates regional rail lines and seems to have nothing but contempt for regional rail workers.

As a regular train user and ardent supporter of the return of rail services to East Gippsland and the improvements to the Gippsland rail line by the regional fast rail project, I congratulate and thank those V/Line and department of transport staff who, with the Bracks government, have continued to make it happen in regional Victoria.

Rodney Groenhuizen

Ms McTAGGART (Evelyn) — Rodney Groenhuizen's million-dollar smile and friendly spirit touched all who knew him. He was genuinely interested

in people and always looking beyond outward appearances. He loved nature and had a great respect for it, and had a particular affinity for the ocean and surfing. He always presented himself so well that people rarely realised the struggle he had most of his life with depression, panic/anxiety disorder, breakdowns, chronic fatigue and a severe case of scotopic sensitivity syndrome (SSS).

SSS is a visual perceptive disorder, and Rod was diagnosed as suffering from it in 2004. This caused him to experience severe panic, confusion and alienation and had been contributing to his depressive illness for most of his life. Rod was prescribed glasses, which corrected the visual distortion and enabled him to see life as we do. He was then able to express himself more through his love of music by playing the guitar, singing and writing songs, and he was in the process of writing a book about his struggle and new-found hope.

Unfortunately his hope could not sustain him through his last breakdown in October 2004. Sadly his struggle became too great and he decided to leave this life on 8 December at the age of 33 years. Despite his depressive illness Rod was always a pleasure to be around. He deeply wanted to make a difference in the world and had a passionate desire to see everyone living in harmony, accepting each other regardless of their differences and treating each other with respect, tolerance, integrity and compassion. Rod brought all these qualities along with joy and fun to so many who knew him. He was loved by many and will be sadly missed. Soar high, Rod, on eagle's wings. My love and condolences to Rod's loving family.

Roads: funding

Mr MAXFIELD (Narracan) — I rise this morning to call on the federal government to free up the $500 million of roads funding that we in Victoria are entitled to. I also call on the state Liberal Party to reverse its decision to call on the Howard government to withhold $500 million from Victorian roads. There are roads across country Victoria that badly need this funding. The Liberal and National parties in this state are telling our federal colleagues to hold back money from this state. Apparently they think that building a road in Queensland or New South Wales is more important than building a road in Victoria. Talk about traitors! Talk about Liberals first and Victorians last! We have great need — —

Mr Honeywood interjected.

Mr MAXFIELD — Yes! There is a need for our community to get the roads funding it needs. I think the rats in the ranks of the Liberal Party ought to tell their leadership that they will not stomach this anti-Victorian attitude by their own political party. The rats in the ranks should now stand up and be counted and say, 'We believe that funding due for Victoria should come to Victoria'. Why don't the rats in the ranks say that we are entitled to a fair share of funding? We pay our taxes. When we put fuel in our cars we pay our taxes, but do we get them back? No! The Howard government has abandoned Victoria, but, worse than that, the federal Liberal Party with its state colleagues — —

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

Frankston: aquatic centre

Mr HARKNESS (Frankston) — Since my election in November 2002 I have been advocating and lobbying for a large regional sports and aquatic centre in Frankston. People have been talking about building a facility like this in Frankston for over 20 years. I want to see it built, and that is why I have been organising regular meetings with representatives from many different organisations, such as swimming groups, health groups, project planners and architects and the Frankston council. That is why I distributed a survey to every household in 2003 to seek residents' views on a location for this centre, and why I engaged a Melbourne University researcher, Mr Jared Heath, to prepare a report for me. We have made a lot of progress so far.

Monash University's Frankston campus has been identified as an ideal location because it has main road access, plenty of space, is close to the Frankston central business district and Frankston Hospital and does not take up valuable green open space. This public facility would feature an Olympic-sized swimming pool with spectator facilities, multi-use aquatic areas, a health and fitness area, health services, relaxation areas, amenities and car parking.

Frankston deserves a large, regional sports and aquatic centre, and this facility will have great education benefits. Monash University is establishing a faculty of health sciences and has received notice that it will have additional places for tertiary students within two years. Proposed courses include sports medicine, health science and other health and wellbeing subjects. Of course facilities will be available for students and children. Seventeen per cent of Victorian children nominate swimming as their preferred sport, followed by soccer at 13 per cent. Most schools in the area have swimming classes as part of their programs but are hampered by the lack of suitable facilities.

The next steps are clear: we need to attract finance for the project, and to design and build it. I will continue to work hard to make sure that Frankston gets the sports and aquatic centre it deserves.

Students: Mulgrave awards

Mr ANDREWS (Mulgrave) — Today I pay tribute to seven exceptional students from schools in my electorate of Mulgrave who have won a 2004 Mulgrave state electorate application and achievement award. As the local member, I am pleased to offer the award and a cash prize to each of the secondary colleges in my local community. The award is presented to the year 12 student in each school who has best applied themselves to their studies — that is, the student who has worked hardest to achieve their best. The awards support those students. Senior teaching staff at each school select the winners and the awards are presented at end-of-year speech nights and school assemblies right across my community.

My congratulations go to Genely Loquias from Noble Park Secondary College, Thao Bui from Springvale Secondary College, Lauren Sheldon from Wheelers Hill Secondary College, Hazel Windrum from Wellington Secondary College, Trudy Loos from Carwatha College P–12, Derek Ku from Mazenod College and Stephanie Johnston from Nazareth College. I say, 'Well done!' to each of these students. They are exceptional young people, great young people who have worked hard to achieve their very best. I wish them success and happiness for their future as they continue to work hard towards achieving their goals and dreams and their very best performance. Well done and best wishes!

CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL

Second reading

Debate resumed from 23 February; motion of Mr HAERMEYER (then Minister for Corrections).

Mr LUPTON (Prahran) — It is a great pleasure to speak in support of the Corrections (Transition Centres and Custodial Community Permits) Bill. This bill is another instalment in a long list of Bracks government achievements directed towards community safety in Victoria. As the Parliament and community are well aware, the Victorian crime rate is the lowest in Australia. Victoria is the safest state in Australia and this government intends to keep it that way.

Part of making sure that Victoria is the safest state in Australia and people are safe in their homes and in the streets around Victoria involves, wherever possible, putting steps in place so that when people who have offended are going to be released back into the community, to the best of our ability we ensure they do not reoffend. Of course the corrections system is predicated on a number of principles. One of those is punishment, another is deterrence; but another one that is extremely important is rehabilitation. When prisoners are held in a correctional centre it is important that they are able to gain access to a range of educational and training opportunities to ensure that when they are released from prison they have opportunities to re-enter the work force and society in a productive way.

There are a number of different categories of prisoners, ranging from the low-risk, less-serious offenders up to those who have committed the most serious offences known under criminal law. The correctional facility this bill creates is designed to deal with offenders at the very lowest end of the scale: prisoners who have committed the least serious offences but have nonetheless been sentenced to a term of imprisonment. It will enable them to be housed in a community transition centre in the months leading up to their release from the prison system.

The centre that is going to be created will be located in North Melbourne, next to the current correctional facility in Jeffcott Street. It will house up to 25 male prisoners and will be specifically for the least serious offenders who have been specially selected for this program because they do not pose a high risk to the community. These prisoners will be subject to release from the prison system a short time after they have been housed in the transition centre. This centre will enable them to participate in a range of supervised educational and training opportunities in the months leading up to their ultimate release from jail.

When people have been sentenced to a term of imprisonment, particularly those who have been sentenced for less serious crimes and shorter periods of time, they nonetheless suffer from a range of disadvantages, particularly when they lose employment opportunities and are dislocated from their community networks while they are in jail.

When somebody is sentenced to a term of imprisonment, whether it be just for a few months or a small number of years, of course they lose their jobs, and when they get out of prison they often find it very difficult to re-establish employment and social and community networks and supports. What this transition centre is going to achieve for the specially selected

prisoners who are able to live in it for the few months prior to their release is the opportunity to re-establish those employment, community and social support networks. The idea underpinning this sort of project is that when somebody is finally released from the prison system they are more likely to have a job, they are more likely to have social and community supports, they are more likely to go back into the community in a productive fashion rather than sliding back to reoffending.

Anyone who is released from the prison system who has a job and has those kinds of social supports is going to be less likely to slip back into the old ways that saw them go into the prison system in the first place. Any opportunity we can take to select appropriate prisoners who do not pose a particular risk to the community and have them enter into this sort of program — where they are able to get the sort of training and opportunities they need to re-enter the community in a productive way — will be an advance for community safety in Victoria.

It is really important to recognise that when we are dealing with a bill of this sort we are really taking a very sensible and appropriate step towards breaking the cycle of offending. Often what we find particularly with people who have committed offences even at the lower end of the scale of seriousness is that they tend to be people who have committed a series of offences over a period of time. Any of these steps that we can take to try to ensure that we break that cycle is going to be of great benefit to the community of Victoria in the long run.

It is really about making sure that this state remains the safest state in Australia. This government is firmly committed to community safety. We have seen that in a number of ways, not only in the increase in the number of front-line officers in the Victoria Police, re-establishing those numbers and now making the numbers in the Victoria Police higher than they have ever been before. We have also reversed the cuts to the number of police that the previous Kennett government put in place.

During the period when the Kennett government cut the number of police we saw an increase in the crime rate and an increase in the perception of crime and fear in the community. Since the Bracks government has come into office we have seen a reversal of that trend. We have seen a reduction in the crime rate year after year. I know that even in my own electorate of Prahran where there were particular issues about assaults, for instance, in the last two years around the Chapel Street precinct the rate of assaults has dropped by about 45 per cent. That is indicative of the sort of effects that the Bracks government's policies on community safety have had and the benefits they have given to the people of Victoria.

This piece of what I might definitely call 'enlightened legislation' will be of benefit directly to the people who are able to be housed in the community transition centre, but in a broader sense it will definitely enhance community safety in Victoria for all Victorians because it will contribute to breaking the cycle of reoffending that so many of these prisoners have been caught up in over the years. That will be a great benefit to the people of Victoria, and I commend the bill to the house.

Debate adjourned on motion of Mr PLOWMAN (Benambra).

Debate adjourned until later this day.

WATER EFFICIENCY LABELLING AND STANDARDS BILL

Second reading

Debate resumed from 23 February; motion of Mr THWAITES (Minister for Water).

Mr HONEYWOOD (Warrandyte) — As our very qualified shadow Minister for Water, the member for Benambra, has already highlighted, this bill is a piece of mirror legislation designed to bring Victoria into a national scheme of water efficiency labelling and standards, otherwise known as WELS. In speaking to this bill I would like to applaud the leadership shown by the federal Liberal government, which launched this scheme on 18 August 2004. The leadership shown by the federal government is such that this scheme for water efficiency labelling and standards is, we understand, the first national scheme of its kind in the world. That is a real tribute to the federal government in environmental initiatives.

The bill introduces a WELS scheme which will be overseen by a commonwealth regulator which will determine which devices, appliances or fittings meet acceptable water efficiency standards. These products will be registered as WELS officially endorsed products after written application has been made by the manufacturers or importers. I understand that the bill allows a 12-month grace period for importers to get their act together when it comes to what they bring into this country complying with our world leadership. WELS inspectors will then implement the determinations to ensure compliance with the act, and investigate possible offences. Inspectors may be state or

federal government employees. Mandatory water efficiency labels will apply to all shower heads, washing machines, toilets, dishwashers, urinals and some types of taps.

According to the Australian government's Department of the Environment and Heritage webpage, a standard shower head uses approximately 15 to 25 litres of water a minute but a water-efficient shower head can use as little as 6 or 7 litres per minute. I can verify this. I recently switched to a water-efficient shower head. I have to say that my showers are not as enjoyable as they used to be — —

Honourable members interjecting.

Mr HONEYWOOD — My wife assures me I am losing weight, so that is not the issue. When it comes to trying to lather up in the morning, it can be a challenge, but we are doing our thing for water conservation in our household. Notwithstanding some of the changed lifestyle requirements, I think we would all agree these water-efficient devices — —

Mr Walsh — You could shower with a friend.

Mr HONEYWOOD — I occasionally shower with my wife, but that is my business!

Ms Pike interjected.

Mr HONEYWOOD — As I said, the water-efficient shower heads can use as little as 6 or 7 litres per minute.

This initiative is long overdue. I know that when I read the newspaper every morning — I am sure many honourable members are the same — instead of going to the front page or even the back page for sport, if we have had a decent rainfall, I have gotten into the habit of looking to the back of the paper to see how the dams are going. In our day-to-day lives, whether it be by use of water-efficient devices or just our concern for the amount of rainfall and so on that we receive, this is becoming part of normal and standard practice. It is becoming a top priority for most of us.

Minimum water efficiency standards will be introduced for toilets and voluntary water efficiency labels will apply to flow-control devices. The benefits of the scheme will hopefully include $600 million in savings through reduced water and energy bills and annual domestic water savings of 87 200 megalitres by 2021. Of these savings approximately half will be from clothes washing machines, 25 per cent from showers and 22 per cent from toilets. Reductions in greenhouse gas emissions are equivalent to taking 150 000 cars off the road, which is a laudable objective indeed.

There are a number of issues of concern — of course, with any attempt to change people's habits and lifestyles you have to have some fairly punitive measures sometimes, and we are also trying to assist consumers in making informed choices. One issue of concern is that the regulator must register a product by way of a notice in the *Commonwealth of Australia Gazette* or must give written notice to an applicant if a product is to be refused registration. However, in that regard the regulator is 'taken to have refused' to register the product if neither of the above has happened within three months.

That could give rise to concerns about a lack of information flowing in that an applicant could promote a product as a water efficiency labelling standard product because he or she has had no notice to say the product has been refused or is still being considered. So we are relying heavily on a good information flow. Given that the penalty for this offence is $6600 for an individual or $66 000 for a corporate entity, a notice from the regulator should be provided three months after registration occurs, indicating whether a product has been registered, refused or is still under consideration.

We are also pleased that the government has taken up our well-thought-through amendment. I commend the member for Benambra for putting it forward. It is unusual for the government to accept our amendments, but clearly in this case it has seen that the amendment has strong merit. Under the bill as it is currently before the house — before we go into consideration in detail, hopefully later this day — the state would have to reintroduce this legislation every time the federal government adjusts the penalties as prescribed in the federal act. Just to show that the opposition and the government can work together sometimes, we have had negotiations with the government, and an amendment will be brought forward later today to convert the penalties from dollar terms to penalty units, which are defined as commonwealth penalty units. This will be mean that the state's penalties will be adjusted automatically, and we will not be wasting the time of the state Parliament in bringing in amending legislation from time to time for such a small issue.

When we debate anything to do with water efficiency, let alone labelling, one of the key issues we should note is that we are dealing in this state with predicted future shortages in water supply, and there are any number of scenarios as to how we go about increasing our water supply, or — in the case of this legislation —

decreasing demand for water. The Bracks government must act to increase Melbourne's wastewater recycling, which is currently the nation's lowest per capita at only 2 per cent. So we are not doing a good job compared to the other states and territories when it comes to proper wastewater recycling. The Liberal Party is leading by example in this regard in Victoria with its policy to close the Gunnamatta outfall by 2015, and indeed all ocean outfalls by 2025.

The Bracks government must also increase its efforts to reduce the water losses which occur in the distribution systems between storage and the end users by spending sufficient funds on infrastructure upgrades. We are all aware of irrigation canals and other water storage facilities that have not been given appropriate upgrades, which is very much akin to the problem in my electorate where there are 17 000 septic tanks in the Yarra Valley Water Authority area which are leaking effluent into our creeks and the Yarra River. The Bracks government could be doing a great deal more to reduce both wastewater losses and potable water losses when it comes to the distribution systems between storage and end users.

I might add in the $1^1/_2$ minutes I have left that there is another concern that the opposition has picked up on, and that relates to an attempt by this government to trade off greenhouse gas emissions for water conservation. There has been an attempt to require new subdivisions and developments to have solar hot water services in place of electric hot water services in order to save on greenhouse gas emissions.

A number of companies have geared up for this, including Rheem Australia, which retooled its factory to ensure it was able to provide the market with the required solar hot water services. What is of concern is we now have information which indicates that where a developer chooses to put in a third pipe system with grey water, the requirement to have a solar hot water service and to save on greenhouse gas emissions will no longer be enforced. We highlight the hypocrisy there — that this government is willing to trade off one environmental initiative for another. This is cause for concern, given that the government has made much of its greenhouse gas emissions restrictions and its attempts to cut down on greenhouse gas emissions. One would see it as somewhat ironic that the third pipe system that involves recycled water being provided to new subdivisions — —

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

Ms DUNCAN (Macedon) — It is with great pleasure that I stand to speak on the Water Efficiency Labelling and Standards Bill. This is a terrific initiative and one that I think Victorian consumers dearly want. As a member of the Environment and Natural Resources Committee I am very aware of the ways in which we all, particularly as domestic consumers, need to play our part to reduce our use of energy, our production of waste products, and especially our use of water.

The last eight years of drought have really brought home to people the need for this sort of labelling. That need has been shown on an electorate level in the number of calls to my office from people who have just purchased, for example, a washing machine and have perhaps bought a top-loader only to discover that a front-loader uses much less water than a top-loading machine. They have actually been confused by the information that has been available to them and in a lot of cases have felt quite duped, because they have bought a product they now know to be not nearly as efficient as it might be.

This bill is about bringing in labelling, but more importantly about bringing in standards for those labels, because at the moment it is difficult to distinguish a really efficient product from a marginally efficient product. For some time consumers have been crying out for this sort of information. As I said before, the drought has really helped focus people's attention on the need for water conservation. This is on top of the government's white paper, *Our Water Our Future — Securing Our Water Future Together*, which I think is a brilliant document that really tries to address the whole range of water issues, from the use of recycled water to more efficient use of water in homes and commercial properties.

The introduction of permanent water restrictions recently is another step and another example of what this government is doing. We know we need to do lots of things at once. It is not just a case of doing this and ignoring other things; it is really a case of trying to tackle this problem from a number of different positions — and that is part of what this bill is about as well. Trying to set standards is not something the Victorian government can do on its own. This really needs a national approach and we are seeing that happen, and that is very welcome. Australian product manufacturers need to be able to sell to all of the states and there needs to be that national consistency.

As well as bringing in imported products, we need to make sure that an efficiency label in Victoria means the same thing as one does in New South Wales or any

other state in Australia. This is not something that any one state can just do unilaterally. It does require national cooperation. That is what this bill is about as well. What we are expecting to see is labels on fixtures and appliances appearing in late 2005.

The regulatory impact statement for the scheme predicted that once the scheme is in place Victoria can expect to save 4400 megalitres of water per year by 2011. By the year 2021 this is predicted to rise to 20 300 megalitres of water per year, or a reduction in total household water use of about 5 per cent. The scheme also has the potential to lead to greater savings if the minimum standards are applied to more products over time, because it is limited to a number of products. That is expected to expand over time as regulatory impact statements are done for those.

I want to pick up on some points made by the previous speaker who spoke about using water efficiency shower heads. I guess we just have to get over it; we really do need to completely change our lifestyles in the way we use water. As I said previously, I am on the all-party Environment and Natural Resources Committee which has been looking at ways to encourage domestic houses to use less water. Certainly one of the ways of doing that is to provide further information to people. Education is a huge part of trying to change people's behaviour. We also found that further information on its own is not always enough to change people's behaviour; people might know what they should do, they might know that we need to conserve water, but to get them to actually do that is another thing altogether.

We can also be a bit inconsistent; we can be really good one week and a bit slack the next. I guess we are all guilty of that sort of thing. But as a resident who lives in a rural area and who relies on tank water, I am proud to say that even over the eight years of drought I have never had to buy in water. It is amazing how even a very short rain shower will fill up a water tank. It is a great initiative that people are installing water tanks in urban areas, because our roofs are incredibly efficient catchments — far better than the soil. Unlike soil, which also wants a share of it, our roofs do not require any water for their own use; they are quite happy to give all of it to us. That really is an efficient way to catch water.

A lot of the water efficiency appliances do not work on a gravity-fed tank water system, which is what I have. Even with water efficiency appliances we are given the information we require when purchasing a product, but when we bring the product home we still need to use our water in a very efficient manner. A water-reducing shower head is one thing, but if you stand under the shower for 25 minutes, you are not going to save much water.

A change in behaviour by all of us is really required, and that will not be an easy thing. Australians are huge water consumers; we live on the driest inhabited continent on earth, and we are the highest per capita water users on earth. They are two absolutely incompatible facts, and we need to seriously consider how we have used water in the past. We know that we use enormous amounts of water on our gardens and enormous amounts of water in our laundries.

A lot of that can be reduced. One great way of doing that, and it is a good place to start, is with water efficiency labels. People really appreciate being informed and knowing they can have confidence in the labels. That is one of the main points of this bill: to set standards that people can have confidence in. Other systems around the world have been introduced, but consumers are not always aware of them and often they cannot understand and distinguish one system from another. It is really important that people have confidence in these systems and standards and that they understand that this is not just about manufacturers saying, 'We have a terrific product'; it is about knowing that that is actually the reality. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on this bill and to say as a member of The Nationals that the legislation is really important, particularly in my electorate where people conserve water. I know that in my electorate in the Shepparton irrigation district the farmers have been saving water for quite a number of years and have become much more efficient. For many years they have been at the forefront of water efficiency and water conservation.

The objects of this bill include the conservation of water supplies by reducing water consumption, to provide information for purchasers on water use and water-saving products, and to promote the adoption of efficient and effective water use and water-saving technologies. I would like to congratulate Goulburn Valley Water in my electorate for the part it is playing in making sure that its consumers use water wisely. It is providing information about water conservation ratings.

As has been said before, the number of As in the rating determines the water efficiency: AAAAA will be an excellent rating; AAAA a very high rating; AAA a high rating and AA a good rating. Every water conservation label must be displayed on the appliance or attached via a hanging tag. Goulburn Valley Water is already putting that information out to make sure that the users

of its water products actually understand the issues of conserving water. It is almost like taking note of the A rating if you are looking for a financier or for hotels

Random checks are going to be taken to ensure the products meet the claims on their labels. There will be mandatory labelling for shower heads, washing machines, dishwashers and toilets, and voluntary labelling for taps, urinals and flow-on regulators. The average Australian family uses about 1300 litres of water around the home every day — that is, about 150 full buckets — so it is really important that we find ways to save water.

Goulburn Valley Water also suggested ways of saving water — we are the garden state; it put out ways to be wise with water when you are gardening: you soak, you do not spray; you use a good mulch; you install a drip system; you use microsprays on garden beds; you sow drought-tolerant lawn seed; and, you water the roots and not the leaves. It also suggests ways of ensuring that you can take shorter showers. It is important that we are all water wise.

I am really proud of a school in my electorate, St Georges Road Primary School, Shepparton, which became the first accredited water-wise school in Victoria in October 2003. I attended the ceremony to recognise that school along with the principal, Jan Gregory; Goulburn Valley Water chief executive, Mr Laurie Gleeson, and marathon swimmer Tammy Van Wisse who told her story about the rivers that she swims in across the world and how important river health is to her. She was talking particularly about the River Murray.

The students there were talking about things that they and their families promised to do to conserve water, such as taking shorter showers, turning the tap off when brushing their teeth, making sure their parents wash their cars on the lawns, and they also dressed as frogs to show that we need healthy rivers. Melbourne's population is expected to increase by more than one million by the year 2030 and regional Victoria by 350 000, so the demand for water will increase in our urban areas.

Along with our spokesperson for water, the member for Swan Hill, I also commend the federal government for introducing the national mandatory efficiency labelling scheme and for providing the funds required for the establishment and operation of the regulatory system until 30 June.

We all have to conserve water — we do live on the driest continent in the world — and I think that the labelling of appliances will allow consumers the choice of buying certain sorts of washing machines because they know that the washing machines are water efficient. I think that is a great start, and I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I know I have only a couple of minutes. I endorse the comments of the member for Shepparton; she covered it very well. I support, on behalf of the community I represent, this legislation, because we are talking about water efficiencies. It comes under the national mandatory scheme, which will ensure the purchasers of water appliances and fixtures and fittings are aware of what they are buying and, as the member for Shepparton has highlighted, it will deliver great benefits in water conservation in Australia.

We know that Melbourne is growing rapidly and that its people have to get their water from country Victoria. For every megalitre of water you take out of country Victoria you take away $10 000 worth of economic activity. Australians and Victorians are also well aware of the importance of water and water conservation. Country communities have been valuing water for many years. It is important for our growth and for our environment, and we also have to be aware of buying equipment that is water wise. I was talking to my daughter-in-law the other day. She has just bought a new front-loading washing machine and could not believe how much less water it was using than a top-loading machine, so I endorse what previous speakers have said.

Country people are used to water restrictions and they get annoyed when they come down to Melbourne and see hoses and sprinklers going when there is rain falling. I was in Canberra at one time and saw that occurring on the grass on top of Parliament House, but I understand the system now switches off the automatic sprinklers when rain is falling.

I want to highlight in my short presentation today the importance of water conservation, not only here in Melbourne, but for all Victorians. One thing the government can do, not only in passing this legislation, but also as a great boost to western Victorians, is to fully fund the Wimmera–Mallee pipeline. It would give a confidence boost and would also assist with the financial modelling, so that the people involved can get on and do the work. That would be of enormous benefit to western Victorians, not only to the communities, but also for employment growth and the environment. I appreciate the opportunity to say those few words. I support the bill and the amendments.

Mr LIM (Clayton) — I am very pleased to rise to speak in favour of this most important bill. Members of the chamber with a liking for the films of Stanley Kubrik will be familiar with the cigar-chomping General Jack D. Ripper, whose obsession with, as he put it, 'the international communist conspiracy to sap and impurify our precious bodily fluids' led him to start a nuclear war. General Ripper was certainly mad, but he performed a useful service in pointing out the folly of the policy of mutually assured destruction — which, of course, brought about this acronym of MAD. General Ripper's perception of the communist threat to the peace and stability of the Western World was perhaps overstated, but he was dead right about one thing — that is, the central importance of water to our lives.

To stay with the war theme for a moment, the demand for water is becoming a dangerous source of friction in many parts of the world. United Nations figures, for example, suggest that there are about 300 potential conflicts over water around the world, arising from disputes over river borders and the taking of water from shared lakes and the like. Where I come from, the Mekong basin is now a source of potential conflict because China built a dam in the upper part of the Mekong, constricting the water flow to Burma, Thailand, Laos and Cambodia.

I think the possibility of armed conflict between Victoria and New South Wales or South Australia over water is unlikely, but this is not to understate the potential of water to inflame the passions of state rivalry. The Bracks government has made tremendous progress in reducing water usage in this state and has built up an atmosphere of trust with water consumers. Wasteful practices such as the hosing of concrete are no longer considered socially acceptable, but I believe this trust and the change in social perceptions will have a stronger effect on people's behaviour than laws prohibiting water wastage. The key point of this bill is to reduce water usage by making consumers aware of the water consumption of the appliances they buy. The bill will also promote the adoption of efficient and effective water-use technology and will encourage and in some cases require producers to adopt more water-efficient technology. I commend the bill to the house.

Mr THWAITES (Minister for Water) — I thank all members for their contributions. Victoria is leading Australia in water management. That has been acknowledged around the country. There have been major steps taken here in water conservation and in better irrigation management, so we are seeing real improvements in towns but also on farms on how we can use water more efficiently and ensure we have enough water for the future. This bill is part of a national agreement to conserve water. It is a bill that was agreed to by all states and the commonwealth government. It will lead to substantial water savings. Essentially it will give consumers more information to enable them to make the right decisions about saving water. A number of contributions have been made, and I acknowledge the interest that all members have shown in the water issue and in this bill.

As I understand it, the opposition will move some amendments in the consideration-in-detail state, and we have indicated that they seem quite sensible and that we will discuss that at the time. The bill will now be able to go through this Parliament with, I am sure, the support of all members, which will once again show that Victoria is leading the way.

Victoria took a key role in the initiation of this bill through the ministerial council and then in the drafting of the bill. We wanted to push to get it on, and we are very pleased that now we are going to get it through Parliament. The federal bill had some amendments as it went through federal Parliament, and as a result of those amendments I will be moving some amendments to ensure consistency with the federal bill. This bill will now be a model for other states to adopt, and we will be able to have the scheme in place and saving water, which is something we all want to do.

Motion agreed to

Read second time.

Consideration in detail

Clauses 1 to 6 agreed to.

Clause 7

Mr PLOWMAN (Benambra) — I move:

1. Clause 7, page 5, after line 19 insert —

'"**penalty unit**" has the same meaning as in the Commonwealth Act;

Note: "Penalty unit" is defined for the purposes of laws of the Commonwealth in section 4AA of the Crimes Act 1914 of the Commonwealth.'.

I have pleasure in moving the amendment standing in my name. It introduces a new definition for a penalty unit, which is to have the same meaning as in the commonwealth act. I would hope that all the other amendments circulated in my name are consequential on the basis that once that penalty unit definition is

introduced it then replaces the dollar terms which have been set out as the penalties throughout the bill.

The reason for doing this is quite simple: changing it to have the same meaning as the commonwealth act means the legislation will not then have to come before this Parliament every time the federal government changes its penalty units, which will need to be kept in line throughout all the states and territories.

Mr THWAITES (Minister for Water) — Yes, the government believes this is a sensible amendment. The bill before the house had offence penalties specified in dollar terms, and that was consistent with the approach adopted previously for national legislation. But as the member for Benambra has indicated, amending the bill in this way will mean that when the commonwealth penalty unit is amended the penalty in this bill will automatically be amended. That means we will not have to come back and amend the legislation, so the government accepts that amendment.

Mr HONEYWOOD (Warrandyte) — Just to clarify clause 7 as it relates to the definition concerning a person who has water efficiency labelling and standards (WELS) information, I said in my earlier contribution in connection with registration being refused that the regulator registers a product by way of a notice in the *Government Gazette* and then must give written notice to an applicant if a product is refused registration. I raise the point that under the clause the regulator is taken to have refused to register the WELS product even if he has not given notice in the *Government Gazette* and has not given notice to an applicant. That then puts into effect a number of penalties.

How does the minister envisage dealing in a practical sense with that problem if the regulator were to have overlooked putting information in the *Government Gazette* or had not listened to the applicant and the applicant was subsequently fined and penalised because they were ignorant of the fact that they had not been approved?

Mr THWAITES (Minister for Water) — The regulator will be appointed through the commonwealth legislation, and essentially that will be a matter for the regulator and the commonwealth, but certainly that is an issue that can be raised with them to determine whether there should be some further safeguards in place.

Mr WALSH (Swan Hill) — I ask for a further explanation from the minister. The Nationals supports the opposition's proposed amendments. In the briefing we had on the bill a similar issue was raised and it was explained that we would go with the dollar values for penalties rather than penalty units so there was consistency across Australia because some states apparently do not have penalty units in their legislation. I ask the minister to indicate whether we will have different legislation across Australia insofar as penalty units are concerned or whether other states will change their legislation to make sure they have penalty units rather than dollar values.

Mr THWAITES (Minister for Water) — The member is right that the reason dollar values were specified was, consistent with previous national legislation, so that other states would specify their own dollar values. As I understand the position, some states do not have their own penalty units. However, what is proposed here is that the penalty would be the commonwealth penalty unit. It is not linked to the penalty unit of the other states, but to the commonwealth, so when the commonwealth changes its penalty units other state penalties would be changed in the same way.

Mr HONEYWOOD (Warrandyte) — In relation to the minister's response to my query a moment ago where he tried to neatly handball the whole responsibility to the federal government regulator, the minister may not be aware or may have overlooked the fact that WELS inspectors who would implement the determination to ensure compliance with the act or investigate possible offences can be state or federal government employees. The minister does have a responsibility in this instance and cannot flick pass it all to the federal government. I ask him to provide the house with a guarantee that there will be some ability for applicants who are trying to do the right thing but because of a bureaucratic bungle, either from the state or federal governments, are caught innocently in this difficult regime. If the minister was not aware, I point out that WELS inspectors can include state government employees. I ask for some undertaking from the minister.

Mr THWAITES (Minister for Water) — I think the member was talking about the regulator, and it is the regulator who has overall control, so I stand by the previous statement. I did indicate this is the sort of thing that could be considered to ensure that safeguards are in place, but by the same token it is important there is not a loophole in the legislation and that is the purpose of the clause.

Mr PLOWMAN (Benambra) — I thank the minister for accepting the amendments.

Amendment agreed to; amended clause agreed to; clauses 8 to 26 agreed to.

Clause 27

Mr THWAITES (Minister for Water) — I move:

1. Clause 27, lines 4 and 5, omit "specified in an instrument made" and insert "determined in writing".

2. Clause 27, line 10, omit "instrument" and insert "determination".

3. Clause 27, line 13, omit "instrument" and insert "determination".

4. Clause 27, line 14, omit "An instrument" and insert "A determination".

These are technical amendments to make the legislation consistent with the commonwealth legislation. Members will recall that the government introduced the bill prior to the commonwealth bill being passed by the federal Parliament. Some amendments were made in the federal Parliament and these amendments today ensure the Victorian bill is consistent with the commonwealth bill.

Amendments agreed to; amended clause agreed to; clause 28 agreed to.

Clause 29

Mr THWAITES (Minister for Water) — I move:

5. Clause 29, line 15, omit "instrument" and insert "determination".

I indicate that this amendment is also to make the bill consistent with the commonwealth act.

Amendment agreed to; amended clause agreed to.

Clause 30

Mr THWAITES (Minister for Water) — I move:

6. Clause 30, page 18, line 13, omit "instrument" and insert "writing".

I indicate that this amendment, too, is to make the bill consistent with the commonwealth act.

Amendment agreed to; amended clause agreed to; clauses 31 and 32 agreed to.

Clause 33

Mr PLOWMAN (Benambra) — I move:

2. Clause 33, line 21, omit "$6600" and insert "60 penalty units".

I hope all these amendments become consequential.

Amendment agreed to; amended clause agreed to.

Clause 34

Mr PLOWMAN (Benambra) — I move:

3. Clause 34, page 21, line 5, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to.

Clause 35

Mr PLOWMAN (Benambra) — I move:

4. Clause 35, line 21, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to.

Clause 36

Mr PLOWMAN (Benambra) — I move:

5. Clause 36, page 22, line 6, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to.

Clause 37

Mr PLOWMAN (Benambra) — I move:

6. Clause 37, line 16, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to.

Clause 38

Mr PLOWMAN (Benambra) — I move:

7. Clause 38, line 26, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to; clauses 39 and 39A agreed to.

Clause 39B

Mr PLOWMAN (Benambra) — I move:

8. Clause 39B, page 25, line 10, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to; clauses 40 to 45 agreed to.

Clauses 46

Mr PLOWMAN (Benambra) — I move:

9. Clause 46, page 35, line 8, omit "$110" and insert "1 penalty unit".

Amendment agreed to; amended clause agreed to.

Clause 46A

Mr PLOWMAN (Benambra) —

10. Clause 46A, line 26, omit "$6600" and insert "60 penalty units".

11. Clause 46A, line 30, omit "$6600" and insert "60 penalty units".

Amendments agreed to; amended clause agreed to; clauses 47 to 50 agreed to.

Clause 51

Mr PLOWMAN (Benambra) — I move:

12. Clause 51, line 24, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to; clauses 52 and 53 agreed to.

Clause 54

Mr PLOWMAN (Benambra) — I move:

13. Clause 54, page 40, line 5, omit "$3300" and insert "30 penalty units".

Amendment agreed to; amended clause agreed to; clauses 55 to 60 agreed to.

Clause 61

Mr PLOWMAN (Benambra) — I move:

14. Clause 61, page 46, line 7, omit "$6600" and insert "60 penalty units".

Amendment agreed to; amended clause agreed to.

Clause 62

Mr PLOWMAN (Benambra) — I move:

15. Clause 62, line 30, omit "$6600" and insert "60 penalty units".

16. Clause 62, page 47, line 11, omit "$6600" and insert "60 penalty units".

Amendments agreed to; amended clause agreed to.

Clause 62A

Mr PLOWMAN (Benambra) — I move:

17. Clause 62A, line 25, omit "$6600" and insert "60 penalty units".

18. Clause 62A, page 48, line 4, omit "$6600" and insert "60 penalty units".

Amendments agreed to; amended clause agreed to; clauses 63 and 64 agreed to.

Clause 65

Mr THWAITES (Minister for Water) — I move:

7. Clause 65, lines 7 to 14, omit sub-clause (1) and insert —

"(1) Amounts equal to money received by the State —

(a) in respect of fines, infringement penalties or undertakings given under section 42; or

(b) under Division 2 of this Part —

must be paid to the Commonwealth for crediting to the WELS Account.".

I indicate that this is a minor change to better reflect the financial arrangements to be set out in the intergovernmental agreement that has been negotiated to underpin the administration of the WELS scheme. It does not make a substantial change; it uses the words and is closer to the arrangements set out in that intergovernmental agreement.

Mr PLOWMAN (Benambra) — Does it make any financial difference to the arrangements under the initial legislation that was before the house?

Mr THWAITES (Minister for Water) — My understanding is that the financial arrangements are set out in that intergovernmental agreement, and this better reflects those financial arrangements. Of course, the bill has to be consistent with the intergovernmental agreement, and this legislative form better reflects that financial arrangement.

Amendment agreed to; amended clause agreed to; clauses 66 to 76 agreed to.

Clause 77

Mr PLOWMAN (Benambra) — I move:

19. Clause 77, line 12, omit "$2200" and insert "20 penalty units".

Amendment agreed to; amended clause agreed to.

Bill agreed to with amendments.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from 3 November 2004; motion of Mr CAMERON (Minister for Agriculture).

Mr McINTOSH (Kew) — While the opposition has substantial concerns about the principal aspects of this bill, which is about the appointment of acting judges, and accordingly will be forced to oppose it because it is fundamentally flawed, there are obviously a number of other aspects with which the opposition has no concern and indeed would support. I will run through those matters and come back to what I see as the principal part of the bill, which is the appointment of acting judges.

The most important of a number of matters is that if a judge of the Supreme or County courts has served as a master of another court in Victoria or elsewhere in Australia, as long as it is not a Magistrates Court, that can be taken into account as time served for the purposes of the calculation of their judicial pension. The opposition certainly supports that proposition. Secondly, the Magistrates Court Act is to be amended to allow a court to order a mediation without the necessity of the parties consenting. As a trained mediator who both practised as a mediator and appeared in mediations in a former life as a member of the Victorian bar's alternative dispute resolution committee, I am a great advocate for alternative dispute resolution and certainly for mediation. It can be a very valuable and powerful tool for the early resolution of disputes. It is always done ultimately by way of consent, but sometimes parties may have to be taken to the water before they may drink. They may not necessarily drink, but the idea that in appropriate circumstances someone should be compelled to attend a mediation or to conduct that mediation can be a worthwhile tool in the hands of a court, and accordingly we would support that position.

In relation to enhancing the security of courts provisions, security is something we are all concerned about in a modern world. We are regularly regaled by the media with stories about articles seized and taken from people entering different courts. It is a lamentable fact of modern life that security measures are now necessary not only in the courts — we see increasing security being imposed upon on us in this place — and w would certainly welcome and support the government's move with this bill to enhance security in the courts.

Turning to the operation of the Judicial Remuneration Tribunal, as concerned as the opposition is with the way that system has been gutted by this government, in relation to the terms and conditions of acting judges, if they were to be passed in this place, the mechanisms for determining the remuneration and superannuation entitlements of acting judges should be prescribed in this bill. Accordingly, as a matter of logic we could support the proposal as set out in the bill, but in relation to the appointment of acting judges that is a profound defect in this bill which will cause us to oppose it.

The next and final matter for which I indicate the support of the opposition is that of the amendments to the Magistrates' Court Act to remove the monetary penalty set out there and to create penalty units which will then be subject to the Monetary Units Act. While we support the change, which brings the act into line with many other acts and perhaps is appropriate, the opposition certainly will not resile from its concern about the operation of the Monetary Units Act as a mechanism for determining and calculating what is a penalty unit. It means it can be done by way of executive order or regulation. It goes to the Scrutiny of Acts and Regulations Committee, but there is no mechanism in this place. The committee is only a committee of the Parliament; it is not the Parliament. The opposition takes it to be a fundamental principle of our democratic traditions that any change in taxation or imposts upon the public should come through the Parliament and be considered by the Parliament as a whole, and not simply by a very important committee.

As I said, that is a matter of principle. We do not consider the fact that this is currently the law to be an impediment to the amendments of the Magistrates' Court Act. As I said, we necessarily support those five matters. However, the principal part of this bill deals with judicial appointments. It was second read by the Minister for Agriculture, whom I note is currently in the chamber, on behalf of the Attorney-General. From the moment it was second read it was very clear that the opposition would oppose this legislation because of the acting judges it would create in the current system.

As the Minister for Agriculture pointed out, there is currently a regime for the appointment of acting or reserve judges. I will deal with the issue of reserve judges. A retired judge can be appointed to their previous court. That system has been used for a number

of years, and these acting judges have been a welcome addition to the ranks of the court in overcoming the temporary delays and difficulties that the minister alluded to in the second-reading speech and in other public comments. Retired judges are well known and appropriate additions to the ranks of the judiciary in both the Supreme Court and the County Court.

Both arms of the legal profession — solicitors and barristers — have indicated that they would warmly welcome any increased resourcing or improvement in that system as an effective way of dealing with some of the problems that the government perceives. I will be dealing with those problems later, but I do not necessarily concede that they are a huge issue that requires the appointment of acting judges. If they are a huge issue, they may warrant the appointment of full-time, permanent judges.

As I said, there is a provision for the appointment of acting judges in both courts in two limited circumstances. Firstly, when there is a temporary absence of a judge for illness or other reasons a person can be appointed as an acting judge for up to six months — I will not go through the specifics of it, but it is for a very limited time — to deal with that temporary absence from the bench. Secondly, in the event that there is a short-term, temporary issue in relation to the business of the court, upon request — and it has to be done in writing by certification, in the County Court by the Chief Judge and in the Supreme Court by the Chief Justice — the Attorney-General has the responsibility of appointing an acting judge in both cases. But it is done at the request of the court. Most importantly, it is done for a very limited time and a limited number. In the Supreme Court there can be only two acting judges at any one time and in the County Court there can be only four judges at any one time.

Most importantly this bill creates an open slather. Yes, this state has been well served by acting judges in the past. It is a matter of note that some well-known and famous judges, luminaries, have been appointed as an acting judges of the Supreme Court and the County Court.

Probably Australia's greatest ever judicial officer, Owen Dixon, first took office as an acting judge of the Supreme Court of Victoria before being elevated to the High Court and then ultimately becoming chief justice of that court. But so far as I am aware there has been no exercise of the power that may have existed — it has now been removed — and no acting judges have been appointed in this jurisdiction since 1968. That was the last time that power was exercised. There have been reserve judges, and they are constantly renewed. As I said, that is something that has been used to overcome any short-term difficulties that may exist, but 1968 was the last time that that power was exercised in this state.

Right round this country, where the power to appoint acting judges has been in place it has been roundly criticised by the profession and users of the court generally and indeed there seems to have been a diminution in the exercise of that power. In New South Wales, where there has been widespread use of acting judges in recent years, there has not been the appointment of an acting judge to the Supreme Court, in my understanding, for three and a half years — and it was the subject of a blistering press release from the then head of the Law Council of Australia, Bob Gotterson, in late 1999 expressing profound concern about the way the government was exercising that power.

Why are we concerned about the idea of acting judges? On many occasions I have congratulated the Attorney-General on his dedication, in his public announcements, to an independent judiciary based upon two fundamental tenets; security of tenure and security of income. Security of income was debated in this place about 12 months ago when, despite his public rhetoric, the Attorney-General ripped the heart out of the way the salaries of judges in this state were determined though a judicial remuneration tribunal. He ripped the heart out of that and ultimately replaced it with a mechanism to bring state judges into line with their Federal Court counterparts, which of course has the support of the opposition.

But it was done in a most turgid and irresponsible way. It ultimately comes down to the fiat of the cabinet, the Attorney-General and the Premier of this state. It is what they want to pay judges. Okay, the government has decided to pay them over a series of instalments in a way that is commensurate with their Federal Court counterparts, but clearly it was done that way rather than having the determination independent of government. Their security of income depends upon the pleasure of the government of the day.

This bill goes to the very issue of security of tenure of judges. The independent judiciary has served this state and other commonwealth countries extremely well: it is a fundamental tenet of our democracy. It is the third arm of government. At the end of the day it can stand between citizen and citizen and ultimately between citizen and state, and it can try those cases in accordance with the law prescribed by the Parliament as implemented, if you like, by the executive wing of government. But ultimately a citizen can be tried on their freedom by a court in an impartial and unbiased

way, and if that unbiased and impartial consideration is ever challenged in a public forum, we will have a serious problem, because at the end of the day the courts are the last bastions of individual rights and freedoms. It is terribly important to preserve that. It is not the actual demonstration of lack of impartiality or bias on the part of courts and judges, it is the perception that is being created at a time when anybody who is serious about this knows perfectly well that judges seem to be constantly attacked, whether it is about sentencing or about the interpretation of the law. They are pilloried up hill and down dale in the press.

I would have thought that it is very important for both the Parliament and the government to constantly reassure the community that our courts are doing the right thing and are not buying into those sorts of arguments. However, that is the importance of an independent judiciary. That seems to be accepted by way of words by this government. Indeed the Minister for Agriculture, in reading the second-reading speech on behalf of the Attorney-General, reiterated the commitment to an independent judiciary as an important cornerstone of our democracy in the state, and certainly on the two tenets of security of income and security of tenure.

As I said, this is something the government has announced, and I do not think I can name a single lawyer in this state who would be in favour of this system. The Victorian Bar Council has come out roundly against the idea of acting judges. The current chairman and the previous chairman of that council have for six months, ever since this idea was mooted, roundly criticised the government's suggestion that we need to introduce the notion of acting judges as the government aims to do with this legislation.

The Law Institute of Victoria has said exactly the same; it has roundly criticised the government's mechanism for introducing acting judges in this state. Yes, they already exist under the current system which is working effectively but has not needed to be invoked in this state since 1968. Reserve judges have been able to cope with any unforeseen or temporary absence or workload problems, if the system is exercised at all. It is a final reserve power but it has not been invoked in this state since 1968. Most importantly, the Law Institute of Victoria and the Victorian Bar Council know about this.

From talking to individual lawyers over the last six months — and building to a crescendo in the last 48 hours — I did not know that I was so popular with the legal profession. I am sure the Leader of The Nationals has received similar phone calls and a great number of emails with respect to this matter — and it has not stopped there.

I have spoken to members of the Women Barrister's Association. It would be fair to say that that association has acknowledged that the current Attorney-General has made a number of appointments to the courts that have universal acceptance from the Chief Justice down. Indeed, he has also implemented a mechanism of flexibility for magistrates, and certainly in discussions with other courts those sorts of matters could come about. They are very expansive in their praise of the current Attorney-General in relation to those matters.

It would be churlish of me not to acknowledge what the Women Barrister's Association and also representatives of the Women Lawyers Association say, but I would imagine that those associations would share the same views. Certainly the views of the Women Barrister's Association is that when it comes down to something as fundamentally important as an independent judiciary, it is absolutely critical that the government understands that this is not an issue about gender, it is not about career progression or flexibility, it is too important an issue, it is a cornerstone and should not be fiddled with by the government.

There have been two more persons who have curiously come out in recent months in relation to the notion of acting judges as set out in the legislation. I have seen two letters from His Honour Justice Ron Sackville of the Federal Court of Australia, who is the chair of the Judicial Conference of Australia, which is essentially, if you like, the judges professional association for want of a better description, representing every judge — County Court, Supreme Court, District Court or High Court in this country. He certainly is the voice of somebody so eminent as Ron Sackville.

He set out, in the two letters I have read, a cogent argument in relation to why the government should not proceed with the notion of acting judges as set out in the legislation and has advocated very strongly that the status quo is capable of enabling the system to operate effectively and with some degree of independence, and believes the current system should not be changed, and that the current regime should not proceed.

Finally, the most curious letter was from the Chief Justice of the Supreme Court of Victoria. It was a letter by Her Honour to the Attorney-General, which was made public recently. I have taken the liberty of obtaining a copy of that letter. Although I have not spoken to Her Honour directly, I have spoken to Her Honour's chambers about this letter, indicating that I

would like to have the liberty of reading a substantial section of it to this house and to put it on the record.

The letter's date is a bit unclear. But it is certainly addressed to the Attorney-General, and I am told that he has a copy. The date on the letter that I have seen is 22 February, but it may well be that it was sent to the Attorney-General as early as August of last year. However, it sets out cogently the arguments against the appointment of acting judges in this state under the regime adumbrated by the government in this legislation. I will commence at paragraph 2:

> The appointment of acting judges offends against the principle of judicial independence. Appointment to temporary judicial office of lawyers who have not held or do not hold a permanent commission is incompatible with the proper administration of justice.
>
> It is therefore both my view and the unanimous view of the Council of Supreme Court Judges that appointments of that kind should never be made. No new provision should be made for acting appointments to the Supreme Court which offends this principle.
>
> You have many times referred to this principle of judicial independence. One of its hallmarks, at least for 300 years, has been security of tenure. The requirement that judges may serve the community until retiring age as long as they remain of good behaviour is a stringent test requiring both houses of Parliament to resolve. The object is to avoid the risk that a member of the third arm of government, the judiciary, may be removed or not permanently appointed at the whim of the administration of the day, by an act of the second arm of government, the executive. It is not a question of suggesting that particular holders of the office of Attorney-General or particular governments will misuse the power, but it is the perception that some minister or government might do so which is so pernicious. It is that perception which would inhibit temporary judges from acting 'without fear or favour' when the government, whether in the form of prosecutor or departmental head or member of Parliament is before that judge. Citizens are entitled to know that the judge deciding their rights is not dependent on anybody for advancement and that his or her livelihood is not at risk and that their cases are being heard by an independent and impartial court.

Further down on page 2 the letter says:

> Nor are we impressed by examples given in the discussion paper and elsewhere of the systematic use of acting judges:
>
> (1) In New South Wales almost invariably retired judges or persons in like position have been appointed as acting judges of the Supreme Court. That system is, however, frequently criticised.
>
> (2) The recorder system in England is entirely different, but in any event it is far from being universally admired.

Her Honour sets out examples in the document of how it is just totally different from what has been suggested in the current legislation. At the bottom of page 2 the letter continues:

> (3) We must add that the High Court of Australia, in a case from the Northern Territory only two months ago, sounded a general warning that the necessary 'appearance [of] impartiality' might be compromised by 'a series of acting rather than full-time appointments which is so extensive as to distort the character of the court' …

What she is alluding to is that there is a real constitutional issue that relates to the ability of the executive to willy-nilly appoint acting judges outside the current framework that is set out in either the Supreme Court Act or the County Court Act. That is a matter for the Attorney-General, but it is certainly a cautionary note that there is maybe a constitutional impediment in the way it may operate.

Finally, in the second paragraph on page 3 of that letter she said:

> I trust we may be confident, having regard to your regular support of the principle of judicial independence, that no decision will be made to provide for the appointment of acting judges to the Supreme Court from lawyers who have not held or do not already hold judicial office. A more detailed response to the seven questions at the end of the discussion paper appears as an appendix to this letter.

Most importantly, in that letter she identifies the principal concerns that have been adumbrated by others. There is the issue of a gradual change in the way that states and territories in this country have been using acting judges. As I said, in Victoria there has not been an acting judge taken from outside the ranks of retired judges since 1968. In relation to other states, it has not been adhered to in recent years. The most obvious example is New South Wales, which was the subject of a blistering attack by the Law Council of Australia on the number of the acting judges that were being held there. It alluded to the distortion of the character of a court by an executive that may cause constitutional concerns down the line.

Most importantly, it is an issue about the perceived impartiality of our courts. At the end of the day it is the citizens of this state that may very well suffer if there is a perception — you do not have to demonstrate 'actual' — that someone is dependent on the government for their continuing appointment as a judicial officer in this state. It is even as simple as saying, when you get down to the issue, that during the course of their acting judgeships under this current legislation they are dependent upon the Attorney-General to give them permission to continue to practise law in this state. Now an acting judge may only be brought in on a temporary basis. In discussions with representatives of the government it appears that the government wants to create a pool of acting judges that it can call on from time to time to sit and preside

over specialist cases, to overcome temporary delays in courts or for a special case. Again it will be up to the Attorney-General as to whether he gives his fiat to allow that person to continue in private practice.

What happens if the Attorney-General says no? Most importantly in those particular circumstances, the continuation of that regime is very much dependent on the decision of the executive. What about those sorts of people who may appear in private practice in the very same court in which they may be appearing as an acting judge? Is there going to be a perception in the public's mind that that particular person as a barrister or solicitor might be given favourable treatment because they happen to be a member of that court as an acting judge — or worse, that I was sent to prison or lost my case against the state because that person was dependent upon the government doing the right thing by them, meaning that I got a higher penalty or lost because of this problem of partiality being brought into the system by way of acting judges?

It is very clear that all the issues that have been set up by this government as a justification for acting judges are not necessarily addressed by this notion. If there are temporary concerns or temporary delays, there is a mechanism already in place for the use of retired judges or, in special circumstances, the appointment of an acting judge. It has not been invoked since 1968, but it still exists as a stop-gap measure. In relation to issues of flexibility involving either the presiding officers or the sitting of judicial officers — or whatever else is important there — we must ensure we preserve judicial independence and not interfere with it.

In relation to the system that has been adopted and used as a justification, whether it be the recorder system or another jurisdiction, it is completely inappropriate to say that just because somebody else may have a system that works for them we should willy-nilly adopt it. What we are doing in passing this legislation is turning the clock way, way back to 1968. We are defying the progress in the law that has gone on right round this country. We are perhaps defying what the High Court said recently in Bradley's case, that there could be a clear perception of distorting the characteristics of that court and be a constitutional impediment.

At the end of the day we are talking about an individual's right to be tried in accordance with the law in an unbiased and impartial way. That is what is in jeopardy in this bill. It is too critical and important to this state to muck up with this bill. The current regime works effectively and well. If there is a problem, the regime should be better resourced. It should not be changed. Accordingly, we will have to oppose the bill.

Mr RYAN (Leader of The Nationals) — The Nationals are opposed to this legislation. Four of the five elements of the bill are perfectly acceptable, but the fifth and major element of it is not. It is that fifth and major element which makes this bill fatally flawed. As to those first four — and I turn particularly to the purposes provisions of the bill contained in clause 1 — they relate after the first one, and I will return to that, to issues that enable service as a master to be counted in relation to pension entitlements for Supreme Court and County Court judges.

They also enable the Magistrates Court to refer civil proceedings to mediation without the consent of the parties, they enable the strengthening of powers under the Court Security Act 1980 in relation to the search for and seizure of certain items and the removal of persons from court premises in certain circumstances and they allow changes to certain references to $100 in the Magistrates' Court Act 1989 to penalty units within the meaning of the Sentencing Act 1991. Those four relatively important but in the scheme of things innocuous amendments are not opposed by The Nationals. Indeed, we support them.

It is the first element of this bill which is the basic aspect of it that we are trenchantly opposed to. We believe the whole proposition advanced within the main purpose of this bill should be abandoned, the bill should be withdrawn and this offensive provision should be deleted from it. Then we could debate the bill with the remaining four elements to which I have already referred. I suspect that if we were to do that there would be common agreement around the chamber that the legislation could pass unopposed.

The first, foremost and most offensive provision of the legislation is contained in clause 1(a). It recites that the act is:

> … to provide for acting judicial appointments to the Supreme Court, the County Court and the Magistrates' Court …

As I say, The Nationals are absolutely opposed to that proposition. We are essentially opposed to it because it directly impacts upon the Westminster system of government. This is an issue which, of course, the Attorney-General, who brings the bill to the house, has often spoken about and has flaunted so many times in this place as being a basic cornerstone of the activities of this government. What this bill does is attack one of those cornerstones. As members are aware, the Westminster system comprises executive government, the Parliament and the judiciary. What the bill does is strike at the third element of that structure. One of the difficulties in being able to talk about it is that it proceeds in a conversation which has about it almost

pompous terms, I suppose. It is hard to talk about this in a way that enables it to be reflected to every man or every person in the street. In fact it is such a critical issue that it is deserving of comment as the first and foremost aspect of the contribution to the debate I make today.

It is the fragility of the democratic process that is the very basis of this conversation. It is just so easy to mess this up. It is of profound significance in our community when these long-held tenets which go to make up the Westminster system, and which are observed and honoured wherever that system applies, are tinkered with and you have a position which is advanced by this legislation which threatens one of the cornerstones of that structure. It strikes at our democratic process, and for the life of me I cannot understand why the Attorney-General, of all people, is advancing this legislation.

This comes on top of mistakes made by this government in this general area. There have been amendments and numerous changes made to the position of the Ombudsman in Victoria. I said at the time, and I take this opportunity to say again, those changes represent clear instances where one of the absolute cornerstones of the way our communities function has been put at threat. The way in which the role of the Ombudsman has been sought to be amended by the government is reprehensible and places the independence of that position very much in question in terms of some aspects of the way in which the Ombudsman is now required to undertake his role. As I have often said, I make those comments with the greatest respect to the current incumbent. This is not intended to reflect on George Brouwer at all. We are talking about a discussion in the clinical sense, if you like, but nevertheless one very pertinent to these basic structures which make our communities function.

The issue is to do with police corruption, and I suppose it is more to do with what the government has not done that is more pertinent in that sense. Opportunities have been either ignored or missed for the government to seize the day and take steps appropriate to ensure that our basic principles and freedoms are properly accommodated. The police corruption issue is ongoing, and the government is asleep at the wheel. There are issues to do with amendments regarding the right to silence. Who would have thought that this government would bring in some of the amendments we have seen to different pieces of legislation over the term of this Parliament? It is extraordinary to think what commentary we would have had from the government, then in opposition, had those sorts of propositions been advanced. We would have had this same Attorney-General screaming from the heights had it been that these propositions were advanced by a conservative government; nevertheless, Labor has done what it has done.

In terms of this bill and this particularly offensive clause, the key issue is this: you do not solve a chronic problem of a shortage of judicial resources by introducing ad hoc, stopgap measures which are represented by this legislation. You do not do it that way — and certainly you do not do it when in the course of doing it you are threatening one of the fundamental principles upon which we as a community function. This bill would see the introduction of acting judicial appointments. It is a major departure from established practice. As was observed by the member for Kew, provisions exist that enable this to happen on a very narrow basis, but they have not been given effect to for the best part of 35 or 40 years, and it has become custom that they are not going to be given effect to. Now we have this major departure from what has been a time-honoured practice. This is open slather, and there are problems associated with it.

At the present time the appointments are bound around the constitutional requirements that are set out under our Constitution Act. They guarantee tenure to current appointments and the current provisions guarantee payment. The legislation will make a major impact upon those provisions. We will have a situation where advocates one day become judges and the next day become advocates again. For all sorts of reasons that presents problems that I do not think the state of Victoria should even contemplate. Those problems are numerous.

Judicial independence is an aspect of one of those cornerstones of which I have already spoken. People expect that when they go to court their case is going to be heard and dealt with by someone who is completely and utterly removed from all the other stakeholders. It is something that you cannot infringe upon. It goes to the core of our judicial system. Similarly the concept of conflicts of interest being introduced into the judiciary and the role it discharges is something we should not contemplate, and that is what this bill does.

That is particularly so because the state, represented by the government of the day, is the major litigant in our court system. No-one else is in the courts as often as the state — whichever government is representing it at any point in time. You cannot have a situation where citizens of Victoria are in court, engaged in proceedings against the state of Victoria, having in the back of their minds even the remote prospect that the person determining the outcome of the hearing is in some way,

shape or form carrying the bag for the government of the day. That is what this legislation opens up.

I have already referred to the issue of security of tenure and its importance in our current structure. The New South Wales experience demonstrates the fact that this is the wrong way to go. Yes, in the 1990s in particular, New South Wales went down this path, but it has withdrawn from it now and we have not had appointments of the sort that are contemplated by this legislation for years. All that is so because it is imperative that the people who come to court know that the person hearing and determining their case is not subject to the external pressures that the provisions to which The Nationals object will allow.

This is not an issue about something like that actually happening. The real issue is the perception of it happening. The great thing about our system at the moment is that, whatever people might say about the outcome of their case, you do not hear them say that the judge was crook or influenced in some way by external factors. They might be cross at the judge because they reckon he or she misinterpreted something, did not understand a factual argument, did not apply the law properly, or any one of a number of other things; but you do not hear people say, 'I got a crook decision because the judge was somehow influenced by some external factor'. This legislation opens up the prospect of that being the case. It will inevitably apply in circumstances where there is government policy which is contentious and which gives rise at the end of the day to litigation. You also might have someone who has been appointed for a period of time exposed to the comment that there may be some sort of a conflict of interest involved.

There are issues relating to the maintenance of precedent in the way our court system operates. We have a strong history of precedent underpinning the way in which our common law functions. We are now faced with the prospect that the people who fill the role contemplated by this bill are going to be deciding matters which are going to be reliant upon precedent and in turn are going to be relied upon for the purposes of determining precedent. Again, this is an unnecessary exposure of risk for that process.

There is also the question of the courts of appeal and their consideration of decisions that are made by those who are exercising this role. That is also an issue of concern. Then there is the question of how the civil and criminal lists are going to be controlled from an administrative perspective when acting personnel are involved. We have also not heard anything from the government about how the physical accommodation of these acting judicial figures is to be handled.

Another issue is the question of judicial capacity, and I say that with the greatest respect for those who are prospectively to be appointed under this legislation. I have said many times that being a judge is a tough job. Those with whom I practised for many years have often said to me that it is only when you are in a judicial role that you come to understand how hard it is. The very act of sending someone to prison, taking away their freedom and incarcerating them, is an enormous decision for a person to make. It is true, as the member for Kew observed, that judges these days seem to be fair game over sentencing issues. This just goes to highlight how much more important it is in this day and age that we have people exercising this role who are competent, capable and generally able to do it. Part of the process of doing that is ensuring that the existing system enables those people to be brought on through the system — to be husbanded into the role, if you like.

The current propositions advanced by the Attorney-General abandon those sorts of notions. That sort of situation is not going to apply. These short time frames which are contemplated by the legislation and for which provision is made under the terms of the bill do not lend themselves to the exercise of judicial capacity in a way which best suits the persons who are brought before our courts. There is the question of the bases of the appointments, the difficulty of a practitioner moving between the two roles: one day an advocate, the next day exercising a judicial function, the day after an advocate. I do not mean that literally. I am putting it on the basis that to have people moving in and out of these roles is simply not the way in which we want the judicial system to operate.

Parallels have been drawn with the recorder system in England, and that is simply inappropriate. The recorder system in England is different from the system which is contemplated by this legislation. The situation we have at the moment relates to reserve judges, and that has served us well as a state for a long time. It is in that area that I believe lies the answer to the problem the Attorney-General is apparently seeking to solve through this flawed legislation.

It would be much better, it seems to me, if through the Attorney-General the government developed a fulsome database of our retired judges and our retired magistrates. Get them all into the one location in the sense of accessing those who are available and who have been in that former role. It would be better to be more proactive in engaging those who have that training, experience and qualification. We would do

much better than we do now if we had them able to fulfil the role as reserve judges. I think that is a much better way we could go about this.

There have been comments from many sources about the proposals set out in the bill, and they have come from those who might be regarded as having vested interests. One of the ironies about vested interests is that invariably they are the most informed interests, because they are those who are closest to the issue under discussion. One would have to say that the commentary coming from the law and lawyers, those who practise it and those who are engaged in the judicial role, has been unanimous. Like the member for Kew, I have had telephone calls from many people who fulfil different roles across the whole gamut of this, all of them saying to me that this should not proceed. What a sad day it is when the chief justice of the state of Victoria should find herself in the terrible position of having to make public comment about a proposal of the sort this bill contemplates.

The member for Kew has read part of the letter which Her Honour released. That commentary is reflected in the article published in yesterday's *Age* under the heading 'Judges plan pernicious, says Chief Justice'. The subheading is, 'Marilyn Warren has condemned the Bracks government's temporary judges proposal'. The opening paragraph says:

> Chief Justice Marilyn Warren has warned the Bracks government that its plan to appoint acting judges 'offends against the principle of judicial independence'.

We have the *Submission on Acting Judges and Magistrates*, dated 7 September 2004, from the Law Institute of Victoria, and in the course of its executive summary it says:

> In summary, the LIV submits that:
>
> (a) the government avoid implementing a system of short-term appointments of acting judges as a remedy to current delays and case load problems in Victorian courts …

It goes on to make various points around that issue. In conclusion it says:

> The LIV does not support the implementation of a system of acting judges.

The Victorian bar, in what I think is an absolutely excellent submission, has made a series of points over the course of the 27 pages which that submission comprises. I might say it dealt with a very interesting point about this question of comparison with the recorder system in England. It makes the point that under the recorder system the priority which a recorder is required to apply is to do with the actual duty to a client, whereas this bill is silent on that issue. Under our system this bill enables the Attorney-General to require people who are acting judges to actually serve for a nominated period of time. That is what the bill actually says in proposed section 80D, which is contained in part 2 in clause 4 of the bill.

It says in proposed section 80D(5) that the Attorney-General cannot revoke that requirement once it is issued. How is the person who is subject to that supposed to determine his or her obligations, particularly having regard to the content of the Legal Practice Act and the way the recorder system operates in England? That is an issue the government has to contend with.

We have had commentary from the Judicial Conference of Australia. The member for Kew has read out the material from Justice Ronald Sackville, an eminent member of our judiciary in this nation. The end result is that this is a mistake. The government should withdraw this bill; it is fatally flawed. It launches what I think is a terrible attack on the Westminster system and one of its great cornerstones — that is, the judiciary of the state of Victoria. This bill should not be being debated in this place.

Mr MILDENHALL (Footscray) — It is a pleasure to join the debate on the Courts Legislation (Judicial Appointments and Other Amendments) Bill, and I note the support for what might be called the more miscellaneous components of the legislation by the opposition and The Nationals and their strident opposition to the proposals regarding acting judges.

The fundamental problem with the propositions that have been put to us today by the Liberal Party and Nationals speakers is that they have failed to demonstrate why the propositions outlined in this bill are more open to abuse or less respectful of the principles of judicial independence than the current system. That is the key issue. As the Leader of The Nationals said, this is an argument about perception. I note that, particularly in relation to the detailed provisions concerning the appointment of acting judges, members opposite have not been able to identify where there is either a lessening of the principle of judicial independence or an inferior model to that which currently exists.

After a cursory examination of the current provisions for reserve and acting judges in this state I would have thought that a fair description would be that they are a dog's breakfast. We have provisions for acting judges in the Supreme Court whose term of appointment is

limited to six months at a time, and there can only be two such people appointed at any particular time. The proposition we are debating here allows for five-year appointments. Five-year appointments take this outside the electoral cycle. I would have thought that if an Attorney-General or a government or anyone wanted to get at a judge politically, it would be far easier to exploit a six-month appointment provision than a five-year appointment provision which is clearly outside the electoral cycle.

In the County Court we have acting judge provisions to cover for illness or to dispose of business. The disposal of business provisions allow a maximum 12-month appointment, and only four acting judges can be appointed at any one time. In the Magistrates Court there is a specified duration of appointment but there are no limits to the numbers. The existing provisions are much more open to administrative fiat or some sort of manipulation. The provisions in this bill relate to five-year appointments, and a series of other protections are included in the proposed guidelines.

Going back to the details in the bill, as distinct from the guidelines, the commission to undertake judicial duties cannot be revoked. So within that five-year period the terms and conditions are set, and therefore there is not the ability, as there is currently, for very short-term appointments and conditions of appointment. The proposed guidelines demonstrate that the government is intent on preserving the traditions of judicial independence, which the opposition is concerned about. The guidelines indicate that the following principles have been considered of paramount importance: the appointment of acting judicial officers should not compromise judicial independence; acting judicial officers should not be used to reduce the number of required permanent judicial officers; and the appointment criteria for acting judicial officers should be transparent.

Some of the other conditions are also laid out. The circumstances for the use of acting judicial officers include extended ill health, the assignment of a permanent judicial officer to a lengthy hearing thereby requiring a replacement, a temporary increase in court business due to case transfer, and a temporary increase in court business due to a change in legislation or court practice — that is, we might have circumstances such as the government's very successful program of reducing corruption in the police force and eliminating gangland crime, and other circumstances such as an acceptable backlog of cases, a gap in judicial resources due to the use of flexible work practices, and other reasons considered appropriate by the relevant head of jurisdiction and the Attorney-General.

Key points to note are that the provisions are activated upon request by the heads of jurisdiction, appointments are made and their conditions are set in liaison with the heads of jurisdiction, and the use of acting judges is activated upon a request from a head of jurisdiction. So the role of the heads of jurisdiction is a key to the operation of these new provisions.

As outlined in the second-reading speech, a pool of acting judges will be created, many of whom will effectively be the same reserve judges as those who have been so revered by opposition speakers in this debate — they will be those who have served as judges for 20 years and current judges when they retire at the age of 65 or 70 as the case may be. They are the type of people who will be appointed to these positions. This is a far more simple, systematic and protected way of setting up a pool of acting judges than currently exists.

It is a bit rich to get a lecture on the concept of judicial independence from the other side of the house given that during the Kennett years we saw the sacking of the Accident Compensation Commission judges and the ferocious intimidation of quasi-judicial figures like the Director of Public Prosecutions, the Children's Court Senior Magistrate, Greg Levine, and a number of other independent office-holders.

If the judiciary had any fears at all for the use of these provisions, which are far more robust than the existing ones, it ought to be at the prospect of the new member for Kew becoming the Attorney-General, more so even than the former member for Kew with her disgraceful reputation in relation to respect for the principle of judicial independence. Change in this area is very sensitive, as we have seen by the range of commentators on this issue. They can be assured that the government is intent on protecting judicial independence and setting up a system that is both flexible and useful — —

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

Mr THOMPSON (Sandringham) — The Liberal Party strongly opposes the Courts Legislation (Judicial Appointments and Other Amendments) Bill as it relates to the appointment of acting judges. No sensible person in the state of Victoria at this stage approves of the appointment of acting judges. Along with the issue in relation to judicial remuneration last year, the lack of resourcing of the courts and the lack of resourcing of forensic science in the state of Victoria, the system of acting judicial officers is opposed universally by the legal profession and judges. The government has failed across a number of frontiers.

In relation to the issue of acting judges the opposition has consulted with the Law Institute of Victoria, the Victorian Bar Council, the Criminal Bar Association of Victoria, Liberty Victoria, the Australian Institute of Judicial Administration and judges. Not one of those bodies supports the introduction of the provisions which pertain to acting judicial appointments. The reason for this is that there is a long history in relation to the separation of powers and the importance of people being able to act independently without fear or favour and without their appointments being at risk in any way whatsoever.

The legislation may have sprung out of the Attorney-General's interest in the regimes of Robert Mugabe or Idi Amin where provisions of this nature might be more prevalent. In terms of Victorian constitutional history and the separation of powers, however, the opposition, along with the bodies I have already enumerated, is strongly opposed to this bill before the house. It is not able to be justified in terms of adding speed to the judicial decision-making process — the making of decisions within courts — and there are better ways of achieving good outcomes through the use of reserve judges to handle the waiting times that come with extended hearing lists than the appointment of acting judges. The opposition strongly opposes this appalling provision of the bill. It is an absolute disgrace.

Ms BEATTIE (Yuroke) — This bill is about a court system that meets the needs of the 21st century. It is about looking at the courts and their practices to improve consistency in the use and appointment of acting judges. As all honourable members know, there is a backlog of cases. We have recently seen very troubled times on the streets of Victoria, with a number of shootings that the media has taken to calling the 'gangland killings'. We now have big court cases coming up that will take a very long time to complete, and we must be prepared for that.

Importantly this is about broadening the pool of judicial candidates so that acting judges may be appointed from the ranks of barristers, solicitors and legal academics. As I said in regard to those shootings, this bill will greatly assist in these times of high demand and increased workloads which can occur perhaps as a consequence of other legislative change, rulings made by higher courts or significant police operations on our streets.

While it is possible to appoint acting judges in our courts at the present time, these provisions are not used due to their limitations. For example, in the Supreme Court only two additional judges can be appointed. They must be County Court judges and the duration of their appointment must not exceed six months. So provisions are unnecessarily restrictive, as the member for Footscray pointed out in his contribution to the debate, and that has meant we have had to rely on appointing reserve judges rather than acting judges, which has limited the pool of candidates for the office to the ranks of retired judges. A pool of acting judges and acting magistrates will enhance the flexibility and accessibility of our courts, and it will include those who are currently reserve judges.

Judicial independence will be preserved. This government is very strong on the independence of the judiciary. Time and again we on this side of the house have stood up for our judges and the judicial system when they have been attacked from the opposite side of the house. We have stood up for them, while the opposition has attacked the judicial system — all levels of the judicial system, I might add. This side of the house has defended them admirably. That independence will be preserved, we will ensure that, and it will be enhanced by the five-year appointment terms, which will be outside the electoral cycle. Again we are enshrining that independence.

The bill consolidates the offices of acting judge and reserve judge and revamps the office of acting magistrate to create a uniform suite of legislation for acting judicial officers across the Supreme, County and Magistrates courts.

I want to go to a couple of other points in the limited time I have got. Some of the questions that may be asked can quite easily be answered. With the office of acting judge we seem to think we are doing something fairly new. The opposition has said, 'Well it is not something fairly new; it has been around for many years and it is still on the statute book'. The office of reserve judge was created in the 1980s and is restricted to retired judges. As I said, this bill unifies and modernises the two offices — and it is important that the judiciary is modernised. The bill creates the opportunity for a wider range of people to be appointed to the office, and that can extend to interstate judges, barristers, solicitors and even academics, and it will as well provide opportunities for more female appointments. I am sure everybody in this house would support that.

The revamped office will not affect the security of tenure of existing judges and magistrates. It will also not affect resourcing levels to the courts. Acting judges will not be used — I repeat: will not be used — to replace judges, and any suggestions along those lines would not even be practical. It will not affect the principles of judicial independence. The bill includes a

number of protections to ensure that acting judges cannot be got at by the government or the Attorney-General. Recently the High Court reiterated that the concept of an acting judicial office does not undermine judicial independence and recognised that there is no single ideal model of judicial independence.

There has seemed to be an insinuation from the other side of the house that this bill will dumb down the judiciary in some way. The appointment criteria for acting judges and acting magistrates are exactly the same as for judges and magistrates. The government will be appointing the best available candidates — as this government has always done — for the office as well as retaining the existing pool of retired judges and magistrates. The UK court system requires acting judges to undertake a certain amount of training every year. The Attorney-General will ask the Judicial College to assist in providing acting judges and magistrates with appropriate training. So, although they are only acting, we are making sure that all the relevant skills are indeed not just there but are up to date.

Another question that has been asked from the other side of the house was, 'Will acting judges and magistrates be appointed to specific jurisdictions?'. There will not be a pool of floating appointments. Appointees will be assigned to specific jurisdictions. The new system is flexible enough to enable concurrent appointments to occur — that is, appointees could be appointed to both the County and Supreme courts at the same time, but there are no plans for that at this stage.

I want to talk about one of the other things in the bill — that is, court security. Recently we have seen in the courts some extensive checks done which have revealed all sorts of weapons being carried into courts — knives and knuckledusters and things like that. We will enhance the level of security in our courts, which is fundamental to upholding the community's access to justice and maintaining the integrity of the court system.

Of course people should be allowed to go into the courts and watch court cases which they have an interest in, but they may also expect the court to be a secure place. Indeed, I touched on those recent events on the streets of Melbourne where there have been some very serious offences alleged. We know that perhaps witnesses may feel intimidated or somebody going into a court may feel intimidated, and it is very important that that does not take place.

I support this bill. It is a good bill; it is good policy. I am very disappointed that the opposition is not supporting this bill, and I am very disappointed that The Nationals are not supporting this bill, because it is another example of the constant attacks and constant intimidation of the courts by the opposition. As I have said before, we will defend our judiciary, we will defend the court system, and we will not let them be subject to the threats, harassment and intimidation that we see constantly from the other side of the house. I ask the opposition to have a lunch break and instead of doing the numbers, it should wake up to itself and support this bill.

Mr PERTON (Doncaster) — The honourable member for Yuroke has just thrown out a challenge to the opposition. The Treasurer put it well yesterday when he referred to Fidel Castro — I think this piece of legislation has shades of the ideological forebears of those opposite. This is a reduction in the separation of powers, Acting Speaker. We already have the effective elimination of the separation of the executive and the Parliament. We saw that yesterday when a piece of legislation that had not even been shown to parliamentarians until Monday was rammed through the Parliament on Wednesday.

No matter what cause it is — in that case it was legislation to impose restrictions on dangerous prisoners being released from jail — one would have thought that in a system in which there is a true separation of the executive and the Parliament we would not have such flagrant abuse of the legislative process. Today the government does everything that those opposite complained about when they were in opposition and, through various documents, promised not to do if they won government.

This piece of legislation, which I oppose and the opposition opposes, is designed to reduce the independence of the judiciary and to remove yet another element of the separation of powers. My friend the member for South-West Coast rightly says there is no-one out there in the community who is advocating for this legislative change. What this legislative change is about is to allow the Attorney-General and his ministerial mates to select those who are ideologically pure, to select those who are backers of the Labor Party and to provide them with temporary appointment to the judiciary.

The bill has provisions relating to court security. It makes amendments to the Crimes (Family Violence) Act. It makes amendments to the judicial pensions for masters. These are all very well and good, but the central issue of this legislation involves the appointment of acting judges, and no sensible person is in favour of acting judges. The Attorney-General, when he was in opposition, was a great supporter of the

policies of the Australian Bar Association. I read from the Australian Bar Association's commentary on the appointment of temporary judges. It says:

> From time to time government appoints acting judges. This is usually for the purpose of disposing of a temporary backlog of cases waiting to be heard. Often the temporary merges into the permanent. The special danger is the creation of a permanent system of temporary judges. Those who hold acting appointments but who seek or are thought to seek permanency cannot be seen to be independent of government. It would be difficult, under such circumstances, to be independent in fact. Moreover, no politician who had recently been on the wrong end of the judgment of an acting judge could be seen to be impartial if the question of that judge's permanent appointment were before that politician.

When I think of the honourable member for Niddrie, the Attorney-General, I think he is the sort of minister the Australian Bar Association was thinking of when it wrote that statement.

Does the Law Institute of Victoria support this piece of legislation? It does not. The president, Chris Dale, commented that New South Wales withdrew from its experiment with part-time judges several years ago. Recently he was quoted in newspapers as saying that the government, through the traffic accident and workers compensation authorities, is a major party in County Court civil cases and judges without lifetime tenure could end up ruling on its cases. He said:

> We think it is important not to have that pressure applied to a sitting judge. We don't want to see this as a solution to chronic delays and shortages in the courts.

Indeed the law institute submission to the government on this rightly states:

> Security of tenure helps protect judges and magistrates from external pressures and allows them to perform their judicial functions independent of government interference. Reduced tenure could undermine community confidence in the judiciary's ability to be impartial and dispassionate in its decision making. The Honourable Justice Michael Kirby —

so fondly quoted by members from the other side on other occasions —

> criticised the prolific use of acting judges in NSW arguing that security of tenure is a central feature of judicial independence. The commonplace appointment of the 'once rare' acting judge was a threat to tenure. While the occasional appointment of a retired judge could be tolerated without threatening judicial independence, the use of acting judges placed additional pressure on permanent judges to protect the reputation of the judiciary.

It is so well put. In Victoria we have a sensible system where retired judges make themselves available to hear cases where there is a backlog and/or a shortage. They are men and women who have practised at the bar for a substantial period of time. They have sat on the bench. Generally they are of an age where they have wisdom, and I think in those circumstances it is perfectly appropriate.

Ms Kosky interjected.

Mr PERTON — The Minister for Education and Training said to me, 'Well you don't!'. I hope that in her work as the Minister for Education and Training she understands the stages of cognitive development and that wisdom generally comes to people who are older rather than to people who are younger. To have retired judges acting in temporary positions seems to my mind eminently more sensible than appointing Labor Party hacks who will know that their continued appointments as temporary judges will be subject to the whims of the sitting Attorney-General. These are not just opinions held by me. The Victorian Bar Council chairman Ross Ray, QC, said last year that acting judges undermine judicial independence. He said that judges have to be seen to be independent of the government that appointed them and 'not dependent on government approval'. He went on to say that the British recorder system, on which the move is based, made permanent appointments.

This month he has said that the bar's opposition remains 'soundly based and entrenched'. He continued:

> We are surprised the government is pushing ahead with this in the face of all the opposition it has received. There is no need for it and yet this government is relentless in its desire to push ahead with it.

The judicial conference chairman, Ronald Sackville — again someone generally well quoted on the other side of the house — wrote to the Attorney-General last year saying there was a substantial body of opinion among Australian judges that the use of acting judges was inconsistent with the principle of judicial independence except in very limited circumstances.

Where is the case for this being made? In the dark, smoky rooms of Labor lawyers, in the caucus room and in the head of the Attorney-General!

An honourable member interjected.

Mr PERTON — It is not imagination. We know this government's form, and we know it is prone to the appointment of its mates. In the case of a permanent appointment there is much greater scrutiny than there is in the case of temporary appointments. This is legislation that is opposed by every expert body that has looked at it. It is opposed by the Law Institute of Victoria, the bar council and the judicial conference. It

is opposed by the Chief Justice of the Supreme Court. This is bad legislation. It stands absolutely against everything that these people said when they were in opposition, but it is true according to their ideology. They are Stalinists and they are Leninists. The Cuba that they know and admire — —

Ms Kosky interjected.

Mr PERTON — These are the sorts of principles, and I am sure that the minister probably owns a T-shirt of the nature that she talks about. This is a left-wing ideological government that is determined to stamp out our Westminster traditions. This piece of legislation is an attack on the separation of powers, and it is opposed by all right-thinking members of the community.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on this bill following on from the rather extraordinary performance by the member for Doncaster. Contrary to what the member for Doncaster had to say, this bill is essentially about ensuring that our courts are more flexible and efficient. Contrary to the claims of the opposition, acting judges have been around on the statute book for years. We have had a well-established system of using acting judges, who are drawn on to provide additional services within our court system as and when required.

The system was created in the 1980s and was continued under the Kennett government. What this does is refine and draw together the legislation to ensure that there is a wider pool of people who can act in a judicial capacity.

This bill creates the opportunity for a wider range of people such as barristers, solicitors and interstate judges to be appointed to the office. It does not affect the security of tenure of existing judges and magistrates; it will not affect the resourcing levels available to the courts. Acting judges will not be used to replace existing judges. Despite the claims of the opposition, this will not undermine judicial independence.

The bill makes it absolutely clear, as even the member for South-West Coast would know, that the appointments will be for at least five years. They are not short-term appointments. Nor can the commission of a judge be revoked at any time. It is a commission that lasts for the full period of their tenure. Despite the claims of the opposition, these kinds of appointments are supported by the highest court in the land, the High Court of Australia. We have heard a lot of quotes being thrown around today, but let us go to what the High Court had to say in the 2004 case of the *North Australian Aboriginal Legal Aid Service v. Bradley*. On that case sat some fairly eminent jurists — Justices Gleeson, McHugh, Gummow, Kirby, Hayne, Callinan and Heydon — all of whom are conservative. This case was essentially about the validity of the appointment of the Chief Magistrate in the Northern Territory. This is what the court had to say:

> Within the Australian judiciary there are substantial differences in arrangements concerning the appointment and tenure of judges and magistrates, terms and conditions of service, procedures for dealing with complaints against judicial officers, and court administration. All those arrangements are relevant to independence. The differences exist because there is no single ideal model of judicial independence, personal or institutional. There is room for legislative choice in this area; and there are differences in constitutional requirements.

The action in that case, which sought to challenge the legitimacy of the appointment of the Chief Magistrate in the Northern Territory, did not succeed because of the view held by the High Court. On the one side we have the opposition, which claims this undermines judicial independence, and on the other side we have an eminent court saying that it does not. I for one am prepared to support the views of the High Court of Australia.

This is not a bill that dumbs down the judiciary. The appointment criteria for acting judges and magistrates are the same as those for judges and magistrates. The government has made it absolutely clear that the best available candidates will be appointed to the office, while retaining the existing pool of retiring magistrates and judges. There will not be a floating pool of appointments. Appointments in an acting capacity will be to specific jurisdictions, and the bill will prohibit an acting judge or magistrate from engaging in legal practice or any other professional activity, trade or paid employment while they are on the bench. There are safeguards in the bill that will ensure that the independence of the judges and their determinations is not in any way compromised.

The members for Sandringham and Doncaster in their rather florid contributions to the debate made some bizarre references to what happens under the Mugabe and other authoritarian regimes, somehow suggesting that there are some parallels to be drawn between the Victorian judicial system and those kinds of judicial regimes. Let me say that the only person who would believe there are any parallels to be drawn between those two jurisdictions would be the member for Doncaster. I challenge the member for Doncaster to go outside this house and into any forum with barristers, judges or members of the legal profession, posit that view and see what sort of response he gets. Everyone in this house knows that there are light years of difference

between the Mugabe regime and the regime of judicial determinations that are undertaken in the state of Victoria. Deep down in his heart even the member for Doncaster knows there are no parallels to be drawn and that it is a ludicrous proposition which does nothing to advance the debate in this area.

This ranks with some of the other comments of the member for Doncaster, who recently claimed that students watching a documentary such as *Super Size Me* or a film such as *Rabbit-Proof Fence* are somehow being exposed to some sort of left-wing conspiracy in our schools to ideologically corrupt or influence their views. Films which point out the perils of solely eating McDonalds food in terms of its impact on your weight and diet or films about children being taken from their families are hardly a left-wing conspiracy. The member for Doncaster needs to start thinking about some of the kinds of comments he is making if he really wants to be a credible spokesperson on these kinds of issues.

This bill is about looking at the practices of courts and improving consistency and the use and appointment of acting judges. Importantly, it is about broadening the pool of judicial candidates to include the ability for acting judges to be appointed from the ranks of barristers, solicitors and legal academics. It will assist with periods of high demand and increased workloads in our courts, perhaps as a consequence of major legislative changes which are passed by this Parliament from time to time. And the rulings of higher courts impose significant workloads on a court.

To reiterate, while the opposition sees conspiracies here and the member for Doncaster claims this is all a sinister plot to allow Labor mates to be appointed to the bench, if you look at the track record of judicial appointments in this state under the Attorney-General, you will see appointments have been made from a wide field of candidates and that they are barristers and solicitors who have made a contribution in a wide range of fields of the law. If we did know what their political or other allegiances or particular views were, they certainly have not been views that have been part of that judicial appointment process.

To claim otherwise actually demeans the process, which is being supported on both sides of Parliament, of appointment of people to higher judicial office in this state. It is not the case and I challenge the opposition to indicate any appointments that have been made in the last five years that have been made on the basis of political favours or partisanship, or in any way by factors other than those that are influenced by merit and the capacity and capability of the people who have been appointed to judicial office in this state. They will not put forward any of those names because they know that that process has been thorough and on the basis of merit. I commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Courts Legislation (Judicial Appointments and Other Amendments) Bill. In introducing my remarks I refer to the purpose of the bill and I will concentrate on the first purpose listed:

> (a) to provide for acting judicial appointments to the Supreme Court, the County Court and the Magistrates' Court …

Let me make it clear. I am totally opposed to the concept of acting members of the judiciary, particularly when the acting members will be dependent on the whim of government and the Attorney-General for reappointment or permanent appointment. The process which is proposed in this legislation is fraught with danger. It goes to the very heart of judicial independence and the separation of powers, two principles which are absolutely fundamental to the structure of governments, the courts system, our sense of justice and our community here in Victoria and Australia.

I find it absolutely ironic that the Attorney-General is introducing this bill. I have been in this Parliament long enough to have heard many tirades from the current Attorney-General, both since he became Attorney-General and when he was in opposition, when he lectured the Parliament long and hard about the need to protect the independence of the judiciary, the separation of powers and the dangers to our judicial system — and hence our communities and civil liberties — of allowing the Attorney-General and the government of the day to have control or some hold over judges and magistrates who are appointed to serve in our court system. Yet the same Attorney-General is proposing exactly that in this legislation. This is anathema to the separation of powers and judicial independence.

In fact there is some other irony here, in that the Attorney-General's circulated amendments actually change the date on which parts of this legislation will come into operation from 1 March to 1 May. We know that 1 May has significance for the Attorney-General and those on that side of politics. It is known throughout the world as May Day, a celebration of the Communist ideals. It is ironic that the Attorney-General, by some political symbolism, clearly is changing the date of the commencement of significant parts of this legislation to be 1 May, May Day — probably because he is introducing a Stalinist approach to appointments to the courts through this

process. Perhaps if we do get the chance to look at this bill in detail, the Attorney-General should explain the political significance of the change of the date from 1 March to 1 May.

As you are aware, Acting Speaker, I am only a humble veterinarian by profession, and we have heard many eminent people with sound legal qualifications speaking on the bill in this house. But I was impressed by some comments in the *Age* of 22 February. I will quote from that article because I think it summarises the concerns of the legal profession, not only for the profession and the independence of the judiciary, but about the future of justice in this state and country under this proposal. The article states:

> Judges, magistrates, barristers and solicitors have warned the government that appointing acting judges could threaten judicial independence and raise constitutional questions.
>
> Bar Council chairman Ross Ray, QC, said yesterday that the bar's opposition to acting judges remained 'soundly based and entrenched'.
>
> 'We are surprised the government is pushing ahead with this in the face of all the opposition it has received', Mr Ray said. 'There is no need for it and yet this government is relentless in its desire to push ahead with it'.
>
> The heads of Victoria's courts and the Judicial Conference of Australia, the leading judicial body, have decried Mr Hulls' proposal.
>
> Judicial conference chairman Ronald Sackville wrote to Mr Hulls last year saying there was 'a substantial body of opinion' among Australian judges that the use of acting judges was inconsistent with the principle of judicial independence …

It is very, very clear that the eminent jurists, the eminent leaders of the bar association and the eminent leaders of the legal profession across Victoria and Australia are appalled by this legislation and by the prospect of appointing temporary judges who would require the whim of the government — the whim of the Attorney-General — for their reappointment after their stint as a temporary judge. That is an absolute disgrace, and I will oppose this legislation, as will the opposition, because it will threaten the independence of the judiciary and the separation of powers.

I now wish to move on to some of the other issues raised by this legislation, and in particular the fundamental issue as to why the government would even think about going down this track. One of the reasons is that it argues there is a shortage of magistrates and judges. A simple answer to that is to appoint more magistrates and judges if you need to.

I draw the attention of the house to a problem in Warrnambool. The Warrnambool *Standard* of 12 February this year says:

> A permanent magistrate may not be found for Warrnambool's new court complex until 2006, according to the state's chief magistrate Ian Gray.
>
> … Mr Gray said it was likely temporary magistrates would continue to visit the Warrnambool circuit for 2005.

That is totally inadequate in terms of a major regional centre like Warrnambool. We now have new law courts in Warrnambool, which I will refer to in a minute, but we do need the permanent appointment of a magistrate to service those law courts and that area. I urge the Chief Magistrate to appoint a permanent magistrate to Warrnambool as soon as possible. The idea of using temporary magistrates or using temporary magistrates as acting judicial appointments as proposed by this bill is utterly inappropriate for Warrnambool.

I will also refer to the new Warrnambool law courts which were opened on Friday, 11 February. To give a little chronology, the former Liberal government allocated $7.8 million to commence the building of the new courthouse in 1999. However, after the election of the Bracks Labor government a new Attorney-General came into the position. He came into the house on 23 November 1999 and said the Warrnambool courthouse was not on the government's priority list. He dismissed the clear commitment of the previous government and the real need of the Warrnambool area.

The people of Warrnambool were absolutely devastated and a significant campaign was run, building on the work done by the previous member for Warrnambool, John McGrath, and by the subsequent member for Warrnambool, John Vogels, as well as the local legal fraternity, local magistrates and staff of the old law courts showing the absolute need for a new courthouse. As a result the Attorney-General realised the error of his ways and in 2000 he allocated $8 million for a new courthouse. The cost had already risen by $1 million due to his delays and political interference. It was five years before these new law courts were finished, at a cost of $15.5 million — a blow-out of 76 per cent, years late, because of the incompetence and lack of commitment to justice in the Warrnambool area by the Attorney-General and this government.

Now we have new law courts but no magistrate. We have already heard criticism that the new law courts do not have sufficient jury rooms and other facilities. It shows a genuine lack of commitment by the Attorney-General and the Bracks Labor government to justice in south-west Victoria. I call on the government

to make sure there are adequate resources for the proper staffing of the Warrnambool law courts and the appointment of a magistrate. Again, I pay tribute to the excellent work of John McGrath and John Vogels, both former members for Warrnambool, who fought long and hard for these law courts; the legal fraternity in south-west Victoria, which has made good representations on this issue; and local magistrates and court staff. They have done an excellent job. It is now up to the government to match it.

We have already seen how this Attorney-General dismissed the needs of Warrnambool in 1999 even though this project was promised by the previous government, and because of this we had a cost blow-out and a time delay. Now we have an inadequate system, which we need to have remedied by the appointment of a permanent magistrate to Warrnambool as soon as possible.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

Sitting suspended 12.53 p.m. until 2.02 p.m.

CONDOLENCES

Rafic El Hariri

The SPEAKER — Members will be aware of the recent death of Mr Rafic El Hariri, the former Prime Minister of Lebanon, who was killed on 14 February by a car bomb.

I ask members to rise in their places as a mark of respect for the memory of Mr Hariri.

Honourable members stood in their places.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Police: corruption and organised crime

Mr DOYLE (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his sacked police minister's statement in this house on the appointment of Dr Fitzgerald when he said, 'We want answers … I am confident that he will get to the bottom of this matter and we will find the truth', and I ask: given that the only answer Dr Fitzgerald can supply is that the system is in chaos, what will the government do now?

Mr BRACKS (Premier) — I welcome the question from the Leader of the Opposition, and I also welcome the report from the Office of Police Integrity on the leaking of sensitive police information from the major drug investigation division. I understand that Assistant Commissioner Simon Overland has this morning appropriately explained the force's response to that report. It includes a comprehensive review of the IT systems in place and the introduction of a new electronic case management system, Project Interpose.

Mr Perton interjected.

The SPEAKER — Order! The member for Doncaster must cease interjecting in that loud manner!

Mr BRACKS — There are now improved security systems and better audit trails. The police force has also implemented a new informer management system to manage high-risk informers. Former Detective Sergeant Paul Dale has been dismissed from the force, as was reported in the report of the director, police integrity, to this Parliament. The allegations against him contained in the report are serious and are still under investigation by the police.

We believe we are tackling cases of police corruption with the many matters currently before the courts. In fact we understand that 20 people have currently been charged — 13 former police officers and 7 civilians. From advice from the Director of Public Prosecutions we know that these cases could be jeopardised if the government held a royal commission, which is not the policy of this government policy. We believe the office of the director, police integrity, is having success, and this is a demonstration of that success, as presented to Parliament.

Home and community care program: funding

Mr CRUTCHFIELD (South Barwon) — My question is to the Premier. Given the significance of today's home and community care funding announcement, will the Premier inform the house of the impact of the alternative policy proposals for such programs and services on areas in and around my electorate and the south-west region of Victoria as a whole?

Mr BRACKS (Premier) — Yes, it is a good announcement, and I welcome the question from the member from South Barwon about home and community care (HACC) funding, especially relating to his electorate and the district around it.

Today I was pleased that, with the cooperation of the federal government, the federal and state governments were able to announce extra funding of some $18.9 million for the home and community care program, which is a joint federal-state initiative. It was only possible because of the state contribution under the funding formula which is available to us. Effectively it will mean that we have increased funding to the HACC program by some $47 million, which is in excess of the 60:40 formula in place in all states and territories under the arrangements with the commonwealth. We have raised it higher than the 60:40 formula. The effect of today's announcement is that older and disabled people in Victoria will be provided with 90 759 more meals, 86 511 more hours of domestic assistance and 73 274 more hours of personal care.

An estimated 225 000 Victorians, two-thirds of whom are over the age of 70, were recorded as using home and community care services in the year 2003–04. This takes the contribution to the home and community care program from our government to some $382 million, which is the highest amount that any government has ever allocated to that program. That demonstrates our commitment to ensuring that we care for the most vulnerable in our community and keep them in their homes as long as possible. We are very pleased that by increasing our financial contribution we have been able, in cooperation with the federal government, to increase the number of HACC places.

The member asked me about areas in and around his electorate, in the South Barwon and Geelong areas. If you examine the figures for that area, you find that increases of more than $835 000 will be delivered as part of this agreement. It will increase services for home help, delivered meals, planned activity groups, personal care, property maintenance, allied health, respite care, social support and assessments. In and around the south-west coast area the funding represents an increase of about $138 000 for home and community care. In Polwarth — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BRACKS — All you have to say is 'In Polwarth' and everything else follows! In Polwarth there is something like an extra $1 million, which is a very large increase in the home and community care program. I know it will be welcomed by the member for South Barwon as well as the members for Geelong collectively and the member for South-West Coast. I am sure the member for Polwarth will also welcome it. The question from the member from South Barwon was quite direct and targeted. We were able to do this with strong and sound financial management. That is how we did it. We did it by making sure that we had an operating surplus in every budget and strong financial management which enabled us to distribute the proceeds of that strong financial management into areas which should make a difference for the most vulnerable in our community. As the question asked, this would be put in jeopardy if we ever had to find, or any government in the future had to find, $7 billion of new money to pay out a toll road contract. You could not do this; you could not fund these arrangements; you could not provide for the most vulnerable. We have been able to do it in excess of the commonwealth formula with good financial management. The opposition policies would not enable this to happen in Victoria.

Timber industry: sawlogs

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Environment. Is the government going to allow VicForests to sell top-quality sawlogs on international markets instead of ensuring that this unique Victorian hardwood resource is retained for value adding by the local timber industry?

Mr THWAITES (Minister for Environment) — The member would be aware that the minister responsible for VicForests is in fact the Minister for Agriculture. He is doing an outstanding job in ensuring that we have a sustainable timber industry. We are working very closely to ensure that and we will continue to do that into the future.

Roads: funding

Mr MERLINO (Monbulk) — My question is to the Minister for Transport. Can the minister outline to the house what consideration the government has given to the impact of diverting $7 billion of government money into one transport project?

Mr BATCHELOR (Minister for Transport) — How's your campaign for deputy leader going?

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth will cease holding up that document and put it down, and the Minister for Transport will address his comments through the Chair.

Mr BATCHELOR — Certainly, Speaker. I was merely inquiring into how the member for Polwarth's

campaign to become Deputy Leader of the Liberal Party was going. It is of great interest to all on this side.

I would like to thank the member for Monbulk for his question. As he would be aware, the government is implementing one of the biggest infrastructure programs ever undertaken in Victoria, and part of that is the Linking Victoria program which aims to grow and revitalise road, rail and ports infrastructure here in Victoria. We are upgrading economic infrastructure to drive the economy, to grow jobs and to help the communities of Melbourne and regional Victoria go about their daily lives.

The government has considered the impact on budget funds if it were to use those scarce and precious funds to pay out the ConnectEast contract for the Mitcham–Frankston project. It is worth remembering that the Mitcham–Frankston project has to be funded through tolls because the Liberal Party left behind a $1 billion black hole through its failed privatisation of public transport here in Victoria — a $1 billion black hole.

Honourable members interjecting.

The SPEAKER — Order! I remind members of the language which is appropriate in this house and that they are being heard by the public and the wider Victorian community. I ask them to use parliamentary language and desist from some of the abuse that I can hear at the moment.

Mr BATCHELOR — As I was saying, it is worth remembering that we have to fund the Mitcham–Frankston project through tolls because of the $1 billion black hole left behind in the failed privatisation debacle in public transport.

Mr Smith interjected.

The SPEAKER — Order! I warn the member for Bass.

Mr BATCHELOR — I can inform the house that if $7 billion were diverted into just one transport project, it would mean that all other transport projects, road and rail and ports, would have to be cancelled. They would have to be finished.

Mr Plowman — On a point of order, Speaker, I believe the Minister for Transport is introducing a hypothetical argument and is not actually dealing with government business. I ask you to bring him back to government business rather than a hypothetical argument.

Mr BATCHELOR — On the point of order, Speaker, I was asked a specific question about the impact of diverting budget funds of $7 billion to the transport budget and the implications of that, and I am about to answer that. It is entirely about what the impact would be on Victorian government projects if we had to take $7 billion out of the state budget.

The SPEAKER — Order! I do not uphold the point of order. It is not hypothetical in the way the member for Benambra says. Governments or people answering questions in this house are quite entitled to discuss how various financial arrangements may affect the budget or Victorian government business.

Mr BATCHELOR — We are talking about vital projects in metropolitan Melbourne and our outer metropolitan growth areas. We are talking about projects across regional Victoria. We are talking about projects that would link the port to our transport network.

Mr Perton interjected.

The SPEAKER — Order! The Speaker has put up with a great deal of abuse from the member for Doncaster, including many reflections on the Chair. I advise the member for Doncaster that I will not tolerate it any further. If I hear any more reflections on the Chair from him, I will remove him from the house.

Mr BATCHELOR — Projects like the Pakenham bypass would be cancelled in any circumstances where $7 billion was taken out of the state budget. The continuation of the Calder upgrade would come to a dead halt. The Geelong bypass would never get under way if any government were to rip $7 billion out of the state budget.

But it is not only about these important roads in regional Victoria, it is about roads in metropolitan Melbourne like the proposed upgrade to Cheltenham Road in Keysborough and the duplication and grade separation of Somerton Road. But it is not only road projects; it would also relate to the upgrade of bus services such as the new SmartBus services along Warrigal and Wellington roads, which would have to be cut out. It would mean the duplication of Plenty Road out to South Morang could not proceed. It is these sorts of projects, and there are hundreds of others like them, that would not able to go ahead, but would be cut off at their knees if any government — this government or any future government — were to implement a strategy of taking $7 billion out of the state budget. There would be no assistance for regional municipalities to help them with the timber roads.

There would be a huge cutback in the sorts of everyday services that people expect, and it is no wonder — —

Mr Mulder — On a point of order, Speaker, this is nothing other than boring repetition. Talk about your Auditor-General's report on road safety! How about that?

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth does not enhance his reputation in this house by behaving in that manner.

Mr BATCHELOR — We have rejected the types of suggestions that we ought to cancel or cut these types of projects. We are not going to rat on the motorists of Victoria — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BATCHELOR — We are going to stick up for them. There are no rats over here!

Police: corruption and organised crime

Mr DOYLE (Leader of the Opposition) — I am sure that will not be the last mention of that. My question is to the Premier. Given that the Fitzgerald report's first point is that no-one has been charged with the murders of Terrence and Christine Hodson and that the conclusion of the report is that we do not know who leaked sensitive police information to the underworld and that the two points are linked, I ask: is the Fitzgerald report not further evidence that Victoria needs a royal commission into police corruption, organised crime and gangland killings?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. The evidence is directly the opposite. It shows that the system is working. It shows that the director, police integrity, has undertaken the very task that this Parliament gave him to do. The 20 cases where charges have been brought prove that exactly. The government wanted to see those proceed. I make this point, and the Director of Public Prosecutions made it as well: those charges would not have proceeded if the plans of the Leader of the Opposition had been implemented.

Education: funding

Mr HELPER (Ripon) — My question is to the Minister for Education and Training. Can the minister outline to the house the government's consideration of the impact on education services in my electorate and other Victorian regions of diverting $7 billion of Victorian taxpayers money?

Ms KOSKY (Minister for Education and Training) — I thank the very good member for Ripon for his question. I will put the $7 billion in context. Since this government has come to office it has put $4.36 billion extra into education and training. That is just over half of what is proposed to be cut if the stupid opposition policy is ever put in place.

Mr Perton — On a point of order, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Points of order are serious business, and government members should address them with respect.

Mr Perton — This question is clearly a device to avoid your rulings of the last two days, which provide that ministers cannot argue about opposition policies and that if they want to do so they need to do it by way of ministerial statement. This minister indicated that her answer is premised on an attack on the opposition's policies, so I ask you to call her to order and to require her to answer the question as it relates to government administration and not to opposition policies or some spurious figure put up by the government.

The SPEAKER — Order! On the point of order raised by the member for Doncaster, unfortunately I have no control over the way the questions are written when they are brought into this house. Perhaps I would have very different questions on occasions. In relation to this one, the Minister for Education and Training must not spend her time attacking opposition policies but must relate her comments to Victorian government business.

Ms KOSKY — I must say they are very ratty today!

The SPEAKER — Order! Through the Chair!

Ms KOSKY — Unfortunately — —

Mr Batchelor — They are not laughing.

Ms KOSKY — They are nibbling, but they are not laughing. Unfortunately if the investment that we as a government have already put into education and the further investment did not continue, then we would see a huge reduction in staff — teaching and support staff — around this state, and in capital works that could not proceed. I want to give some information to the house to clarify what this would mean.

Unfortunately in the electorate of Ripon it would mean that 130 school support staff would have to be sacked. They include library and lab technicians, visiting psychologists, office staff — —

Mr Perton — On a point of order, Speaker, you indicated that the minister must relate her answer to government business. At the moment the minister is proceeding to give an answer based on a false government estimate of the cost of opposition policies and is trying to indicate that they would have some impact on government administration. I put it to you that that is in direct violation of your rulings of the last two days. In the last two days you examined both the question that was asked and the answer being given, and you required that the answer being given relate to government administration.

The minister is not currently giving an answer on the administration of her portfolio or of her own policies. She is merely giving a hypothetical exposition of the impact of the false figure which the government has put on opposition policies.

Mr Batchelor — On the point of order, Speaker, the Minister for Education and Training is giving an example of how the removal of $7 billion would impact on the state budget. We are entitled to do that.

Honourable members interjecting.

Mr Batchelor — This is a serious matter. Some parties have indicated that that is their policy, but we are looking at what the impact would be on the Victorian budget if $7 billion were to be ripped out of it.

The SPEAKER — Order! In relation to the point of order raised by the member for Doncaster, he is correct that in the last two days I have insisted that both questions and answers must relate to Victorian government business. That is the rule of this house. Whatever government is in office from time to time can canvass the effect it would have on their policy if there were a decrease in funding in some area, and this is frequently referred to with federal governments at the time of federal budgets. That has always been permitted in this house, and I fail to see how what the Minister for Education and Training has said is different from that.

The member is correct that it is not appropriate for any minister to attack opposition policies or the opposition party itself, but ministers certainly are allowed to discuss policies they may consider implementing in Victoria and how they may affect the operation of their portfolios.

Ms KOSKY — Let me talk about real projects that are now under way in Victoria which could be put under threat if future funding is not provided in either our budget or other budgets.

In Benambra stage 2 of the fire reinstatement works at the school for the Flying Fruit Fly Circus would not be able to go ahead — and that is a very important project. The modernisation at Wodonga Primary School would not be able to go ahead, and 129 school support staff within Benambra would actually have to go. In Polwarth — —

Mr Mulder interjected.

Ms KOSKY — I understand that the member for Polwarth is in a very awkward position, as he indicated today in the paper, but the modernisation works — —

Mr Perton — On a point of order, Speaker, in your previous ruling you said that a minister may canvass policies that the government has considered implementing. If the minister is saying that this government is considering slashing billions of dollars from its budget in education, then she ought to say that, but the minister is starting from the premise that she has never considered that policy and that it is not a policy of her government. Therefore she is not entitled to answer the question in the way she is doing. The minister ought to restrict her answer to matters of government administration. If she wants to talk about her programs in the electorate of Ripon, let her do so, but not in the manner in which she is currently doing it.

Mr Helper — On the point of order, Speaker, the answer the minister is providing is in the context of the question which I asked. The question is about the impact on the education system in my electorate and Victorian regions more generally of diverting $7 billion of funding from the education budget. I do not understand the point of order that the member for Doncaster is raising, because the answer the minister is providing is outlining the impact on specific programs, not only in my electorate, as I asked, but also more broadly in Victoria, of a diversion of funds and is perfectly in accordance with my question.

Ms KOSKY — On the point of order, Speaker, I would suggest that the member for Doncaster is assuming that he knows the discussions that take place in our party room — and we hear about the opposition's discussions! Indeed I am a vigorous defender of education budgets in our party room.

The SPEAKER — Order! I understand what the member for Doncaster was getting at, but he was

actually asking the Chair to make some statements about what policies the government may have considered or what effects it may have decided might occur given various budgetary constraints. I do not have that information, and it is not appropriate for the Chair to make judgments on factual matters in this house. As many previous rulings say, it is not for the Chair to decide what information provided by the house is factual. They are matters for the house to decide itself. I would ask the minister to continue her answer.

Ms KOSKY — In Ballarat East the modernisation works at Mount Clear College, which are in the full planning stage at this time, would be put in jeopardy and 134 school support staff would have to go. In South-West Coast the modernisation of the technology, arts and personal development areas at Warrnambool College, currently in full planning, would be seriously challenged, affecting 149 school support staff — and far more across the state. So it is not only Ripon that would be affected if in fact we were to withdraw funding of up to $7 billion from the education budget. It is not a sensible commitment.

We are absolutely committed to improving education in this state, to employing additional teachers and staff, and to putting money in to building new schools and fixing our facilities. To take $7 billion or part thereof from the education budget would have a very serious effect not only on the education budget itself but on children in our state. It is irresponsible, and it is not possible under a Bracks government.

Office of Police Integrity: investigations

Mr WELLS (Scoresby) — My question without notice is to the Minister for Police and Emergency Services. I refer the minister to the newly created Office of Police Integrity, and I ask: can the minister confirm that the vast — —

Mr Helper interjected.

The SPEAKER — Order! Without the assistance of the member for Ripon, whose comments are unhelpful.

Mr WELLS — I refer the minister to the newly created Office of Police Integrity, and I ask: can the minister confirm that the vast majority of cases that are currently under investigation by the Office of Police Integrity relate to information leaks from within the Victoria Police which are causing enormous embarrassment to the Bracks government, and does this not smack of direct government interference?

Mr HOLDING (Minister for Police and Emergency Services) — I thank the member for Scoresby for his question. It reaffirms, along with yesterday's question, just what a pathetic understanding of the role of the Office of Police Integrity the member has.

This government established the Office of Police Integrity because we take allegations of police corruption seriously. We want to make sure there is an anticorruption mechanism here in Victoria that is robust, that is independent and that is well resourced. That is what the Office of Police Integrity is. It has all of the powers of equivalent anticorruption bodies interstate; it has the capacity to do coercive questioning; it has the capacity to run controlled operations; and it has the capacity to seize documents and to search both public and private premises.

It is short of one power, and that is this: we gave the director, police integrity, powers with relation to phone tapping, and the federal Attorney-General will not support Victoria's efforts to tackle police corruption in Victoria. The federal Attorney-General will not give the Victoria Police anticorruption body the same powers that it has given equivalent bodies interstate.

We would again affirm our call for the federal government to provide these important powers to the director, police integrity. The Office of Police Integrity has the powers, it has the resources and it has the independence to carry out this very important role of tackling police corruption here in Victoria. We are pleased with the role it is playing, and we are pleased with the investigations that are currently under way. We are looking forward to the conclusion of further reports, which will be an important part of the process of reaffirming and re-establishing the faith of Victorians in the police force in Victoria and making sure we continue to have a police force which is corruption free.

Mr Wells — On a point of order, Speaker, on the issue of relevance, the question related to the time that the director, police integrity, was spending investigating information leaks. We did not want an information blast about the Office of Police Integrity. The question related to information leaks from Victoria Police.

The SPEAKER — Order! I believe the minister has concluded his answer.

Agriculture: pest control

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Agriculture. Can the minister advise the house what measures the government is undertaking to assist with the control of locusts, vermin and other pests to help protect

Victoria's position as the leading agricultural producing state?

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully will stop making that noise. I ask the member for Melton to be silent as well.

Mr CAMERON (Minister for Agriculture) — Of course vermin and pests pose a problem in Victoria. This is a serious issue. We have farmers and communities coming together as a team to tackle a problem like rabbits or tackle a problem with other vermin and pests. What vermin and pests do is undermine a team — they eat away at the base.

Honourable members interjecting.

Mr CAMERON — Just in case some members opposite are interested, on Saturday at the Berwick show they will have a best-looking rat competition — —

Mr Doyle interjected.

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

Mr CAMERON — Foxes cost Australia $50 million in agriculture every year, and that is why we have a Fox on the Run program. Wild dogs cost Australia $30 million a year, and that is why since 1998 the number of wild dogmen has been doubled. Mice cost Australia $26 million a year, and that is why advice is regularly given about mice baiting, particularly when mice are a problem. From time to time locusts are a problem. Just before Christmas there were a substantial number of locusts in New South Wales. Fortunately cold weather saw that generation die, but now there is a new generation, and large swarms of locusts have been aerially sprayed in the last week.

Honourable members interjecting.

Mr CAMERON — Rodents from time to time are a problem.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order and allow the minister to continue his answer.

Mr CAMERON — Last year there was a report about the build-up in rodent numbers. Nobody wants to see a rodent plague.

Honourable members interjecting.

Mr CAMERON — I need some protection, Speaker!

Honourable members interjecting.

The SPEAKER — Order! I feel that question time is getting slightly out of hand. I ask members to restrain themselves and allow the minister to continue and hopefully to finish his answer.

Mr CAMERON — I would like to, Speaker. In 2004 the Department of Primary Industries reported an increase in rodent numbers.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast and the member for Kew!

Mr CAMERON — You know, in South-West Coast we spend $840 000 on vermin and pest control programs, but it does not get all of them.

Honourable members interjecting.

The SPEAKER — Order! I know it is Thursday afternoon, but even so! I now ask members on the government side to be quiet and allow the minister to conclude his answer.

Mr CAMERON — The Department of Primary Industries reported that 2005 could be, in the right conditions, a very bad year for rodents — that is a department on the ball! We can all help when it comes to the increase in the number of rodents. If you go to dark places and you go around dark corners, you can put down a substance, and you put it down in a liberal amount — Ratsak!

Honourable members interjecting.

The SPEAKER — Order! I ask the attendant to remove that item and put it in my office.

Honourable members interjecting.

The SPEAKER — Order! I might give it to the dining room, I think!

Economy: performance

Mr RYAN (Leader of The Nationals) — My question is to the Treasurer. I refer to the Treasurer's confident assertions this week that the Victorian economy is outperforming those of other states. Given that Australian Bureau of Statistics data released today shows that new private capital expenditure in Victoria last year was 7 per cent lower than in 2003 and that last

year Victoria's share of new private capital expenditure fell to 22 per cent of the national figure — this being the lowest share for at least 10 years — and finally that the Victorian unemployment rate has exceeded the national average for the last eight consecutive months, I ask: what is the Treasurer doing to stop Victoria lagging behind the other states?

Mr BRUMBY (Treasurer) — We get this sort of drivel, which has been served up by The Nationals, because The Nationals and the Liberal Party hate the economic success Victoria is achieving. Earlier this week I addressed the Committee for Economic Development of Australia. It is fair to say that across the business community and across financial commentators there is wide recognition of the successful performance of the Victorian economy compared with the national economy — and particularly, I might say, compared with our competitors to the immediate north, New South Wales.

As I said in Parliament yesterday, since the election of the Bracks government we have seen 277 500 jobs created in Victoria. We have seen 18 per cent real gross domestic product growth. In the last year we saw population growth in this state which exceeded the national average for the first time in 42 years. Would you not think you would be proud of that? Instead you have been — —

Honourable members interjecting.

The SPEAKER — Order! The level of interjection is far too high. I ask the Treasurer to continue, through the Chair.

Mr BRUMBY — What you have is an opposition which has been rattled by the events of the past week. You are seeing the attacks on the Leader of the Opposition gnawing away — —

Honourable members interjecting.

The SPEAKER — Order! I was going to bring the Treasurer back to answering the question. Was that the Leader of The Nationals' point of order?

Mr Ryan — As a matter of fact it was!

The SPEAKER — Order! I thought it might be. The Treasurer, to return to answering the question.

Mr BRUMBY — The Australian Bureau of Statistics figures released in the last week include motor vehicle sales. Yesterday the ABS released the quarterly statistics on construction activity, which show $5 billion worth of activity in Victoria in this quarter. We have now had 35 consecutive months of billion-dollar-plus building approvals, and we get this drivel from the Leader of The Nationals. Thirty-five months! Until we got the first month do you know how many times we had clocked up $1 billion, Speaker? Zero. Do you know how many times it was achieved under the Kennett government? Zero. Thirty-five times in a row we have seen $1 billion plus. We are proud of the economic performance in this state. The one thing we would say is — —

An honourable member interjected.

Mr BRUMBY — You have seen 277 500 jobs in five years. The labour force grew by 3.6 per cent last year in Victoria. In the last calendar year, 2004, the state which generated more jobs than any other state in Australia was Victoria!

Melbourne Food and Wine Festival

Ms BUCHANAN (Hastings) — My question is for the Minister for State and Regional Development. Given the importance of the government's support for the Melbourne Food and Wine Festival, can the minister inform the house on ways members and their constituents can get involved?

Mr BRUMBY (Minister for State and Regional Development) — The Bracks government is very pleased to be supporting the Melbourne Food and Wine Festival. It will be on this year from 11 to 23 March and looks like being a sensational festival. If last year is any guide, it will create the equivalent of something like 700 effective full-time jobs contribute more than $30 million to Victoria's gross state product, and we will be welcoming something like 300 000 people from across the state, from interstate and from overseas to participate in it.

Last year Canada's *Globe and Mail* newspaper listed the festival as one of the top 10 international tickets. It placed it alongside the Athens Olympics and the Rio Carnival as must-do events. We all know that with major events out there now it is a real international rat race. You have to compete hard to get events, and we have done that and won that. We have broadened the events in recent years. We now have something like 130 events in regional Victoria.

Mr Honeywood interjected.

Mr BRUMBY — You might not be interested in regional Victoria, my friend, but we are.

Mr Honeywood interjected.

The SPEAKER — Order! The Deputy Leader of the Opposition will cease interjecting in that way.

Mr BRUMBY — The regions and industry right across Victoria are booming. We now have wine exports at more than $400 million. This is the guide which will be issued, and, as I said, the festival will take place between 11 and 23 March.

I will mention the regional events, and there are a number of them. The World's Longest Lunch will be held at a number of locations. I am sure the member for Ripon will be interested in the one at Ararat, and for the member for Bendigo West there is the one in Castlemaine. For the member for Tarneit there is one in Werribee. The member for Hastings might enjoy the Peninsula Piers and Pinots on 13 March.

On page 43 the festival guide also describes an event that I am sure the members for South-West Coast and Hawthorn will find interesting — this is the cheese workshop! It has a structured tasting of specifically matured and ripened cheeses from the world-renowned Richmond Hill Cafe and Larder — and it is a fine larder! I understand the member for Hawthorn loves his cheeses!

Mr Perton — On a point of order, Speaker, the minister is restricted to answering questions on government administration. I can understand the speech writers have been working for days to build him up for this, but I ask you to call him back to order and to answer the question relating to government administration, and not making a poor attempt at humour.

The SPEAKER — Order! I uphold the point of order. The culinary tastes of the member for Hawthorn have nothing to do with government business, and I ask the minister to continue.

Mr BRUMBY — The member for South-West Coast loves his cheese too!

The SPEAKER — Order! Come on!

Mr BRUMBY — There are speciality dishes which will be available throughout the food and wine festival. I would particularly recommend to the member for Doncaster the ratatouille!

Mr Perton — On a point of order, Speaker, the minister is violating your ruling. Whilst I enjoy a dish of ratatouille, it has nothing at all to do with government administration.

The SPEAKER — Order! The Minister for State and Regional Development is allowed to make a passing reference to ratatouille, but I ask him now to return to answering the question.

Mr BRUMBY — I want to thank the member for Doncaster for that interjection — for taking the bait!

Mr Baillieu — On a point of order, Speaker, there seems to be one thing missing from this debate — the minister's fig jam!

The SPEAKER — Order! I ask the attendant to place the jam in my office as well! It is about time for question time to conclude. I ask the minister to wind up.

Mr BRUMBY — I want to thank the member for Hawthorn for that, because up until now he has been as quiet as a mouse, so it is nice to see him showing a bit of interest.

The food and wine festival is a great event for Victoria. It has been supported over a number of years under successive governments. We have expanded it, given it additional funding and broadened its reach into regional areas. We think it is a great event, and we look forward to members from both sides of the house enjoying the tastings, benefits and fine food and wine that will be part of this festival.

RETIREMENT VILLAGES (AMENDMENT) BILL

Second reading

Debate resumed from 23 February; motion of Mr HULLS (Attorney-General).

Mr DIXON (Nepean) — It is a pleasure to join the debate on the Retirement Villages (Amendment) Bill. The opposition will not oppose the legislation, but it has some concerns about two parts of it. I have two retirement villages in my electorate so I have a keen interest in this legislation, for which the residents, staff and managers of retirement villages have been waiting a long time.

Of my two concerns I raise one which relates to the adjudicator. This was promised to retirement villages and they were assured it would be part of the changes to be made, but at the last minute we find the title and job of adjudicator is no longer part of the legislation. It has not been delivered and no reason has been given for it. It would be good if the minister in summing up the debate could tell the house why this has been pulled out. The alternative that has been given is that it is now

up to the manager to do that adjudication. If that is not satisfactory it goes to the Victorian Civil and Administrative Tribunal (VCAT).

I have two concerns with that. With due respect to the managers of retirement villages, often the issue is usually between the management of the retirement village and one of the residents. I do not think it is appropriate that the manager be part of that adjudication and the weighing up of what is fair in the argument. I think the idea of residents going to VCAT is something they would shake at and be concerned about the expense. They would throw up their hands and in most cases say, 'It was not worth the bother'. The in-between step of an adjudicator or someone who residents know will adjudicate on whatever their complaint might be — someone who is neutral — is a far fairer way of doing it.

The second option of the manager of the retirement village or VCAT as the adjudicator is not a worthwhile option at all. I know that residents of retirement villages and their managers are very upset that this part of the legislation did not appear in the bill because they were told it would be part of the bill.

The other concern is with village operators who find themselves in the position where a number of units remain vacant and there may be problems funding the payout at the end of the six-month period. This is something that can happen, especially in a large retirement village. The more units you have the more likelihood of a large number of units being vacant at the one time. The member for Bulleen has suggested to the minister that he look at bringing in an amendment because it may be an oversight, and it is something that should be considered. I note that we will not have amendments introduced in this place, but it ought to be considered between this place and the other place so that an amendment is included in the legislation.

At the start of my remarks I said that I have two retirement villages in my electorate. One is the Village Glen retirement village. It has been voted Victoria's premier retirement village for a number of years. I think it would be the largest retirement village in the state. I went out there a couple of weeks ago as there were about 25 residents who were receiving Australian citizenship. I saw the final stages of the retirement village in Rosebud. The last stage is made up of homes of probably 20 squares with double garages. It is magnificent, and it all overlooks a nine-hole golf course. The facilities for the residents are fantastic. Adjacent to the nine-hole golf course management has just built magnificent clubrooms for everyone who lives in the village, and not just those who play golf. It has an indoor swimming pool, gymnasium, large kitchen, beautiful shadecloth areas and terraces overlooking the golf course. It almost makes one think about retiring. It is a magnificent place for people who have retired. Many people — probably 90 per cent of those I speak to — who have retired at the Village Glen on the Mornington Peninsula say to me consistently, 'I wish I had done this earlier'. It is a tribute to the developer, Chas Jacobsen, and what he is providing for the 700 residents now — it will grow to 1000 residents, so it is almost a town in itself — and Peter Neilson and his management team who have done a fantastic job. It is a credit to the development and to the retirement village industry itself.

At the other end of the scale there is the Rosebud Retirement Village, which is one of the earlier retirement villages. It is a lot smaller and is a wonderful place to go to. On many occasions I have been there for a mini Olympics or an Australia Day function, and there is always an excuse for a celebration at that retirement village.

Retirement village legislation is very important. It is a burgeoning industry and a way of life for thousands of Victorians, and it is important that those thousands of Victorians are protected because they go into retirement villages for protection, stability and an easier life. Some of them — very few — get an awful shock when things go wrong. It is very important legislation and the Parliament has an important job to enact legislation that protects people and keeps up with developments in the community.

The Liberal Party does not oppose the legislation but it does have those concerns that I have mentioned, which I hope are addressed by the minister while the legislation is between the two houses.

Ms MARSHALL (Forest Hill) — It is with great pride that I rise in the house today to join my parliamentary colleagues to support this bill. The Retirement Villages (Amendment) Bill is about reasonableness. It is about ensuring protection for residents of retirement villages and the operators of those establishments. It is about creating a better balance between the personal and financial rights of individuals, who we can refer to as customers, the residents, and those who have vested business interests in the operation of retirement villages, the operators. Whilst acknowledging that many operators and residents have excellent relationships that are free of dispute, there are many others for whom the same cannot be said. This bill will add certainty to the relationships between the operator and residents.

Forest Hill is one of the oldest electorates in Victoria. Of the 88 Legislative Assembly districts it is ranked 28th in terms of the percentage of its population aged 65 years or older, while having the eighth highest median age, that age being 39 years. There are eight retirement villages in the electorate of Forest Hill that this legislation will impact on, which means the legislation will directly affect many of my constituents and their families.

In order to deliver the best outcome possible, major stakeholders were consulted during the extensive review of the Retirement Villages Act 1986. The proposals before the house which resulted from this consultation therefore have wide community support. Essentially the bill will redress the current disadvantages and gaps which exist in the contract, or arrangement, and other regulatory aspects of this area.

The bill sets out some key processes which will bring more certainty not only to residents of retirement villages, but also to the operators. Disputes will go to Consumer Affairs Victoria rather than arbitration; operators will no longer be able to seek proxies or powers of attorney from residents; Consumer Affairs Victoria will gain inspection powers to check that retirement villages are complying with the act; each retirement village must develop a dispute resolution and complaints handling system; retirement villages must supply required information to Consumer Affairs Victoria; residents are not obliged to give operators selling rights; new rules will come into force regarding ongoing charges once a resident has left the village, and the payment of exit entitlements; and village operators will have to sign contracts as per the new regulations to be made under the act.

A key change that I want to mention, and one that is of particular importance and underpins other changes in this bill, is the wording of the contracts that intending occupants must sign. Contracts, as they exist now, vary widely in the terms offered and in the wording used to outline those terms. Frequently, it is complex and ambiguous wording leading to unintended outcomes for residents. Such disadvantage to residents would be overcome if contracts were written according to prescribed terms, as the bill proposes. This bill will make the area of contracts easier to understand for intending residents and their families.

This bill will make the area of contracts easier to understand for intending residents and their families.

Selling rights also emerged as a area of concern, particularly where some operators have reserved exclusive rights for themselves to sell properties when there is the need to do so. The sale of property in such a way can cause many problems for the families of residents of retirement villages. In the general community there is a reasonable expectation that owners have the right to determine who will sell their property and how the sale of that property will be managed. Importantly, this bill will legislate for this to hold true for people whose real estate property happens to be in a retirement village setting.

Some residents may well choose their village operator to dispose of their unit rather than use an external agent, but the importance of the principles of ownership will be upheld under the proscribed contract arrangements. What is of most importance is that the choice will reside with the retirement village residents, and this choice will be protected by legislation.

Our population is ageing rapidly. Australians aged 65 and over are expected to account for around 22 per cent of the population in 40 years time, compared with just over 12 per cent today. Australians are also living longer, with average life expectancy regularly increasing. This means more and more Victorians are likely to be affected by this legislation as time passes. Due to age and other factors, people living in retirement villages have the potential to be more vulnerable than those who have not sought the benefits retirement villages can provide. It is essential, however, that the government continue to safeguard their interests, for at present too many remain unprotected against unscrupulous operators who place business interests first.

The bill will also affect nursing homes and aged care facilities. Currently nursing homes and aged care facilities are required to comply with both the Victorian Retirement Villages Act 1986 and the Commonwealth Aged Care Act 1997. However, once enacted this bill will provide that any nursing home or aged care facility whose residents have all been approved as care recipients under the commonwealth legislation will not be covered by the Victorian act. Operators will therefore only have one act to comply with. However, if there is even one resident in the nursing home or aged care facility who is not an approved care recipient, the Victorian Retirement Villages Act will apply to the facility.

It is quite clear that the Retirement Villages (Amendment) Bill is an important bill that builds on the Bracks government's commitment to building a stronger community for all Victorians, ensuring that we are able to be protected through sound legislation such as this at every stage of our lives. For this reason, I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Retirement Villages (Amendment) Bill. I am also pleased to say that The Nationals do not oppose it. This bill has a number of purposes. It provides regulation of contract terms; it makes clearer rules around exit arrangements, including ongoing charging of fees, resale of units and payment of exit entitlements; it provides limitations on operators with regard to making decisions on behalf of individual residents; and it also provides for improved dispute resolution.

As has been said by a number of speakers, retirement villages are a growing industry. We have an ageing population, and I know that a number of people are going into retirement villages at an earlier age because they feel much stronger about the safety in some of those retirement villages. But it is important to note as well that there are a large number of our ageing population who live in their own homes and are provided with services to enable them to continue positively in their own homes, so we have to make sure that we fund retirement villages appropriately so that when somebody has the choice to move into a retirement village, the retirement village has the services and products they need.

The Retirement Villages Act has not been reviewed since its introduction, which was in 1986. We are told a review was conducted in 2002 and then a discussion paper released for public comment in July 2002; and then there was a two-year review, with a proposals paper being released in March 2004. We were also told this bill is a response to those comments from the stakeholders. I would hope those comments came from the stakeholders as well as very much from the residents, and that a lot of facilities were looked at in country Victoria.

About 100 formal submissions were received in response to the 2002 discussion paper, and I am told about 40 submissions were received on the proposals paper. One of the areas this bill covers is a register of retirement villages. I think that is a good thing, because I understand at the moment there are no firm figures on how many retirement villages there are in Victoria. It is estimated that there are 400 and that approximately 25 000 people reside in retirement villages in Victoria, but it would be a good idea to firm those figures up so we know the number of retirement villages and where they are and the number of residents in those villages.

The bill also enables a resident who owns a residence in a retirement village to appoint an agent other than the retirement village manager to sell the unit. I think this is a good idea. Although we have a lot of really good managers, there are probably some unscrupulous managers who try to convince the resident about the amount of money they should receive for the unit. It is important that the resident can have confidence in the sale of the unit without being jeopardised by being influenced by a manager or somebody else. If there are any disputes, I understand the Victorian Civil and Administrative Tribunal will resolve those that are not resolved by mediation.

The member for Nepean made a good point in his contribution to the debate, and that was that residents in retirement villages probably would not have the confidence to go to VCAT. It is a area where people feel very fearful of going through the system. The idea of having an adjudicator to, as the bill says, make sure the matter is resolved by mediation, would help the residents and their families and also the staff and managers of retirement villages; it would help them to know that if there is a dispute it can be cleared up before it goes to the courts.

I have been a member of this Parliament for about eight years, and when I was a member for North Eastern Province in the other place I visited many retirement villages. Some people in retirement villages say that sometimes when they have disputes or concerns about issues in the retirement village they feel there is nobody they can ask because they feel they may be jeopardised by being in there. I know that is not the case, but I think sometimes the residents feel they take on a lot and do not go to mediation or do not criticise the retirement village they are in because of concerns that the staff and the management might be angry with them — they are the words they often use.

We are very fortunate in the Shepparton district in that we have excellent retirement villages. We have Shepparton Villages, which has three sites: Tarcoola in Shepparton; Rodney Park in Mooroopna; and Kialla Park, which is obviously in Kialla, which is where I live. I have also been invited to be a member of the Shepparton Villages committee. We have Ave Maria Village in Shepparton. We also have the Multicultural Hostel in Shepparton. The manager, Mary Pell, has been a staff member of that hostel since its inception and has now been made the manager. I know she takes great care of the residents in that retirement village. We also have the Myola Cottages and Lodge in Tatura.

I know people are living longer in the retirement villages. I have spoken to a number of residents whose families, after great stress, have decided to put them into a retirement village, or the persons themselves have decided to go there, thinking that perhaps they would have only one or two years in that retirement village, but suddenly they get a new lease on life. They

go on bus trips; they have days when they play bridge. I think they even have a happy hour on a Wednesday in one of the retirement villages that I visit, and people take sandwiches and their cards. All of a sudden these people have a new lease of life and they feel invigorated; they have a lot of confidence and they are able to go out into the community or go to Melbourne to the zoo or to some of the parks. It is great that retirement villages are now catering for people at a much earlier age. That is also a good idea because you have that mix of residents as well.

The boards of these retirement villages usually include leaders in the community, and they do an excellent job. They mainly do a lot of fundraising for other sorts of projects that go on in the retirement village. If the retirement villages need some sort of equipment, often the board members themselves go out into the community and fundraise. I know there is a saying that you can tell a community by the way it looks after its elderly people, and I think that is true. I have had cause to visit a lot of the retirement villages in the Shepparton district, and I know they really do care about their residents. I know staff, volunteers and management all do a wonderful job, and when I talk to the residents that is what I hear. If they are not happy, they can go to the board, because board members are usually relatives of people who live in the retirement village, and they care very strongly about the type of care their mothers or fathers receive.

I put on record that last month Shepparton Villages took out the Fundraising Institute of Australia's national award, which was presented in Melbourne. It was in the highest category of more than $500 000 raised. Its Brighter Tomorrows building appeal raised $2.2 million. It does an excellent job, and I would like to congratulate Vicki Glazner, the public relations/marketing and fundraising manager; the president of the board, Barry Campbell; and the chief executive officer, Kevin Bertram.

It is important that we care for our elderly and that we regulate retirement villages and scrutinise what goes on in aged care hostels and facilities, because often people who live in them feel that they have lost their voice. In 1997 I was a member of the parliamentary committee that had an inquiry into planning for positive ageing. It was one of the biggest inquiries Parliament had ever conducted. In fact the report was about 500 pages long — thank goodness there was an executive report! During the year-long consultation period we found that people are able to age positively if they feel supported, respected and valued and if they can live as independently as possible, being in control of their lives. I hope the passing of this bill will in enable us to in some way make their lives a little bit easier.

Ms NEVILLE (Bellarine) — I am pleased to speak today in support of the Retirement Villages (Amendment) Bill. This is an important step forward in ensuring that we have a good system of consumer rights in place for residents of retirement villages and those who are planning to live in them. As other members have said, many thousands of Victorians live in retirement villages — over 25 000 — and this figure will continue to rise. It becomes a lifestyle choice for the individual and their family. In fact as we heard today, as we increase home and community care funding to assist people to live in their homes and communities, retirement villages will become a midway option for many older people who want to stay at home but also want some additional support, with friends close by and smaller homes to look after.

There are some fantastic retirement villages across the state. I think the member for Nepean said that some of them make one want to think about retiring. That is probably good advice for many members on the other side — they should think about that! Unfortunately some residents of retirement villages have had very poor experiences. This bill is aimed at those people, at trying to ensure that both current residents and, importantly, potential residents have more confidence in their decisions about moving into a retirement village.

This is an increasing issue for many retirement village residents in Bellarine. Currently 20 per cent of residents are over 60 years of age, and Bellarine Peninsula is one of the areas that many people are planning to retire to or are currently retired to. As these people get older they are also starting to look for options where they may be supported in their accommodation. It is important that we are moving forward in terms of protecting residents' rights and making sure that they understand their rights and that we have a fair system for those moving into retirement villages.

I will touch on a couple of points in this bill which I think are very important and which have been raised with me by residents of retirement villages. Firstly, we need to look at the issues around contracts. I think they will be some of the more crucial issues as we move forward.

Much work is still to be done in terms of further consultation on the nature of the regulations. As has been flagged, we imagine that the regulation powers around the contracts will include provisions like cooling-off rights, the sorts of services and facilities

people can expect, and rules about repairs to residences, fees et cetera, including dispute resolution. These will be fundamental to ensuring that there is consumer confidence in retirement villages.

Certainly residents who have contacted me have raised concerns about their capacity to understand the contracts they are currently signing. We have seen similar issues arise in the past in relation to bank loans and those sorts of things, and as a community we have moved to deal with those to ensure that, as much as possible, consumers have the information and the confidence to sign those sorts of documents. Similarly, that will be the case as a result of this bill. I know that residents are looking forward to having further input into ensuring that the provisions in the regulations reflect the issues that they are most concerned about.

The other area that people have raised consistently is the dispute resolution mechanisms. In Geelong the average age of people in retirement villages is about 85. Age sometimes impacts on people's capacity to do the work necessary to protect their rights, so you need to have in place a dispute resolution system which works for all parties involved and which is as simple and accessible as possible.

The member for Shepparton talked about mediation and adjudication mechanisms. That is certainly not what I have heard from residents of retirement villages; it is not a system that they think is going to work. What they need as a last resort is a more serious option to resolve disputes about contracts. The dispute resolution system in the bill is two-pronged. It tries to encourage the establishment of a mechanism to resolve issues within the village itself. It is important to ensure that a dispute resolution system exists, that people know about it, that it is reported on and that people know what the disputes are and what happens to them. As is always the case, those disputes will not be resolved in all circumstances, and the bill provides for the next step — access to Consumer Affairs Victoria. I understand there will be some resources to assist people to understand how they may proceed with disputes, if appropriate. As a final resort, people will also have access to the Victorian Civil and Administrative Tribunal. With some of the cases that have been brought to my attention VCAT may be the only opportunity for people to resolve those sorts of disputes.

As I indicated, further work is to be done on what is contained in the model contract, and residents will have an opportunity to have input to ensure that it reflects the issues they have been confronted with. Overall this bill will be important in ensuring that the many Victorians who are considering retirement villages as an accommodation and lifestyle option have security in their decision making. I commend the bill to the house.

Mr BAILLIEU (Hawthorn) — The Retirement Villages (Amendment) Bill is an important bill which amends the Retirement Villages Act 1986. Obviously all members take the view that retirement villages and their management and operation are an important subject that is of growing importance as the community ages. All the people in that category who are contemplating retirement would expect that the management and operation of such villages is certain, transparent and capable of giving confidence to its residents, those proposing to buy into villages and those seeking to exit that their interests will be preserved.

The opposition is not opposed to the bill, seeing it as an important adjunct to the existing act. It has been through a process, and a number of issues were raised during that process which we remain concerned about, including the adjudication and mediation of disputes. Other members have drawn attention to that in some detail. These issues are raised frequently with members of Parliament. A number of such issues have been raised with me in my office, and they have been difficult to deal with because of the uncertainty about some aspects of the law.

It is not unlike the body corporate legislation, and I trust we will be reviewing that legislation soon following the completion of a review. Again there are a range of disputes which are similar and which go to financial arrangements; entering and exiting villages and body corporates; maintenance issues, which themselves are matters of finance; the management and operation of villages; and of course the settlement of disputes.

We take issue with the mediation procedures. We had been promised that there would be an adjudicator, but the government has seen fit not to proceed with that. We think that is a shame, but we will not oppose the bill because of it. We think it is important that the owners, operators and residents and prospective residents of retirement villages have the certainty that this legislation provides.

Mr DONNELLAN (Narre Warren North) — It is a great honour to speak on this bill today, which aims to protect the rights of current and future retirement village residents, ensuring standards are maintained now and into the future. About 25 000 Victorians currently live in around 400 retirement villages.

The consultation which was undertaken by the member for Waverley was very good. Over 350 residents arrived when we held consultations in my electorate,

and it was valuable to hear their concerns. To give an example, on the day there was a lady who was not sure whether she had bought a strata title, a freehold title or a leasehold title, and even after we had talked to her she was still not sure about what type of interest she had in her property. To some extent that shows that people need a basic set of standards, and that is what this bill seeks to introduce through a model contract. It provides an example of a good contract, and solicitors and intending residents can compare the clauses in their retirement village contract against the model contract.

The bill also has new provisions vis-a-vis proxies so that retirement village operators cannot exercise proxies on behalf of residents in the same way as they may have been able to in the past. The operator will not be able to seek a power of attorney, and the arrangement will not change retrospectively in this instance. Everybody wants the right to own their own home and to sell to whomever they want, whenever they want. New contracts will provide residents with a choice of selling their interest, whether it is leasehold, freehold or otherwise, through their own chosen real estate agent. They may choose to sell it through the operator, but at least they will have a choice of how they go about it. The bill also gives certain powers to the Victorian Civil and Administrative Tribunal to resolve contractual disputes, and Consumer Affairs Victoria will be appointing some specialists to deal with conciliation and like matters.

The bill contains provisions to limit fees. An operator will not be able to charge fees beyond 28 days after a resident has left a village. Maintenance charges will also cease once a new contract has been signed, the unit is reoccupied or six months after the resident has left the village. I also note a promise we made to fund a retirement villages residents association. On 23 February the Minister for Consumer Affairs announced $170 000 in funding to assist the Council on the Ageing (Victoria) to set up a retirement villages retirement association.

Overall, the review undertaken by the member for Waverley has resulted in very good legislation, and I commend the bill to the house.

Mr STENSHOLT (Burwood) — I am delighted to support the Retirement Village (Amendment) Bill because it brings in necessary amendments to the regulatory regime that affects the residents and operators of retirement villages here in Victoria. I commend the previous Minister for Consumer Affairs in the other place, and obviously the new minister, as well as the member for Mount Waverley for their excellent work. It has been a comprehensive process of talking to people in retirement villages and of consultation with operators in terms of the draft paper which went around, and I know that very detailed discussions were held on it. This included retirement villages in my electorate as well.

I must admit that I have had quite a long-term interest in this because my mother took up a place in one of the first retirement villages in Australia which was built on the old Cheeseman nursery site in East Brighton. Her experience was actually a very negative one. When she decided after a couple of years that she still felt well enough and would prefer to be in a flat by herself rather than in the retirement village, it proved to be very difficult to move from that retirement village. She did seek some advice on this from a certain Mr Stockdale, I must admit, and he basically said, 'It is all a bit too hard'. Trying to wade through the contract and to exit without large loss of funds was very, very difficult.

We were able to help my mother in that particular case as her family, but it did serve to underline to me just how difficult the unequal relationship was between the residents and the operators of retirement villages at that time. So I was really quite keen to talk to the people in the retirement villages in my electorate when this review came up. I was given much help by the residents, for example, at Cameron Close where we had some discussions, and they put in some extensive submissions in terms of a range of conditions in the report to the member for Mount Waverley.

Some of the concerns raised are addressed in the bill, such as the relationship between the residents and the body corporate or the manager, their ability to get a fair hearing of their concerns and to have fair and understandable conditions when it comes to entering into a contract, and afterwards in terms of the sale of premises. There are some very sensible provisions in terms of standard contracts and the right of residents to act through representatives; the role of resident committees in terms of disputes; the dealing with the operation and maintenance charges; powers of attorney; and dispute mediation.

There is a wide of range of elements in this bill. It is much-needed reform for the operation of retirement villages in terms of the relationship between the residents and the operators. I very much welcome, for example, setting up a residents committee or group which will be able to provide continual advice to the minister and, if you like, stories from the field and what is happening on the ground to ensure the minister is made aware of any problems which come up in the future and act on them as necessary.

There are concerns out there. When people get old and are in retirement villages — yes, they are ageing, but they are living independently — there is the question of what will happen if they become frail and need to move to another home. They need to know what happens then with their equity in the retirement village. Will they need to onsell that, and as bonds are needed now for nursing homes et cetera, will they be able to access those funds in time? Will they be able to ensure that they will be properly cared for and not have that anxiety and stress in extreme old age? These are very important considerations and ones which are felt very keenly by the older residents in the retirement villages in my electorate.

As a local member I am determined to look after these people, and I have been very active in making sure that the minister and the member for Mount Waverley knew of their concerns and were right across the details of them. I was very pleased that on several occasions the member was able to meet with delegations from the retirement villages in my electorate to discuss particular issues and concerns with details in the draft report. They made some suggestions for change as well which were then conveyed to the minister, and helped form part of the changes in this bill. This legislation is very timely for the many people in retirement villages in my electorate and throughout Victoria, and I welcome the changes and I know they will be welcomed also by the people in the retirement villages in my electorate. I commend them to the house.

Ms BUCHANAN (Hastings) — It gives me great pleasure to rise in support of the Retirement Villages (Amendment) Bill, and particularly so on behalf of all the current and future residents of retirement villages in the Hastings electorate. The intent of the review of this act, which has been ongoing for quite a substantial period, is very clear. After 16 years in operation the provisions of the act no longer reflected the very expansive and diverse requirements of current accommodation arrangements, and subsequently no longer provided adequate protection for consumers. The intent of this bill reflects the need to promote protection, not only to that growing group of consumers but also to lay down clear regulatory guidelines for owners and operators of retirement villages.

There are aspects of this bill I would like to bring to the attention of the house, but before I do so I acknowledge the outstanding work done by the member for Mount Waverley and the respective consumer affairs ministers who have guided this project to fruition. An incredible consultative process was undertaken within the range of work that was done.

Numerous changes to the act reflect the reality of living in a retirement village in the year 2005, and hopefully for several decades to come. One of those would be the setting up of model contracts, limiting the exit charges, and improving dispute-resolution services for retirement village residents. These are all key and important aspects of the bill that needed to be updated. I have had numerous representations from people and families of people who are currently in retirement villages, or who are anticipating going into retirement villages in the near future, and they need the certainty of protection as they go through the process of making a major life decision at this stage in their lives.

As I said earlier, one of the other most important things is setting up an on-site dispute resolution system. Hopefully all of these will happen on retirement village sites by September 2005. They will give hope for an independent and impartial process by which management and consumers — that is, retirement village residents — can work through any unresolved issues. It is also important to note that residents with unresolved contractual disputes will have their complaints addressed more quickly and more easily through the new provisions being undertaken or outlined in this bill.

What I also applaud in the initiative within the context of this legislation is that this government is going to provide funding to set up Victoria's first retirement village residents association. I am looking forward to working with the many residents of retirement villages around my region who have expressed keen interest in this sort of activity being initiated. Earlier in the debate it was pointed out by someone on this side of the house that there are about 400 retirement villages around Victoria which accommodate something like 25 000 residents. Nowhere is the issue of dealing with ageing communities and their accommodation needs more prevalent than around the regions of Western Port and the Mornington Peninsula region.

In my previous life as a Centrelink manager I can well remember the times in the early 1990s when a very similar issue — that is, the introduction of bonds by the federal government in relation to nursing homes — was introduced. That created such an incredibly negative backlash from many consumers and support groups in the area that those determinations were very quickly overturned by the federal government. Such is the sensitivity of people looking at that very important decision to go into retirement villages and nursing homes, and the incredible financial commitment they have to make in order to secure spaces in them.

Another important thing that I am pleased to relay to this house is the issue of service fees no longer being charged to residents who have vacated after 28 days. That is a very important issue, and I commend the review process which has been gone through by members such as the member for Mount Waverley to make sure there is equity in that process. That is very fair. I am fully aware of scenarios where distraught family members have come to me and said, 'My family member has passed away', or 'My family member has gone into a higher-needs-type accommodation that reflects their greater maintenance needs', and the retirement village was still charging like a wounded bull when those family members had not been near the place for at least six months. That is not equitable by any stretch of anybody's imagination, and it is good to see equity going back into those sorts of consumer issues, particularly when it could be argued that these sorts of people are entering retirement villages often at the most vulnerable times in their lives.

I think it was mentioned earlier in the debate that people entering retirement villages probably have not made a major financial decision since they purchased their homes many decades ago. Their familiarity with contractual arrangements and their rights as consumers would have been severely stretched because of that time issue. One of the most popular publications I spread around my electorate is called the *Little Black Book of Scams*. This particular book is incredibly popular, both with the elderly population and with families who have elderly relatives. This group of people is vulnerable to being ripped off. While I am not saying that retirement villages are in the process of ripping people off, it is important to note that when it comes to knowing their consumer rights perhaps this age group needs a little bit more support than people around my age, or the age of the member for Hawthorn, in terms of knowing where they stand and their consumer rights.

Mr Baillieu interjected.

Ms BUCHANAN — Of multiple generations. I think that is what the member for Hawthorn is referring to. As I said, I am very happy that this bill is finally before the house. As the previous speaker indicated, it is very timely. We are looking at an increase in our ageing population to a proportion that we have never seen before. As the needs of our ageing population become an issue across the board we need to address many infrastructure issues. As retirement villages become more and more popular across Australia it is important that the rights of consumers and management are very clearly laid out.

I am proud to be part of a government that has gone through an extensive review process. As I said earlier, the consultative process was very inclusive. I know that the member for Mount Waverley spoke about that at length during her contribution to the debate. I had great pleasure interacting with members of retirement villages, such as St John's in Tyabb, Village Baxter in Baxter and the many retirement villages and nursing homes around the Junction Village in the Cranbourne South region and the Hastings electorate. The process also involved interaction with such organisations as senior citizens clubs in Balnarring, Hastings and Cranbourne. There are also some fantastic bowling clubs around my electorate, and this was an important and topical issue for them because it directly affects them more than any other group in our community.

In continuing to support this bill I would like to highlight that in the future living in retirement villages will be even better than it is now with the improved protection for consumers. I cannot reiterate that point often enough in terms of there being adequate protection for consumers, particularly those in retirement villages.

Mr Baillieu — What about maintenance charges?

Ms BUCHANAN — The member for Hawthorn has raised the issue of maintenance charges. I can remember how pensioners were ripped off ruthlessly by the federal government in relation to maintenance charges during the 1990s, and they continue to be ripped off in relation to their Centrelink payments. The abhorrent and draconian measures by which Centrelink regulations are set up do not assist people who have to pay not only an entry contribution to retirement villages and nursing homes but also an horrendous maintenance fee. Do they get any rental assistance? They get Buckley's and none. They get no support from the federal government for the incredible financial outlay they have to make in terms of an entry fee into a retirement home and for ongoing maintenance costs. This bill is fantastic. It is great for our elderly consumers and I support it wholeheartedly.

Mr LEIGHTON (Preston) — I am proud and pleased to speak in support of the Retirement Villages (Amendment) Bill. From a social justice perspective it is a great bill, and also in my view it is legally and economically responsible, unlike the opposition, in honouring existing contracts. I would like at the outset to congratulate the member for Mount Waverley for the excellent work she did in reviewing the report.

Retirement villages are a very important form of living for a number of our elderly citizens. Indeed in their

final years my parents-in-law went into a retirement village in Rosebud, where they were very happy. It was well-run, well-managed and comfortable accommodation, with a great bunch of people. My father-in-law was a mad-keen lawn bowler, and there he was able to bowl to his heart's content. They had other important facilities such as dining rooms and meeting areas, and for people who needed it there were more advanced forms of accommodation such as nursing homes. The more successful retirement villages carefully link all those together.

My father-in-law, being the typical accountant he was, had a very careful look at the contracts before he and my mother-in-law went into that accommodation. He understood quite clearly that there were provisions in the contract which specified that they would get only a certain percentage of the original purchase price they had paid and then, on top of that, an additional percentage of the capital gain on the facility. Fortunately when the time came the resale went quite smoothly from the perspective of the surviving members of the family.

That has not always been the case. I think that some older people, not understanding these processes, have failed to go through the contracts carefully. I also think that at times their solicitors have glossed over the implications, so that when it has come time to sell the unit to move into a nursing home — or after their death, when their kids have had to arrange the sale — there have been some nasty shocks. I think this legislation is important because it addresses the possible imbalance between the residents and proprietors of retirement villages by bringing it much more towards the centre.

I have a retirement village in my electorate. Latrobe Retirement Village is a great facility, and wonderful people live there. Over the summer break I took the opportunity to write to the residents of that retirement village to inform them of our legislation before the house. We had a good response. They were very enthusiastic in their support of the bill, and they raised with me a couple of issues of concern. The first was that in purchasing their units a number of the residents have entered into contracts whereby after their death and after the sales of their unit the proprietors of the retirement village will hold the funds for some eight years. Unfortunately, we are not about tearing up contracts, so we cannot retrospectively address their concerns, but that can certainly be done prospectively. I believe the government has heard their concerns, and I find it inequitable that the proprietors could be holding on to the proceeds of the sale for some eight years.

The other issue that the Latrobe Retirement Village residents raised with me was about voting restrictions. I have written to the Minister for Consumer Affairs, and I have had a briefing with her staff. I am told that her department is having a closer look at those restrictions. I would like to congratulate the residents for the work they have done in getting together and responding to the bill. In fact one of the important things we have done as a government is that we have just announced the funding through Consumer Affairs Victoria of a residents association. I think it is important that we assist residents in advocacy on their behalf.

The final matter I would like to deal with is the concern that was raised as to whether the Summerhill Residential Park should be included in this bill. For those who are not aware, Summerhill is technically a caravan park, and while it has some features of a retirement village, the residents own supposedly relocatable homes which are placed on sites that they then rent from the management. The advice of the department, which I think is fair, is that there is sufficient scope within the Residential Tenancies Act and the Consumer Affairs Act to deal with their concerns. In any event, if you have a rogue management, which we clearly have at Summerhill, it does not matter which act of Parliament you are dealing with, sooner or later you are going to have to go off to the Victorian Civil and Administrative Tribunal to take legal action — and that is in the process of occurring at Summerhill. While Summerhill has not been included in this legislation, there are a number of us who are very keen on investigating its management to see whether there are other ways in which we can deal with them.

This is a very important piece of legislation that supports our elderly citizens in their retirement and gives them increased rights and the opportunity to advocate for themselves. I commend the bill to the house.

Mr THOMPSON (Sandringham) — The Liberal Party does not oppose the bill before the house. The electorate of Sandringham, as measured by the proportion of residents over the age of 65, is the oldest electorate in Victoria. It is important for the residents of my electorate therefore to have appropriate pathways for independent living in their senior years. The range of options in the Sandringham electorate include retirement village complexes, hostels and nursing homes. In my experience of nursing homes it is imperative that there be a very high standard of care to look after the people in those establishments, of whom by that time perhaps three-quarters may be non compos mentis.

The other element in relation to retirement villages, which is a pathway taken by many people in their more active years, is that there is some level of security of tenure, of freedom of mobility, of independence of contracting against a set of fair and equitable benchmarks. It is legislation such as this before the house which endeavours to strike some independent standards to protect the interests of retirees.

Much good work has been done by many people in the Sandringham electorate to look after the interests of retirees. Fairway Hostel is an establishment that was developed to look after retirees in the Sandringham area who were moving from their own homes but wanted some level of independence in the area. The leaders behind this excellent community initiative include a former twice mayor of the City of Sandringham, Lesley Falloon. Together with a very hardworking committee involving Shirley Martin and Janice Douglas — a former principal of Mentone Girls Grammar School — Lesley exhibited a level of leadership which led not only to 30 beds being provided as part of the Fairway Hostel but also to the establishment of a 60-bed complex that provided an excellent outcome for many residents of the Sandringham electorate. They were guided by the financial expertise of Barry Hutchins; he guided their meetings in a most constructive manner.

The only issue the opposition has in relation to the legislation is that an adjudicator was promised but the government has not proceeded with that form of dispute resolution. One of the most regrettable things is that when a dispute does arise there are not cost-effective methods of resolving it. It is the view of the opposition that the promise of an adjudicator in the initial stages and the failure to provide for that in the bill is a matter to be regretted. I commend the shadow Minister for Planning, the member for Hawthorn, for his good work on the bill in consulting widely in relation to the issues in it and drawing the attention of the house to this oversight.

Among the retirement village areas in the Sandringham electorate are some RSL homes that provide accommodation for a number of my constituents. The Beaumaris RSL is one of the strongest RSLs in Victoria. The former and current heads of the RSL movement in Victoria, Bruce Ruxton and David McLachlan, have provided a good level of leadership. A number of members of the local RSL are in a retirement village complex in the Beaumaris area.

The opposition is pleased to be in a position where it does not oppose the bill. Members of the opposition look forward to the summing up of the second-reading debate by the Minister for Community Services, and perhaps an undertaking that in the future consideration will be given to the appointment of an adjudicator. If this consideration is not given by the government, it will be by the opposition when it returns to government.

Ms GARBUTT (Minister for Community Services) — This is most appropriate timing for a bill of this nature. When we consider the ageing of our population and the number of people who are facing retirement in the near future, we understand that this sort of bill is necessary to modernise the arrangements in retirement villages. Retirement villages are a very popular choice for many people.

It is a major decision for anybody to make. I know that personally we are facing similar decisions which need to be made about my mother, and many of my friends are having the same sorts of conversations. These are major decisions about shifting from the family home. These are major financial decisions because they are not cheap options. Of course we have a vulnerable population making this decision. People hope to remain happy in retirement for a long time but are perhaps not able to make future decisions about financial issues if disputes arise.

This bill addresses some major issues, including contracts and what should be a standard contract, service fees, and how to manage disputes and their resolution. This is a very appropriate and timely bill.

I would like to congratulate the member for Mount Waverley on the long and careful consultation process which was undertaken. It got many people involved in considering these issues. I would also like to thank all the members who have spoken on this bill: on the opposition side, the members for Hawthorn, Shepparton, Bulleen, Lowan and Sandringham; and on the government side, the members for Mount Waverley, Carrum, Burwood, Hastings, Preston, Forest Hill and Bellarine. I thank them for their contributions to the debate and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! As it is 4.00 p.m., the time has come for me to interrupt government business.

CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HAERMEYER (then Minister for Corrections).

The SPEAKER — Order! I am required by standing orders to put the following question:

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

House divided on question:

Ayes, 59

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

Noes, 22

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

Question agreed to.

Read second time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Agriculture).

The SPEAKER — Order! The question is:

That this bill be now read a second time and that the circulated government amendments be agreed to.

House divided on question:

Ayes, 57

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

Noes, 24

Asher, Ms	Napthine, Dr
Baillieu, Mr	Perton, Mr
Clark, Mr	Plowman, Mr
Delahunty, Mr	Powell, Mrs
Dixon, Mr	Ryan, Mr
Doyle, Mr	Savage, Mr
Honeywood, Mr	Shardey, Mrs
Ingram, Mr	Smith, Mr
Kotsiras, Mr	Sykes, Dr
McIntosh, Mr	Thompson, Mr

Maughan, Mr
Mulder, Mr
Walsh, Mr
Wells, Mr

Question agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 2, line 26, omit "March" and insert "May".
2. Clause 22, line 30, omit "March" and insert "May".
3. Clause 23, line 27, omit "March" and insert "May".
4. Clause 23, page 26, line 4, omit "March" and insert "May".
5. Clause 23, page 26, line 7, omit "March" and insert "May".
6. Clause 25, line 24, omit "**March**" and insert "**May**".

Third reading

The SPEAKER — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority.

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The Mitcham-Frankston Project (Amendment) Bill 2005 makes a number of amendments to the Mitcham-Frankston Project Act 2004, and other acts, to facilitate the delivery of the Mitcham–Frankston project, the largest road project in Australia and a significant step in the state's development of the transport network.

The Mitcham-Frankston Project Act 2004 and Mitcham–Frankston project concession deed between the state and ConnectEast together provide the legal framework for the Mitcham–Frankston project. The act was passed in May 2004 and the concession deed was signed by the state on 14 October 2004, following a competitive bidding process. The concession deed, as signed, contains improvements to a number of aspects of the legal arrangements anticipated by the act. It is therefore appropriate for the act to be amended to reflect those improvements.

The act provides an infringement regime in respect of vehicles, detected on the freeway, that are not subject to an arrangement with the freeway corporation. In such a case, an infringement notice can be sent to the driver only if the driver receives an invoice which is unpaid for 14 days. The state has improved the position for drivers by requiring, in the concession deed, that the freeway corporation send drivers who have not paid their invoices within the 14-day period, a second invoice as a reminder to pay within a further 14 days. The bill implements this change as part of the infringement system, providing that if the first invoice is not paid within the 14-day period that a second notice must be sent to the driver and a further 14 days expire before an infringement notice can be issued.

The concession deed improves the scope of the project by including the construction of the Dandenong Southern Bypass in the project. This road will run from Perry Road to the South Gippsland Highway. It will be built by the freeway corporation as part of the project but will not be tolled. It will significantly improve traffic flows in the area and enhance the state's transport network. The bill implements this change by extending the definition of 'project' to include the Dandenong Southern Bypass.

The concession deed imposes a performance regime on the freeway corporation, with penalties for non-performance. This strengthens the contractual arrangements by providing greater incentives to the freeway corporation to maintain a high standard of performance during the operation of the freeway, with benefits to users of the road. The bill provides legislative support to these contractual provisions by providing that they are enforceable in a court of law.

The bill will enable the state (through the Southern and Eastern Integrated Transport Authority) to issue construction licences or grant authorisation in respect of land vested in councils without acquiring the land. Such land will be used for project works, such as landscaping and shared user paths, which will be returned to the relevant council after the works are complete.

The bill also makes a number of other changes and technical improvements to enhance the operation of the act.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 10 March.

HEALTH (COMPULSORY TESTING) BILL

Second reading

Ms PIKE (Minister for Health) — I move:

That this bill be now read a second time.

An occupational risk for health care, custodial and emergency service workers is the risk of transmission of blood-borne viruses, such as the human immunodeficiency virus and certain forms of hepatitis.

The most effective way to address these risks is to decrease the likelihood of the transfer of the disease through the adoption of safe practices. National protocols have been developed that address universal infection control. Victorian hospitals use these to reduce the incidence of sharps or other accidents where transmission may occur.

However, if an incident occurs where there may have been the transfer of HIV or certain forms of hepatitis, it is important to promptly assess the risk of transmission. This involves an assessment of the nature of the incident and, on occasions, an assessment of the likelihood of the potential source being infected with the virus. Prompt assessment is important since post exposure preventative treatment must be started early.

In 1991, the Health Act 1958 was amended to provide for the Secretary to the Department of Human Services to grant an order for a person to undergo a test for specified infectious diseases, including HIV and any form of hepatitis which may be transmitted by blood or body fluid. This order may be granted where:

- an incident occurred that involved a 'caregiver or custodian' that could have resulted in the transfer of a specified infectious disease; and
- the potential source has been offered counselling and refused to consent to a test.

A 'caregiver or custodian' is defined in section 118 of the Health Act 1958 and refers to specific occupations, including doctors, nurses, dentists and ambulance officers, and the legal custodian of a person taken into legal or protective custody.

An anomaly with the current provisions is that the secretary may grant the order if the person refuses to consent to the test, but the secretary cannot grant the order if the person is unconscious or unable to give or refuse consent for other reasons. In these situations, the secretary cannot order the test, because the person is not, in law, 'refusing' to consent to the test.

There is a process in the Guardianship and Administration act 1986, which provides for a hierarchy of persons who may provide consent to certain types of medical treatment for a person who does not have the capacity to consent to the treatment. The person who is able to provide the consent is the 'person responsible'. The 'person responsible' may only consent to the test if it is in the best interests of the person. Generally, the test will be in the interest of the other person involved in the incident rather than in the interest of the tested person. If the test is not, in law, in the best interests of the person, then the person responsible cannot provide consent to the test.

Accordingly, neither the Guardianship and Administration Act 1986 nor the Health Act 1958 adequately address the situation where people without capacity are involved in incidents that may have resulted in the transfer of HIV or certain forms of hepatitis to a caregiver or custodian.

For instance, if a nurse received a needle-stick injury involving an unconscious patient, the patient is unable to consider whether to consent to testing and is, therefore, not 'refusing' to provide consent. An order cannot be given under the Health Act and the nurse must either:

- take anti-retroviral medication to prevent infection, which involves medical risks for the nurse (even though the patient may not have HIV); or
- refrain from taking anti-retroviral medication, which may increase the risk of the nurse contracting HIV (if the unconscious patient was infected with HIV).

If there was power to test the patient for HIV and the patient was found not to have HIV, the nurse would not need to take the anti-retroviral medication. If the patient had HIV, then the nurse could take the medication and significantly reduce the risk of contracting HIV. The efficacy of the anti-retrovirals is probably maximised if it is taken within 4 hours and must be taken within 72 hours of the incident.

The Department of Human Services understands that, in practice, if the incident involves a person who has capacity, the person will almost always consent to the test. However, if the person does not have capacity to consent to the test, there is generally no clear process for obtaining authorisation for the testing of the person.

This bill addresses the anomaly regarding people who are unable to consent or refuse to consent to the test.

Firstly, the bill provides for the secretary to order or authorise a test in relation to a person who does not have the capacity to consent.

Secondly, the bill provides for an authorised senior medical officer of a hospital to authorise a test in relation to a patient at that hospital who does not have the capacity to consent to the test.

I now turn to the clauses of the bill.

Clauses 1 and 2

Clause 1 of the bill outlines the object of the bill. Clause 2 provides that the bill will commence on the day after the bill receives royal assent.

Clause 3

Clause 3 of the bill amends section 120A of the Health Act and provides for the secretary granting an order for a test in relation to a person who is unconscious or otherwise does not have the capacity to consent to be tested for the disease.

The amendments also enable the secretary to grant the order where the person has died. This could be granted if there was a needle-stick injury during surgery and the patient subsequently died. In this situation, it may be desirable to test the deceased person for HIV or a blood borne virus.

Clause 4

Clause 4 of the bill provides for a hospital to authorise a senior medical officer to make orders for testing a patient for HIV or certain forms of hepatitis.

Clause 4 of the bill also requires the secretary and the senior medical officer to provide post-test counselling. The counselling must include details of the test conducted, the reasons why the test was conducted and the results of the test. If the test indicated the presence of an infectious disease, the counselling must also include details of the effects of that disease on an infected person and the risk to public health of the disease.

Clause 5

Clause 5 of the bill enables the secretary to issue directions regarding various matters, including the appointment of senior medical officers, the senior medical officers' exercise of their powers and the provision of counselling. The hospitals and senior medical officers must comply with the directions.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Debate adjourned until Thursday, 10 March.

NATIONAL ELECTRICITY (VICTORIA) BILL

Second reading

Mr BRUMBY (Treasurer) — I move:

That this bill be now read a second time.

Victoria is participating in the reform of Australia's energy markets in response to the Council of Australian Governments energy market review 2002, also known as the Parer review.

In December 2003, the Ministerial Council on Energy responded to the Parer review by announcing a comprehensive and sweeping set of policy decisions for its major energy market reform program. These policy decisions were publicly released as the ministerial council's report to the Council of Australian Governments on 'reform of energy markets'. All first ministers endorsed the ministerial council's report.

The National Electricity (Victoria) Bill will facilitate implementation in Victoria of improved governance arrangements for the national electricity market, to be implemented as a result of this reform program.

The national electricity market is regulated through a cooperative scheme. The lead legislation for this scheme is the National Electricity (South Australia) Act 1996. A bill is currently before the South Australian Parliament to provide for the introduction of a new National Electricity Law.

This new National Electricity Law reforms the national electricity market governance arrangements by conferring functions and powers on two new bodies, the Australian Energy Market Commission and the Australian Energy Regulator. These two new statutory bodies will become respectively responsible for

electricity wholesale and transmission rule-making and regulation in the national electricity market jurisdictions. The head office of the Australian Energy Regulator will be located in Melbourne.

The new National Electricity Law will enshrine the policy-making role of the Ministerial Council on Energy in the context of the national electricity market. It will also provide a single objective for the national electricity market. That objective is to promote efficient investment in, and efficient use of, electricity services for the long-term interests of consumers of electricity with respect to price, quality, reliability and security of supply of electricity, and the safety, reliability and security of the national electricity system.

A further major reform is the introduction of a streamlined rule change process, now embodied in the new National Electricity Law. As a result of these reforms, the rules which govern the national electricity market, and which are currently embodied in the National Electricity Code, will be remade as statutory rules under the National Electricity Law.

In short, these reforms will strengthen and improve the quality, timeliness and national character of the governance and economic regulation of the national electricity market. In turn, this should lower the cost and complexity of regulation facing investors, enhance regulatory certainty and lower barriers to competition.

The National Electricity (Victoria) Bill 2005 provides for the application of the new National Electricity Law in Victoria. The bill is relatively short. Part 1 sets out the purpose of the act, provides for its commencement and sets out certain definitions arising from the operation of part 2. Part 2 provides that the new National Electricity Law will have the force of law in Victoria. In addition, regulations made under the National Electricity (South Australia) Act 1996 will apply as regulations in force for the purposes of that law. The bill also provides for consequential amendments, including the repeal of the National Electricity (Victoria) Act 1997.

I wish to make a statement pursuant to section 85(5) of the Constitution Act 1975, outlining the reason for altering or varying that section. Clause 12 of the bill states that it is the intention of section 9 to alter or vary section 85 of the Constitution Act 1975. Section 9 provides that except as provided in the National Electricity (Victoria) Law, proceedings may not be instituted in a relevant court in respect of a breach of a provision of the National Electricity (Victoria) Law, National Electricity (Victoria) Regulations or the National Electricity Rules that is not an offence provision.

The reason for limiting the jurisdiction of the Supreme Court by this section is to ensure that, as provided for in the new National Electricity Law, the Australian Energy Regulator, as the sole body responsible for monitoring compliance with that law and the rules, is the only body that may institute proceedings for a breach of a provision of these instruments, other than an offence provision.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 10 March.

OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL

Second reading

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

That this bill be now read a second time.

The Outworkers (Improved Protection) (Amendment) Bill is a further demonstration of the government's commitment to ending the exploitation of clothing outworkers by providing consistent conditions for all outworkers.

Clothing outworkers are among the most vulnerable members of our community. They are typically migrant women with poor English language skills. They find it difficult to find other forms of employment.

The Outworkers Act was introduced to ensure that outworkers in the Victorian clothing industry receive their lawful entitlements. The Outworkers Act also established the Ethical Clothing Trades Council, comprising key industry, outworker and community representatives.

Since the Outworkers Act was introduced amendments to the federal act empowered the Industrial Relations Commission to make common-rule awards in Victoria. Many such awards, including the clothing trades award, took effect as a common rule in Victoria from 1 January 2005. This means that most Victorian employees now receive a comprehensive safety net of terms and conditions of employment.

However, there are deficiencies in how the award applies to outworkers, particularly outworkers who are said to be independent contractors. Some but not all contract outworkers are entitled to award conditions. This creates a situation of confusion, complexity and uncertainty for both outworkers and the businesses that engage them.

The Ethical Clothing Trades Council has recommended that the government fix these deficiencies and ensure that 'whether classified as an independent contractor or employee outworker the worker is entitled to identical terms and conditions of employment, has the capacity to recover money and that the same obligations of transparency and record keeping apply to [all]'.

This bill is intended to meet this recommendation of the council.

The bill also complements the regulation of contract outworkers under the federal act.

Purpose of the bill

The principal purpose of the bill is to improve the protection for outworkers by ensuring that outworkers who are not covered by the federal award are entitled to award terms and conditions.

Outworkers as employees

Often outworkers are required to set up a business name or business structure in order to obtain work. This bill will ensure that these outworkers receive minimum award entitlements.

The bill will provide that all outworkers are entitled to the same conditions applying under the relevant federal award for employees. A person who engages an outworker must provide no less than the federal award level, and a court can impose a penalty if this provision is contravened. It will not matter whether the outworker is described as a contract outworker or an employee outworker, or whether they have the façade of a business. In this way, confusion and uncertainty are reduced, providing a simpler platform for business.

Federal terms and provisions relating to transparency, registration and record keeping et cetera will be dealt with by regulation.

Summary

The Outworkers (Improved Protection) (Amendment) Bill reflects significant developments since the principal act came into force. The bill responds to a call for these amendments by the Ethical Clothing Trades Council representing community, industry and outworkers, and addresses deficiencies in the federal award application to some contract outworkers.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 10 March.

LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill is cognate with the Legal Profession Act 2004, which received royal assent on 14 December 2004. As members may be aware, in general terms that act seeks to implement a new regulatory framework for the legal profession while simultaneously implementing national model provisions. The national model provisions are intended to provide consistency in regulating standards and procedures across jurisdictions in order to facilitate national practice. The act abolishes the Legal Practice Board, the office of the legal ombudsman and the Legal Profession Tribunal, and establishes new bodies that will be responsible for regulating the legal profession. The act also introduces numerous changes in terminology. The bill amends numerous acts to incorporate those changes.

As an example, the bill includes an amendment to the Victorian Law Reform Commission Act 2000 to delete a reference to the Legal Practice Board and replace it with a reference to the Legal Services Board.

The bill also sets out a number of minor technical amendments which are needed to correct typographical and cross-referencing errors.

It was anticipated that a number of technical amendments would be required to the act due to changes to the Standing Committee of Attorneys-General national model provisions. Members, this has proven to be the case, and so these too are incorporated in this bill.

Finally, the bill encompasses a small number of amendments which involve issues of policy. I do not intend to go into the detail of these amendments, save to say the bill provides that:

the Attorney-General will be given specific power to direct the Legal Services Board to pay an amount out of the distribution account of the public purpose fund to the Victoria Law Reform Commission each financial year;

an appointed member of the Legal Services Board will now hold office for a term of up to 4 years rather than a term of 4 years;

the Legal Services Commissioner will not be able to delegate making the decision on the outcome of an investigation of a disciplinary complaint against a legal practitioner, whether the investigation was carried out by the commissioner or by a prescribed investigatory body;

if the taxing master determines to deal with an application by a client for a costs review that has been made out of time, any proceedings that have already been commenced by a law practice for recovery of those legal costs must be stayed pending the completion of the review;

there will be no fee or surcharge payable for a local practising certificate that is issued authorising someone to engage in legal practice as a volunteer at a community legal centre;

there will be a provision permitting regulations to be made to allow the Legal Services Board to determine classes of Australian-registered foreign lawyers required to contribute to the fidelity fund, as well as the contributions and levies payable by those classes, and the time and manner of payment.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Thursday, 10 March.

CHARITIES (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Charitable organisations play an important part in the provision of community services to the poor, the disadvantaged and those in need and in the administration of charitable trusts for educational or religious purposes.

The purpose of this bill is to address two particular difficulties faced by trustees in the administration of charitable trusts — first, changes in circumstances that make it impossible, or at least very difficult, to carry out the purposes of the trust; and secondly, the inefficiencies caused by the rule that prevents trustees mingling the funds of two or more trusts in a common investment fund.

In the course of time, some trusts become impossible to carry out because of changes in circumstances since the creation of the trust — for instance, a trust for the relief of widows of coalminers, or for the institutional care of children, or for a scholarship for a boarder at a school that no longer provides boarding facilities, or for the building of a church in a place where a church is no longer needed.

Cases of this kind are assisted by the Charities Act 1978, which provides a procedure for the review of outdated trusts by the Supreme Court or, in the case of smaller trusts, the Attorney-General. A scheme (cy pres scheme) can be approved for the variation of a trust that has become impossible or very difficult to carry out, or that has failed. A variation provides for the trust property to be applied to a charitable purpose which fulfils as nearly as possible the charitable intent of the donor.

The Attorney-General's power is restricted to trusts with a corpus of less than $50 000 or, in the case of a trust that has wholly failed, $1000. Those limits were set by amendment of the act in 1986 and are now far too low.

A report on the law relating to charitable trusts by the Parliamentary Legal and Constitutional Committee in 1989 recommended increasing those limits to $200 000 and $2000. The report also recommended an annual review of those figures. However, although the act provides for the increase of the limits by regulation, no increases have been made since 1986.

It is now proposed to raise the limits to $500 000 and $50 000 and, with a view to undertaking regular reviews of the limits, to enable them to be increased by order in council, subject to disallowance by the Parliament.

The second difficulty faced by trustees administering a number of charitable trusts is the common-law rule against mixing the funds of two or more trusts — this prevents investment in a common fund. Where there are a number of small trusts, the efficiencies and advantages of being able to invest in common funds, thereby having a larger pool of funds, is not available,

unless there is statutory provision permitting such investment. Powers of investment in common funds have been given by act to trustee companies, to some universities and to some other bodies. This bill makes provision for the approval of schemes for the investment of charitable funds in common funds. The procedure is similar to that applying to applications for variation of charitable trusts.

The bill makes a small amendment to the provisions of the Charities Act for the supervision of charities by the Attorney-General. If the Attorney-General is concerned about the administration or management of a charity, part 2 of the act provides for an inquiry, but only if the Attorney-General appoints an inspector for that purpose. There is no provision that enables the Attorney-General to request information from the trustees of a charity before deciding whether or not to proceed to the appointment of an inspector. The bill amends part 2 to provide for such a request and makes it an offence to fail to comply with it.

In recent years, there has been an increasing number of requests for private bills to resolve difficulties faced by charitable trustees in the administration and management of their trusts. In some cases, that course is appropriate but, where the difficulties concern outdated trusts or common funds and are shared by a wide range of charitable organisations, the remedies ought to be equally available to all charitable organisations, without distinction.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 10 March.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill makes a number of miscellaneous amendments to improve the operation of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 ('the act').

The bill makes amendments to:

implement uniform classification types for films and computer games as agreed to by all censorship ministers;

improve the operation and effectiveness of enforcement action under the act; and

increase victim age thresholds from 'under 16' to 'under 18' in compliance with International Labour Organisation Convention 182 on the Worst Forms of Child Labour.

Victoria participates in a national classification scheme for the classification of films, publications and computer games. The national classification scheme assists consumers to choose films and computer games by assigning a classification and consumer advice to classified products. In particular, many parents rely on the classification scheme to make viewing decisions for their children.

The national classification scheme is a cooperative arrangement between the commonwealth, states and territories and was established by commonwealth legislation — the Classification (Publications, Films and Computer Games) Act 1995 ('the commonwealth act'). The commonwealth act provides that the classification board classifies films (including videos and DVDs), computer games, and certain publications in accordance with the National Classification Code and the classification guidelines. The states and territories enforce classification decisions under their respective enforcement legislation.

Given the cooperative nature of the scheme, when agreement is reached to amend the scheme, it is then necessary for each jurisdiction to correspondingly amend their legislation. This bill contains amendments of this nature.

In 2003, new classification guidelines were released which merged the classification guidelines for films and computer games in recognition of converging digital media. However, the names used to describe each classification category still differed between films and computer games. To support the new guidelines, it was recognised that legislative amendments would be required to provide for a consistent set of classification symbols and names for films and computer games. In March 2004, all state, territory and commonwealth censorship ministers undertook to make the necessary legislative amendments.

In May 2004, the commonwealth passed the Classification (Publications, Films and Computer Games) Amendment Act 2004 ('the commonwealth

amendment act'). These amendments implement common classification types for films and computer games and are consistent with the agreement of censorship ministers. The change to the names of the classification types does not affect the type of material permitted in each classification.

This bill complements the commonwealth amendment act and will commence at the same time. The bill implements uniform classification categories for films and computer games which will significantly assist consumer decision making regarding classified products. The amendments replace references to the old classification category types with the new.

Accordingly, references to the old computer game classifications of G(8+), M(15+) and MA(15+) are replaced by PG, M and MA 15+ respectively. Similarly, references to film classifications of MA, R and X are replaced by MA 15+, R 18+ and X 18+. The new common classification types for films and computer games will be known as G, PG, M, MA 15+ and RC (Refused Classification).The R 18+ and X 18+ categories will apply only to films. The sale, hire and exhibition of RC and X 18+ films will continue to be illegal in Victoria.

The implementation of uniform classification categories for films and computer games will fulfil several important objectives. Research conducted by the Office of Film and Literature Classification (OFLC) indicates that there is strong community awareness and understanding of the film classification scheme. However, in contrast, only 43 per cent of the population are even aware that computer games are classified. The introduction of uniform classification category names for films and computer games will enhance community awareness and understanding of computer game classification by utilising the well-known and well-understood film classification types. In particular, parents will benefit by only having to understand one set of classification names and will therefore be better informed to choose suitable computer games for their children.

The modified classification type names have been devised so as to create a useful distinction between those classification types which are advisory in nature and those to which legally enforceable restrictions apply. The classification types which include reference to an age — i.e. MA 15+ and R 18+ — indicate that legally enforceable age restrictions apply. Whereas G, PG and M are advisory in nature. Given there is a substantial difference in the material permitted in the legally restricted classifications this amendment is likely to be of great assistance to consumers.

The use of the age descriptors to denote legally enforceable age restrictions also helps consumers differentiate between the M and MA classification. OFLC research indicates a high level of confusion as many consumers think M and MA are the same. The age descriptor is now attached only to MA 15+ thereby indicating that this is a legally enforceable age restriction whereas M is advisory.

A more accessible and understandable classification scheme as proposed by this bill will assist consumers in choosing classified products. Uniform classification type names for films and computer games makes sense for busy parents who will now only need to be familiar with one set of classification terms.

Forfeiture

This bill makes a number of amendments to the act which will improve the effectiveness of enforcement action under the act.

In particular, this bill amends the act to provide an additional means to trigger forfeiture of seized items to the Crown. The bill inserts new forfeiture provisions that will apply where a person has been found guilty of a classification offence (or offences) involving 10 or more films, publications or computer games. The offence must involve one of the following:

films classified RC or X 18+; or

publications or computer games classified RC; or

objectionable films or objectionable publications.

Forfeiture then applies to those films, publications or computer games that were seized at the same time and same premises as the films, publications or computer games which relate to the offences. However, the bill provides safeguards against forfeiture of items which are not banned which can be returned by order of the Magistrates Court.

Evidentiary certificates

Some minor amendments to the evidentiary provisions have also been considered necessary, to ensure that prosecutions do not fail for technical reasons. Section 78 of the act gives evidentiary force to certificates granted under the commonwealth act. These certificates state the relevant classification (if any) of the film, publication or computer game and are required to prove offences under the act. The proposed amendments to section 78 make it clear that copy certificates are acceptable, and that a certificate can be relied upon in a prosecution under the act as evidence

of classification (or non-classification) at a date or dates in the past.

The bill also contains some minor amendments which for the avoidance of doubt explicitly provide that an evidentiary certificate obtained in respect of a particular film, publication or computer game similarly applies to copies which have identifying particulars which correlate with the particulars listed on the certificate (for example in the case of a film, title, running time, producer et cetera).

Child exploitation

The final amendments in the bill address child exploitation. The bill will change the age threshold for victims in relation to objectionable material, objectionable films and objectionable publications from under 16 to under 18 years.

The bill strengthens Victoria's laws against the sexual exploitation of children. The International Labour Organisation Convention 182 on the Worst Forms of Child Labour calls for the elimination of the worst forms of child labour, including the use, procuring or offering of a child under 18 for prostitution, production of pornography or pornographic performances.

The Victorian government strongly supports ratification of this convention. Promoting the physical, sexual, emotional and psychological safety of all young people is a priority for this government. These amendments are a further step towards the elimination of all forms of child exploitation.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 10 March.

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill will revamp the current system for dealing with serious complaints against judicial officers in Victoria and through a number of amendments will enhance public confidence in the judicial system and further protect judicial independence in Victoria.

Sallmann report

As part of the Bracks government commitment to modernising the courts and the judicial system in Victoria, in July 2001 I commissioned Crown Counsel for Victoria, Professor Peter Sallmann, to examine the current system for dealing with complaints against Victorian judicial officers. The result was the report on the judicial conduct and complaints system in Victoria (December 2003).

The Sallmann report found that the current arrangements are ad hoc, vague and uncertain. In particular, Professor Sallmann recommended that there be a standing investigative mechanism for serious complaints against judicial officers.

Grounds for removal of judicial officers

This bill will resolve the current maze of removal provisions. It will strengthen judicial independence by establishing uniform removal provisions for the Supreme, County and Magistrates courts in the Constitution Act 1975 in line with section 72(ii) of the Australian constitution "on the ground of proved misbehaviour or incapacity".

Judicial tenure will be strengthened by requiring that a special majority of both houses of parliament will be required to remove a judicial officer and also to alter these removal provisions.

The removal grounds for full-time, non-judicial members of the Victorian Civil and Administrative Tribunal will be amended to be the same as for judicial officers; however, the current removal procedures should remain.

Standing investigative committee

Based on the Sallmann recommendations, this bill will fill the gap in the current system of removal cases by establishing a standing panel of interstate serving judges. A committee of three judges will be selected randomly from the panel when required to investigate a serious complaint against a judicial officer. This will ensure transparency and the independence of the investigating committee. The committee will be required to observe the principles of natural justice and will receive a reference from the Attorney-General.

The establishment of the committee will enhance judicial independence in Victoria.

Once the committee has made an investigation, it will report back to the Attorney-General. A judicial officer cannot be removed unless the committee finds that the

facts were capable of amounting to misbehaviour or incapacity warranting removal. Thus, Parliament can only vote for removal if the committee's findings are adverse.

Abolition of a court and appointment to equivalent or higher court

This bill will also amend the Constitution Act 1975 to ensure that if a court is abolished in Victoria, the judicial officers of that court are entitled to be appointed to a court of equivalent or higher status.

This will further protect the independence of judicial officers by ensuring that the government of the day cannot abolish the court to which a judge is appointed.

Such a provision exists already in New South Wales in section 56 of that state's constitution act.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 10 March.

Remaining business postponed on motion of Mr HULLS (Attorney-General).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Peter James Centre: care standards

Mr KOTSIRAS (Bulleen) — I raise a matter for the Minister for Health. It has to do with the treatment received by an elderly Victorian while in the care of the Peter James Centre in Burwood. I ask the minister to investigate the complaint made by the son that his father was mistreated. I received a letter from the son, Mr Evangelo Bladeni, which I wish to read:

> My father suffers from Alzheimer's and the staff at the Thames Street Nursing Home had some concerns about his behaviour. On their recommendation he was admitted to the Peter James Centre on 18 October for monitoring and assessment of his medication to improve his behaviour.
>
> On arrival we advised the admitting staff of his behavioural traits of occasionally touching people, pretending to hit people and general attention seeking. We also advised them on how to handle and overcome these incidents and left my mobile phone number, which is on 24 hours per day should they need to contact us. We were assured that he would be constantly monitored and he would be in good hands.
>
> The following day, Tuesday, 19 October, at about 4.00 p.m. we arrived at the Peter James Centre to check on Dad's progress. When we asked the staff member about his whereabouts we were informed that he was in isolation and that she did not have a key to the room. We were refused access to him. A more senior member of the staff came to the scene and confirmed that he has been in isolation since 2.00 p.m. and also refused us access to him. She refused to take us to the room that he was locked in. I explained to her that we had a right to see how and where Dad was locked up. He was kept in a room behind two locked doors with blinds drawn. He was distressed and very unstable on his feet. He appeared to be under the influence of strong medication, had a blank look on his face and could hardly recognise us. He was in the same clothes that he was wearing on Monday. We helped him out of the room to the general area, where Mum gave him some food, which he ate …
>
> When (the doctor) came out he supported his staff in this decision not to give us access to Dad. We protested about the inhumane treatment that Dad had received. Being the senior (doctor) we thought that he may have displayed understanding and compassion. Quite the opposite. He was arrogant and had no more compassion or understanding of the situation. When I tried to tell him that … the Austin hospital …would like to be contacted to discuss Dad, he said, 'If (they) want to talk to me, (they) can ring me'.
>
> This experience at the Peter James Centre was one of the most traumatic in our lives. We took Dad away and later had him admitted to the Albert Road Centre, where he was treated very humanely and has now returned to Thames Street Nursing Home, where he is progressing well.

I ask the minister to investigate this complaint to see whether this actually occurred, and if so, why. Was the centre short of staff? Were the staff not equipped to handle this situation? I urge the minister to take this very seriously.

Industrial relations: long service leave

Mr HARKNESS (Frankston) — The issue I wish to raise tonight is for the attention of the Minister for Industrial Relations. I draw the minister's attention once again to the need for a better work and family balance in Victoria, and I seek the minister's assurance that he will continue to strive to modernise workplaces in Victoria with the proposed changes to long service leave entitlements.

In my electorate of Frankston the competing interests of work and family responsibilities are a constant pressure on families. Long service leave offers a fabulous opportunity for workers to spend more time with their families and allows them to renew their energies so that they can actually enjoy family responsibilities and pleasures. The family duties I speak of are not just rearing children and keeping house. Today family duties are likely to include caring for elderly parents and grandparents, looking after mum and the children after the arrival of a new baby or assuming parental

responsibilities while a partner returns to the paid work force.

The gains for families and employees are not the only benefits to be expected from the proposed changes to long service leave entitlements. The benefits for employers should be obvious, although I note that some employer groups are already starting to complain about how much any changes might cost them. This just does not add up. On the one hand employers are saying that they cannot keep good employees, while on the other hand they are prepared to offer modest improvements and conditions to reward long-time employees.

There are many other factors which support the argument for the modernisation of long service leave entitlements. Thanks to the good management of the Bracks government Victoria is now enjoying a low unemployment rate. Of course this is a wonderful thing, but employers need to offer incentives to keep good employees. Also, I do not think that anyone now denies that Australia is facing a shortage of skilled labour. Modernising long service leave entitlements will provide a terrific incentive for employees to consolidate their expertise with an employer. This would help reduce labour turnover and assist employers to retain skilled workers.

In October last year Australian Council of Trade Unions president, Sharan Burrow, presented the annual Frankston Lecture. She told us of the benefits and dangers of the new casualised work force, which makes up 27 per cent of the modern work force. Casual and part-time work can be a boon for many people, and women in particular are taking it up to allow them to work and fulfil family responsibilities. However, the growing part-time and casualised work force sometimes misses out on the benefits afforded other, more traditionally engaged parts of the work force.

I urge the Minister for Industrial Relations to consider the casual and part-time work force and the proposed changes to long service leave entitlements. I note that some provisions of the Industrial Relations Act date back to the 1950s, when part-time and casual workers were a minor part of the work force and women mostly toiled unpaid in the home. In 1952 men were less likely to want leave to fulfil family duties. Finding a balance between work and family is a great social policy debate of this decade, and I ask the Minister for Industrial Relations to ensure long service leave entitlements reflect the diversity of the modern work force in Victoria.

GV Centre DisAbility Services: funding

Mrs POWELL (Shepparton) — I raise a matter for the attention of the Minister for Community Services. The action I seek is for the minister to provide the appropriate funds to allow GV Centre DisAbility Services in Shepparton to continue to provide its successful accommodation services programs. The GV Centre provides accommodation for people with intellectual disabilities. In 1998 the government decided that the GV Centre's Wahroongai Hostel should close, as it was a care model of accommodation which the government deemed not suitable for people with intellectual disabilities. The then minister insisted that three separate houses be built on three blocks, independent of each other. It is important to note that the GV Centre's board wanted to build a cluster of three to four units on a double block the centre owned in Middleton Street to accommodate the Wahroongai residents. The board believed that this would have been more cost effective, more efficient and better for its clients.

The three new houses were constructed at the direction of the former minister. During the development process representatives from the Department of Human Services Hume region project management committee continually assured the centre that funding would be provided by DHS once the houses were commissioned. I received a letter from Jennifer Locke, the chairman of the board of directors of the GV Centre, which states:

> We now find that for the 2004–05 financial year we have a shortfall of $113 926; the actual cost to run the three homes is $817 967 — and we are funded $113 926. DHS acknowledge we are underfunded and have done so since September 2004. We have had numerous meetings, but to this stage no resolution to the underfunding.
>
> Our second concern is the decision of DHS Hume region to withdraw the $95 000 per annum allocated to the GV Centre/Australian Community Support Organisation (ACSO) partnership to fund an ACSO employee who supervises both houses and the outreach program plus the expertise of specialised staff from ACSO who assist in the management of clients in these houses.
>
> As you are aware, the two GV Centre/ACSO houses accommodate clients with specialised behavioural care needs. Some of these clients have been accommodated in other facilities in the region with little or no success at a considerable cost to DHS. We have at the very least stabilised their behaviours and in many cases improved their quality of life.
>
> Earlier in August in 2004 ACSO advised that they wished to withdraw from the partnership as the service now offered at the two Shepparton houses was not part of ACSO's core business. When DHS were advised of ACSO's decision they decided to withdraw the $95 000 for the 2005–06 financial year.

…

> The board has advised the Hume region that we will withdraw from these two houses at 30 June 2005 and hand the clients back to DHS if the $95 000 is not recurrent.

The GV Centre loses almost $36 000 a year to provide this service. The centre accepts clients who cannot be placed anywhere else and has improved their lives. The GV Centre has told me it has always had an excellent relationship with DHS, but no success with this issue, which needs to be resolved before 30 June.

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

Family services: western Victoria

Ms NEVILLE (Bellarine) — I raise a matter for the attention of the Minister for Children. I ask her to ensure that children and families in Geelong, in the Bellarine area and in western Victoria in particular have access to services regardless of where they live.

Late last year the Bracks government announced a new ministry and the appointment of a Minister for Children. This has sent a clear message that Victorian children are now very much front and centre on this government's agenda, but it is essential that all Victorian children and families receive the benefit of this agenda and focus and that, regardless of where they reside, children and families have access to those most important services, which are crucial to ensuring strong families and strong communities.

Therefore I am keen for the minister to provide an update to the house and to me on what is happening for Victoria's children across the Geelong area and in western Victoria. I know that children and families in western Victoria face a lot of pressures, particularly in relation to balancing work and family responsibilities. Getting access to basic services such as child care can be challenging, especially when family members have to travel long distances from one service to another. This is something that is particularly obvious and acute in rural and regional areas, and it is certainly a major issue in my community, with long waiting lists for child care and after-school care. I commend the minister on the money that has been given to some of the schools to assist them in accessing additional after-school hours care.

As well as these basic universal services, obviously it is important that we focus on prevention and early intervention, especially for those families that are vulnerable. Having strong universal services is the best way to ensure that children get basic services to help with their health and development and with the enrichment of their learning so that they are ready for school. These services are safety nets, but we also need to work on the prevention of child abuse and neglect. We have to identify those families that are struggling and on the edge, and we need to assist and care for their children more effectively.

We need programs that can adapt to the different needs of families, providing practical assistance like child care, housekeeping, counselling and parenting classes. I am proud that this government has invested in these programs in the Geelong region. They are having very positive outcomes. I refer to such programs as the Best Start and innovation programs. I am also proud that we have invested significantly in affordable universal services, but it is essential that we continue to build on this. I ask the minister again to ensure that children and families in western Victoria share in the benefits of our vision for Victoria.

Public transport: Mornington Peninsula

Mr DIXON (Nepean) — I wish to raise a matter for the attention of the Minister for Transport regarding public transport on the Mornington Peninsula. I ask the minister to recognise the special factors on the peninsula and to increase funding for improved transport services in the next state budget in May. I recognise that the government increased bus services on the Mornington Peninsula from Frankston down to Portsea, which has resulted in a 12 per cent increase in patronage. The message there is that if you have a better service, the passengers will come.

The cost of public transport is extraordinary on the Mornington Peninsula. The average return fare in zone 1 of the Melbourne public transport system is $5.80; in zone 2, $9.40; and in zone 3, $12.30. On the Mornington Peninsula it is $26.90, which most people cannot afford. It is quicker to get to Melbourne from Bendigo, Ballarat, Traralgon and Geelong than it is from the Mornington Peninsula, even though my electorate and the Mornington Peninsula are closer to Melbourne than those four regional centres. The government subsidises public transport throughout the state. In Melbourne it has been worked out that it amounts to a subsidy of $171 per person. Within the interface council areas — that is, the outer-suburban-type council areas that ring Melbourne — the subsidy is about $104 per person.

In the Mornington Peninsula it is $30 per person, and $24 of that is the school bus subsidy, so it is really only $6 in terms of public transport compared to $171 and $104 in other like councils. Therefore the Mornington Peninsula has the lowest use of public transport in

comparison with Melbourne and Melbourne's outer suburbs. Funding is needed from the government to further increase services to the basic minimum of a 30-minute service on weekdays and an expanded service on the weekends. That has been costed by Grendas at about $800 000 per annum, which, for the benefits it will bring and the good it will do, is not a huge amount when you look at the total transport budget.

Whatever happens with the new zoning and ticketing system this government introduces, to also reduce fare costs the Mornington Peninsula, as part of Melbourne, needs to be part of the metropolitan transport system. Finally there is a need to subsidise the council-financed minibus system, which is now being run by Grendas, with three bus routes that feed into the main feeder trunk route. Public transport is very important to the Mornington Peninsula.

Consumer affairs: stockbroker

Mr DONNELLAN (Narre Warren North) — My issue is for the Minister for Consumer Affairs in the other place, and the action I seek is for the minister to investigate the fraudulent investment activities and the obtaining of financial advantage by deception by stockbroker Bradley John Grimm. Mr Grimm is indeed the grim reaper in the Melbourne stockbroking world. He is not a fit and proper person to be involved in the financial services industry. Some examples of his activities include the following.

Before and during the dot-com boom Mr Grimm raised about $1 million from mum-and-dad retail investors. This was done without issuing a prospectus and without a licence from the Australian Securities and Investments Commission (ASIC). He indicated that Equity Partnership would be an investment company. I am led to believe that most of the money ended up in his pocket or in the private company of Campton Pty Ltd. Other breaches of Corporations Law have occurred. They include investors not getting a share certificate for Equity Partnership, not getting annual reports or financial statements and not knowing where the money actually went — and no auditor was appointed, as is required for a public company.

I am told that the ASIC has ordered Mr Grimm to file audited annual reports. What has happened is that these reports have been heavily qualified, and it appears that false information has been given. I have also been provided with further details regarding Mr Grimm's time as a stockbroker operating discretionary accounts on behalf of trusting clients. Sadly not only were the stockbroking firms deceived by Mr Grimm, but worst of all retired and elderly investors, with their life savings, were also deceived. These names can be provided to the authorities if required. Again, I ask the minister to investigate this gentleman and use the full force of the law to put him out of business once and for all.

Monash Medical Centre: patient care

Mr THOMPSON (Sandringham) — I wish to raise a matter with the Minister for Health on behalf of a constituent family whose 39-year-old daughter over a number of years has been treated for schizophrenia, borderline personality disorder and mental depression. On Australia Day 2005 she was admitted to the Monash Medical Centre and was kept on a hospital trolley for 70 hours in the emergency ward, as there were no beds available in the Monash psychiatric unit or any other psychiatric unit in Victoria. She had no access to a window, a television or radio, just the bare walls of her cubicle and later a small room. Senior health professionals have described the current mental health system as collapsing. There are not enough beds to cope with demand. On my understanding it is entirely inappropriate for a patient requiring psychiatric assistance to be detained on an emergency department trolley for three days in a room with no windows, no radio and no television, and just the bare walls of the unit to look at.

Other issues which have arisen during her care and treatment include spending 20 hours in Monash Medical Centre emergency ward on a broken and dangerous trolley, and the unsuitability of her special accommodation, where the staff have no psychiatric training and are not adequately briefed by supporting psychiatric staff. On another occasion she was discharged from the Monash Medical Centre when she had been so heavily drugged that she did not know where she was, was unable to walk without assistance and had difficulty even finding her own mouth to feed herself or to smoke cigarettes. If her parents had not intervened, she would have been returned to her accommodation, where there was no support. This was clearly dangerous not only to herself but also to other residents at this special accommodation.

Other issues include insufficient communication with her family regarding discharge arrangements and treatment plans, a possible breach of the federal Privacy Act regarding discussions with non-primary carers, and an inadequate emergency response when another patient was threatening people — and a crisis and assessment unit took 4 hours to arrive. On nine occasions she has been admitted to other psychiatric units when beds were not available at Monash,

including being taken by ambulance to Geelong at 5.00 in the morning and being returned, also by ambulance, two days later. This is very unsettling for a person with a mental illness. On approximately 15 occasions her support staff considered that she should have been admitted to hospital, but there was no accommodation available and additional medication was used to restrain her.

I ask the Minister for Health to investigate this case to ascertain why a psychiatric patient was kept on a hospital trolley in the emergency department for 70 hours. The family has proposed possible solutions, including the option of day admissions to a psychiatric ward rather than a person being detained in a hospital bed or an emergency department. In circumstances where general ward nurse supervision has been allocated it would be preferable if the daytime hours were spent in an environment that more appropriately catered for the needs of a psychiatric patient. There should be a greater availability of hostel accommodation for psychiatric patients where there is a level of appropriate psychiatric expertise among the staff and a greater availability of beds at psychiatric units.

Melbourne Markets: relocation

Ms D'AMBROSIO (Mill Park) — I urge the Minister for Agriculture to favour the relocation of the Melbourne wholesale market to Cooper Street, Epping. In the words of the market users, in a letter to government ministers they state:

> Epping offers superior transport access for growers, wholesalers and retailers.
>
> Most importantly, Epping will deliver a sustainable and long-term market that will benefit all Victorians. Our members wish to be part of the new wholesale market and have already indicated that they would be prepared to take equity at Epping, but not at Werribee.

I cannot agree more with this assessment, and the market users speak with almost total unanimity on the matter. I know that other state members in the northern region share my view, and we have advocated strongly to government that Epping is the best site not just for what it will bring to our north by way of jobs but for all Victoria.

Put simply, Epping is a superior option because of, firstly, the existence of many major arterial and connecting roads, including the Craigieburn bypass, making it easy for market users to travel in and out of the area; secondly, the site's proximity to the Hume Highway, with around 80 per cent of market produce coming into Melbourne through this corridor; and thirdly, its proximity to Melbourne Airport, recognising the fact that the bulk of air-transported produce is carried by passenger planes.

I congratulate the Minister for Transport for the terrific work he has done in upgrading Cooper Street and the surrounding roads, including some in my own electorate. The city of Whittlesea has enjoyed a staggering $81.1 million of road upgrades and maintenance funding from the Bracks government since it came into office, which helps to make the case for Epping as the prime choice.

Due to its location in the west, the Werribee option would add significant travel time for drivers, the cost of which would eventually be borne by the consumer through increased prices for produce. For example, one major transport company, Lindsay Brothers, says that Werribee would add $1^1/_2$ hours in driving time coming in from the north. This in turn would place pressure on its drivers 12-hour logbook limit. The consequent down time would be of the order of 6 hours. There is no comparison between the two sites. In fact, it is like comparing apples with pears.

I wish to acknowledge the commitment and work for the relocation of the market to Epping of my colleagues, including the members for Pascoe Vale, Yuroke and Yan Yean, and notably the cross-jurisdictional involvement of the federal members for Scullin and Batman, the City of Whittlesea and local organisations including NIETL/Northlink and the northern area consultative committee. Cooper Street, Epping, is the stand-out choice for the wholesale market, with ample room for growth making it viable for the next 100 years.

Mitcham–Frankston project: design

Mr WELLS (Scoresby) — I raise a matter of concern for the Minister for Transport. The action I ask him to take is to instruct the Southern and Eastern Integrated Transport Authority (SEITA) to enforce the agreed environment effects statement as set out in the published 1998 document in regard to the Scoresby freeway.

Let me explain what I mean by that. An agreed environment effects statement volume 2 was published in June 1998. It clearly states that the Scoresby freeway should go under Burwood Highway and under Mountain Highway. There was no variation to this environment effects statement. This was the final environment effects statement, and it was signed off on by the then Minister for Planning, Rob Maclellan. We were very surprised when the design from ConnectEast

came down and showed the freeway going over Burwood Highway and over Mountain Highway without any consultation with the local residents and without any notification that there had been a variation to the environment effects statement. People in the area had bought land in Cathies Lane based on the understanding that the freeway would go under the highway.

People in the outer east are getting sick and tired of the lies they are constantly being told. Firstly, we were told there would be no tolls. Secondly, we expected the government to enforce the environment effects statement and ensure that the freeway design fulfilled all of the requirements of the environment effects statement. The government did not do that. When the design was finally published, lo and behold, we found we had been lied to yet again.

The concern is that this is nothing more than a cost-cutting exercise and that the government has allowed ConnectEast this cost-cutting exercise. No other explanation has been put forward. ConnectEast even agreed on the day that it would save a significant amount of money. The people in my area need an explanation from the minister to determine why this has happened, why there will be an increase in noise pollution, why there will be an increase in air pollution and why there will be the visual effect as you look down towards the city — instead of it being underground, it will now be above Mountain Highway and Burwood Highway. We ask the minister to take immediate action — it is still not too late — to instruct SEITA to ensure that the environment effects statement is adhered to and the Scoresby freeway is put under Mountain Highway and Burwood Highway.

Floods: Upwey

Mr MERLINO (Monbulk) — I wish to raise a matter for the Minister for Water regarding storm damage in the Dandenongs. The action I am seeking from the minister is that he investigate damage at the Upwey-Tecoma bowling club and organise a meeting of key stakeholders as a matter of urgency.

Like all of metropolitan Melbourne, the shire of Yarra Ranges experienced considerable storm damage as a result of the extraordinarily heavy, continuous rain over Wednesday, 2 February, and Thursday, 3 February. It has been reported that 165 millimetres of rain fell over Mount Dandenong in a 24-hour period. Significant damage occurred to the Upwey-Tecoma bowling club as a result of stormwater which flowed overland through the Thompson Reserve and the Upwey Recreational Reserve. The recreational reserve precinct has been developed over the alignment of Ferny Creek. A Melbourne Water main drain has been constructed beneath the recreation precinct with its entry immediately upstream of the western boundary of Upwey Primary School, within private property in Pioneer Avenue, Upwey.

The Upwey-Tecoma bowling club was flooded about 12 months ago as a result of flash flooding in the area. That is one of the more frustrating aspects of this issue. As a result of the earlier flood the shire allocated funding in its capital works program to undertake drainage improvement works within the recreational reserve. I was involved in the consultation process following the storm damage 12 months ago. In addition to improvement works planned by the shire, discussions also took place with Melbourne Water regarding its infrastructure upstream and through the recreational reserve. Melbourne Water developed proposals for improving its infrastructure, which included construction of a new grate system at the inlet to the underground drainage through the recreational reserve. It was confident that that would solve the problem.

Unfortunately, as a result of the storm events earlier this month the inlet to the Melbourne Water main drain on Ferny Creek became blocked with litter and debris gathered by the storm. The recreational reserve was flooded as a result of that. A significant volume of water could not be captured by the drainage pits in the reserve area and stormwater travelling through this area eventually cascaded over an embankment and across the road adjacent to the bowling club and caused significant damage. The president of the bowling club advised me that the water cascading down hill became a raging torrent taking all before it by the time it hit the facility. The club noted that this was caused by the build-up of rubbish of all types blocking the entrance to the barrel drain.

An urgent meeting of the key stakeholders, including Melbourne Water, the Shire of Yarra Ranges, the bowling club and the football club, is needed to look at what long-term solutions we can put in place, because this has happened three times in the past two years and it is becoming an increasingly intolerable situation.

Responses

Ms GARBUTT (Minister for Community Services) — The member for Shepparton raised with me an issue relating to the GV Centre DisAbility Services and the combination of services it provides to that community. It is a complicated issue going back some time and involving changes of responsibility even between the commonwealth and state governments. I

know there are some regional discussions under way about those issues and I will ensure they are resolved as expediently as possible.

The member for Bellarine raised with me an issue about the need for children's services right across Victoria, including Geelong and the Bellarine area and further into western Victoria. She would be aware, as would you, Deputy Speaker, that the government has invested heavily in services in Geelong such as the family support innovations project, which is achieving some great results. It has seen a 21 per cent reduction in child abuse notifications in that area; that is a terrific outcome. There is a new Best Start project there as well, ensuring that children in that project area get the benefit of universal services like maternal and child health, kindergartens and so on. That is also producing great results.

Families in the Bellarine and Surf Coast areas will also benefit from the $500 000 in funding the government has provided for the development of a new children's centre at Torquay. Another one a bit further away in Bannockburn has also been funded. I was delighted to visit Warrnambool recently and provide a grant of $250 000 towards building a new children's centre in the town. That is a terrific project involving partnerships with local families, the local council and other organisations. I was also able to announce $975 000 over three years for a new family support innovation project to assist vulnerable families in and around Warrnambool. That will help to tackle the problems of child abuse and neglect. It will give families practical help with counselling, parenting skills and so on.

The project will be delivered by local organisations — Community Connections, in conjunction with Brophy Family and Youth Services; Mpower; and the Warrnambool City Council. I know the member for South-West Coast will support that funding, and I hope he throws his weight behind our reform project.

When the member for South-West Coast was the Minister for Community Services he made this quite insightful observation:

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

We have all seen that. Given his background and understanding, I was quite stunned when, playing politics, he issued an overly alarmist press release designed to erode confidence in the reporting of child abuse. I understand that on a particular day he experienced some frustrations with the Department of Human Services (DHS) staff, but he has now spoken at length to the regional manager about that and has resolved it. In the press release he criticised the listing of the phone number for the child protection service under the Department of Human Services and said it should have had a separate listing. I think the community understands that if you need to make a report to child protection, you can find the number in the DHS listing.

It is interesting that when he was the minister the number for child protection was also under DHS, so nothing has changed in that regard. It was satisfactory when he was the minister, but now he has chosen to make a cheap headline and take a cheap hit about child protection. If the member for South-West Coast has issues and concerns, he should raise them directly with senior DHS staff or with me. I do not think alarmism just to get a cheap headline does anybody any good.

The government is certainly ensuring that children's services and family services are available to families and children right across the state.

The DEPUTY SPEAKER — Order! The Minister for Community Services, responding to matters raised for the Minister for Health by the members for Bulleen and Sandringham, the Minister for Industrial Relations by the member for Frankston, the Minister for Transport by the members for Nepean and Scoresby, the Minister for Consumer Affairs in another place by the member for Narre Warren North, the Minister for Agriculture by the member for Mill Park, and the Minister for Water by the member for Monbulk.

Mr Wells — I thought you guys were going to improve parliamentary procedures.

The DEPUTY SPEAKER — Order! Is the member for Scoresby interjecting or taking a point of order? It is out of order for him to be sitting in his seat, interjecting.

Ms GARBUTT — Those members raised a range of issue with various ministers, and I will ensure that the ministers take them up.

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

House adjourned 5.24 p.m. until Tuesday, 22 March.